



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3472

by Rep. Cynthia Soto

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Nurse Practice Act from January 1, 2018 to January 1, 2028. Amends the Nurse Practice Act. Eliminates the position of Assistant Nursing Coordinator. Eliminates the Advanced Practice Nursing Board. Provides that the Department of Financial and Professional Regulation may provide notice to a licensee or applicant by certified or registered mail to the address of record or by email to the email address of record. Provides provisions for change of address of record and email address of record, application for license, confidentiality of any information collected by the Department in the course of an examination or investigation of a license or applicant, and disposition by a consent order. Changes references to "advanced practice nurse" to references to "advanced practice registered nurse" throughout the Act and other Acts. Changes references to "Illinois Center for Nursing" to references to "Illinois Nursing Workforce Center". Makes changes concerning definitions, application of the Act, unlicensed practice, prohibited acts, Department powers and duties, nursing delegation, qualifications for LPN, RN, and APRN licensure, RN education program requirements, grounds for disciplinary action, intoxication and drug abuse, the Nursing Dedicated and Professional Fund, investigations, notices, hearings, use of stenographers and transcripts, review under the Administrative Review Law, certification of records, the Center for Nursing Advisory Board, and medication aide licensure requirements. Removes provisions concerning registered nurse externship permits, rosters, liability of the State, hearing officers, and orders for rehearings. Makes other changes. Effective immediately.

LRB100 05726 SMS 15748 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following  
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 The Acupuncture Practice Act.

12 The Illinois Speech-Language Pathology and Audiology  
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 ~~The Nurse Practice Act.~~

16 The Clinical Social Work and Social Work Practice Act.

17 The Pharmacy Practice Act.

18 The Home Medical Equipment and Services Provider License  
19 Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary  
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;  
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.  
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,  
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;  
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following  
8 Act is repealed on January 1, 2028:

9 The Nurse Practice Act.

10 Section 10. The State Employees Group Insurance Act of 1971  
11 is amended by changing Section 6.11A as follows:

12 (5 ILCS 375/6.11A)

13 Sec. 6.11A. Physical therapy and occupational therapy.

14 (a) The program of health benefits provided under this Act  
15 shall provide coverage for medically necessary physical  
16 therapy and occupational therapy when that therapy is ordered  
17 for the treatment of autoimmune diseases or referred for the  
18 same purpose by (i) a physician licensed under the Medical  
19 Practice Act of 1987, (ii) a physician assistant licensed under  
20 the Physician Assistant Practice Act of 1987, or (iii) an  
21 advanced practice registered nurse licensed under the Nurse  
22 Practice Act.

23 (b) For the purpose of this Section, "medically necessary"

1 means any care, treatment, intervention, service, or item that  
2 will or is reasonably expected to:

3 (i) prevent the onset of an illness, condition, injury,  
4 disease, or disability;

5 (ii) reduce or ameliorate the physical, mental, or  
6 developmental effects of an illness, condition, injury,  
7 disease, or disability; or

8 (iii) assist the achievement or maintenance of maximum  
9 functional activity in performing daily activities.

10 (c) The coverage required under this Section shall be  
11 subject to the same deductible, coinsurance, waiting period,  
12 cost sharing limitation, treatment limitation, calendar year  
13 maximum, or other limitations as provided for other physical or  
14 rehabilitative or occupational therapy benefits covered by the  
15 policy.

16 (d) Upon request of the reimbursing insurer, the provider  
17 of the physical therapy or occupational therapy shall furnish  
18 medical records, clinical notes, or other necessary data that  
19 substantiate that initial or continued treatment is medically  
20 necessary. When treatment is anticipated to require continued  
21 services to achieve demonstrable progress, the insurer may  
22 request a treatment plan consisting of the diagnosis, proposed  
23 treatment by type, proposed frequency of treatment,  
24 anticipated duration of treatment, anticipated outcomes stated  
25 as goals, and proposed frequency of updating the treatment  
26 plan.

1           (e) When making a determination of medical necessity for  
2 treatment, an insurer must make the determination in a manner  
3 consistent with the manner in which that determination is made  
4 with respect to other diseases or illnesses covered under the  
5 policy, including an appeals process. During the appeals  
6 process, any challenge to medical necessity may be viewed as  
7 reasonable only if the review includes a licensed health care  
8 professional with the same category of license as the  
9 professional who ordered or referred the service in question  
10 and with expertise in the most current and effective treatment.  
11 (Source: P.A. 99-581, eff. 1-1-17.)

12           Section 15. The Election Code is amended by changing  
13 Sections 19-12.1 and 19-13 as follows:

14           (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

15           Sec. 19-12.1. Any qualified elector who has secured an  
16 Illinois Person with a Disability Identification Card in  
17 accordance with the Illinois Identification Card Act,  
18 indicating that the person named thereon has a Class 1A or  
19 Class 2 disability or any qualified voter who has a permanent  
20 physical incapacity of such a nature as to make it improbable  
21 that he will be able to be present at the polls at any future  
22 election, or any voter who is a resident of (i) a federally  
23 operated veterans' home, hospital, or facility located in  
24 Illinois or (ii) a facility licensed or certified pursuant to

1 the Nursing Home Care Act, the Specialized Mental Health  
2 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
3 the MC/DD Act and has a condition or disability of such a  
4 nature as to make it improbable that he will be able to be  
5 present at the polls at any future election, may secure a  
6 voter's identification card for persons with disabilities or a  
7 nursing home resident's identification card, which will enable  
8 him to vote under this Article as a physically incapacitated or  
9 nursing home voter. For the purposes of this Section,  
10 "federally operated veterans' home, hospital, or facility"  
11 means the long-term care facilities at the Jesse Brown VA  
12 Medical Center, Illiana Health Care System, Edward Hines, Jr.  
13 VA Hospital, Marion VA Medical Center, and Captain James A.  
14 Lovell Federal Health Care Center.

15 Application for a voter's identification card for persons  
16 with disabilities or a nursing home resident's identification  
17 card shall be made either: (a) in writing, with voter's sworn  
18 affidavit, to the county clerk or board of election  
19 commissioners, as the case may be, and shall be accompanied by  
20 the affidavit of the attending physician, advanced practice  
21 registered nurse, or a physician assistant specifically  
22 describing the nature of the physical incapacity or the fact  
23 that the voter is a nursing home resident and is physically  
24 unable to be present at the polls on election days; or (b) by  
25 presenting, in writing or otherwise, to the county clerk or  
26 board of election commissioners, as the case may be, proof that

1 the applicant has secured an Illinois Person with a Disability  
2 Identification Card indicating that the person named thereon  
3 has a Class 1A or Class 2 disability. Upon the receipt of  
4 either the sworn-to application and the physician's, advanced  
5 practice registered nurse's, or a physician assistant's  
6 affidavit or proof that the applicant has secured an Illinois  
7 Person with a Disability Identification Card indicating that  
8 the person named thereon has a Class 1A or Class 2 disability,  
9 the county clerk or board of election commissioners shall issue  
10 a voter's identification card for persons with disabilities or  
11 a nursing home resident's identification card. Such  
12 identification cards shall be issued for a period of 5 years,  
13 upon the expiration of which time the voter may secure a new  
14 card by making application in the same manner as is prescribed  
15 for the issuance of an original card, accompanied by a new  
16 affidavit of the attending physician, advanced practice  
17 registered nurse, or a physician assistant. The date of  
18 expiration of such five-year period shall be made known to any  
19 interested person by the election authority upon the request of  
20 such person. Applications for the renewal of the identification  
21 cards shall be mailed to the voters holding such cards not less  
22 than 3 months prior to the date of expiration of the cards.

23 Each voter's identification card for persons with  
24 disabilities or nursing home resident's identification card  
25 shall bear an identification number, which shall be clearly  
26 noted on the voter's original and duplicate registration record

1 cards. In the event the holder becomes physically capable of  
2 resuming normal voting, he must surrender his voter's  
3 identification card for persons with disabilities or nursing  
4 home resident's identification card to the county clerk or  
5 board of election commissioners before the next election.

6 The holder of a voter's identification card for persons  
7 with disabilities or a nursing home resident's identification  
8 card may make application by mail for an official ballot within  
9 the time prescribed by Section 19-2. Such application shall  
10 contain the same information as is included in the form of  
11 application for ballot by a physically incapacitated elector  
12 prescribed in Section 19-3 except that it shall also include  
13 the applicant's voter's identification card for persons with  
14 disabilities card number and except that it need not be sworn  
15 to. If an examination of the records discloses that the  
16 applicant is lawfully entitled to vote, he shall be mailed a  
17 ballot as provided in Section 19-4. The ballot envelope shall  
18 be the same as that prescribed in Section 19-5 for voters with  
19 physical disabilities, and the manner of voting and returning  
20 the ballot shall be the same as that provided in this Article  
21 for other vote by mail ballots, except that a statement to be  
22 subscribed to by the voter but which need not be sworn to shall  
23 be placed on the ballot envelope in lieu of the affidavit  
24 prescribed by Section 19-5.

25 Any person who knowingly subscribes to a false statement in  
26 connection with voting under this Section shall be guilty of a



1 Class A misdemeanor.

2 For the purposes of this Section, "nursing home resident"  
3 includes a resident of (i) a federally operated veterans' home,  
4 hospital, or facility located in Illinois or (ii) a facility  
5 licensed under the ID/DD Community Care Act, the MC/DD Act, or  
6 the Specialized Mental Health Rehabilitation Act of 2013. For  
7 the purposes of this Section, "federally operated veterans'  
8 home, hospital, or facility" means the long-term care  
9 facilities at the Jesse Brown VA Medical Center, Illiana Health  
10 Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical  
11 Center, and Captain James A. Lovell Federal Health Care Center.  
12 (Source: P.A. 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15;  
13 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-581, eff.  
14 1-1-17; 99-642, eff. 6-28-16.)

15 (10 ILCS 5/19-13) (from Ch. 46, par. 19-13)

16 Sec. 19-13. Any qualified voter who has been admitted to a  
17 hospital, nursing home, or rehabilitation center due to an  
18 illness or physical injury not more than 14 days before an  
19 election shall be entitled to personal delivery of a vote by  
20 mail ballot in the hospital, nursing home, or rehabilitation  
21 center subject to the following conditions:

22 (1) The voter completes the Application for Physically  
23 Incapacitated Elector as provided in Section 19-3, stating as  
24 reasons therein that he is a patient in ..... (name  
25 of hospital/home/center), ..... located at,

1 ..... (address of hospital/home/center),  
 2 ..... (county, city/village), was admitted for  
 3 ..... (nature of illness or physical injury), on  
 4 ..... (date of admission), and does not expect to be  
 5 released from the hospital/home/center on or before the day of  
 6 election or, if released, is expected to be homebound on the  
 7 day of the election and unable to travel to the polling place.

8 (2) The voter's physician, advanced practice registered  
 9 nurse, or physician assistant completes a Certificate of  
 10 Attending Health Care Professional in a form substantially as  
 11 follows:

12 CERTIFICATE OF ATTENDING HEALTH CARE PROFESSIONAL

13 I state that I am a physician, advanced practice registered  
 14 nurse, or physician assistant, duly licensed to practice in the  
 15 State of .....; that ..... is a patient in .....  
 16 (name of hospital/home/center), located at .....  
 17 (address of hospital/home/center), ..... (county,  
 18 city/village); that such individual was admitted for  
 19 ..... (nature of illness or physical injury), on  
 20 ..... (date of admission); and that I have examined such  
 21 individual in the State in which I am licensed to practice and  
 22 do not expect such individual to be released from the  
 23 hospital/home/center on or before the day of election or, if  
 24 released, to be able to travel to the polling place on election  
 25 day.

26 Under penalties as provided by law pursuant to Section

1 29-10 of The Election Code, the undersigned certifies that the  
2 statements set forth in this certification are true and  
3 correct.

4 (Signature) .....

5 (Date licensed) .....

6 (3) Any person who is registered to vote in the same  
7 precinct as the admitted voter or any legal relative of the  
8 admitted voter may present such voter's vote by mail ballot  
9 application, completed as prescribed in paragraph 1,  
10 accompanied by the physician's, advanced practice registered  
11 nurse's, or a physician assistant's certificate, completed as  
12 prescribed in paragraph 2, to the election authority. Such  
13 precinct voter or relative shall execute and sign an affidavit  
14 furnished by the election authority attesting that he is a  
15 registered voter in the same precinct as the admitted voter or  
16 that he is a legal relative of the admitted voter and stating  
17 the nature of the relationship. Such precinct voter or relative  
18 shall further attest that he has been authorized by the  
19 admitted voter to obtain his or her vote by mail ballot from  
20 the election authority and deliver such ballot to him in the  
21 hospital, home, or center.

22 Upon receipt of the admitted voter's application,  
23 physician's, advanced practice registered nurse's, or a  
24 physician assistant's certificate, and the affidavit of the  
25 precinct voter or the relative, the election authority shall  
26 examine the registration records to determine if the applicant

1 is qualified to vote and, if found to be qualified, shall  
2 provide the precinct voter or the relative the vote by mail  
3 ballot for delivery to the applicant.

4 Upon receipt of the vote by mail ballot, the admitted voter  
5 shall mark the ballot in secret and subscribe to the  
6 certifications on the vote by mail ballot return envelope.  
7 After depositing the ballot in the return envelope and securely  
8 sealing the envelope, such voter shall give the envelope to the  
9 precinct voter or the relative who shall deliver it to the  
10 election authority in sufficient time for the ballot to be  
11 delivered by the election authority to the election authority's  
12 central ballot counting location before 7 p.m. on election day.

13 Upon receipt of the admitted voter's vote by mail ballot,  
14 the ballot shall be counted in the manner prescribed in this  
15 Article.

16 (Source: P.A. 98-1171, eff. 6-1-15; 99-581, eff. 1-1-17.)

17 Section 20. The Illinois Identification Card Act is amended  
18 by changing Section 4 as follows:

19 (15 ILCS 335/4) (from Ch. 124, par. 24)

20 (Text of Section before amendment by P.A. 99-907)

21 Sec. 4. Identification card.

22 (a) The Secretary of State shall issue a standard Illinois  
23 Identification Card to any natural person who is a resident of  
24 the State of Illinois who applies for such card, or renewal

1       thereof, or who applies for a standard Illinois Identification  
2       Card upon release as a committed person on parole, mandatory  
3       supervised release, aftercare release, final discharge, or  
4       pardon from the Department of Corrections or Department of  
5       Juvenile Justice by submitting an identification card issued by  
6       the Department of Corrections or Department of Juvenile Justice  
7       under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of  
8       Corrections, together with the prescribed fees. No  
9       identification card shall be issued to any person who holds a  
10      valid foreign state identification card, license, or permit  
11      unless the person first surrenders to the Secretary of State  
12      the valid foreign state identification card, license, or  
13      permit. The card shall be prepared and supplied by the  
14      Secretary of State and shall include a photograph and signature  
15      or mark of the applicant. However, the Secretary of State may  
16      provide by rule for the issuance of Illinois Identification  
17      Cards without photographs if the applicant has a bona fide  
18      religious objection to being photographed or to the display of  
19      his or her photograph. The Illinois Identification Card may be  
20      used for identification purposes in any lawful situation only  
21      by the person to whom it was issued. As used in this Act,  
22      "photograph" means any color photograph or digitally produced  
23      and captured image of an applicant for an identification card.  
24      As used in this Act, "signature" means the name of a person as  
25      written by that person and captured in a manner acceptable to  
26      the Secretary of State.

1 (a-5) If an applicant for an identification card has a  
2 current driver's license or instruction permit issued by the  
3 Secretary of State, the Secretary may require the applicant to  
4 utilize the same residence address and name on the  
5 identification card, driver's license, and instruction permit  
6 records maintained by the Secretary. The Secretary may  
7 promulgate rules to implement this provision.

8 (a-10) If the applicant is a judicial officer as defined in  
9 Section 1-10 of the Judicial Privacy Act or a peace officer,  
10 the applicant may elect to have his or her office or work  
11 address listed on the card instead of the applicant's residence  
12 or mailing address. The Secretary may promulgate rules to  
13 implement this provision. For the purposes of this subsection  
14 (a-10), "peace officer" means any person who by virtue of his  
15 or her office or public employment is vested by law with a duty  
16 to maintain public order or to make arrests for a violation of  
17 any penal statute of this State, whether that duty extends to  
18 all violations or is limited to specific violations.

19 (a-15) The Secretary of State may provide for an expedited  
20 process for the issuance of an Illinois Identification Card.  
21 The Secretary shall charge an additional fee for the expedited  
22 issuance of an Illinois Identification Card, to be set by rule,  
23 not to exceed \$75. All fees collected by the Secretary for  
24 expedited Illinois Identification Card service shall be  
25 deposited into the Secretary of State Special Services Fund.  
26 The Secretary may adopt rules regarding the eligibility,

1 process, and fee for an expedited Illinois Identification Card.  
2 If the Secretary of State determines that the volume of  
3 expedited identification card requests received on a given day  
4 exceeds the ability of the Secretary to process those requests  
5 in an expedited manner, the Secretary may decline to provide  
6 expedited services, and the additional fee for the expedited  
7 service shall be refunded to the applicant.

8 (b) The Secretary of State shall issue a special Illinois  
9 Identification Card, which shall be known as an Illinois Person  
10 with a Disability Identification Card, to any natural person  
11 who is a resident of the State of Illinois, who is a person  
12 with a disability as defined in Section 4A of this Act, who  
13 applies for such card, or renewal thereof. No Illinois Person  
14 with a Disability Identification Card shall be issued to any  
15 person who holds a valid foreign state identification card,  
16 license, or permit unless the person first surrenders to the  
17 Secretary of State the valid foreign state identification card,  
18 license, or permit. The Secretary of State shall charge no fee  
19 to issue such card. The card shall be prepared and supplied by  
20 the Secretary of State, and shall include a photograph and  
21 signature or mark of the applicant, a designation indicating  
22 that the card is an Illinois Person with a Disability  
23 Identification Card, and shall include a comprehensible  
24 designation of the type and classification of the applicant's  
25 disability as set out in Section 4A of this Act. However, the  
26 Secretary of State may provide by rule for the issuance of

1 Illinois Person with a Disability Identification Cards without  
2 photographs if the applicant has a bona fide religious  
3 objection to being photographed or to the display of his or her  
4 photograph. If the applicant so requests, the card shall  
5 include a description of the applicant's disability and any  
6 information about the applicant's disability or medical  
7 history which the Secretary determines would be helpful to the  
8 applicant in securing emergency medical care. If a mark is used  
9 in lieu of a signature, such mark shall be affixed to the card  
10 in the presence of two witnesses who attest to the authenticity  
11 of the mark. The Illinois Person with a Disability  
12 Identification Card may be used for identification purposes in  
13 any lawful situation by the person to whom it was issued.

14 The Illinois Person with a Disability Identification Card  
15 may be used as adequate documentation of disability in lieu of  
16 a physician's determination of disability, a determination of  
17 disability from a physician assistant, a determination of  
18 disability from an advanced practice registered nurse, or any  
19 other documentation of disability whenever any State law  
20 requires that a person with a disability provide such  
21 documentation of disability, however an Illinois Person with a  
22 Disability Identification Card shall not qualify the  
23 cardholder to participate in any program or to receive any  
24 benefit which is not available to all persons with like  
25 disabilities. Notwithstanding any other provisions of law, an  
26 Illinois Person with a Disability Identification Card, or



1 evidence that the Secretary of State has issued an Illinois  
2 Person with a Disability Identification Card, shall not be used  
3 by any person other than the person named on such card to prove  
4 that the person named on such card is a person with a  
5 disability or for any other purpose unless the card is used for  
6 the benefit of the person named on such card, and the person  
7 named on such card consents to such use at the time the card is  
8 so used.

9 An optometrist's determination of a visual disability  
10 under Section 4A of this Act is acceptable as documentation for  
11 the purpose of issuing an Illinois Person with a Disability  
12 Identification Card.

13 When medical information is contained on an Illinois Person  
14 with a Disability Identification Card, the Office of the  
15 Secretary of State shall not be liable for any actions taken  
16 based upon that medical information.

17 (c) The Secretary of State shall provide that each original  
18 or renewal Illinois Identification Card or Illinois Person with  
19 a Disability Identification Card issued to a person under the  
20 age of 21 shall be of a distinct nature from those Illinois  
21 Identification Cards or Illinois Person with a Disability  
22 Identification Cards issued to individuals 21 years of age or  
23 older. The color designated for Illinois Identification Cards  
24 or Illinois Person with a Disability Identification Cards for  
25 persons under the age of 21 shall be at the discretion of the  
26 Secretary of State.

1 (c-1) Each original or renewal Illinois Identification  
2 Card or Illinois Person with a Disability Identification Card  
3 issued to a person under the age of 21 shall display the date  
4 upon which the person becomes 18 years of age and the date upon  
5 which the person becomes 21 years of age.

6 (c-3) The General Assembly recognizes the need to identify  
7 military veterans living in this State for the purpose of  
8 ensuring that they receive all of the services and benefits to  
9 which they are legally entitled, including healthcare,  
10 education assistance, and job placement. To assist the State in  
11 identifying these veterans and delivering these vital services  
12 and benefits, the Secretary of State is authorized to issue  
13 Illinois Identification Cards and Illinois Person with a  
14 Disability Identification Cards with the word "veteran"  
15 appearing on the face of the cards. This authorization is  
16 predicated on the unique status of veterans. The Secretary may  
17 not issue any other identification card which identifies an  
18 occupation, status, affiliation, hobby, or other unique  
19 characteristics of the identification card holder which is  
20 unrelated to the purpose of the identification card.

21 (c-5) Beginning on or before July 1, 2015, the Secretary of  
22 State shall designate a space on each original or renewal  
23 identification card where, at the request of the applicant, the  
24 word "veteran" shall be placed. The veteran designation shall  
25 be available to a person identified as a veteran under  
26 subsection (b) of Section 5 of this Act who was discharged or

1 separated under honorable conditions.

2 (d) The Secretary of State may issue a Senior Citizen  
3 discount card, to any natural person who is a resident of the  
4 State of Illinois who is 60 years of age or older and who  
5 applies for such a card or renewal thereof. The Secretary of  
6 State shall charge no fee to issue such card. The card shall be  
7 issued in every county and applications shall be made available  
8 at, but not limited to, nutrition sites, senior citizen centers  
9 and Area Agencies on Aging. The applicant, upon receipt of such  
10 card and prior to its use for any purpose, shall have affixed  
11 thereon in the space provided therefor his signature or mark.

12 (e) The Secretary of State, in his or her discretion, may  
13 designate on each Illinois Identification Card or Illinois  
14 Person with a Disability Identification Card a space where the  
15 card holder may place a sticker or decal, issued by the  
16 Secretary of State, of uniform size as the Secretary may  
17 specify, that shall indicate in appropriate language that the  
18 card holder has renewed his or her Illinois Identification Card  
19 or Illinois Person with a Disability Identification Card.

20 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;  
21 98-558, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff.  
22 7-27-15; 99-173, eff. 7-29-15; 99-305, eff. 1-1-16; 99-642,  
23 eff. 7-28-16.)

24 (Text of Section after amendment by P.A. 99-907)

25 Sec. 4. Identification Card.

1           (a) The Secretary of State shall issue a standard Illinois  
2 Identification Card to any natural person who is a resident of  
3 the State of Illinois who applies for such card, or renewal  
4 thereof. No identification card shall be issued to any person  
5 who holds a valid foreign state identification card, license,  
6 or permit unless the person first surrenders to the Secretary  
7 of State the valid foreign state identification card, license,  
8 or permit. The card shall be prepared and supplied by the  
9 Secretary of State and shall include a photograph and signature  
10 or mark of the applicant. However, the Secretary of State may  
11 provide by rule for the issuance of Illinois Identification  
12 Cards without photographs if the applicant has a bona fide  
13 religious objection to being photographed or to the display of  
14 his or her photograph. The Illinois Identification Card may be  
15 used for identification purposes in any lawful situation only  
16 by the person to whom it was issued. As used in this Act,  
17 "photograph" means any color photograph or digitally produced  
18 and captured image of an applicant for an identification card.  
19 As used in this Act, "signature" means the name of a person as  
20 written by that person and captured in a manner acceptable to  
21 the Secretary of State.

22           (a-5) If an applicant for an identification card has a  
23 current driver's license or instruction permit issued by the  
24 Secretary of State, the Secretary may require the applicant to  
25 utilize the same residence address and name on the  
26 identification card, driver's license, and instruction permit

1 records maintained by the Secretary. The Secretary may  
2 promulgate rules to implement this provision.

3 (a-10) If the applicant is a judicial officer as defined in  
4 Section 1-10 of the Judicial Privacy Act or a peace officer,  
5 the applicant may elect to have his or her office or work  
6 address listed on the card instead of the applicant's residence  
7 or mailing address. The Secretary may promulgate rules to  
8 implement this provision. For the purposes of this subsection  
9 (a-10), "peace officer" means any person who by virtue of his  
10 or her office or public employment is vested by law with a duty  
11 to maintain public order or to make arrests for a violation of  
12 any penal statute of this State, whether that duty extends to  
13 all violations or is limited to specific violations.

14 (a-15) The Secretary of State may provide for an expedited  
15 process for the issuance of an Illinois Identification Card.  
16 The Secretary shall charge an additional fee for the expedited  
17 issuance of an Illinois Identification Card, to be set by rule,  
18 not to exceed \$75. All fees collected by the Secretary for  
19 expedited Illinois Identification Card service shall be  
20 deposited into the Secretary of State Special Services Fund.  
21 The Secretary may adopt rules regarding the eligibility,  
22 process, and fee for an expedited Illinois Identification Card.  
23 If the Secretary of State determines that the volume of  
24 expedited identification card requests received on a given day  
25 exceeds the ability of the Secretary to process those requests  
26 in an expedited manner, the Secretary may decline to provide

1 expedited services, and the additional fee for the expedited  
2 service shall be refunded to the applicant.

3 (a-20) The Secretary of State shall issue a standard  
4 Illinois Identification Card to a committed person upon release  
5 on parole, mandatory supervised release, aftercare release,  
6 final discharge, or pardon from the Department of Corrections  
7 or Department of Juvenile Justice, if the released person  
8 presents a certified copy of his or her birth certificate,  
9 social security card or other documents authorized by the  
10 Secretary, and 2 documents proving his or her Illinois  
11 residence address. Documents proving residence address may  
12 include any official document of the Department of Corrections  
13 or the Department of Juvenile Justice showing the released  
14 person's address after release and a Secretary of State  
15 prescribed certificate of residency form, which may be executed  
16 by Department of Corrections or Department of Juvenile Justice  
17 personnel.

18 (a-25) The Secretary of State shall issue a limited-term  
19 Illinois Identification Card valid for 90 days to a committed  
20 person upon release on parole, mandatory supervised release,  
21 aftercare release, final discharge, or pardon from the  
22 Department of Corrections or Department of Juvenile Justice, if  
23 the released person is unable to present a certified copy of  
24 his or her birth certificate and social security card or other  
25 documents authorized by the Secretary, but does present a  
26 Secretary of State prescribed verification form completed by

1 the Department of Corrections or Department of Juvenile  
2 Justice, verifying the released person's date of birth and  
3 social security number and 2 documents proving his or her  
4 Illinois residence address. The verification form must have  
5 been completed no more than 30 days prior to the date of  
6 application for the Illinois Identification Card. Documents  
7 proving residence address shall include any official document  
8 of the Department of Corrections or the Department of Juvenile  
9 Justice showing the person's address after release and a  
10 Secretary of State prescribed certificate of residency, which  
11 may be executed by Department of Corrections or Department of  
12 Juvenile Justice personnel.

13 Prior to the expiration of the 90-day period of the  
14 limited-term Illinois Identification Card, if the released  
15 person submits to the Secretary of State a certified copy of  
16 his or her birth certificate and his or her social security  
17 card or other documents authorized by the Secretary, a standard  
18 Illinois Identification Card shall be issued. A limited-term  
19 Illinois Identification Card may not be renewed.

20 (b) The Secretary of State shall issue a special Illinois  
21 Identification Card, which shall be known as an Illinois Person  
22 with a Disability Identification Card, to any natural person  
23 who is a resident of the State of Illinois, who is a person  
24 with a disability as defined in Section 4A of this Act, who  
25 applies for such card, or renewal thereof. No Illinois Person  
26 with a Disability Identification Card shall be issued to any

1 person who holds a valid foreign state identification card,  
2 license, or permit unless the person first surrenders to the  
3 Secretary of State the valid foreign state identification card,  
4 license, or permit. The Secretary of State shall charge no fee  
5 to issue such card. The card shall be prepared and supplied by  
6 the Secretary of State, and shall include a photograph and  
7 signature or mark of the applicant, a designation indicating  
8 that the card is an Illinois Person with a Disability  
9 Identification Card, and shall include a comprehensible  
10 designation of the type and classification of the applicant's  
11 disability as set out in Section 4A of this Act. However, the  
12 Secretary of State may provide by rule for the issuance of  
13 Illinois Person with a Disability Identification Cards without  
14 photographs if the applicant has a bona fide religious  
15 objection to being photographed or to the display of his or her  
16 photograph. If the applicant so requests, the card shall  
17 include a description of the applicant's disability and any  
18 information about the applicant's disability or medical  
19 history which the Secretary determines would be helpful to the  
20 applicant in securing emergency medical care. If a mark is used  
21 in lieu of a signature, such mark shall be affixed to the card  
22 in the presence of two witnesses who attest to the authenticity  
23 of the mark. The Illinois Person with a Disability  
24 Identification Card may be used for identification purposes in  
25 any lawful situation by the person to whom it was issued.

26 The Illinois Person with a Disability Identification Card



1 may be used as adequate documentation of disability in lieu of  
2 a physician's determination of disability, a determination of  
3 disability from a physician assistant, a determination of  
4 disability from an advanced practice registered nurse, or any  
5 other documentation of disability whenever any State law  
6 requires that a person with a disability provide such  
7 documentation of disability, however an Illinois Person with a  
8 Disability Identification Card shall not qualify the  
9 cardholder to participate in any program or to receive any  
10 benefit which is not available to all persons with like  
11 disabilities. Notwithstanding any other provisions of law, an  
12 Illinois Person with a Disability Identification Card, or  
13 evidence that the Secretary of State has issued an Illinois  
14 Person with a Disability Identification Card, shall not be used  
15 by any person other than the person named on such card to prove  
16 that the person named on such card is a person with a  
17 disability or for any other purpose unless the card is used for  
18 the benefit of the person named on such card, and the person  
19 named on such card consents to such use at the time the card is  
20 so used.

21 An optometrist's determination of a visual disability  
22 under Section 4A of this Act is acceptable as documentation for  
23 the purpose of issuing an Illinois Person with a Disability  
24 Identification Card.

25 When medical information is contained on an Illinois Person  
26 with a Disability Identification Card, the Office of the

1 Secretary of State shall not be liable for any actions taken  
2 based upon that medical information.

3 (c) The Secretary of State shall provide that each original  
4 or renewal Illinois Identification Card or Illinois Person with  
5 a Disability Identification Card issued to a person under the  
6 age of 21 shall be of a distinct nature from those Illinois  
7 Identification Cards or Illinois Person with a Disability  
8 Identification Cards issued to individuals 21 years of age or  
9 older. The color designated for Illinois Identification Cards  
10 or Illinois Person with a Disability Identification Cards for  
11 persons under the age of 21 shall be at the discretion of the  
12 Secretary of State.

13 (c-1) Each original or renewal Illinois Identification  
14 Card or Illinois Person with a Disability Identification Card  
15 issued to a person under the age of 21 shall display the date  
16 upon which the person becomes 18 years of age and the date upon  
17 which the person becomes 21 years of age.

18 (c-3) The General Assembly recognizes the need to identify  
19 military veterans living in this State for the purpose of  
20 ensuring that they receive all of the services and benefits to  
21 which they are legally entitled, including healthcare,  
22 education assistance, and job placement. To assist the State in  
23 identifying these veterans and delivering these vital services  
24 and benefits, the Secretary of State is authorized to issue  
25 Illinois Identification Cards and Illinois Person with a  
26 Disability Identification Cards with the word "veteran"

1 appearing on the face of the cards. This authorization is  
2 predicated on the unique status of veterans. The Secretary may  
3 not issue any other identification card which identifies an  
4 occupation, status, affiliation, hobby, or other unique  
5 characteristics of the identification card holder which is  
6 unrelated to the purpose of the identification card.

7 (c-5) Beginning on or before July 1, 2015, the Secretary of  
8 State shall designate a space on each original or renewal  
9 identification card where, at the request of the applicant, the  
10 word "veteran" shall be placed. The veteran designation shall  
11 be available to a person identified as a veteran under  
12 subsection (b) of Section 5 of this Act who was discharged or  
13 separated under honorable conditions.

14 (d) The Secretary of State may issue a Senior Citizen  
15 discount card, to any natural person who is a resident of the  
16 State of Illinois who is 60 years of age or older and who  
17 applies for such a card or renewal thereof. The Secretary of  
18 State shall charge no fee to issue such card. The card shall be  
19 issued in every county and applications shall be made available  
20 at, but not limited to, nutrition sites, senior citizen centers  
21 and Area Agencies on Aging. The applicant, upon receipt of such  
22 card and prior to its use for any purpose, shall have affixed  
23 thereon in the space provided therefor his signature or mark.

24 (e) The Secretary of State, in his or her discretion, may  
25 designate on each Illinois Identification Card or Illinois  
26 Person with a Disability Identification Card a space where the

1 card holder may place a sticker or decal, issued by the  
2 Secretary of State, of uniform size as the Secretary may  
3 specify, that shall indicate in appropriate language that the  
4 card holder has renewed his or her Illinois Identification Card  
5 or Illinois Person with a Disability Identification Card.

6 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;  
7 98-558, eff. 1-1-14; 98-756, eff. 7-16-14; 99-143, eff.  
8 7-27-15; 99-173, eff. 7-29-15; 99-305, eff. 1-1-16; 99-642,  
9 eff. 7-28-16; 99-907, eff. 7-1-17.)

10 Section 25. The Alcoholism and Other Drug Abuse and  
11 Dependency Act is amended by changing Section 5-23 as follows:

12 (20 ILCS 301/5-23)

13 Sec. 5-23. Drug Overdose Prevention Program.

14 (a) Reports of drug overdose.

15 (1) The Director of the Division of Alcoholism and  
16 Substance Abuse shall publish annually a report on drug  
17 overdose trends statewide that reviews State death rates  
18 from available data to ascertain changes in the causes or  
19 rates of fatal and nonfatal drug overdose. The report shall  
20 also provide information on interventions that would be  
21 effective in reducing the rate of fatal or nonfatal drug  
22 overdose and shall include an analysis of drug overdose  
23 information reported to the Department of Public Health  
24 pursuant to subsection (e) of Section 3-3013 of the

1 Counties Code, Section 6.14g of the Hospital Licensing Act,  
2 and subsection (j) of Section 22-30 of the School Code.

3 (2) The report may include:

4 (A) Trends in drug overdose death rates.

5 (B) Trends in emergency room utilization related  
6 to drug overdose and the cost impact of emergency room  
7 utilization.

8 (C) Trends in utilization of pre-hospital and  
9 emergency services and the cost impact of emergency  
10 services utilization.

11 (D) Suggested improvements in data collection.

12 (E) A description of other interventions effective  
13 in reducing the rate of fatal or nonfatal drug  
14 overdose.

15 (F) A description of efforts undertaken to educate  
16 the public about unused medication and about how to  
17 properly dispose of unused medication, including the  
18 number of registered collection receptacles in this  
19 State, mail-back programs, and drug take-back events.

20 (b) Programs; drug overdose prevention.

21 (1) The Director may establish a program to provide for  
22 the production and publication, in electronic and other  
23 formats, of drug overdose prevention, recognition, and  
24 response literature. The Director may develop and  
25 disseminate curricula for use by professionals,  
26 organizations, individuals, or committees interested in

1 the prevention of fatal and nonfatal drug overdose,  
2 including, but not limited to, drug users, jail and prison  
3 personnel, jail and prison inmates, drug treatment  
4 professionals, emergency medical personnel, hospital  
5 staff, families and associates of drug users, peace  
6 officers, firefighters, public safety officers, needle  
7 exchange program staff, and other persons. In addition to  
8 information regarding drug overdose prevention,  
9 recognition, and response, literature produced by the  
10 Department shall stress that drug use remains illegal and  
11 highly dangerous and that complete abstinence from illegal  
12 drug use is the healthiest choice. The literature shall  
13 provide information and resources for substance abuse  
14 treatment.

15 The Director may establish or authorize programs for  
16 prescribing, dispensing, or distributing opioid  
17 antagonists for the treatment of drug overdose. Such  
18 programs may include the prescribing of opioid antagonists  
19 for the treatment of drug overdose to a person who is not  
20 at risk of opioid overdose but who, in the judgment of the  
21 health care professional, may be in a position to assist  
22 another individual during an opioid-related drug overdose  
23 and who has received basic instruction on how to administer  
24 an opioid antagonist.

25 (2) The Director may provide advice to State and local  
26 officials on the growing drug overdose crisis, including

1 the prevalence of drug overdose incidents, programs  
2 promoting the disposal of unused prescription drugs,  
3 trends in drug overdose incidents, and solutions to the  
4 drug overdose crisis.

5 (c) Grants.

6 (1) The Director may award grants, in accordance with  
7 this subsection, to create or support local drug overdose  
8 prevention, recognition, and response projects. Local  
9 health departments, correctional institutions, hospitals,  
10 universities, community-based organizations, and  
11 faith-based organizations may apply to the Department for a  
12 grant under this subsection at the time and in the manner  
13 the Director prescribes.

14 (2) In awarding grants, the Director shall consider the  
15 necessity for overdose prevention projects in various  
16 settings and shall encourage all grant applicants to  
17 develop interventions that will be effective and viable in  
18 their local areas.

19 (3) The Director shall give preference for grants to  
20 proposals that, in addition to providing life-saving  
21 interventions and responses, provide information to drug  
22 users on how to access drug treatment or other strategies  
23 for abstaining from illegal drugs. The Director shall give  
24 preference to proposals that include one or more of the  
25 following elements:

26 (A) Policies and projects to encourage persons,

1 including drug users, to call 911 when they witness a  
2 potentially fatal drug overdose.

3 (B) Drug overdose prevention, recognition, and  
4 response education projects in drug treatment centers,  
5 outreach programs, and other organizations that work  
6 with, or have access to, drug users and their families  
7 and communities.

8 (C) Drug overdose recognition and response  
9 training, including rescue breathing, in drug  
10 treatment centers and for other organizations that  
11 work with, or have access to, drug users and their  
12 families and communities.

13 (D) The production and distribution of targeted or  
14 mass media materials on drug overdose prevention and  
15 response, the potential dangers of keeping unused  
16 prescription drugs in the home, and methods to properly  
17 dispose of unused prescription drugs.

18 (E) Prescription and distribution of opioid  
19 antagonists.

20 (F) The institution of education and training  
21 projects on drug overdose response and treatment for  
22 emergency services and law enforcement personnel.

23 (G) A system of parent, family, and survivor  
24 education and mutual support groups.

25 (4) In addition to moneys appropriated by the General  
26 Assembly, the Director may seek grants from private



1 foundations, the federal government, and other sources to  
2 fund the grants under this Section and to fund an  
3 evaluation of the programs supported by the grants.

4 (d) Health care professional prescription of opioid  
5 antagonists.

6 (1) A health care professional who, acting in good  
7 faith, directly or by standing order, prescribes or  
8 dispenses an opioid antagonist to: (a) a patient who, in  
9 the judgment of the health care professional, is capable of  
10 administering the drug in an emergency, or (b) a person who  
11 is not at risk of opioid overdose but who, in the judgment  
12 of the health care professional, may be in a position to  
13 assist another individual during an opioid-related drug  
14 overdose and who has received basic instruction on how to  
15 administer an opioid antagonist shall not, as a result of  
16 his or her acts or omissions, be subject to: (i) any  
17 disciplinary or other adverse action under the Medical  
18 Practice Act of 1987, the Physician Assistant Practice Act  
19 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,  
20 or any other professional licensing statute or (ii) any  
21 criminal liability, except for willful and wanton  
22 misconduct.

23 (2) A person who is not otherwise licensed to  
24 administer an opioid antagonist may in an emergency  
25 administer without fee an opioid antagonist if the person  
26 has received the patient information specified in

1 paragraph (4) of this subsection and believes in good faith  
2 that another person is experiencing a drug overdose. The  
3 person shall not, as a result of his or her acts or  
4 omissions, be (i) liable for any violation of the Medical  
5 Practice Act of 1987, the Physician Assistant Practice Act  
6 of 1987, the Nurse Practice Act, the Pharmacy Practice Act,  
7 or any other professional licensing statute, or (ii)  
8 subject to any criminal prosecution or civil liability,  
9 except for willful and wanton misconduct.

10 (3) A health care professional prescribing an opioid  
11 antagonist to a patient shall ensure that the patient  
12 receives the patient information specified in paragraph  
13 (4) of this subsection. Patient information may be provided  
14 by the health care professional or a community-based  
15 organization, substance abuse program, or other  
16 organization with which the health care professional  
17 establishes a written agreement that includes a  
18 description of how the organization will provide patient  
19 information, how employees or volunteers providing  
20 information will be trained, and standards for documenting  
21 the provision of patient information to patients.  
22 Provision of patient information shall be documented in the  
23 patient's medical record or through similar means as  
24 determined by agreement between the health care  
25 professional and the organization. The Director of the  
26 Division of Alcoholism and Substance Abuse, in

1 consultation with statewide organizations representing  
2 physicians, pharmacists, advanced practice registered  
3 nurses, physician assistants, substance abuse programs,  
4 and other interested groups, shall develop and disseminate  
5 to health care professionals, community-based  
6 organizations, substance abuse programs, and other  
7 organizations training materials in video, electronic, or  
8 other formats to facilitate the provision of such patient  
9 information.

10 (4) For the purposes of this subsection:

11 "Opioid antagonist" means a drug that binds to opioid  
12 receptors and blocks or inhibits the effect of opioids  
13 acting on those receptors, including, but not limited to,  
14 naloxone hydrochloride or any other similarly acting drug  
15 approved by the U.S. Food and Drug Administration.

16 "Health care professional" means a physician licensed  
17 to practice medicine in all its branches, a licensed  
18 physician assistant with prescriptive authority, a  
19 licensed advanced practice registered nurse with  
20 prescriptive authority, an advanced practice registered  
21 nurse or physician assistant who practices in a hospital,  
22 hospital affiliate, or ambulatory surgical treatment  
23 center and possesses appropriate clinical privileges in  
24 accordance with the Nurse Practice Act, or a pharmacist  
25 licensed to practice pharmacy under the Pharmacy Practice  
26 Act.

1 "Patient" includes a person who is not at risk of  
2 opioid overdose but who, in the judgment of the physician,  
3 advanced practice registered nurse, or physician  
4 assistant, may be in a position to assist another  
5 individual during an overdose and who has received patient  
6 information as required in paragraph (2) of this subsection  
7 on the indications for and administration of an opioid  
8 antagonist.

9 "Patient information" includes information provided to  
10 the patient on drug overdose prevention and recognition;  
11 how to perform rescue breathing and resuscitation; opioid  
12 antagonist dosage and administration; the importance of  
13 calling 911; care for the overdose victim after  
14 administration of the overdose antagonist; and other  
15 issues as necessary.

16 (e) Drug overdose response policy.

17 (1) Every State and local government agency that  
18 employs a law enforcement officer or fireman as those terms  
19 are defined in the Line of Duty Compensation Act must  
20 possess opioid antagonists and must establish a policy to  
21 control the acquisition, storage, transportation, and  
22 administration of such opioid antagonists and to provide  
23 training in the administration of opioid antagonists. A  
24 State or local government agency that employs a fireman as  
25 defined in the Line of Duty Compensation Act but does not  
26 respond to emergency medical calls or provide medical

1 services shall be exempt from this subsection.

2 (2) Every publicly or privately owned ambulance,  
3 special emergency medical services vehicle, non-transport  
4 vehicle, or ambulance assist vehicle, as described in the  
5 Emergency Medical Services (EMS) Systems Act, which  
6 responds to requests for emergency services or transports  
7 patients between hospitals in emergency situations must  
8 possess opioid antagonists.

9 (3) Entities that are required under paragraphs (1) and  
10 (2) to possess opioid antagonists may also apply to the  
11 Department for a grant to fund the acquisition of opioid  
12 antagonists and training programs on the administration of  
13 opioid antagonists.

14 (Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15;  
15 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; revised 9-19-16.)

16 Section 30. The Department of Central Management Services  
17 Law of the Civil Administrative Code of Illinois is amended by  
18 changing Section 405-105 as follows:

19 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

20 Sec. 405-105. Fidelity, surety, property, and casualty  
21 insurance. The Department shall establish and implement a  
22 program to coordinate the handling of all fidelity, surety,  
23 property, and casualty insurance exposures of the State and the  
24 departments, divisions, agencies, branches, and universities

1 of the State. In performing this responsibility, the Department  
2 shall have the power and duty to do the following:

3 (1) Develop and maintain loss and exposure data on all  
4 State property.

5 (2) Study the feasibility of establishing a  
6 self-insurance plan for State property and prepare  
7 estimates of the costs of reinsurance for risks beyond the  
8 realistic limits of the self-insurance.

9 (3) Prepare a plan for centralizing the purchase of  
10 property and casualty insurance on State property under a  
11 master policy or policies and purchase the insurance  
12 contracted for as provided in the Illinois Purchasing Act.

13 (4) Evaluate existing provisions for fidelity bonds  
14 required of State employees and recommend changes that are  
15 appropriate commensurate with risk experience and the  
16 determinations respecting self-insurance or reinsurance so  
17 as to permit reduction of costs without loss of coverage.

18 (5) Investigate procedures for inclusion of school  
19 districts, public community college districts, and other  
20 units of local government in programs for the centralized  
21 purchase of insurance.

22 (6) Implement recommendations of the State Property  
23 Insurance Study Commission that the Department finds  
24 necessary or desirable in the performance of its powers and  
25 duties under this Section to achieve efficient and  
26 comprehensive risk management.

1           (7) Prepare and, in the discretion of the Director,  
2           implement a plan providing for the purchase of public  
3           liability insurance or for self-insurance for public  
4           liability or for a combination of purchased insurance and  
5           self-insurance for public liability (i) covering the State  
6           and drivers of motor vehicles owned, leased, or controlled  
7           by the State of Illinois pursuant to the provisions and  
8           limitations contained in the Illinois Vehicle Code, (ii)  
9           covering other public liability exposures of the State and  
10          its employees within the scope of their employment, and  
11          (iii) covering drivers of motor vehicles not owned, leased,  
12          or controlled by the State but used by a State employee on  
13          State business, in excess of liability covered by an  
14          insurance policy obtained by the owner of the motor vehicle  
15          or in excess of the dollar amounts that the Department  
16          shall determine to be reasonable. Any contract of insurance  
17          let under this Law shall be by bid in accordance with the  
18          procedure set forth in the Illinois Purchasing Act. Any  
19          provisions for self-insurance shall conform to subdivision  
20          (11).

21           The term "employee" as used in this subdivision (7) and  
22           in subdivision (11) means a person while in the employ of  
23           the State who is a member of the staff or personnel of a  
24           State agency, bureau, board, commission, committee,  
25           department, university, or college or who is a State  
26           officer, elected official, commissioner, member of or ex

1 officio member of a State agency, bureau, board,  
2 commission, committee, department, university, or college,  
3 or a member of the National Guard while on active duty  
4 pursuant to orders of the Governor of the State of  
5 Illinois, or any other person while using a licensed motor  
6 vehicle owned, leased, or controlled by the State of  
7 Illinois with the authorization of the State of Illinois,  
8 provided the actual use of the motor vehicle is within the  
9 scope of that authorization and within the course of State  
10 service.

11 Subsequent to payment of a claim on behalf of an  
12 employee pursuant to this Section and after reasonable  
13 advance written notice to the employee, the Director may  
14 exclude the employee from future coverage or limit the  
15 coverage under the plan if (i) the Director determines that  
16 the claim resulted from an incident in which the employee  
17 was grossly negligent or had engaged in willful and wanton  
18 misconduct or (ii) the Director determines that the  
19 employee is no longer an acceptable risk based on a review  
20 of prior accidents in which the employee was at fault and  
21 for which payments were made pursuant to this Section.

22 The Director is authorized to promulgate  
23 administrative rules that may be necessary to establish and  
24 administer the plan.

25 Appropriations from the Road Fund shall be used to pay  
26 auto liability claims and related expenses involving



1 employees of the Department of Transportation, the  
2 Illinois State Police, and the Secretary of State.

3 (8) Charge, collect, and receive from all other  
4 agencies of the State government fees or monies equivalent  
5 to the cost of purchasing the insurance.

6 (9) Establish, through the Director, charges for risk  
7 management services rendered to State agencies by the  
8 Department. The State agencies so charged shall reimburse  
9 the Department by vouchers drawn against their respective  
10 appropriations. The reimbursement shall be determined by  
11 the Director as amounts sufficient to reimburse the  
12 Department for expenditures incurred in rendering the  
13 service.

14 The Department shall charge the employing State agency  
15 or university for workers' compensation payments for  
16 temporary total disability paid to any employee after the  
17 employee has received temporary total disability payments  
18 for 120 days if the employee's treating physician, advanced  
19 practice registered nurse, or physician assistant has  
20 issued a release to return to work with restrictions and  
21 the employee is able to perform modified duty work but the  
22 employing State agency or university does not return the  
23 employee to work at modified duty. Modified duty shall be  
24 duties assigned that may or may not be delineated as part  
25 of the duties regularly performed by the employee. Modified  
26 duties shall be assigned within the prescribed

1 restrictions established by the treating physician and the  
2 physician who performed the independent medical  
3 examination. The amount of all reimbursements shall be  
4 deposited into the Workers' Compensation Revolving Fund  
5 which is hereby created as a revolving fund in the State  
6 treasury. In addition to any other purpose authorized by  
7 law, moneys in the Fund shall be used, subject to  
8 appropriation, to pay these or other temporary total  
9 disability claims of employees of State agencies and  
10 universities.

11 Beginning with fiscal year 1996, all amounts recovered  
12 by the Department through subrogation in workers'  
13 compensation and workers' occupational disease cases shall  
14 be deposited into the Workers' Compensation Revolving Fund  
15 created under this subdivision (9).

16 (10) Establish rules, procedures, and forms to be used  
17 by State agencies in the administration and payment of  
18 workers' compensation claims. For claims filed prior to  
19 July 1, 2013, the Department shall initially evaluate and  
20 determine the compensability of any injury that is the  
21 subject of a workers' compensation claim and provide for  
22 the administration and payment of such a claim for all  
23 State agencies. For claims filed on or after July 1, 2013,  
24 the Department shall retain responsibility for certain  
25 administrative payments including, but not limited to,  
26 payments to the private vendor contracted to perform

1 services under subdivision (10b) of this Section, payments  
2 related to travel expenses for employees of the Office of  
3 the Attorney General, and payments to internal Department  
4 staff responsible for the oversight and management of any  
5 contract awarded pursuant to subdivision (10b) of this  
6 Section. Through December 31, 2012, the Director may  
7 delegate to any agency with the agreement of the agency  
8 head the responsibility for evaluation, administration,  
9 and payment of that agency's claims. Neither the Department  
10 nor the private vendor contracted to perform services under  
11 subdivision (10b) of this Section shall be responsible for  
12 providing workers' compensation services to the Illinois  
13 State Toll Highway Authority or to State universities that  
14 maintain self-funded workers' compensation liability  
15 programs.

16 (10a) By April 1 of each year prior to calendar year  
17 2013, the Director must report and provide information to  
18 the State Workers' Compensation Program Advisory Board  
19 concerning the status of the State workers' compensation  
20 program for the next fiscal year. Information that the  
21 Director must provide to the State Workers' Compensation  
22 Program Advisory Board includes, but is not limited to,  
23 documents, reports of negotiations, bid invitations,  
24 requests for proposals, specifications, copies of proposed  
25 and final contracts or agreements, and any other materials  
26 concerning contracts or agreements for the program. By the

1 first of each month prior to calendar year 2013, the  
2 Director must provide updated, and any new, information to  
3 the State Workers' Compensation Program Advisory Board  
4 until the State workers' compensation program for the next  
5 fiscal year is determined.

6 (10b) No later than January 1, 2013, the chief  
7 procurement officer appointed under paragraph (4) of  
8 subsection (a) of Section 10-20 of the Illinois Procurement  
9 Code (hereinafter "chief procurement officer"), in  
10 consultation with the Department of Central Management  
11 Services, shall procure one or more private vendors to  
12 administer the program providing payments for workers'  
13 compensation liability with respect to the employees of all  
14 State agencies. The chief procurement officer may procure a  
15 single contract applicable to all State agencies or  
16 multiple contracts applicable to one or more State  
17 agencies. If the chief procurement officer procures a  
18 single contract applicable to all State agencies, then the  
19 Department of Central Management Services shall be  
20 designated as the agency that enters into the contract and  
21 shall be responsible for the contract. If the chief  
22 procurement officer procures multiple contracts applicable  
23 to one or more State agencies, each agency to which the  
24 contract applies shall be designated as the agency that  
25 shall enter into the contract and shall be responsible for  
26 the contract. If the chief procurement officer procures

1 contracts applicable to an individual State agency, the  
2 agency subject to the contract shall be designated as the  
3 agency responsible for the contract.

4 (10c) The procurement of private vendors for the  
5 administration of the workers' compensation program for  
6 State employees is subject to the provisions of the  
7 Illinois Procurement Code and administration by the chief  
8 procurement officer.

9 (10d) Contracts for the procurement of private vendors  
10 for the administration of the workers' compensation  
11 program for State employees shall be based upon, but  
12 limited to, the following criteria: (i) administrative  
13 cost, (ii) service capabilities of the vendor, and (iii)  
14 the compensation (including premiums, fees, or other  
15 charges). A vendor for the administration of the workers'  
16 compensation program for State employees shall provide  
17 services, including, but not limited to:

18 (A) providing a web-based case management system  
19 and provide access to the Office of the Attorney  
20 General;

21 (B) ensuring claims adjusters are available to  
22 provide testimony or information as requested by the  
23 Office of the Attorney General;

24 (C) establishing a preferred provider program for  
25 all State agencies and facilities; and

26 (D) authorizing the payment of medical bills at the

1 preferred provider discount rate.

2 (10e) By September 15, 2012, the Department of Central  
3 Management Services shall prepare a plan to effectuate the  
4 transfer of responsibility and administration of the  
5 workers' compensation program for State employees to the  
6 selected private vendors. The Department shall submit a  
7 copy of the plan to the General Assembly.

8 (11) Any plan for public liability self-insurance  
9 implemented under this Section shall provide that (i) the  
10 Department shall attempt to settle and may settle any  
11 public liability claim filed against the State of Illinois  
12 or any public liability claim filed against a State  
13 employee on the basis of an occurrence in the course of the  
14 employee's State employment; (ii) any settlement of such a  
15 claim is not subject to fiscal year limitations and must be  
16 approved by the Director and, in cases of settlements  
17 exceeding \$100,000, by the Governor; and (iii) a settlement  
18 of any public liability claim against the State or a State  
19 employee shall require an unqualified release of any right  
20 of action against the State and the employee for acts  
21 within the scope of the employee's employment giving rise  
22 to the claim.

23 Whenever and to the extent that a State employee  
24 operates a motor vehicle or engages in other activity  
25 covered by self-insurance under this Section, the State of  
26 Illinois shall defend, indemnify, and hold harmless the

1 employee against any claim in tort filed against the  
2 employee for acts or omissions within the scope of the  
3 employee's employment in any proper judicial forum and not  
4 settled pursuant to this subdivision (11), provided that  
5 this obligation of the State of Illinois shall not exceed a  
6 maximum liability of \$2,000,000 for any single occurrence  
7 in connection with the operation of a motor vehicle or  
8 \$100,000 per person per occurrence for any other single  
9 occurrence, or \$500,000 for any single occurrence in  
10 connection with the provision of medical care by a licensed  
11 physician, advanced practice registered nurse, or  
12 physician assistant employee.

13 Any claims against the State of Illinois under a  
14 self-insurance plan that are not settled pursuant to this  
15 subdivision (11) shall be heard and determined by the Court  
16 of Claims and may not be filed or adjudicated in any other  
17 forum. The Attorney General of the State of Illinois or the  
18 Attorney General's designee shall be the attorney with  
19 respect to all public liability self-insurance claims that  
20 are not settled pursuant to this subdivision (11) and  
21 therefore result in litigation. The payment of any award of  
22 the Court of Claims entered against the State relating to  
23 any public liability self-insurance claim shall act as a  
24 release against any State employee involved in the  
25 occurrence.

26 (12) Administer a plan the purpose of which is to make

1 payments on final settlements or final judgments in  
2 accordance with the State Employee Indemnification Act.  
3 The plan shall be funded through appropriations from the  
4 General Revenue Fund specifically designated for that  
5 purpose, except that indemnification expenses for  
6 employees of the Department of Transportation, the  
7 Illinois State Police, and the Secretary of State shall be  
8 paid from the Road Fund. The term "employee" as used in  
9 this subdivision (12) has the same meaning as under  
10 subsection (b) of Section 1 of the State Employee  
11 Indemnification Act. Subject to sufficient appropriation,  
12 the Director shall approve payment of any claim, without  
13 regard to fiscal year limitations, presented to the  
14 Director that is supported by a final settlement or final  
15 judgment when the Attorney General and the chief officer of  
16 the public body against whose employee the claim or cause  
17 of action is asserted certify to the Director that the  
18 claim is in accordance with the State Employee  
19 Indemnification Act and that they approve of the payment.  
20 In no event shall an amount in excess of \$150,000 be paid  
21 from this plan to or for the benefit of any claimant.

22 (13) Administer a plan the purpose of which is to make  
23 payments on final settlements or final judgments for  
24 employee wage claims in situations where there was an  
25 appropriation relevant to the wage claim, the fiscal year  
26 and lapse period have expired, and sufficient funds were



1 available to pay the claim. The plan shall be funded  
2 through appropriations from the General Revenue Fund  
3 specifically designated for that purpose.

4 Subject to sufficient appropriation, the Director is  
5 authorized to pay any wage claim presented to the Director  
6 that is supported by a final settlement or final judgment  
7 when the chief officer of the State agency employing the  
8 claimant certifies to the Director that the claim is a  
9 valid wage claim and that the fiscal year and lapse period  
10 have expired. Payment for claims that are properly  
11 submitted and certified as valid by the Director shall  
12 include interest accrued at the rate of 7% per annum from  
13 the forty-fifth day after the claims are received by the  
14 Department or 45 days from the date on which the amount of  
15 payment is agreed upon, whichever is later, until the date  
16 the claims are submitted to the Comptroller for payment.  
17 When the Attorney General has filed an appearance in any  
18 proceeding concerning a wage claim settlement or judgment,  
19 the Attorney General shall certify to the Director that the  
20 wage claim is valid before any payment is made. In no event  
21 shall an amount in excess of \$150,000 be paid from this  
22 plan to or for the benefit of any claimant.

23 Nothing in Public Act 84-961 shall be construed to  
24 affect in any manner the jurisdiction of the Court of  
25 Claims concerning wage claims made against the State of  
26 Illinois.

1           (14) Prepare and, in the discretion of the Director,  
2           implement a program for self-insurance for official  
3           fidelity and surety bonds for officers and employees as  
4           authorized by the Official Bond Act.

5           (Source: P.A. 99-581, eff. 1-1-17.)

6           Section 35. The Regional Integrated Behavioral Health  
7           Networks Act is amended by changing Section 20 as follows:

8           (20 ILCS 1340/20)

9           Sec. 20. Steering Committee and Networks.

10          (a) To achieve these goals, the Department of Human  
11          Services shall convene a Regional Integrated Behavioral Health  
12          Networks Steering Committee (hereinafter "Steering Committee")  
13          comprised of State agencies involved in the provision,  
14          regulation, or financing of health, mental health, substance  
15          abuse, rehabilitation, and other services. These include, but  
16          shall not be limited to, the following agencies:

17                 (1) The Department of Healthcare and Family Services.

18                 (2) The Department of Human Services and its Divisions  
19                 of Mental Illness and Alcoholism and Substance Abuse  
20                 Services.

21                 (3) The Department of Public Health, including its  
22                 Center for Rural Health.

23          The Steering Committee shall include a representative from  
24          each Network. The agencies of the Steering Committee are

1 directed to work collaboratively to provide consultation,  
2 advice, and leadership to the Networks in facilitating  
3 communication within and across multiple agencies and in  
4 removing regulatory barriers that may prevent Networks from  
5 accomplishing the goals. The Steering Committee collectively  
6 or through one of its member Agencies shall also provide  
7 technical assistance to the Networks.

8 (b) There also shall be convened Networks in each of the  
9 Department of Human Services' regions comprised of  
10 representatives of community stakeholders represented in the  
11 Network, including when available, but not limited to, relevant  
12 trade and professional associations representing hospitals,  
13 community providers, public health care, hospice care, long  
14 term care, law enforcement, emergency medical service,  
15 physicians, advanced practice registered nurses, and physician  
16 assistants trained in psychiatry; an organization that  
17 advocates on behalf of federally qualified health centers, an  
18 organization that advocates on behalf of persons suffering with  
19 mental illness and substance abuse disorders, an organization  
20 that advocates on behalf of persons with disabilities, an  
21 organization that advocates on behalf of persons who live in  
22 rural areas, an organization that advocates on behalf of  
23 persons who live in medically underserved areas; and others  
24 designated by the Steering Committee or the Networks. A member  
25 from each Network may choose a representative who may serve on  
26 the Steering Committee.

1 (Source: P.A. 99-581, eff. 1-1-17.)

2 Section 40. The Mental Health and Developmental  
3 Disabilities Administrative Act is amended by changing  
4 Sections 5.1, 14, and 15.4 as follows:

5 (20 ILCS 1705/5.1) (from Ch. 91 1/2, par. 100-5.1)

6 Sec. 5.1. The Department shall develop, by rule, the  
7 procedures and standards by which it shall approve medications  
8 for clinical use in its facilities. A list of those drugs  
9 approved pursuant to these procedures shall be distributed to  
10 all Department facilities.

11 Drugs not listed by the Department may not be administered  
12 in facilities under the jurisdiction of the Department,  
13 provided that an unlisted drug may be administered as part of  
14 research with the prior written consent of the Secretary  
15 specifying the nature of the permitted use and the physicians  
16 authorized to prescribe the drug. Drugs, as used in this  
17 Section, mean psychotropic and narcotic drugs.

18 No physician, advanced practice registered nurse, or  
19 physician assistant in the Department shall sign a prescription  
20 in blank, nor permit blank prescription forms to circulate out  
21 of his possession or control.

22 (Source: P.A. 99-581, eff. 1-1-17.)

23 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

1           Sec. 14. Chester Mental Health Center. To maintain and  
2 operate a facility for the care, custody, and treatment of  
3 persons with mental illness or habilitation of persons with  
4 developmental disabilities hereinafter designated, to be known  
5 as the Chester Mental Health Center.

6           Within the Chester Mental Health Center there shall be  
7 confined the following classes of persons, whose history, in  
8 the opinion of the Department, discloses dangerous or violent  
9 tendencies and who, upon examination under the direction of the  
10 Department, have been found a fit subject for confinement in  
11 that facility:

12           (a) Any male person who is charged with the commission  
13 of a crime but has been acquitted by reason of insanity as  
14 provided in Section 5-2-4 of the Unified Code of  
15 Corrections.

16           (b) Any male person who is charged with the commission  
17 of a crime but has been found unfit under Article 104 of  
18 the Code of Criminal Procedure of 1963.

19           (c) Any male person with mental illness or  
20 developmental disabilities or person in need of mental  
21 treatment now confined under the supervision of the  
22 Department or hereafter admitted to any facility thereof or  
23 committed thereto by any court of competent jurisdiction.

24           If and when it shall appear to the facility director of the  
25 Chester Mental Health Center that it is necessary to confine  
26 persons in order to maintain security or provide for the

1 protection and safety of recipients and staff, the Chester  
2 Mental Health Center may confine all persons on a unit to their  
3 rooms. This period of confinement shall not exceed 10 hours in  
4 a 24 hour period, including the recipient's scheduled hours of  
5 sleep, unless approved by the Secretary of the Department.  
6 During the period of confinement, the persons confined shall be  
7 observed at least every 15 minutes. A record shall be kept of  
8 the observations. This confinement shall not be considered  
9 seclusion as defined in the Mental Health and Developmental  
10 Disabilities Code.

11 The facility director of the Chester Mental Health Center  
12 may authorize the temporary use of handcuffs on a recipient for  
13 a period not to exceed 10 minutes when necessary in the course  
14 of transport of the recipient within the facility to maintain  
15 custody or security. Use of handcuffs is subject to the  
16 provisions of Section 2-108 of the Mental Health and  
17 Developmental Disabilities Code. The facility shall keep a  
18 monthly record listing each instance in which handcuffs are  
19 used, circumstances indicating the need for use of handcuffs,  
20 and time of application of handcuffs and time of release  
21 therefrom. The facility director shall allow the Illinois  
22 Guardianship and Advocacy Commission, the agency designated by  
23 the Governor under Section 1 of the Protection and Advocacy for  
24 Persons with Developmental Disabilities Act, and the  
25 Department to examine and copy such record upon request.

26 The facility director of the Chester Mental Health Center

1 may authorize the temporary use of transport devices on a civil  
2 recipient when necessary in the course of transport of the  
3 civil recipient outside the facility to maintain custody or  
4 security. The decision whether to use any transport devices  
5 shall be reviewed and approved on an individualized basis by a  
6 physician, an advanced practice registered nurse, or a  
7 physician assistant based upon a determination of the civil  
8 recipient's: (1) history of violence, (2) history of violence  
9 during transports, (3) history of escapes and escape attempts,  
10 (4) history of trauma, (5) history of incidents of restraint or  
11 seclusion and use of involuntary medication, (6) current  
12 functioning level and medical status, and (7) prior experience  
13 during similar transports, and the length, duration, and  
14 purpose of the transport. The least restrictive transport  
15 device consistent with the individual's need shall be used.  
16 Staff transporting the individual shall be trained in the use  
17 of the transport devices, recognizing and responding to a  
18 person in distress, and shall observe and monitor the  
19 individual while being transported. The facility shall keep a  
20 monthly record listing all transports, including those  
21 transports for which use of transport devices was not sought,  
22 those for which use of transport devices was sought but denied,  
23 and each instance in which transport devices are used,  
24 circumstances indicating the need for use of transport devices,  
25 time of application of transport devices, time of release from  
26 those devices, and any adverse events. The facility director

1 shall allow the Illinois Guardianship and Advocacy Commission,  
2 the agency designated by the Governor under Section 1 of the  
3 Protection and Advocacy for Persons with Developmental  
4 Disabilities Act, and the Department to examine and copy the  
5 record upon request. This use of transport devices shall not be  
6 considered restraint as defined in the Mental Health and  
7 Developmental Disabilities Code. For the purpose of this  
8 Section "transport device" means ankle cuffs, handcuffs, waist  
9 chains or wrist-waist devices designed to restrict an  
10 individual's range of motion while being transported. These  
11 devices must be approved by the Division of Mental Health, used  
12 in accordance with the manufacturer's instructions, and used  
13 only by qualified staff members who have completed all training  
14 required to be eligible to transport patients and all other  
15 required training relating to the safe use and application of  
16 transport devices, including recognizing and responding to  
17 signs of distress in an individual whose movement is being  
18 restricted by a transport device.

19 If and when it shall appear to the satisfaction of the  
20 Department that any person confined in the Chester Mental  
21 Health Center is not or has ceased to be such a source of  
22 danger to the public as to require his subjection to the  
23 regimen of the center, the Department is hereby authorized to  
24 transfer such person to any State facility for treatment of  
25 persons with mental illness or habilitation of persons with  
26 developmental disabilities, as the nature of the individual



1 case may require.

2 Subject to the provisions of this Section, the Department,  
3 except where otherwise provided by law, shall, with respect to  
4 the management, conduct and control of the Chester Mental  
5 Health Center and the discipline, custody and treatment of the  
6 persons confined therein, have and exercise the same rights and  
7 powers as are vested by law in the Department with respect to  
8 any and all of the State facilities for treatment of persons  
9 with mental illness or habilitation of persons with  
10 developmental disabilities, and the recipients thereof, and  
11 shall be subject to the same duties as are imposed by law upon  
12 the Department with respect to such facilities and the  
13 recipients thereof.

14 The Department may elect to place persons who have been  
15 ordered by the court to be detained under the Sexually Violent  
16 Persons Commitment Act in a distinct portion of the Chester  
17 Mental Health Center. The persons so placed shall be separated  
18 and shall not comingle with the recipients of the Chester  
19 Mental Health Center. The portion of Chester Mental Health  
20 Center that is used for the persons detained under the Sexually  
21 Violent Persons Commitment Act shall not be a part of the  
22 mental health facility for the enforcement and implementation  
23 of the Mental Health and Developmental Disabilities Code nor  
24 shall their care and treatment be subject to the provisions of  
25 the Mental Health and Developmental Disabilities Code. The  
26 changes added to this Section by this amendatory Act of the

1 98th General Assembly are inoperative on and after June 30,  
2 2015.

3 (Source: P.A. 98-79, eff. 7-15-13; 98-356, eff. 8-16-13;  
4 98-756, eff. 7-16-14; 99-143, eff. 7-27-15; 99-581, eff.  
5 1-1-17.)

6 (20 ILCS 1705/15.4)

7 Sec. 15.4. Authorization for nursing delegation to permit  
8 direct care staff to administer medications.

9 (a) This Section applies to (i) all programs for persons  
10 with a developmental disability in settings of 16 persons or  
11 fewer that are funded or licensed by the Department of Human  
12 Services and that distribute or administer medications and (ii)  
13 all intermediate care facilities for persons with  
14 developmental disabilities with 16 beds or fewer that are  
15 licensed by the Department of Public Health. The Department of  
16 Human Services shall develop a training program for authorized  
17 direct care staff to administer medications under the  
18 supervision and monitoring of a registered professional nurse.  
19 This training program shall be developed in consultation with  
20 professional associations representing (i) physicians licensed  
21 to practice medicine in all its branches, (ii) registered  
22 professional nurses, and (iii) pharmacists.

23 (b) For the purposes of this Section:

24 "Authorized direct care staff" means non-licensed persons  
25 who have successfully completed a medication administration

1 training program approved by the Department of Human Services  
2 and conducted by a nurse-trainer. This authorization is  
3 specific to an individual receiving service in a specific  
4 agency and does not transfer to another agency.

5 "Medications" means oral and topical medications, insulin  
6 in an injectable form, oxygen, epinephrine auto-injectors, and  
7 vaginal and rectal creams and suppositories. "Oral" includes  
8 inhalants and medications administered through enteral tubes,  
9 utilizing aseptic technique. "Topical" includes eye, ear, and  
10 nasal medications. Any controlled substances must be packaged  
11 specifically for an identified individual.

12 "Insulin in an injectable form" means a subcutaneous  
13 injection via an insulin pen pre-filled by the manufacturer.  
14 Authorized direct care staff may administer insulin, as ordered  
15 by a physician, advanced practice registered nurse, or  
16 physician assistant, if: (i) the staff has successfully  
17 completed a Department-approved advanced training program  
18 specific to insulin administration developed in consultation  
19 with professional associations listed in subsection (a) of this  
20 Section, and (ii) the staff consults with the registered nurse,  
21 prior to administration, of any insulin dose that is determined  
22 based on a blood glucose test result. The authorized direct  
23 care staff shall not: (i) calculate the insulin dosage needed  
24 when the dose is dependent upon a blood glucose test result, or  
25 (ii) administer insulin to individuals who require blood  
26 glucose monitoring greater than 3 times daily, unless directed

1 to do so by the registered nurse.

2 "Nurse-trainer training program" means a standardized,  
3 competency-based medication administration train-the-trainer  
4 program provided by the Department of Human Services and  
5 conducted by a Department of Human Services master  
6 nurse-trainer for the purpose of training nurse-trainers to  
7 train persons employed or under contract to provide direct care  
8 or treatment to individuals receiving services to administer  
9 medications and provide self-administration of medication  
10 training to individuals under the supervision and monitoring of  
11 the nurse-trainer. The program incorporates adult learning  
12 styles, teaching strategies, classroom management, and a  
13 curriculum overview, including the ethical and legal aspects of  
14 supervising those administering medications.

15 "Self-administration of medications" means an individual  
16 administers his or her own medications. To be considered  
17 capable to self-administer their own medication, individuals  
18 must, at a minimum, be able to identify their medication by  
19 size, shape, or color, know when they should take the  
20 medication, and know the amount of medication to be taken each  
21 time.

22 "Training program" means a standardized medication  
23 administration training program approved by the Department of  
24 Human Services and conducted by a registered professional nurse  
25 for the purpose of training persons employed or under contract  
26 to provide direct care or treatment to individuals receiving

1 services to administer medications and provide  
2 self-administration of medication training to individuals  
3 under the delegation and supervision of a nurse-trainer. The  
4 program incorporates adult learning styles, teaching  
5 strategies, classroom management, curriculum overview,  
6 including ethical-legal aspects, and standardized  
7 competency-based evaluations on administration of medications  
8 and self-administration of medication training programs.

9 (c) Training and authorization of non-licensed direct care  
10 staff by nurse-trainers must meet the requirements of this  
11 subsection.

12 (1) Prior to training non-licensed direct care staff to  
13 administer medication, the nurse-trainer shall perform the  
14 following for each individual to whom medication will be  
15 administered by non-licensed direct care staff:

16 (A) An assessment of the individual's health  
17 history and physical and mental status.

18 (B) An evaluation of the medications prescribed.

19 (2) Non-licensed authorized direct care staff shall  
20 meet the following criteria:

21 (A) Be 18 years of age or older.

22 (B) Have completed high school or have a high  
23 school equivalency certificate.

24 (C) Have demonstrated functional literacy.

25 (D) Have satisfactorily completed the Health and  
26 Safety component of a Department of Human Services

1 authorized direct care staff training program.

2 (E) Have successfully completed the training  
3 program, pass the written portion of the comprehensive  
4 exam, and score 100% on the competency-based  
5 assessment specific to the individual and his or her  
6 medications.

7 (F) Have received additional competency-based  
8 assessment by the nurse-trainer as deemed necessary by  
9 the nurse-trainer whenever a change of medication  
10 occurs or a new individual that requires medication  
11 administration enters the program.

12 (3) Authorized direct care staff shall be re-evaluated  
13 by a nurse-trainer at least annually or more frequently at  
14 the discretion of the registered professional nurse. Any  
15 necessary retraining shall be to the extent that is  
16 necessary to ensure competency of the authorized direct  
17 care staff to administer medication.

18 (4) Authorization of direct care staff to administer  
19 medication shall be revoked if, in the opinion of the  
20 registered professional nurse, the authorized direct care  
21 staff is no longer competent to administer medication.

22 (5) The registered professional nurse shall assess an  
23 individual's health status at least annually or more  
24 frequently at the discretion of the registered  
25 professional nurse.

26 (d) Medication self-administration shall meet the

1 following requirements:

2 (1) As part of the normalization process, in order for  
3 each individual to attain the highest possible level of  
4 independent functioning, all individuals shall be  
5 permitted to participate in their total health care  
6 program. This program shall include, but not be limited to,  
7 individual training in preventive health and  
8 self-medication procedures.

9 (A) Every program shall adopt written policies and  
10 procedures for assisting individuals in obtaining  
11 preventative health and self-medication skills in  
12 consultation with a registered professional nurse,  
13 advanced practice registered nurse, physician  
14 assistant, or physician licensed to practice medicine  
15 in all its branches.

16 (B) Individuals shall be evaluated to determine  
17 their ability to self-medicate by the nurse-trainer  
18 through the use of the Department's required,  
19 standardized screening and assessment instruments.

20 (C) When the results of the screening and  
21 assessment indicate an individual not to be capable to  
22 self-administer his or her own medications, programs  
23 shall be developed in consultation with the Community  
24 Support Team or Interdisciplinary Team to provide  
25 individuals with self-medication administration.

26 (2) Each individual shall be presumed to be competent

1 to self-administer medications if:

2 (A) authorized by an order of a physician licensed  
3 to practice medicine in all its branches, an advanced  
4 practice registered nurse, or a physician assistant;  
5 and

6 (B) approved to self-administer medication by the  
7 individual's Community Support Team or  
8 Interdisciplinary Team, which includes a registered  
9 professional nurse or an advanced practice registered  
10 nurse.

11 (e) Quality Assurance.

12 (1) A registered professional nurse, advanced practice  
13 registered nurse, licensed practical nurse, physician  
14 licensed to practice medicine in all its branches,  
15 physician assistant, or pharmacist shall review the  
16 following for all individuals:

17 (A) Medication orders.

18 (B) Medication labels, including medications  
19 listed on the medication administration record for  
20 persons who are not self-medicating to ensure the  
21 labels match the orders issued by the physician  
22 licensed to practice medicine in all its branches,  
23 advanced practice registered nurse, or physician  
24 assistant.

25 (C) Medication administration records for persons  
26 who are not self-medicating to ensure that the records



1 are completed appropriately for:

2 (i) medication administered as prescribed;

3 (ii) refusal by the individual; and

4 (iii) full signatures provided for all  
5 initials used.

6 (2) Reviews shall occur at least quarterly, but may be  
7 done more frequently at the discretion of the registered  
8 professional nurse or advanced practice registered nurse.

9 (3) A quality assurance review of medication errors and  
10 data collection for the purpose of monitoring and  
11 recommending corrective action shall be conducted within 7  
12 days and included in the required annual review.

13 (f) Programs using authorized direct care staff to  
14 administer medications are responsible for documenting and  
15 maintaining records on the training that is completed.

16 (g) The absence of this training program constitutes a  
17 threat to the public interest, safety, and welfare and  
18 necessitates emergency rulemaking by the Departments of Human  
19 Services and Public Health under Section 5-45 of the Illinois  
20 Administrative Procedure Act.

21 (h) Direct care staff who fail to qualify for delegated  
22 authority to administer medications pursuant to the provisions  
23 of this Section shall be given additional education and testing  
24 to meet criteria for delegation authority to administer  
25 medications. Any direct care staff person who fails to qualify  
26 as an authorized direct care staff after initial training and

1 testing must within 3 months be given another opportunity for  
2 retraining and retesting. A direct care staff person who fails  
3 to meet criteria for delegated authority to administer  
4 medication, including, but not limited to, failure of the  
5 written test on 2 occasions shall be given consideration for  
6 shift transfer or reassignment, if possible. No employee shall  
7 be terminated for failure to qualify during the 3-month time  
8 period following initial testing. Refusal to complete training  
9 and testing required by this Section may be grounds for  
10 immediate dismissal.

11 (i) No authorized direct care staff person delegated to  
12 administer medication shall be subject to suspension or  
13 discharge for errors resulting from the staff person's acts or  
14 omissions when performing the functions unless the staff  
15 person's actions or omissions constitute willful and wanton  
16 conduct. Nothing in this subsection is intended to supersede  
17 paragraph (4) of subsection (c).

18 (j) A registered professional nurse, advanced practice  
19 registered nurse, physician licensed to practice medicine in  
20 all its branches, or physician assistant shall be on duty or on  
21 call at all times in any program covered by this Section.

22 (k) The employer shall be responsible for maintaining  
23 liability insurance for any program covered by this Section.

24 (l) Any direct care staff person who qualifies as  
25 authorized direct care staff pursuant to this Section shall be  
26 granted consideration for a one-time additional salary

1 differential. The Department shall determine and provide the  
2 necessary funding for the differential in the base. This  
3 subsection (1) is inoperative on and after June 30, 2000.

4 (Source: P.A. 98-718, eff. 1-1-15; 98-901, eff. 8-15-14; 99-78,  
5 eff. 7-20-15; 99-143, eff. 7-27-15; 99-581, eff. 1-1-17.)

6 Section 45. The Department of Professional Regulation Law  
7 of the Civil Administrative Code of Illinois is amended by  
8 changing Section 2105-17 as follows:

9 (20 ILCS 2105/2105-17)

10 Sec. 2105-17. Volunteer licenses.

11 (a) For the purposes of this Section:

12 "Health care professional" means a physician licensed  
13 under the Medical Practice Act of 1987, a dentist licensed  
14 under the Illinois Dental Practice Act, an optometrist licensed  
15 under the Illinois Optometric Practice Act of 1987, a physician  
16 assistant licensed under the Physician Assistant Practice Act  
17 of 1987, and a nurse or advanced practice registered nurse  
18 licensed under the Nurse Practice Act. The Department may  
19 expand this definition by rule.

20 "Volunteer practice" means the practice of a licensed  
21 health care professional for the benefit of an individual or  
22 the public and without compensation for the health care  
23 services provided.

24 (b) The Department may grant a volunteer license to a

1 health care professional who:

2 (1) meets all requirements of the State licensing Act  
3 that applies to his or her health care profession and the  
4 rules adopted under the Act; and

5 (2) agrees to engage in the volunteer practice of his  
6 or her health care profession in a free medical clinic, as  
7 defined in the Good Samaritan Act, or in a public health  
8 clinic, as defined in Section 6-101 of the Local  
9 Governmental and Governmental Employees Tort Immunities  
10 Act, and to not practice for compensation.

11 (c) A volunteer license shall be granted in accordance with  
12 the licensing Act that applies to the health care  
13 professional's given health care profession, and the licensure  
14 fee shall be set by rule in accordance with subsection (f).

15 (d) No health care professional shall hold a non-volunteer  
16 license in a health care profession and a volunteer license in  
17 that profession at the same time. In the event that the health  
18 care professional obtains a volunteer license in the profession  
19 for which he or she holds a non-volunteer license, that  
20 non-volunteer license shall automatically be placed in  
21 inactive status. In the event that a health care professional  
22 obtains a non-volunteer license in the profession for which he  
23 or she holds a volunteer license, the volunteer license shall  
24 be placed in inactive status. Practicing on an expired  
25 volunteer license constitutes the unlicensed practice of the  
26 health care professional's profession.

1 (e) Nothing in this Section shall be construed to waive or  
2 modify any statute, rule, or regulation concerning the  
3 licensure or practice of any health care profession. A health  
4 care professional who holds a volunteer license shall be  
5 subject to all statutes, rules, and regulations governing his  
6 or her profession. The Department shall waive the licensure fee  
7 for the first 500 volunteer licenses issued and may by rule  
8 provide for a fee waiver or fee reduction that shall apply to  
9 all licenses issued after the initial 500.

10 (f) The Department shall determine by rule the total number  
11 of volunteer licenses to be issued. The Department shall file  
12 proposed rules implementing this Section within 6 months after  
13 the effective date of this amendatory Act of the 98th General  
14 Assembly.

15 (Source: P.A. 98-659, eff. 6-23-14.)

16 Section 50. The Department of Public Health Act is amended  
17 by changing Sections 7 and 8.2 as follows:

18 (20 ILCS 2305/7) (from Ch. 111 1/2, par. 22.05)

19 Sec. 7. The Illinois Department of Public Health shall  
20 adopt rules requiring that upon death of a person who had or is  
21 suspected of having an infectious or communicable disease that  
22 could be transmitted through contact with the person's body or  
23 bodily fluids, the body shall be labeled "Infection Hazard", or  
24 with an equivalent term to inform persons having subsequent

1 contact with the body, including any funeral director or  
2 embalmer, to take suitable precautions. Such rules shall  
3 require that the label shall be prominently displayed on and  
4 affixed to the outer wrapping or covering of the body if the  
5 body is wrapped or covered in any manner. Responsibility for  
6 such labeling shall lie with the attending physician, advanced  
7 practice registered nurse, or physician assistant who  
8 certifies death, or if the death occurs in a health care  
9 facility, with such staff member as may be designated by the  
10 administrator of the facility. The Department may adopt rules  
11 providing for the safe disposal of human remains. To the extent  
12 feasible without endangering the public's health, the  
13 Department shall respect and accommodate the religious beliefs  
14 of individuals in implementing this Section.

15 (Source: P.A. 99-581, eff. 1-1-17.)

16 (20 ILCS 2305/8.2)

17 Sec. 8.2. Osteoporosis Prevention and Education Program.

18 (a) The Department of Public Health, utilizing available  
19 federal funds, State funds appropriated for that purpose, or  
20 other available funding as provided for in this Section, shall  
21 establish, promote, and maintain an Osteoporosis Prevention  
22 and Education Program to promote public awareness of the causes  
23 of osteoporosis, options for prevention, the value of early  
24 detection, and possible treatments (including the benefits and  
25 risks of those treatments). The Department may accept, for that

1 purpose, any special grant of money, services, or property from  
2 the federal government or any of its agencies or from any  
3 foundation, organization, or medical school.

4 (b) The program shall include the following:

5 (1) Development of a public education and outreach  
6 campaign to promote osteoporosis prevention and education,  
7 including, but not limited to, the following subjects:

8 (A) The cause and nature of the disease.

9 (B) Risk factors.

10 (C) The role of hysterectomy.

11 (D) Prevention of osteoporosis, including  
12 nutrition, diet, and physical exercise.

13 (E) Diagnostic procedures and appropriate  
14 indications for their use.

15 (F) Hormone replacement, including benefits and  
16 risks.

17 (G) Environmental safety and injury prevention.

18 (H) Availability of osteoporosis diagnostic  
19 treatment services in the community.

20 (2) Development of educational materials to be made  
21 available for consumers, particularly targeted to  
22 high-risk groups, through local health departments, local  
23 physicians, advanced practice registered nurses, or  
24 physician assistants, other providers (including, but not  
25 limited to, health maintenance organizations, hospitals,  
26 and clinics), and women's organizations.

1           (3) Development of professional education programs for  
2 health care providers to assist them in understanding  
3 research findings and the subjects set forth in paragraph  
4 (1).

5           (4) Development and maintenance of a list of current  
6 providers of specialized services for the prevention and  
7 treatment of osteoporosis. Dissemination of the list shall  
8 be accompanied by a description of diagnostic procedures,  
9 appropriate indications for their use, and a cautionary  
10 statement about the current status of osteoporosis  
11 research, prevention, and treatment. The statement shall  
12 also indicate that the Department does not license,  
13 certify, or in any other way approve osteoporosis programs  
14 or centers in this State.

15           (c) The State Board of Health shall serve as an advisory  
16 board to the Department with specific respect to the prevention  
17 and education activities related to osteoporosis described in  
18 this Section. The State Board of Health shall assist the  
19 Department in implementing this Section.

20           (Source: P.A. 99-581, eff. 1-1-17.)

21           Section 55. The Department of Public Health Powers and  
22 Duties Law of the Civil Administrative Code of Illinois is  
23 amended by changing Sections 2310-145, 2310-397, 2310-410,  
24 2310-600, 2310-677, and 2310-690 as follows:



1 (20 ILCS 2310/2310-145)

2 Sec. 2310-145. Registry of health care professionals. The  
3 Department of Public Health shall maintain a registry of all  
4 active-status health care professionals, including nurses,  
5 nurse practitioners, advanced practice registered nurses,  
6 physicians, physician assistants, psychologists, professional  
7 counselors, clinical professional counselors, and pharmacists.

8 The registry must consist of information shared between the  
9 Department of Public Health and the Department of Financial and  
10 Professional Regulation via a secure communication link. The  
11 registry must be updated on a quarterly basis.

12 The registry shall be accessed in the event of an act of  
13 bioterrorism or other public health emergency or for the  
14 planning for the possibility of such an event.

15 (Source: P.A. 96-377, eff. 1-1-10.)

16 (20 ILCS 2310/2310-397) (was 20 ILCS 2310/55.90)

17 Sec. 2310-397. Prostate and testicular cancer program.

18 (a) The Department, subject to appropriation or other  
19 available funding, shall conduct a program to promote awareness  
20 and early detection of prostate and testicular cancer. The  
21 program may include, but need not be limited to:

22 (1) Dissemination of information regarding the  
23 incidence of prostate and testicular cancer, the risk  
24 factors associated with prostate and testicular cancer,  
25 and the benefits of early detection and treatment.

1           (2) Promotion of information and counseling about  
2 treatment options.

3           (3) Establishment and promotion of referral services  
4 and screening programs.

5           Beginning July 1, 2004, the program must include the  
6 development and dissemination, through print and broadcast  
7 media, of public service announcements that publicize the  
8 importance of prostate cancer screening for men over age 40.

9           (b) Subject to appropriation or other available funding, a  
10 Prostate Cancer Screening Program shall be established in the  
11 Department of Public Health.

12           (1) The Program shall apply to the following persons  
13 and entities:

14                   (A) uninsured and underinsured men 50 years of age  
15 and older;

16                   (B) uninsured and underinsured men between 40 and  
17 50 years of age who are at high risk for prostate  
18 cancer, upon the advice of a physician, advanced  
19 practice registered nurse, or physician assistant or  
20 upon the request of the patient; and

21                   (C) non-profit organizations providing assistance  
22 to persons described in subparagraphs (A) and (B).

23           (2) Any entity funded by the Program shall coordinate  
24 with other local providers of prostate cancer screening,  
25 diagnostic, follow-up, education, and advocacy services to  
26 avoid duplication of effort. Any entity funded by the

1 Program shall comply with any applicable State and federal  
2 standards regarding prostate cancer screening.

3 (3) Administrative costs of the Department shall not  
4 exceed 10% of the funds allocated to the Program. Indirect  
5 costs of the entities funded by this Program shall not  
6 exceed 12%. The Department shall define "indirect costs" in  
7 accordance with applicable State and federal law.

8 (4) Any entity funded by the Program shall collect data  
9 and maintain records that are determined by the Department  
10 to be necessary to facilitate the Department's ability to  
11 monitor and evaluate the effectiveness of the entities and  
12 the Program. Commencing with the Program's second year of  
13 operation, the Department shall submit an Annual Report to  
14 the General Assembly and the Governor. The report shall  
15 describe the activities and effectiveness of the Program  
16 and shall include, but not be limited to, the following  
17 types of information regarding those served by the Program:

18 (A) the number; and

19 (B) the ethnic, geographic, and age breakdown.

20 (5) The Department or any entity funded by the Program  
21 shall collect personal and medical information necessary  
22 to administer the Program from any individual applying for  
23 services under the Program. The information shall be  
24 confidential and shall not be disclosed other than for  
25 purposes directly connected with the administration of the  
26 Program or except as otherwise provided by law or pursuant

1 to prior written consent of the subject of the information.

2 (6) The Department or any entity funded by the program  
3 may disclose the confidential information to medical  
4 personnel and fiscal intermediaries of the State to the  
5 extent necessary to administer the Program, and to other  
6 State public health agencies or medical researchers if the  
7 confidential information is necessary to carry out the  
8 duties of those agencies or researchers in the  
9 investigation, control, or surveillance of prostate  
10 cancer.

11 (c) The Department shall adopt rules to implement the  
12 Prostate Cancer Screening Program in accordance with the  
13 Illinois Administrative Procedure Act.

14 (Source: P.A. 98-87, eff. 1-1-14; 99-581, eff. 1-1-17.)

15 (20 ILCS 2310/2310-410) (was 20 ILCS 2310/55.42)

16 Sec. 2310-410. Sickle cell disease. To conduct a public  
17 information campaign for physicians, advanced practice  
18 registered nurses, physician assistants, hospitals, health  
19 facilities, public health departments, and the general public  
20 on sickle cell disease, methods of care, and treatment  
21 modalities available; to identify and catalogue sickle cell  
22 resources in this State for distribution and referral purposes;  
23 and to coordinate services with the established programs,  
24 including State, federal, and voluntary groups.

25 (Source: P.A. 99-581, eff. 1-1-17.)

1 (20 ILCS 2310/2310-600)

2 Sec. 2310-600. Advance directive information.

3 (a) The Department of Public Health shall prepare and  
4 publish the summary of advance directives law, as required by  
5 the federal Patient Self-Determination Act, and related forms.  
6 Publication may be limited to the World Wide Web. The summary  
7 required under this subsection (a) must include the Department  
8 of Public Health Uniform POLST form.

9 (b) The Department of Public Health shall publish Spanish  
10 language versions of the following:

11 (1) The statutory Living Will Declaration form.

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

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

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

17 (5) The Department of Public Health Uniform POLST form.  
18 Publication may be limited to the World Wide Web.

19 (b-5) In consultation with a statewide professional  
20 organization representing physicians licensed to practice  
21 medicine in all its branches, statewide organizations  
22 representing physician assistants, advanced practice  
23 registered nurses, nursing homes, registered professional  
24 nurses, and emergency medical systems, and a statewide  
25 organization representing hospitals, the Department of Public

1 Health shall develop and publish a uniform form for  
2 practitioner cardiopulmonary resuscitation (CPR) or  
3 life-sustaining treatment orders that may be utilized in all  
4 settings. The form shall meet the published minimum  
5 requirements to nationally be considered a practitioner orders  
6 for life-sustaining treatment form, or POLST, and may be  
7 referred to as the Department of Public Health Uniform POLST  
8 form. This form does not replace a physician's or other  
9 practitioner's authority to make a do-not-resuscitate (DNR)  
10 order.

11 (c) (Blank).

12 (d) The Department of Public Health shall publish the  
13 Department of Public Health Uniform POLST form reflecting the  
14 changes made by this amendatory Act of the 98th General  
15 Assembly no later than January 1, 2015.

16 (Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16;  
17 99-581, eff. 1-1-17.)

18 (20 ILCS 2310/2310-677)

19 (Section scheduled to be repealed on June 30, 2019)

20 Sec. 2310-677. Neonatal Abstinence Syndrome Advisory  
21 Committee.

22 (a) As used in this Section:

23 "Department" means the Department of Public Health.

24 "Director" means the Director of Public Health.

25 "Neonatal Abstinence Syndrome" or "NAS" means various

1 adverse conditions that occur in a newborn infant who was  
2 exposed to addictive or prescription drugs while in the  
3 mother's womb.

4 (b) There is created the Advisory Committee on Neonatal  
5 Abstinence Syndrome. The Advisory Committee shall consist of up  
6 to 10 members appointed by the Director of Public Health. The  
7 Director shall make the appointments within 90 days after the  
8 effective date of this amendatory Act of the 99th General  
9 Assembly. Members shall receive no compensation for their  
10 services. The members of the Advisory Committee shall represent  
11 different racial, ethnic, and geographic backgrounds and  
12 consist of:

13 (1) at least one member representing a statewide  
14 association of hospitals;

15 (2) at least one member representing a statewide  
16 organization of pediatricians;

17 (3) at least one member representing a statewide  
18 organization of obstetricians;

19 (4) at least one member representing a statewide  
20 organization that advocates for the health of mothers and  
21 infants;

22 (5) at least one member representing a statewide  
23 organization of licensed physicians;

24 (6) at least one member who is a licensed practical  
25 nurse, registered professional nurse, or advanced practice  
26 registered nurse with expertise in the treatment of

1 newborns in neonatal intensive care units;

2 (7) at least one member representing a local or  
3 regional public health agency; and

4 (8) at least one member with expertise in the treatment  
5 of drug dependency and addiction.

6 (c) In addition to the membership in subsection (a) of this  
7 Section, the following persons or their designees shall serve  
8 as ex officio members of the Advisory Committee: the Director  
9 of Public Health, the Secretary of Human Services, the Director  
10 of Healthcare and Family Services, and the Director of Children  
11 and Family Services. The Director of Public Health, or his or  
12 her designee, shall serve as Chair of the Committee.

13 (d) The Advisory Committee shall meet at the call of the  
14 Chair. The Committee shall meet at least 3 times each year and  
15 its initial meeting shall take place within 120 days after the  
16 effective date of this Act. The Advisory Committee shall advise  
17 and assist the Department to:

18 (1) develop an appropriate standard clinical  
19 definition of "NAS";

20 (2) develop a uniform process of identifying NAS;

21 (3) develop protocols for training hospital personnel  
22 in implementing an appropriate and uniform process for  
23 identifying and treating NAS;

24 (4) identify and develop options for reporting NAS data  
25 to the Department by using existing or new data reporting  
26 options; and



1           (5) make recommendations to the Department on  
2 evidence-based guidelines and programs to improve the  
3 outcomes of pregnancies with respect to NAS.

4           (e) The Advisory Committee shall provide an annual report  
5 of its activities and recommendations to the Director, the  
6 General Assembly, and the Governor by March 31 of each year  
7 beginning in 2016. The final report of the Advisory Committee  
8 shall be submitted by March 31, 2019.

9           (f) This Section is repealed on June 30, 2019.

10          (Source: P.A. 99-320, eff. 8-7-15.)

11          (20 ILCS 2310/2310-690)

12          Sec. 2310-690. Cytomegalovirus public education.

13          (a) In this Section:

14                 "CMV" means cytomegalovirus.

15                 "Health care professional and provider" means any  
16 physician, advanced practice registered nurse, physician  
17 assistant, hospital facility, or other person that is  
18 licensed or otherwise authorized to deliver health care  
19 services.

20          (b) The Department shall develop or approve and publish  
21 informational materials for women who may become pregnant,  
22 expectant parents, and parents of infants regarding:

23                 (1) the incidence of CMV;

24                 (2) the transmission of CMV to pregnant women and women  
25 who may become pregnant;

- 1           (3) birth defects caused by congenital CMV;  
2           (4) methods of diagnosing congenital CMV; and  
3           (5) available preventive measures to avoid the  
4           infection of women who are pregnant or may become pregnant.

5           (c) The Department shall publish the information required  
6           under subsection (b) on its Internet website.

7           (d) The Department shall publish information to:

8           (1) educate women who may become pregnant, expectant  
9           parents, and parents of infants about CMV; and

10          (2) raise awareness of CMV among health care  
11          professionals and providers who provide care to expectant  
12          mothers or infants.

13          (e) The Department may solicit and accept the assistance of  
14          any relevant health care professional associations or  
15          community resources, including faith-based resources, to  
16          promote education about CMV under this Section.

17          (f) If a newborn infant fails the 2 initial hearing  
18          screenings in the hospital, then the hospital performing that  
19          screening shall provide to the parents of the newborn infant  
20          information regarding: (i) birth defects caused by congenital  
21          CMV; (ii) testing opportunities and options for CMV, including  
22          the opportunity to test for CMV before leaving the hospital;  
23          and (iii) early intervention services. Health care  
24          professionals and providers may, but are not required to, use  
25          the materials developed by the Department for distribution to  
26          parents of newborn infants.

1 (Source: P.A. 99-424, eff. 1-1-16; 99-581, eff. 1-1-17; 99-642,  
2 eff. 7-28-26.)

3 Section 60. The Community Health Worker Advisory Board Act  
4 is amended by changing Section 10 as follows:

5 (20 ILCS 2335/10)

6 Sec. 10. Advisory Board.

7 (a) There is created the Advisory Board on Community Health  
8 Workers. The Board shall consist of 16 members appointed by the  
9 Director of Public Health. The Director shall make the  
10 appointments to the Board within 90 days after the effective  
11 date of this Act. The members of the Board shall represent  
12 different racial and ethnic backgrounds and have the  
13 qualifications as follows:

14 (1) four members who currently serve as community  
15 health workers in Cook County, one of whom shall have  
16 served as a health insurance marketplace navigator;

17 (2) two members who currently serve as community health  
18 workers in DuPage, Kane, Lake, or Will County;

19 (3) one member who currently serves as a community  
20 health worker in Bond, Calhoun, Clinton, Jersey, Macoupin,  
21 Madison, Monroe, Montgomery, Randolph, St. Clair, or  
22 Washington County;

23 (4) one member who currently serves as a community  
24 health worker in any other county in the State;

1           (5) one member who is a physician licensed to practice  
2 medicine in Illinois;

3           (6) one member who is a physician assistant;

4           (7) one member who is a licensed nurse or advanced  
5 practice registered nurse;

6           (8) one member who is a licensed social worker,  
7 counselor, or psychologist;

8           (9) one member who currently employs community health  
9 workers;

10          (10) one member who is a health policy advisor with  
11 experience in health workforce policy;

12          (11) one member who is a public health professional  
13 with experience with community health policy; and

14          (12) one representative of a community college,  
15 university, or educational institution that provides  
16 training to community health workers.

17          (b) In addition, the following persons or their designees  
18 shall serve as ex officio, non-voting members of the Board: the  
19 Executive Director of the Illinois Community College Board, the  
20 Director of Children and Family Services, the Director of  
21 Aging, the Director of Public Health, the Director of  
22 Employment Security, the Director of Commerce and Economic  
23 Opportunity, the Secretary of Financial and Professional  
24 Regulation, the Director of Healthcare and Family Services, and  
25 the Secretary of Human Services.

26          (c) The voting members of the Board shall select a

1 chairperson from the voting members of the Board. The Board  
2 shall consult with additional experts as needed. Members of the  
3 Board shall serve without compensation. The Department shall  
4 provide administrative and staff support to the Board. The  
5 meetings of the Board are subject to the provisions of the Open  
6 Meetings Act.

7 (d) The Board shall consider the core competencies of a  
8 community health worker, including skills and areas of  
9 knowledge that are essential to bringing about expanded health  
10 and wellness in diverse communities and reducing health  
11 disparities. As relating to members of communities and health  
12 teams, the core competencies for effective community health  
13 workers may include, but are not limited to:

- 14 (1) outreach methods and strategies;
- 15 (2) client and community assessment;
- 16 (3) effective community-based and participatory  
17 methods, including research;
- 18 (4) culturally competent communication and care;
- 19 (5) health education for behavior change;
- 20 (6) support, advocacy, and health system navigation  
21 for clients;
- 22 (7) application of public health concepts and  
23 approaches;
- 24 (8) individual and community capacity building and  
25 mobilization; and
- 26 (9) writing, oral, technical, and communication

1 skills.

2 (Source: P.A. 98-796, eff. 7-31-14; 99-581, eff. 1-1-17.)

3 Section 65. The Illinois Housing Development Act is amended  
4 by changing Section 7.30 as follows:

5 (20 ILCS 3805/7.30)

6 Sec. 7.30. Foreclosure Prevention Program.

7 (a) The Authority shall establish and administer a  
8 Foreclosure Prevention Program. The Authority shall use moneys  
9 in the Foreclosure Prevention Program Fund, and any other funds  
10 appropriated for this purpose, to make grants to (i) approved  
11 counseling agencies for approved housing counseling and (ii)  
12 approved community-based organizations for approved  
13 foreclosure prevention outreach programs. The Authority shall  
14 promulgate rules to implement this Program and may adopt  
15 emergency rules as soon as practicable to begin implementation  
16 of the Program.

17 (b) Subject to appropriation and the annual receipt of  
18 funds, the Authority shall make grants from the Foreclosure  
19 Prevention Program Fund derived from fees paid as specified in  
20 subsection (a) of Section 15-1504.1 of the Code of Civil  
21 Procedure as follows:

22 (1) 25% of the moneys in the Fund shall be used to make  
23 grants to approved counseling agencies that provide  
24 services in Illinois outside of the City of Chicago. Grants

1 shall be based upon the number of foreclosures filed in an  
2 approved counseling agency's service area, the capacity of  
3 the agency to provide foreclosure counseling services, and  
4 any other factors that the Authority deems appropriate.

5 (2) 25% of the moneys in the Fund shall be distributed  
6 to the City of Chicago to make grants to approved  
7 counseling agencies located within the City of Chicago for  
8 approved housing counseling or to support foreclosure  
9 prevention counseling programs administered by the City of  
10 Chicago.

11 (3) 25% of the moneys in the Fund shall be used to make  
12 grants to approved community-based organizations located  
13 outside of the City of Chicago for approved foreclosure  
14 prevention outreach programs.

15 (4) 25% of the moneys in the Fund shall be used to make  
16 grants to approved community-based organizations located  
17 within the City of Chicago for approved foreclosure  
18 prevention outreach programs, with priority given to  
19 programs that provide door-to-door outreach.

20 (b-1) Subject to appropriation and the annual receipt of  
21 funds, the Authority shall make grants from the Foreclosure  
22 Prevention Program Graduated Fund derived from fees paid as  
23 specified in paragraph (1) of subsection (a-5) of Section  
24 15-1504.1 of the Code of Civil Procedure, as follows:

25 (1) 30% shall be used to make grants for approved  
26 housing counseling in Cook County outside of the City of

1 Chicago;

2 (2) 25% shall be used to make grants for approved  
3 housing counseling in the City of Chicago;

4 (3) 30% shall be used to make grants for approved  
5 housing counseling in DuPage, Kane, Lake, McHenry, and Will  
6 Counties; and

7 (4) 15% shall be used to make grants for approved  
8 housing counseling in Illinois in counties other than Cook,  
9 DuPage, Kane, Lake, McHenry, and Will Counties provided  
10 that grants to provide approved housing counseling to  
11 borrowers residing within these counties shall be based, to  
12 the extent practicable, (i) proportionately on the amount  
13 of fees paid to the respective clerks of the courts within  
14 these counties and (ii) on any other factors that the  
15 Authority deems appropriate.

16 The percentages set forth in this subsection (b-1) shall be  
17 calculated after deduction of reimbursable administrative  
18 expenses incurred by the Authority, but shall not be greater  
19 than 4% of the annual appropriated amount.

20 (b-5) As used in this Section:

21 "Approved community-based organization" means a  
22 not-for-profit entity that provides educational and financial  
23 information to residents of a community through in-person  
24 contact. "Approved community-based organization" does not  
25 include a not-for-profit corporation or other entity or person  
26 that provides legal representation or advice in a civil



1 proceeding or court-sponsored mediation services, or a  
2 governmental agency.

3 "Approved foreclosure prevention outreach program" means a  
4 program developed by an approved community-based organization  
5 that includes in-person contact with residents to provide (i)  
6 pre-purchase and post-purchase home ownership counseling, (ii)  
7 education about the foreclosure process and the options of a  
8 mortgagor in a foreclosure proceeding, and (iii) programs  
9 developed by an approved community-based organization in  
10 conjunction with a State or federally chartered financial  
11 institution.

12 "Approved counseling agency" means a housing counseling  
13 agency approved by the U.S. Department of Housing and Urban  
14 Development.

15 "Approved housing counseling" means in-person counseling  
16 provided by a counselor employed by an approved counseling  
17 agency to all borrowers, or documented telephone counseling  
18 where a hardship would be imposed on one or more borrowers. A  
19 hardship shall exist in instances in which the borrower is  
20 confined to his or her home due to a medical condition, as  
21 verified in writing by a physician, advanced practice  
22 registered nurse, or physician assistant, or the borrower  
23 resides 50 miles or more from the nearest approved counseling  
24 agency. In instances of telephone counseling, the borrower must  
25 supply all necessary documents to the counselor at least 72  
26 hours prior to the scheduled telephone counseling session.

1 (c) (Blank).

2 (c-5) Where the jurisdiction of an approved counseling  
3 agency is included within more than one of the geographic areas  
4 set forth in this Section, the Authority may elect to fully  
5 fund the applicant from one of the relevant geographic areas.

6 (Source: P.A. 98-20, eff. 6-11-13; 99-581, eff. 1-1-17.)

7 Section 70. The Property Tax Code is amended by changing  
8 Sections 15-168 and 15-172 as follows:

9 (35 ILCS 200/15-168)

10 Sec. 15-168. Homestead exemption for persons with  
11 disabilities.

12 (a) Beginning with taxable year 2007, an annual homestead  
13 exemption is granted to persons with disabilities in the amount  
14 of \$2,000, except as provided in subsection (c), to be deducted  
15 from the property's value as equalized or assessed by the  
16 Department of Revenue. The person with a disability shall  
17 receive the homestead exemption upon meeting the following  
18 requirements:

19 (1) The property must be occupied as the primary  
20 residence by the person with a disability.

21 (2) The person with a disability must be liable for  
22 paying the real estate taxes on the property.

23 (3) The person with a disability must be an owner of  
24 record of the property or have a legal or equitable

1 interest in the property as evidenced by a written  
2 instrument. In the case of a leasehold interest in  
3 property, the lease must be for a single family residence.

4 A person who has a disability during the taxable year is  
5 eligible to apply for this homestead exemption during that  
6 taxable year. Application must be made during the application  
7 period in effect for the county of residence. If a homestead  
8 exemption has been granted under this Section and the person  
9 awarded the exemption subsequently becomes a resident of a  
10 facility licensed under the Nursing Home Care Act, the  
11 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD  
12 Community Care Act, or the MC/DD Act, then the exemption shall  
13 continue (i) so long as the residence continues to be occupied  
14 by the qualifying person's spouse or (ii) if the residence  
15 remains unoccupied but is still owned by the person qualified  
16 for the homestead exemption.

17 (b) For the purposes of this Section, "person with a  
18 disability" means a person unable to engage in any substantial  
19 gainful activity by reason of a medically determinable physical  
20 or mental impairment which can be expected to result in death  
21 or has lasted or can be expected to last for a continuous  
22 period of not less than 12 months. Persons with disabilities  
23 filing claims under this Act shall submit proof of disability  
24 in such form and manner as the Department shall by rule and  
25 regulation prescribe. Proof that a claimant is eligible to  
26 receive disability benefits under the Federal Social Security

1 Act shall constitute proof of disability for purposes of this  
2 Act. Issuance of an Illinois Person with a Disability  
3 Identification Card stating that the claimant is under a Class  
4 2 disability, as defined in Section 4A of the Illinois  
5 Identification Card Act, shall constitute proof that the person  
6 named thereon is a person with a disability for purposes of  
7 this Act. A person with a disability not covered under the  
8 Federal Social Security Act and not presenting an Illinois  
9 Person with a Disability Identification Card stating that the  
10 claimant is under a Class 2 disability shall be examined by a  
11 physician, advanced practice registered nurse, or physician  
12 assistant designated by the Department, and his status as a  
13 person with a disability determined using the same standards as  
14 used by the Social Security Administration. The costs of any  
15 required examination shall be borne by the claimant.

16 (c) For land improved with (i) an apartment building owned  
17 and operated as a cooperative or (ii) a life care facility as  
18 defined under Section 2 of the Life Care Facilities Act that is  
19 considered to be a cooperative, the maximum reduction from the  
20 value of the property, as equalized or assessed by the  
21 Department, shall be multiplied by the number of apartments or  
22 units occupied by a person with a disability. The person with a  
23 disability shall receive the homestead exemption upon meeting  
24 the following requirements:

25 (1) The property must be occupied as the primary  
26 residence by the person with a disability.

1           (2) The person with a disability must be liable by  
2 contract with the owner or owners of record for paying the  
3 apportioned property taxes on the property of the  
4 cooperative or life care facility. In the case of a life  
5 care facility, the person with a disability must be liable  
6 for paying the apportioned property taxes under a life care  
7 contract as defined in Section 2 of the Life Care  
8 Facilities Act.

9           (3) The person with a disability must be an owner of  
10 record of a legal or equitable interest in the cooperative  
11 apartment building. A leasehold interest does not meet this  
12 requirement.

13 If a homestead exemption is granted under this subsection, the  
14 cooperative association or management firm shall credit the  
15 savings resulting from the exemption to the apportioned tax  
16 liability of the qualifying person with a disability. The chief  
17 county assessment officer may request reasonable proof that the  
18 association or firm has properly credited the exemption. A  
19 person who willfully refuses to credit an exemption to the  
20 qualified person with a disability is guilty of a Class B  
21 misdemeanor.

22           (d) The chief county assessment officer shall determine the  
23 eligibility of property to receive the homestead exemption  
24 according to guidelines established by the Department. After a  
25 person has received an exemption under this Section, an annual  
26 verification of eligibility for the exemption shall be mailed

1 to the taxpayer.

2 In counties with fewer than 3,000,000 inhabitants, the  
3 chief county assessment officer shall provide to each person  
4 granted a homestead exemption under this Section a form to  
5 designate any other person to receive a duplicate of any notice  
6 of delinquency in the payment of taxes assessed and levied  
7 under this Code on the person's qualifying property. The  
8 duplicate notice shall be in addition to the notice required to  
9 be provided to the person receiving the exemption and shall be  
10 given in the manner required by this Code. The person filing  
11 the request for the duplicate notice shall pay an  
12 administrative fee of \$5 to the chief county assessment  
13 officer. The assessment officer shall then file the executed  
14 designation with the county collector, who shall issue the  
15 duplicate notices as indicated by the designation. A  
16 designation may be rescinded by the person with a disability in  
17 the manner required by the chief county assessment officer.

18 (e) A taxpayer who claims an exemption under Section 15-165  
19 or 15-169 may not claim an exemption under this Section.

20 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;  
21 99-180, eff. 7-29-15; 99-581, eff. 1-1-17; 99-642, eff.  
22 7-28-16.)

23 (35 ILCS 200/15-172)

24 Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
25 Exemption.

1 (a) This Section may be cited as the Senior Citizens  
2 Assessment Freeze Homestead Exemption.

3 (b) As used in this Section:

4 "Applicant" means an individual who has filed an  
5 application under this Section.

6 "Base amount" means the base year equalized assessed value  
7 of the residence plus the first year's equalized assessed value  
8 of any added improvements which increased the assessed value of  
9 the residence after the base year.

10 "Base year" means the taxable year prior to the taxable  
11 year for which the applicant first qualifies and applies for  
12 the exemption provided that in the prior taxable year the  
13 property was improved with a permanent structure that was  
14 occupied as a residence by the applicant who was liable for  
15 paying real property taxes on the property and who was either  
16 (i) an owner of record of the property or had legal or  
17 equitable interest in the property as evidenced by a written  
18 instrument or (ii) had a legal or equitable interest as a  
19 lessee in the parcel of property that was single family  
20 residence. If in any subsequent taxable year for which the  
21 applicant applies and qualifies for the exemption the equalized  
22 assessed value of the residence is less than the equalized  
23 assessed value in the existing base year (provided that such  
24 equalized assessed value is not based on an assessed value that  
25 results from a temporary irregularity in the property that  
26 reduces the assessed value for one or more taxable years), then

1 that subsequent taxable year shall become the base year until a  
2 new base year is established under the terms of this paragraph.  
3 For taxable year 1999 only, the Chief County Assessment Officer  
4 shall review (i) all taxable years for which the applicant  
5 applied and qualified for the exemption and (ii) the existing  
6 base year. The assessment officer shall select as the new base  
7 year the year with the lowest equalized assessed value. An  
8 equalized assessed value that is based on an assessed value  
9 that results from a temporary irregularity in the property that  
10 reduces the assessed value for one or more taxable years shall  
11 not be considered the lowest equalized assessed value. The  
12 selected year shall be the base year for taxable year 1999 and  
13 thereafter until a new base year is established under the terms  
14 of this paragraph.

15 "Chief County Assessment Officer" means the County  
16 Assessor or Supervisor of Assessments of the county in which  
17 the property is located.

18 "Equalized assessed value" means the assessed value as  
19 equalized by the Illinois Department of Revenue.

20 "Household" means the applicant, the spouse of the  
21 applicant, and all persons using the residence of the applicant  
22 as their principal place of residence.

23 "Household income" means the combined income of the members  
24 of a household for the calendar year preceding the taxable  
25 year.

26 "Income" has the same meaning as provided in Section 3.07



1 of the Senior Citizens and Persons with Disabilities Property  
2 Tax Relief Act, except that, beginning in assessment year 2001,  
3 "income" does not include veteran's benefits.

4 "Internal Revenue Code of 1986" means the United States  
5 Internal Revenue Code of 1986 or any successor law or laws  
6 relating to federal income taxes in effect for the year  
7 preceding the taxable year.

8 "Life care facility that qualifies as a cooperative" means  
9 a facility as defined in Section 2 of the Life Care Facilities  
10 Act.

11 "Maximum income limitation" means:

- 12 (1) \$35,000 prior to taxable year 1999;
- 13 (2) \$40,000 in taxable years 1999 through 2003;
- 14 (3) \$45,000 in taxable years 2004 through 2005;
- 15 (4) \$50,000 in taxable years 2006 and 2007; and
- 16 (5) \$55,000 in taxable year 2008 and thereafter.

17 "Residence" means the principal dwelling place and  
18 appurtenant structures used for residential purposes in this  
19 State occupied on January 1 of the taxable year by a household  
20 and so much of the surrounding land, constituting the parcel  
21 upon which the dwelling place is situated, as is used for  
22 residential purposes. If the Chief County Assessment Officer  
23 has established a specific legal description for a portion of  
24 property constituting the residence, then that portion of  
25 property shall be deemed the residence for the purposes of this  
26 Section.

1 "Taxable year" means the calendar year during which ad  
2 valorem property taxes payable in the next succeeding year are  
3 levied.

4 (c) Beginning in taxable year 1994, a senior citizens  
5 assessment freeze homestead exemption is granted for real  
6 property that is improved with a permanent structure that is  
7 occupied as a residence by an applicant who (i) is 65 years of  
8 age or older during the taxable year, (ii) has a household  
9 income that does not exceed the maximum income limitation,  
10 (iii) is liable for paying real property taxes on the property,  
11 and (iv) is an owner of record of the property or has a legal or  
12 equitable interest in the property as evidenced by a written  
13 instrument. This homestead exemption shall also apply to a  
14 leasehold interest in a parcel of property improved with a  
15 permanent structure that is a single family residence that is  
16 occupied as a residence by a person who (i) is 65 years of age  
17 or older during the taxable year, (ii) has a household income  
18 that does not exceed the maximum income limitation, (iii) has a  
19 legal or equitable ownership interest in the property as  
20 lessee, and (iv) is liable for the payment of real property  
21 taxes on that property.

22 In counties of 3,000,000 or more inhabitants, the amount of  
23 the exemption for all taxable years is the equalized assessed  
24 value of the residence in the taxable year for which  
25 application is made minus the base amount. In all other  
26 counties, the amount of the exemption is as follows: (i)

1 through taxable year 2005 and for taxable year 2007 and  
2 thereafter, the amount of this exemption shall be the equalized  
3 assessed value of the residence in the taxable year for which  
4 application is made minus the base amount; and (ii) for taxable  
5 year 2006, the amount of the exemption is as follows:

6 (1) For an applicant who has a household income of  
7 \$45,000 or less, the amount of the exemption is the  
8 equalized assessed value of the residence in the taxable  
9 year for which application is made minus the base amount.

10 (2) For an applicant who has a household income  
11 exceeding \$45,000 but not exceeding \$46,250, the amount of  
12 the exemption is (i) the equalized assessed value of the  
13 residence in the taxable year for which application is made  
14 minus the base amount (ii) multiplied by 0.8.

15 (3) For an applicant who has a household income  
16 exceeding \$46,250 but not exceeding \$47,500, the amount of  
17 the exemption is (i) the equalized assessed value of the  
18 residence in the taxable year for which application is made  
19 minus the base amount (ii) multiplied by 0.6.

20 (4) For an applicant who has a household income  
21 exceeding \$47,500 but not exceeding \$48,750, the amount of  
22 the exemption is (i) the equalized assessed value of the  
23 residence in the taxable year for which application is made  
24 minus the base amount (ii) multiplied by 0.4.

25 (5) For an applicant who has a household income  
26 exceeding \$48,750 but not exceeding \$50,000, the amount of

1           the exemption is (i) the equalized assessed value of the  
2           residence in the taxable year for which application is made  
3           minus the base amount (ii) multiplied by 0.2.

4           When the applicant is a surviving spouse of an applicant  
5           for a prior year for the same residence for which an exemption  
6           under this Section has been granted, the base year and base  
7           amount for that residence are the same as for the applicant for  
8           the prior year.

9           Each year at the time the assessment books are certified to  
10          the County Clerk, the Board of Review or Board of Appeals shall  
11          give to the County Clerk a list of the assessed values of  
12          improvements on each parcel qualifying for this exemption that  
13          were added after the base year for this parcel and that  
14          increased the assessed value of the property.

15          In the case of land improved with an apartment building  
16          owned and operated as a cooperative or a building that is a  
17          life care facility that qualifies as a cooperative, the maximum  
18          reduction from the equalized assessed value of the property is  
19          limited to the sum of the reductions calculated for each unit  
20          occupied as a residence by a person or persons (i) 65 years of  
21          age or older, (ii) with a household income that does not exceed  
22          the maximum income limitation, (iii) who is liable, by contract  
23          with the owner or owners of record, for paying real property  
24          taxes on the property, and (iv) who is an owner of record of a  
25          legal or equitable interest in the cooperative apartment  
26          building, other than a leasehold interest. In the instance of a

1 cooperative where a homestead exemption has been granted under  
2 this Section, the cooperative association or its management  
3 firm shall credit the savings resulting from that exemption  
4 only to the apportioned tax liability of the owner who  
5 qualified for the exemption. Any person who willfully refuses  
6 to credit that savings to an owner who qualifies for the  
7 exemption is guilty of a Class B misdemeanor.

8 When a homestead exemption has been granted under this  
9 Section and an applicant then becomes a resident of a facility  
10 licensed under the Assisted Living and Shared Housing Act, the  
11 Nursing Home Care Act, the Specialized Mental Health  
12 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
13 the MC/DD Act, the exemption shall be granted in subsequent  
14 years so long as the residence (i) continues to be occupied by  
15 the qualified applicant's spouse or (ii) if remaining  
16 unoccupied, is still owned by the qualified applicant for the  
17 homestead exemption.

18 Beginning January 1, 1997, when an individual dies who  
19 would have qualified for an exemption under this Section, and  
20 the surviving spouse does not independently qualify for this  
21 exemption because of age, the exemption under this Section  
22 shall be granted to the surviving spouse for the taxable year  
23 preceding and the taxable year of the death, provided that,  
24 except for age, the surviving spouse meets all other  
25 qualifications for the granting of this exemption for those  
26 years.

1           When married persons maintain separate residences, the  
2 exemption provided for in this Section may be claimed by only  
3 one of such persons and for only one residence.

4           For taxable year 1994 only, in counties having less than  
5 3,000,000 inhabitants, to receive the exemption, a person shall  
6 submit an application by February 15, 1995 to the Chief County  
7 Assessment Officer of the county in which the property is  
8 located. In counties having 3,000,000 or more inhabitants, for  
9 taxable year 1994 and all subsequent taxable years, to receive  
10 the exemption, a person may submit an application to the Chief  
11 County Assessment Officer of the county in which the property  
12 is located during such period as may be specified by the Chief  
13 County Assessment Officer. The Chief County Assessment Officer  
14 in counties of 3,000,000 or more inhabitants shall annually  
15 give notice of the application period by mail or by  
16 publication. In counties having less than 3,000,000  
17 inhabitants, beginning with taxable year 1995 and thereafter,  
18 to receive the exemption, a person shall submit an application  
19 by July 1 of each taxable year to the Chief County Assessment  
20 Officer of the county in which the property is located. A  
21 county may, by ordinance, establish a date for submission of  
22 applications that is different than July 1. The applicant shall  
23 submit with the application an affidavit of the applicant's  
24 total household income, age, marital status (and if married the  
25 name and address of the applicant's spouse, if known), and  
26 principal dwelling place of members of the household on January

1 of the taxable year. The Department shall establish, by rule,  
2 a method for verifying the accuracy of affidavits filed by  
3 applicants under this Section, and the Chief County Assessment  
4 Officer may conduct audits of any taxpayer claiming an  
5 exemption under this Section to verify that the taxpayer is  
6 eligible to receive the exemption. Each application shall  
7 contain or be verified by a written declaration that it is made  
8 under the penalties of perjury. A taxpayer's signing a  
9 fraudulent application under this Act is perjury, as defined in  
10 Section 32-2 of the Criminal Code of 2012. The applications  
11 shall be clearly marked as applications for the Senior Citizens  
12 Assessment Freeze Homestead Exemption and must contain a notice  
13 that any taxpayer who receives the exemption is subject to an  
14 audit by the Chief County Assessment Officer.

15 Notwithstanding any other provision to the contrary, in  
16 counties having fewer than 3,000,000 inhabitants, if an  
17 applicant fails to file the application required by this  
18 Section in a timely manner and this failure to file is due to a  
19 mental or physical condition sufficiently severe so as to  
20 render the applicant incapable of filing the application in a  
21 timely manner, the Chief County Assessment Officer may extend  
22 the filing deadline for a period of 30 days after the applicant  
23 regains the capability to file the application, but in no case  
24 may the filing deadline be extended beyond 3 months of the  
25 original filing deadline. In order to receive the extension  
26 provided in this paragraph, the applicant shall provide the

1 Chief County Assessment Officer with a signed statement from  
2 the applicant's physician, advanced practice registered nurse,  
3 or physician assistant stating the nature and extent of the  
4 condition, that, in the physician's, advanced practice  
5 registered nurse's, or physician assistant's opinion, the  
6 condition was so severe that it rendered the applicant  
7 incapable of filing the application in a timely manner, and the  
8 date on which the applicant regained the capability to file the  
9 application.

10 Beginning January 1, 1998, notwithstanding any other  
11 provision to the contrary, in counties having fewer than  
12 3,000,000 inhabitants, if an applicant fails to file the  
13 application required by this Section in a timely manner and  
14 this failure to file is due to a mental or physical condition  
15 sufficiently severe so as to render the applicant incapable of  
16 filing the application in a timely manner, the Chief County  
17 Assessment Officer may extend the filing deadline for a period  
18 of 3 months. In order to receive the extension provided in this  
19 paragraph, the applicant shall provide the Chief County  
20 Assessment Officer with a signed statement from the applicant's  
21 physician, advanced practice registered nurse, or physician  
22 assistant stating the nature and extent of the condition, and  
23 that, in the physician's, advanced practice registered  
24 nurse's, or physician assistant's opinion, the condition was so  
25 severe that it rendered the applicant incapable of filing the  
26 application in a timely manner.



1           In counties having less than 3,000,000 inhabitants, if an  
2 applicant was denied an exemption in taxable year 1994 and the  
3 denial occurred due to an error on the part of an assessment  
4 official, or his or her agent or employee, then beginning in  
5 taxable year 1997 the applicant's base year, for purposes of  
6 determining the amount of the exemption, shall be 1993 rather  
7 than 1994. In addition, in taxable year 1997, the applicant's  
8 exemption shall also include an amount equal to (i) the amount  
9 of any exemption denied to the applicant in taxable year 1995  
10 as a result of using 1994, rather than 1993, as the base year,  
11 (ii) the amount of any exemption denied to the applicant in  
12 taxable year 1996 as a result of using 1994, rather than 1993,  
13 as the base year, and (iii) the amount of the exemption  
14 erroneously denied for taxable year 1994.

15           For purposes of this Section, a person who will be 65 years  
16 of age during the current taxable year shall be eligible to  
17 apply for the homestead exemption during that taxable year.  
18 Application shall be made during the application period in  
19 effect for the county of his or her residence.

20           The Chief County Assessment Officer may determine the  
21 eligibility of a life care facility that qualifies as a  
22 cooperative to receive the benefits provided by this Section by  
23 use of an affidavit, application, visual inspection,  
24 questionnaire, or other reasonable method in order to insure  
25 that the tax savings resulting from the exemption are credited  
26 by the management firm to the apportioned tax liability of each

1 qualifying resident. The Chief County Assessment Officer may  
2 request reasonable proof that the management firm has so  
3 credited that exemption.

4 Except as provided in this Section, all information  
5 received by the chief county assessment officer or the  
6 Department from applications filed under this Section, or from  
7 any investigation conducted under the provisions of this  
8 Section, shall be confidential, except for official purposes or  
9 pursuant to official procedures for collection of any State or  
10 local tax or enforcement of any civil or criminal penalty or  
11 sanction imposed by this Act or by any statute or ordinance  
12 imposing a State or local tax. Any person who divulges any such  
13 information in any manner, except in accordance with a proper  
14 judicial order, is guilty of a Class A misdemeanor.

15 Nothing contained in this Section shall prevent the  
16 Director or chief county assessment officer from publishing or  
17 making available reasonable statistics concerning the  
18 operation of the exemption contained in this Section in which  
19 the contents of claims are grouped into aggregates in such a  
20 way that information contained in any individual claim shall  
21 not be disclosed.

22 (d) Each Chief County Assessment Officer shall annually  
23 publish a notice of availability of the exemption provided  
24 under this Section. The notice shall be published at least 60  
25 days but no more than 75 days prior to the date on which the  
26 application must be submitted to the Chief County Assessment

1 Officer of the county in which the property is located. The  
2 notice shall appear in a newspaper of general circulation in  
3 the county.

4 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
5 no reimbursement by the State is required for the  
6 implementation of any mandate created by this Section.

7 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;  
8 99-180, eff. 7-29-15; 99-581, eff. 1-1-17; 99-642, eff.  
9 7-28-16.)

10 Section 75. The Counties Code is amended by changing  
11 Sections 3-14049, 3-15003.6, and 5-1069 as follows:

12 (55 ILCS 5/3-14049) (from Ch. 34, par. 3-14049)

13 Sec. 3-14049. Appointment of physicians and nurses for the  
14 poor and mentally ill persons. The appointment, employment and  
15 removal by the Board of Commissioners of Cook County of all  
16 physicians and surgeons, advanced practice registered nurses,  
17 physician assistants, and nurses for the care and treatment of  
18 the sick, poor, mentally ill or persons in need of mental  
19 treatment of said county shall be made only in conformity with  
20 rules prescribed by the County Civil Service Commission to  
21 accomplish the purposes of this Section.

22 The Board of Commissioners of Cook County may provide that  
23 all such physicians and surgeons who serve without compensation  
24 shall be appointed for a term to be fixed by the Board, and

1 that the physicians and surgeons usually designated and known  
2 as interns shall be appointed for a term to be fixed by the  
3 Board: Provided, that there may also, at the discretion of the  
4 board, be a consulting staff of physicians and surgeons, which  
5 staff may be appointed by the president, subject to the  
6 approval of the board, and provided further, that the Board may  
7 contract with any recognized training school or any program for  
8 health professionals for health care services of any or all of  
9 such sick or mentally ill or persons in need of mental  
10 treatment.

11 (Source: P.A. 99-581, eff. 1-1-17.)

12 (55 ILCS 5/3-15003.6)

13 Sec. 3-15003.6. Pregnant female prisoners.

14 (a) Definitions. For the purpose of this Section:

15 (1) "Restraints" means any physical restraint or  
16 mechanical device used to control the movement of a  
17 prisoner's body or limbs, or both, including, but not  
18 limited to, flex cuffs, soft restraints, hard metal  
19 handcuffs, a black box, Chubb cuffs, leg irons, belly  
20 chains, a security (tether) chain, or a convex shield, or  
21 shackles of any kind.

22 (2) "Labor" means the period of time before a birth and  
23 shall include any medical condition in which a woman is  
24 sent or brought to the hospital for the purpose of  
25 delivering her baby. These situations include: induction

1 of labor, prodromal labor, pre-term labor, prelabor  
2 rupture of membranes, the 3 stages of active labor, uterine  
3 hemorrhage during the third trimester of pregnancy, and  
4 caesarian delivery including pre-operative preparation.

5 (3) "Post-partum" means, as determined by her  
6 physician, advanced practice registered nurse, or  
7 physician assistant, the period immediately following  
8 delivery, including the entire period a woman is in the  
9 hospital or infirmary after birth.

10 (4) "Correctional institution" means any entity under  
11 the authority of a county law enforcement division of a  
12 county of more than 3,000,000 inhabitants that has the  
13 power to detain or restrain, or both, a person under the  
14 laws of the State.

15 (5) "Corrections official" means the official that is  
16 responsible for oversight of a correctional institution,  
17 or his or her designee.

18 (6) "Prisoner" means any person incarcerated or  
19 detained in any facility who is accused of, convicted of,  
20 sentenced for, or adjudicated delinquent for, violations  
21 of criminal law or the terms and conditions of parole,  
22 probation, pretrial release, or diversionary program, and  
23 any person detained under the immigration laws of the  
24 United States at any correctional facility.

25 (7) "Extraordinary circumstance" means an  
26 extraordinary medical or security circumstance, including

1 a substantial flight risk, that dictates restraints be used  
2 to ensure the safety and security of the prisoner, the  
3 staff of the correctional institution or medical facility,  
4 other prisoners, or the public.

5 (b) A county department of corrections shall not apply  
6 security restraints to a prisoner that has been determined by a  
7 qualified medical professional to be pregnant and is known by  
8 the county department of corrections to be pregnant or in  
9 postpartum recovery, which is the entire period a woman is in  
10 the medical facility after birth, unless the corrections  
11 official makes an individualized determination that the  
12 prisoner presents a substantial flight risk or some other  
13 extraordinary circumstance that dictates security restraints  
14 be used to ensure the safety and security of the prisoner, her  
15 child or unborn child, the staff of the county department of  
16 corrections or medical facility, other prisoners, or the  
17 public. The protections set out in clauses (b) (3) and (b) (4) of  
18 this Section shall apply to security restraints used pursuant  
19 to this subsection. The corrections official shall immediately  
20 remove all restraints upon the written or oral request of  
21 medical personnel. Oral requests made by medical personnel  
22 shall be verified in writing as promptly as reasonably  
23 possible.

24 (1) Qualified authorized health staff shall have the  
25 authority to order therapeutic restraints for a pregnant or  
26 postpartum prisoner who is a danger to herself, her child,

1       unborn child, or other persons due to a psychiatric or  
2       medical disorder. Therapeutic restraints may only be  
3       initiated, monitored and discontinued by qualified and  
4       authorized health staff and used to safely limit a  
5       prisoner's mobility for psychiatric or medical reasons. No  
6       order for therapeutic restraints shall be written unless  
7       medical or mental health personnel, after personally  
8       observing and examining the prisoner, are clinically  
9       satisfied that the use of therapeutic restraints is  
10      justified and permitted in accordance with hospital  
11      policies and applicable State law. Metal handcuffs or  
12      shackles are not considered therapeutic restraints.

13           (2) Whenever therapeutic restraints are used by  
14      medical personnel, Section 2-108 of the Mental Health and  
15      Developmental Disabilities Code shall apply.

16           (3) Leg irons, shackles or waist shackles shall not be  
17      used on any pregnant or postpartum prisoner regardless of  
18      security classification. Except for therapeutic restraints  
19      under clause (b)(2), no restraints of any kind may be  
20      applied to prisoners during labor.

21           (4) When a pregnant or postpartum prisoner must be  
22      restrained, restraints used shall be the least restrictive  
23      restraints possible to ensure the safety and security of  
24      the prisoner, her child, unborn child, the staff of the  
25      county department of corrections or medical facility,  
26      other prisoners, or the public, and in no case shall

1 include leg irons, shackles or waist shackles.

2 (5) Upon the pregnant prisoner's entry into a hospital  
3 room, and completion of initial room inspection, a  
4 corrections official shall be posted immediately outside  
5 the hospital room, unless requested to be in the room by  
6 medical personnel attending to the prisoner's medical  
7 needs.

8 (6) The county department of corrections shall provide  
9 adequate corrections personnel to monitor the pregnant  
10 prisoner during her transport to and from the hospital and  
11 during her stay at the hospital.

12 (7) Where the county department of corrections  
13 requires prisoner safety assessments, a corrections  
14 official may enter the hospital room to conduct periodic  
15 prisoner safety assessments, except during a medical  
16 examination or the delivery process.

17 (8) Upon discharge from a medical facility, postpartum  
18 prisoners shall be restrained only with handcuffs in front  
19 of the body during transport to the county department of  
20 corrections. A corrections official shall immediately  
21 remove all security restraints upon written or oral request  
22 by medical personnel. Oral requests made by medical  
23 personnel shall be verified in writing as promptly as  
24 reasonably possible.

25 (c) Enforcement. No later than 30 days before the end of  
26 each fiscal year, the county sheriff or corrections official of



1 the correctional institution where a pregnant prisoner has been  
2 restrained during that previous fiscal year, shall submit a  
3 written report to the Illinois General Assembly and the Office  
4 of the Governor that includes an account of every instance of  
5 prisoner restraint pursuant to this Section. The written report  
6 shall state the date, time, location and rationale for each  
7 instance in which restraints are used. The written report shall  
8 not contain any individually identifying information of any  
9 prisoner. Such reports shall be made available for public  
10 inspection.

11 (Source: P.A. 99-581, eff. 1-1-17.)

12 (55 ILCS 5/5-1069) (from Ch. 34, par. 5-1069)

13 Sec. 5-1069. Group life, health, accident, hospital, and  
14 medical insurance.

15 (a) The county board of any county may arrange to provide,  
16 for the benefit of employees of the county, group life, health,  
17 accident, hospital, and medical insurance, or any one or any  
18 combination of those types of insurance, or the county board  
19 may self-insure, for the benefit of its employees, all or a  
20 portion of the employees' group life, health, accident,  
21 hospital, and medical insurance, or any one or any combination  
22 of those types of insurance, including a combination of  
23 self-insurance and other types of insurance authorized by this  
24 Section, provided that the county board complies with all other  
25 requirements of this Section. The insurance may include

1 provision for employees who rely on treatment by prayer or  
2 spiritual means alone for healing in accordance with the tenets  
3 and practice of a well recognized religious denomination. The  
4 county board may provide for payment by the county of a portion  
5 or all of the premium or charge for the insurance with the  
6 employee paying the balance of the premium or charge, if any.  
7 If the county board undertakes a plan under which the county  
8 pays only a portion of the premium or charge, the county board  
9 shall provide for withholding and deducting from the  
10 compensation of those employees who consent to join the plan  
11 the balance of the premium or charge for the insurance.

12 (b) If the county board does not provide for self-insurance  
13 or for a plan under which the county pays a portion or all of  
14 the premium or charge for a group insurance plan, the county  
15 board may provide for withholding and deducting from the  
16 compensation of those employees who consent thereto the total  
17 premium or charge for any group life, health, accident,  
18 hospital, and medical insurance.

19 (c) The county board may exercise the powers granted in  
20 this Section only if it provides for self-insurance or, where  
21 it makes arrangements to provide group insurance through an  
22 insurance carrier, if the kinds of group insurance are obtained  
23 from an insurance company authorized to do business in the  
24 State of Illinois. The county board may enact an ordinance  
25 prescribing the method of operation of the insurance program.

26 (d) If a county, including a home rule county, is a

1 self-insurer for purposes of providing health insurance  
2 coverage for its employees, the insurance coverage shall  
3 include screening by low-dose mammography for all women 35  
4 years of age or older for the presence of occult breast cancer  
5 unless the county elects to provide mammograms itself under  
6 Section 5-1069.1. The coverage shall be as follows:

7 (1) A baseline mammogram for women 35 to 39 years of  
8 age.

9 (2) An annual mammogram for women 40 years of age or  
10 older.

11 (3) A mammogram at the age and intervals considered  
12 medically necessary by the woman's health care provider for  
13 women under 40 years of age and having a family history of  
14 breast cancer, prior personal history of breast cancer,  
15 positive genetic testing, or other risk factors.

16 (4) A comprehensive ultrasound screening of an entire  
17 breast or breasts if a mammogram demonstrates  
18 heterogeneous or dense breast tissue, when medically  
19 necessary as determined by a physician licensed to practice  
20 medicine in all of its branches, advanced practice  
21 registered nurse, or physician assistant.

22 For purposes of this subsection, "low-dose mammography"  
23 means the x-ray examination of the breast using equipment  
24 dedicated specifically for mammography, including the x-ray  
25 tube, filter, compression device, and image receptor, with an  
26 average radiation exposure delivery of less than one rad per

1 breast for 2 views of an average size breast. The term also  
2 includes digital mammography.

3 (d-5) Coverage as described by subsection (d) shall be  
4 provided at no cost to the insured and shall not be applied to  
5 an annual or lifetime maximum benefit.

6 (d-10) When health care services are available through  
7 contracted providers and a person does not comply with plan  
8 provisions specific to the use of contracted providers, the  
9 requirements of subsection (d-5) are not applicable. When a  
10 person does not comply with plan provisions specific to the use  
11 of contracted providers, plan provisions specific to the use of  
12 non-contracted providers must be applied without distinction  
13 for coverage required by this Section and shall be at least as  
14 favorable as for other radiological examinations covered by the  
15 policy or contract.

16 (d-15) If a county, including a home rule county, is a  
17 self-insurer for purposes of providing health insurance  
18 coverage for its employees, the insurance coverage shall  
19 include mastectomy coverage, which includes coverage for  
20 prosthetic devices or reconstructive surgery incident to the  
21 mastectomy. Coverage for breast reconstruction in connection  
22 with a mastectomy shall include:

23 (1) reconstruction of the breast upon which the  
24 mastectomy has been performed;

25 (2) surgery and reconstruction of the other breast to  
26 produce a symmetrical appearance; and

1           (3)    prostheses    and    treatment    for    physical  
2            complications at all stages of mastectomy, including  
3            lymphedemas.

4    Care shall be determined in consultation with the attending  
5    physician and the patient. The offered coverage for prosthetic  
6    devices and reconstructive surgery shall be subject to the  
7    deductible and coinsurance conditions applied to the  
8    mastectomy, and all other terms and conditions applicable to  
9    other benefits. When a mastectomy is performed and there is no  
10   evidence of malignancy then the offered coverage may be limited  
11   to the provision of prosthetic devices and reconstructive  
12   surgery to within 2 years after the date of the mastectomy. As  
13   used in this Section, "mastectomy" means the removal of all or  
14   part of the breast for medically necessary reasons, as  
15   determined by a licensed physician.

16        A county, including a home rule county, that is a  
17   self-insurer for purposes of providing health insurance  
18   coverage for its employees, may not penalize or reduce or limit  
19   the reimbursement of an attending provider or provide  
20   incentives (monetary or otherwise) to an attending provider to  
21   induce the provider to provide care to an insured in a manner  
22   inconsistent with this Section.

23        (d-20) The requirement that mammograms be included in  
24   health insurance coverage as provided in subsections (d)  
25   through (d-15) is an exclusive power and function of the State  
26   and is a denial and limitation under Article VII, Section 6,

1 subsection (h) of the Illinois Constitution of home rule county  
2 powers. A home rule county to which subsections (d) through  
3 (d-15) apply must comply with every provision of those  
4 subsections.

5 (e) The term "employees" as used in this Section includes  
6 elected or appointed officials but does not include temporary  
7 employees.

8 (f) The county board may, by ordinance, arrange to provide  
9 group life, health, accident, hospital, and medical insurance,  
10 or any one or a combination of those types of insurance, under  
11 this Section to retired former employees and retired former  
12 elected or appointed officials of the county.

13 (g) Rulemaking authority to implement this amendatory Act  
14 of the 95th General Assembly, if any, is conditioned on the  
15 rules being adopted in accordance with all provisions of the  
16 Illinois Administrative Procedure Act and all rules and  
17 procedures of the Joint Committee on Administrative Rules; any  
18 purported rule not so adopted, for whatever reason, is  
19 unauthorized.

20 (Source: P.A. 99-581, eff. 1-1-17.)

21 Section 80. The Illinois Municipal Code is amended by  
22 changing Sections 10-1-38.1 and 10-2.1-18 as follows:

23 (65 ILCS 5/10-1-38.1) (from Ch. 24, par. 10-1-38.1)

24 Sec. 10-1-38.1. When the force of the Fire Department or of

1 the Police Department is reduced, and positions displaced or  
2 abolished, seniority shall prevail, and the officers and  
3 members so reduced in rank, or removed from the service of the  
4 Fire Department or of the Police Department shall be considered  
5 furloughed without pay from the positions from which they were  
6 reduced or removed.

7 Such reductions and removals shall be in strict compliance  
8 with seniority and in no event shall any officer or member be  
9 reduced more than one rank in a reduction of force. Officers  
10 and members with the least seniority in the position to be  
11 reduced shall be reduced to the next lower rated position. For  
12 purposes of determining which officers and members will be  
13 reduced in rank, seniority shall be determined by adding the  
14 time spent at the rank or position from which the officer or  
15 member is to be reduced and the time spent at any higher rank  
16 or position in the Department. For purposes of determining  
17 which officers or members in the lowest rank or position shall  
18 be removed from the Department in the event of a layoff, length  
19 of service in the Department shall be the basis for determining  
20 seniority, with the least senior such officer or member being  
21 the first so removed and laid off. Such officers or members  
22 laid off shall have their names placed on an appropriate  
23 reemployment list in the reverse order of dates of layoff.

24 If any positions which have been vacated because of  
25 reduction in forces or displacement and abolition of positions,  
26 are reinstated, such members and officers of the Fire

1 Department or of the Police Department as are furloughed from  
2 the said positions shall be notified by registered mail of such  
3 reinstatement of positions and shall have prior right to such  
4 positions if otherwise qualified, and in all cases seniority  
5 shall prevail. Written application for such reinstated  
6 position must be made by the furloughed person within 30 days  
7 after notification as above provided and such person may be  
8 required to submit to examination by physicians, advanced  
9 practice registered nurses, or physician assistants of both the  
10 commission and the appropriate pension board to determine his  
11 physical fitness.

12 (Source: P.A. 99-581, eff. 1-1-17.)

13 (65 ILCS 5/10-2.1-18) (from Ch. 24, par. 10-2.1-18)

14 Sec. 10-2.1-18. Fire or police departments - Reduction of  
15 force - Reinstatement. When the force of the fire department or  
16 of the police department is reduced, and positions displaced or  
17 abolished, seniority shall prevail and the officers and members  
18 so reduced in rank, or removed from the service of the fire  
19 department or of the police department shall be considered  
20 furloughed without pay from the positions from which they were  
21 reduced or removed.

22 Such reductions and removals shall be in strict compliance  
23 with seniority and in no event shall any officer or member be  
24 reduced more than one rank in a reduction of force. Officers  
25 and members with the least seniority in the position to be



1 reduced shall be reduced to the next lower rated position. For  
2 purposes of determining which officers and members will be  
3 reduced in rank, seniority shall be determined by adding the  
4 time spent at the rank or position from which the officer or  
5 member is to be reduced and the time spent at any higher rank  
6 or position in the Department. For purposes of determining  
7 which officers or members in the lowest rank or position shall  
8 be removed from the Department in the event of a layoff, length  
9 of service in the Department shall be the basis for determining  
10 seniority, with the least senior such officer or member being  
11 the first so removed and laid off. Such officers or members  
12 laid off shall have their names placed on an appropriate  
13 reemployment list in the reverse order of dates of layoff.

14 If any positions which have been vacated because of  
15 reduction in forces or displacement and abolition of positions,  
16 are reinstated, such members and officers of the fire  
17 department or of the police department as are furloughed from  
18 the said positions shall be notified by the board by registered  
19 mail of such reinstatement of positions and shall have prior  
20 right to such positions if otherwise qualified, and in all  
21 cases seniority shall prevail. Written application for such  
22 reinstated position must be made by the furloughed person  
23 within 30 days after notification as above provided and such  
24 person may be required to submit to examination by physicians,  
25 advanced practice registered nurses, or physician assistants  
26 of both the board of fire and police commissioners and the

1 appropriate pension board to determine his physical fitness.

2 (Source: P.A. 99-581, eff. 1-1-17.)

3 Section 85. The School Code is amended by changing Sections  
4 22-30, 22-80, 24-5, 24-6, 26-1, and 27-8.1 as follows:

5 (105 ILCS 5/22-30)

6 Sec. 22-30. Self-administration and self-carry of asthma  
7 medication and epinephrine auto-injectors; administration of  
8 undesignated epinephrine auto-injectors; administration of an  
9 opioid antagonist; asthma episode emergency response protocol.

10 (a) For the purpose of this Section only, the following  
11 terms shall have the meanings set forth below:

12 "Asthma action plan" means a written plan developed with a  
13 pupil's medical provider to help control the pupil's asthma.  
14 The goal of an asthma action plan is to reduce or prevent  
15 flare-ups and emergency department visits through day-to-day  
16 management and to serve as a student-specific document to be  
17 referenced in the event of an asthma episode.

18 "Asthma episode emergency response protocol" means a  
19 procedure to provide assistance to a pupil experiencing  
20 symptoms of wheezing, coughing, shortness of breath, chest  
21 tightness, or breathing difficulty.

22 "Asthma inhaler" means a quick reliever asthma inhaler.

23 "Epinephrine auto-injector" means a single-use device used  
24 for the automatic injection of a pre-measured dose of

1 epinephrine into the human body.

2 "Asthma medication" means a medicine, prescribed by (i) a  
3 physician licensed to practice medicine in all its branches,  
4 (ii) a licensed physician assistant with prescriptive  
5 authority, or (iii) a licensed advanced practice registered  
6 nurse with prescriptive authority for a pupil that pertains to  
7 the pupil's asthma and that has an individual prescription  
8 label.

9 "Opioid antagonist" means a drug that binds to opioid  
10 receptors and blocks or inhibits the effect of opioids acting  
11 on those receptors, including, but not limited to, naloxone  
12 hydrochloride or any other similarly acting drug approved by  
13 the U.S. Food and Drug Administration.

14 "School nurse" means a registered nurse working in a school  
15 with or without licensure endorsed in school nursing.

16 "Self-administration" means a pupil's discretionary use of  
17 his or her prescribed asthma medication or epinephrine  
18 auto-injector.

19 "Self-carry" means a pupil's ability to carry his or her  
20 prescribed asthma medication or epinephrine auto-injector.

21 "Standing protocol" may be issued by (i) a physician  
22 licensed to practice medicine in all its branches, (ii) a  
23 licensed physician assistant with prescriptive authority, or  
24 (iii) a licensed advanced practice registered nurse with  
25 prescriptive authority.

26 "Trained personnel" means any school employee or volunteer

1 personnel authorized in Sections 10-22.34, 10-22.34a, and  
2 10-22.34b of this Code who has completed training under  
3 subsection (g) of this Section to recognize and respond to  
4 anaphylaxis.

5 "Undesignated epinephrine auto-injector" means an  
6 epinephrine auto-injector prescribed in the name of a school  
7 district, public school, or nonpublic school.

8 (b) A school, whether public or nonpublic, must permit the  
9 self-administration and self-carry of asthma medication by a  
10 pupil with asthma or the self-administration and self-carry of  
11 an epinephrine auto-injector by a pupil, provided that:

12 (1) the parents or guardians of the pupil provide to  
13 the school (i) written authorization from the parents or  
14 guardians for (A) the self-administration and self-carry  
15 of asthma medication or (B) the self-carry of asthma  
16 medication or (ii) for (A) the self-administration and  
17 self-carry of an epinephrine auto-injector or (B) the  
18 self-carry of an epinephrine auto-injector, written  
19 authorization from the pupil's physician, physician  
20 assistant, or advanced practice registered nurse; and

21 (2) the parents or guardians of the pupil provide to  
22 the school (i) the prescription label, which must contain  
23 the name of the asthma medication, the prescribed dosage,  
24 and the time at which or circumstances under which the  
25 asthma medication is to be administered, or (ii) for the  
26 self-administration or self-carry of an epinephrine

1 auto-injector, a written statement from the pupil's  
2 physician, physician assistant, or advanced practice  
3 registered nurse containing the following information:

4 (A) the name and purpose of the epinephrine  
5 auto-injector;

6 (B) the prescribed dosage; and

7 (C) the time or times at which or the special  
8 circumstances under which the epinephrine  
9 auto-injector is to be administered.

10 The information provided shall be kept on file in the office of  
11 the school nurse or, in the absence of a school nurse, the  
12 school's administrator.

13 (b-5) A school district, public school, or nonpublic school  
14 may authorize the provision of a student-specific or  
15 undesignated epinephrine auto-injector to a student or any  
16 personnel authorized under a student's Individual Health Care  
17 Action Plan, Illinois Food Allergy Emergency Action Plan and  
18 Treatment Authorization Form, or plan pursuant to Section 504  
19 of the federal Rehabilitation Act of 1973 to administer an  
20 epinephrine auto-injector to the student, that meets the  
21 student's prescription on file.

22 (b-10) The school district, public school, or nonpublic  
23 school may authorize a school nurse or trained personnel to do  
24 the following: (i) provide an undesignated epinephrine  
25 auto-injector to a student for self-administration only or any  
26 personnel authorized under a student's Individual Health Care

1 Action Plan, Illinois Food Allergy Emergency Action Plan and  
2 Treatment Authorization Form, or plan pursuant to Section 504  
3 of the federal Rehabilitation Act of 1973 to administer to the  
4 student, that meets the student's prescription on file; (ii)  
5 administer an undesignated epinephrine auto-injector that  
6 meets the prescription on file to any student who has an  
7 Individual Health Care Action Plan, Illinois Food Allergy  
8 Emergency Action Plan and Treatment Authorization Form, or plan  
9 pursuant to Section 504 of the federal Rehabilitation Act of  
10 1973 that authorizes the use of an epinephrine auto-injector;  
11 (iii) administer an undesignated epinephrine auto-injector to  
12 any person that the school nurse or trained personnel in good  
13 faith believes is having an anaphylactic reaction; and (iv)  
14 administer an opioid antagonist to any person that the school  
15 nurse or trained personnel in good faith believes is having an  
16 opioid overdose.

17 (c) The school district, public school, or nonpublic school  
18 must inform the parents or guardians of the pupil, in writing,  
19 that the school district, public school, or nonpublic school  
20 and its employees and agents, including a physician, physician  
21 assistant, or advanced practice registered nurse providing  
22 standing protocol or prescription for school epinephrine  
23 auto-injectors, are to incur no liability or professional  
24 discipline, except for willful and wanton conduct, as a result  
25 of any injury arising from the administration of asthma  
26 medication, an epinephrine auto-injector, or an opioid

1 antagonist regardless of whether authorization was given by the  
2 pupil's parents or guardians or by the pupil's physician,  
3 physician assistant, or advanced practice registered nurse.  
4 The parents or guardians of the pupil must sign a statement  
5 acknowledging that the school district, public school, or  
6 nonpublic school and its employees and agents are to incur no  
7 liability, except for willful and wanton conduct, as a result  
8 of any injury arising from the administration of asthma  
9 medication, an epinephrine auto-injector, or an opioid  
10 antagonist regardless of whether authorization was given by the  
11 pupil's parents or guardians or by the pupil's physician,  
12 physician assistant, or advanced practice registered nurse and  
13 that the parents or guardians must indemnify and hold harmless  
14 the school district, public school, or nonpublic school and its  
15 employees and agents against any claims, except a claim based  
16 on willful and wanton conduct, arising out of the  
17 administration of asthma medication, an epinephrine  
18 auto-injector, or an opioid antagonist regardless of whether  
19 authorization was given by the pupil's parents or guardians or  
20 by the pupil's physician, physician assistant, or advanced  
21 practice registered nurse.

22 (c-5) When a school nurse or trained personnel administers  
23 an undesignated epinephrine auto-injector to a person whom the  
24 school nurse or trained personnel in good faith believes is  
25 having an anaphylactic reaction or administers an opioid  
26 antagonist to a person whom the school nurse or trained

1 personnel in good faith believes is having an opioid overdose,  
2 notwithstanding the lack of notice to the parents or guardians  
3 of the pupil or the absence of the parents or guardians signed  
4 statement acknowledging no liability, except for willful and  
5 wanton conduct, the school district, public school, or  
6 nonpublic school and its employees and agents, and a physician,  
7 a physician assistant, or an advanced practice registered nurse  
8 providing standing protocol or prescription for undesignated  
9 epinephrine auto-injectors, are to incur no liability or  
10 professional discipline, except for willful and wanton  
11 conduct, as a result of any injury arising from the use of an  
12 undesignated epinephrine auto-injector or the use of an opioid  
13 antagonist regardless of whether authorization was given by the  
14 pupil's parents or guardians or by the pupil's physician,  
15 physician assistant, or advanced practice registered nurse.

16 (d) The permission for self-administration and self-carry  
17 of asthma medication or the self-administration and self-carry  
18 of an epinephrine auto-injector is effective for the school  
19 year for which it is granted and shall be renewed each  
20 subsequent school year upon fulfillment of the requirements of  
21 this Section.

22 (e) Provided that the requirements of this Section are  
23 fulfilled, a pupil with asthma may self-administer and  
24 self-carry his or her asthma medication or a pupil may  
25 self-administer and self-carry an epinephrine auto-injector  
26 (i) while in school, (ii) while at a school-sponsored activity,



1 (iii) while under the supervision of school personnel, or (iv)  
2 before or after normal school activities, such as while in  
3 before-school or after-school care on school-operated property  
4 or while being transported on a school bus.

5 (e-5) Provided that the requirements of this Section are  
6 fulfilled, a school nurse or trained personnel may administer  
7 an undesignated epinephrine auto-injector to any person whom  
8 the school nurse or trained personnel in good faith believes to  
9 be having an anaphylactic reaction (i) while in school, (ii)  
10 while at a school-sponsored activity, (iii) while under the  
11 supervision of school personnel, or (iv) before or after normal  
12 school activities, such as while in before-school or  
13 after-school care on school-operated property or while being  
14 transported on a school bus. A school nurse or trained  
15 personnel may carry undesignated epinephrine auto-injectors on  
16 his or her person while in school or at a school-sponsored  
17 activity.

18 (e-10) Provided that the requirements of this Section are  
19 fulfilled, a school nurse or trained personnel may administer  
20 an opioid antagonist to any person whom the school nurse or  
21 trained personnel in good faith believes to be having an opioid  
22 overdose (i) while in school, (ii) while at a school-sponsored  
23 activity, (iii) while under the supervision of school  
24 personnel, or (iv) before or after normal school activities,  
25 such as while in before-school or after-school care on  
26 school-operated property. A school nurse or trained personnel

1 may carry an opioid antagonist on their person while in school  
2 or at a school-sponsored activity.

3 (f) The school district, public school, or nonpublic school  
4 may maintain a supply of undesignated epinephrine  
5 auto-injectors in any secure location that is accessible  
6 before, during, and after school where an allergic person is  
7 most at risk, including, but not limited to, classrooms and  
8 lunchrooms. A physician, a physician assistant who has been  
9 delegated prescriptive authority in accordance with Section  
10 7.5 of the Physician Assistant Practice Act of 1987, or an  
11 advanced practice registered nurse who has been delegated  
12 prescriptive authority in accordance with Section 65-40 of the  
13 Nurse Practice Act may prescribe undesignated epinephrine  
14 auto-injectors in the name of the school district, public  
15 school, or nonpublic school to be maintained for use when  
16 necessary. Any supply of epinephrine auto-injectors shall be  
17 maintained in accordance with the manufacturer's instructions.

18 The school district, public school, or nonpublic school may  
19 maintain a supply of an opioid antagonist in any secure  
20 location where an individual may have an opioid overdose. A  
21 health care professional who has been delegated prescriptive  
22 authority for opioid antagonists in accordance with Section  
23 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act  
24 may prescribe opioid antagonists in the name of the school  
25 district, public school, or nonpublic school, to be maintained  
26 for use when necessary. Any supply of opioid antagonists shall

1 be maintained in accordance with the manufacturer's  
2 instructions.

3 (f-3) Whichever entity initiates the process of obtaining  
4 undesignated epinephrine auto-injectors and providing training  
5 to personnel for carrying and administering undesignated  
6 epinephrine auto-injectors shall pay for the costs of the  
7 undesignated epinephrine auto-injectors.

8 (f-5) Upon any administration of an epinephrine  
9 auto-injector, a school district, public school, or nonpublic  
10 school must immediately activate the EMS system and notify the  
11 student's parent, guardian, or emergency contact, if known.

12 Upon any administration of an opioid antagonist, a school  
13 district, public school, or nonpublic school must immediately  
14 activate the EMS system and notify the student's parent,  
15 guardian, or emergency contact, if known.

16 (f-10) Within 24 hours of the administration of an  
17 undesignated epinephrine auto-injector, a school district,  
18 public school, or nonpublic school must notify the physician,  
19 physician assistant, or advanced practice registered nurse who  
20 provided the standing protocol or prescription for the  
21 undesignated epinephrine auto-injector of its use.

22 Within 24 hours after the administration of an opioid  
23 antagonist, a school district, public school, or nonpublic  
24 school must notify the health care professional who provided  
25 the prescription for the opioid antagonist of its use.

26 (g) Prior to the administration of an undesignated

1 epinephrine auto-injector, trained personnel must submit to  
2 their school's administration proof of completion of a training  
3 curriculum to recognize and respond to anaphylaxis that meets  
4 the requirements of subsection (h) of this Section. Training  
5 must be completed annually. ~~their~~ The school district, public  
6 school, or nonpublic school must maintain records related to  
7 the training curriculum and trained personnel.

8 Prior to the administration of an opioid antagonist,  
9 trained personnel must submit to their school's administration  
10 proof of completion of a training curriculum to recognize and  
11 respond to an opioid overdose, which curriculum must meet the  
12 requirements of subsection (h-5) of this Section. Training must  
13 be completed annually. Trained personnel must also submit to  
14 the school's administration proof of cardiopulmonary  
15 resuscitation and automated external defibrillator  
16 certification. The school district, public school, or  
17 nonpublic school must maintain records relating to the training  
18 curriculum and the trained personnel.

19 (h) A training curriculum to recognize and respond to  
20 anaphylaxis, including the administration of an undesignated  
21 epinephrine auto-injector, may be conducted online or in  
22 person.

23 Training shall include, but is not limited to:

24 (1) how to recognize signs and symptoms of an allergic  
25 reaction, including anaphylaxis;

26 (2) how to administer an epinephrine auto-injector;

1 and

2 (3) a test demonstrating competency of the knowledge  
3 required to recognize anaphylaxis and administer an  
4 epinephrine auto-injector.

5 Training may also include, but is not limited to:

6 (A) a review of high-risk areas within a school and its  
7 related facilities;

8 (B) steps to take to prevent exposure to allergens;

9 (C) emergency follow-up procedures;

10 (D) how to respond to a student with a known allergy,  
11 as well as a student with a previously unknown allergy; and

12 (E) other criteria as determined in rules adopted  
13 pursuant to this Section.

14 In consultation with statewide professional organizations  
15 representing physicians licensed to practice medicine in all of  
16 its branches, registered nurses, and school nurses, the State  
17 Board of Education shall make available resource materials  
18 consistent with criteria in this subsection (h) for educating  
19 trained personnel to recognize and respond to anaphylaxis. The  
20 State Board may take into consideration the curriculum on this  
21 subject developed by other states, as well as any other  
22 curricular materials suggested by medical experts and other  
23 groups that work on life-threatening allergy issues. The State  
24 Board is not required to create new resource materials. The  
25 State Board shall make these resource materials available on  
26 its Internet website.

1 (h-5) A training curriculum to recognize and respond to an  
2 opioid overdose, including the administration of an opioid  
3 antagonist, may be conducted online or in person. The training  
4 must comply with any training requirements under Section 5-23  
5 of the Alcoholism and Other Drug Abuse and Dependency Act and  
6 the corresponding rules. It must include, but is not limited  
7 to:

8 (1) how to recognize symptoms of an opioid overdose;

9 (2) information on drug overdose prevention and  
10 recognition;

11 (3) how to perform rescue breathing and resuscitation;

12 (4) how to respond to an emergency involving an opioid  
13 overdose;

14 (5) opioid antagonist dosage and administration;

15 (6) the importance of calling 911;

16 (7) care for the overdose victim after administration  
17 of the overdose antagonist;

18 (8) a test demonstrating competency of the knowledge  
19 required to recognize an opioid overdose and administer a  
20 dose of an opioid antagonist; and

21 (9) other criteria as determined in rules adopted  
22 pursuant to this Section.

23 (i) Within 3 days after the administration of an  
24 undesignated epinephrine auto-injector by a school nurse,  
25 trained personnel, or a student at a school or school-sponsored  
26 activity, the school must report to the State Board of

1 Education in a form and manner prescribed by the State Board  
2 the following information:

3 (1) age and type of person receiving epinephrine  
4 (student, staff, visitor);

5 (2) any previously known diagnosis of a severe allergy;

6 (3) trigger that precipitated allergic episode;

7 (4) location where symptoms developed;

8 (5) number of doses administered;

9 (6) type of person administering epinephrine (school  
10 nurse, trained personnel, student); and

11 (7) any other information required by the State Board.

12 If a school district, public school, or nonpublic school  
13 maintains or has an independent contractor providing  
14 transportation to students who maintains a supply of  
15 undesignated epinephrine auto-injectors, then the school  
16 district, public school, or nonpublic school must report that  
17 information to the State Board of Education upon adoption or  
18 change of the policy of the school district, public school,  
19 nonpublic school, or independent contractor, in a manner as  
20 prescribed by the State Board. The report must include the  
21 number of undesignated epinephrine auto-injectors in supply.

22 (i-5) Within 3 days after the administration of an opioid  
23 antagonist by a school nurse or trained personnel, the school  
24 must report to the State Board of Education, in a form and  
25 manner prescribed by the State Board, the following  
26 information:

1           (1) the age and type of person receiving the opioid  
2 antagonist (student, staff, or visitor);

3           (2) the location where symptoms developed;

4           (3) the type of person administering the opioid  
5 antagonist (school nurse or trained personnel); and

6           (4) any other information required by the State Board.

7           (j) By October 1, 2015 and every year thereafter, the State  
8 Board of Education shall submit a report to the General  
9 Assembly identifying the frequency and circumstances of  
10 epinephrine administration during the preceding academic year.  
11 Beginning with the 2017 report, the report shall also contain  
12 information on which school districts, public schools, and  
13 nonpublic schools maintain or have independent contractors  
14 providing transportation to students who maintain a supply of  
15 undesignated epinephrine auto-injectors. This report shall be  
16 published on the State Board's Internet website on the date the  
17 report is delivered to the General Assembly.

18           (j-5) Annually, each school district, public school,  
19 charter school, or nonpublic school shall request an asthma  
20 action plan from the parents or guardians of a pupil with  
21 asthma. If provided, the asthma action plan must be kept on  
22 file in the office of the school nurse or, in the absence of a  
23 school nurse, the school administrator. Copies of the asthma  
24 action plan may be distributed to appropriate school staff who  
25 interact with the pupil on a regular basis, and, if applicable,  
26 may be attached to the pupil's federal Section 504 plan or



1 individualized education program plan.

2 (j-10) To assist schools with emergency response  
3 procedures for asthma, the State Board of Education, in  
4 consultation with statewide professional organizations with  
5 expertise in asthma management and a statewide organization  
6 representing school administrators, shall develop a model  
7 asthma episode emergency response protocol before September 1,  
8 2016. Each school district, charter school, and nonpublic  
9 school shall adopt an asthma episode emergency response  
10 protocol before January 1, 2017 that includes all of the  
11 components of the State Board's model protocol.

12 (j-15) Every 2 years, school personnel who work with pupils  
13 shall complete an in-person or online training program on the  
14 management of asthma, the prevention of asthma symptoms, and  
15 emergency response in the school setting. In consultation with  
16 statewide professional organizations with expertise in asthma  
17 management, the State Board of Education shall make available  
18 resource materials for educating school personnel about asthma  
19 and emergency response in the school setting.

20 (j-20) On or before October 1, 2016 and every year  
21 thereafter, the State Board of Education shall submit a report  
22 to the General Assembly and the Department of Public Health  
23 identifying the frequency and circumstances of opioid  
24 antagonist administration during the preceding academic year.  
25 This report shall be published on the State Board's Internet  
26 website on the date the report is delivered to the General

1 Assembly.

2 (k) The State Board of Education may adopt rules necessary  
3 to implement this Section.

4 (l) Nothing in this Section shall limit the amount of  
5 epinephrine auto-injectors that any type of school or student  
6 may carry or maintain a supply of.

7 (Source: P.A. 98-795, eff. 8-1-14; 99-173, eff. 7-29-15;  
8 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 99-711, eff. 1-1-17;  
9 99-843, eff. 8-19-16; revised 9-8-16.)

10 (105 ILCS 5/22-80)

11 Sec. 22-80. Student athletes; concussions and head  
12 injuries.

13 (a) The General Assembly recognizes all of the following:

14 (1) Concussions are one of the most commonly reported  
15 injuries in children and adolescents who participate in  
16 sports and recreational activities. The Centers for  
17 Disease Control and Prevention estimates that as many as  
18 3,900,000 sports-related and recreation-related  
19 concussions occur in the United States each year. A  
20 concussion is caused by a blow or motion to the head or  
21 body that causes the brain to move rapidly inside the  
22 skull. The risk of catastrophic injuries or death are  
23 significant when a concussion or head injury is not  
24 properly evaluated and managed.

25 (2) Concussions are a type of brain injury that can

1 range from mild to severe and can disrupt the way the brain  
2 normally works. Concussions can occur in any organized or  
3 unorganized sport or recreational activity and can result  
4 from a fall or from players colliding with each other, the  
5 ground, or with obstacles. Concussions occur with or  
6 without loss of consciousness, but the vast majority of  
7 concussions occur without loss of consciousness.

8 (3) Continuing to play with a concussion or symptoms of  
9 a head injury leaves a young athlete especially vulnerable  
10 to greater injury and even death. The General Assembly  
11 recognizes that, despite having generally recognized  
12 return-to-play standards for concussions and head  
13 injuries, some affected youth athletes are prematurely  
14 returned to play, resulting in actual or potential physical  
15 injury or death to youth athletes in this State.

16 (4) Student athletes who have sustained a concussion  
17 may need informal or formal accommodations, modifications  
18 of curriculum, and monitoring by medical or academic staff  
19 until the student is fully recovered. To that end, all  
20 schools are encouraged to establish a return-to-learn  
21 protocol that is based on peer-reviewed scientific  
22 evidence consistent with Centers for Disease Control and  
23 Prevention guidelines and conduct baseline testing for  
24 student athletes.

25 (b) In this Section:

26 "Athletic trainer" means an athletic trainer licensed

1 under the Illinois Athletic Trainers Practice Act.

2 "Coach" means any volunteer or employee of a school who is  
3 responsible for organizing and supervising students to teach  
4 them or train them in the fundamental skills of an  
5 interscholastic athletic activity. "Coach" refers to both head  
6 coaches and assistant coaches.

7 "Concussion" means a complex pathophysiological process  
8 affecting the brain caused by a traumatic physical force or  
9 impact to the head or body, which may include temporary or  
10 prolonged altered brain function resulting in physical,  
11 cognitive, or emotional symptoms or altered sleep patterns and  
12 which may or may not involve a loss of consciousness.

13 "Department" means the Department of Financial and  
14 Professional Regulation.

15 "Game official" means a person who officiates at an  
16 interscholastic athletic activity, such as a referee or umpire,  
17 including, but not limited to, persons enrolled as game  
18 officials by the Illinois High School Association or Illinois  
19 Elementary School Association.

20 "Interscholastic athletic activity" means any organized  
21 school-sponsored or school-sanctioned activity for students,  
22 generally outside of school instructional hours, under the  
23 direction of a coach, athletic director, or band leader,  
24 including, but not limited to, baseball, basketball,  
25 cheerleading, cross country track, fencing, field hockey,  
26 football, golf, gymnastics, ice hockey, lacrosse, marching

1 band, rugby, soccer, skating, softball, swimming and diving,  
2 tennis, track (indoor and outdoor), ultimate Frisbee,  
3 volleyball, water polo, and wrestling. All interscholastic  
4 athletics are deemed to be interscholastic activities.

5 "Licensed healthcare professional" means a person who has  
6 experience with concussion management and who is a nurse, a  
7 psychologist who holds a license under the Clinical  
8 Psychologist Licensing Act and specializes in the practice of  
9 neuropsychology, a physical therapist licensed under the  
10 Illinois Physical Therapy Act, an occupational therapist  
11 licensed under the Illinois Occupational Therapy Practice Act.

12 "Nurse" means a person who is employed by or volunteers at  
13 a school and is licensed under the Nurse Practice Act as a  
14 registered nurse, practical nurse, or advanced practice  
15 registered nurse.

16 "Physician" means a physician licensed to practice  
17 medicine in all of its branches under the Medical Practice Act  
18 of 1987.

19 "School" means any public or private elementary or  
20 secondary school, including a charter school.

21 "Student" means an adolescent or child enrolled in a  
22 school.

23 (c) This Section applies to any interscholastic athletic  
24 activity, including practice and competition, sponsored or  
25 sanctioned by a school, the Illinois Elementary School  
26 Association, or the Illinois High School Association. This

1 Section applies beginning with the 2016-2017 school year.

2 (d) The governing body of each public or charter school and  
3 the appropriate administrative officer of a private school with  
4 students enrolled who participate in an interscholastic  
5 athletic activity shall appoint or approve a concussion  
6 oversight team. Each concussion oversight team shall establish  
7 a return-to-play protocol, based on peer-reviewed scientific  
8 evidence consistent with Centers for Disease Control and  
9 Prevention guidelines, for a student's return to  
10 interscholastic athletics practice or competition following a  
11 force or impact believed to have caused a concussion. Each  
12 concussion oversight team shall also establish a  
13 return-to-learn protocol, based on peer-reviewed scientific  
14 evidence consistent with Centers for Disease Control and  
15 Prevention guidelines, for a student's return to the classroom  
16 after that student is believed to have experienced a  
17 concussion, whether or not the concussion took place while the  
18 student was participating in an interscholastic athletic  
19 activity.

20 Each concussion oversight team must include to the extent  
21 practicable at least one physician. If a school employs an  
22 athletic trainer, the athletic trainer must be a member of the  
23 school concussion oversight team to the extent practicable. If  
24 a school employs a nurse, the nurse must be a member of the  
25 school concussion oversight team to the extent practicable. At  
26 a minimum, a school shall appoint a person who is responsible

1 for implementing and complying with the return-to-play and  
2 return-to-learn protocols adopted by the concussion oversight  
3 team. A school may appoint other licensed healthcare  
4 professionals to serve on the concussion oversight team.

5 (e) A student may not participate in an interscholastic  
6 athletic activity for a school year until the student and the  
7 student's parent or guardian or another person with legal  
8 authority to make medical decisions for the student have signed  
9 a form for that school year that acknowledges receiving and  
10 reading written information that explains concussion  
11 prevention, symptoms, treatment, and oversight and that  
12 includes guidelines for safely resuming participation in an  
13 athletic activity following a concussion. The form must be  
14 approved by the Illinois High School Association.

15 (f) A student must be removed from an interscholastic  
16 athletics practice or competition immediately if one of the  
17 following persons believes the student might have sustained a  
18 concussion during the practice or competition:

19 (1) a coach;

20 (2) a physician;

21 (3) a game official;

22 (4) an athletic trainer;

23 (5) the student's parent or guardian or another person  
24 with legal authority to make medical decisions for the  
25 student;

26 (6) the student; or

1           (7) any other person deemed appropriate under the  
2 school's return-to-play protocol.

3           (g) A student removed from an interscholastic athletics  
4 practice or competition under this Section may not be permitted  
5 to practice or compete again following the force or impact  
6 believed to have caused the concussion until:

7           (1) the student has been evaluated, using established  
8 medical protocols based on peer-reviewed scientific  
9 evidence consistent with Centers for Disease Control and  
10 Prevention guidelines, by a treating physician (chosen by  
11 the student or the student's parent or guardian or another  
12 person with legal authority to make medical decisions for  
13 the student) or an athletic trainer working under the  
14 supervision of a physician;

15           (2) the student has successfully completed each  
16 requirement of the return-to-play protocol established  
17 under this Section necessary for the student to return to  
18 play;

19           (3) the student has successfully completed each  
20 requirement of the return-to-learn protocol established  
21 under this Section necessary for the student to return to  
22 learn;

23           (4) the treating physician or athletic trainer working  
24 under the supervision of a physician has provided a written  
25 statement indicating that, in the physician's professional  
26 judgment, it is safe for the student to return to play and



1 return to learn; and

2 (5) the student and the student's parent or guardian or  
3 another person with legal authority to make medical  
4 decisions for the student:

5 (A) have acknowledged that the student has  
6 completed the requirements of the return-to-play and  
7 return-to-learn protocols necessary for the student to  
8 return to play;

9 (B) have provided the treating physician's or  
10 athletic trainer's written statement under subdivision  
11 (4) of this subsection (g) to the person responsible  
12 for compliance with the return-to-play and  
13 return-to-learn protocols under this subsection (g)  
14 and the person who has supervisory responsibilities  
15 under this subsection (g); and

16 (C) have signed a consent form indicating that the  
17 person signing:

18 (i) has been informed concerning and consents  
19 to the student participating in returning to play  
20 in accordance with the return-to-play and  
21 return-to-learn protocols;

22 (ii) understands the risks associated with the  
23 student returning to play and returning to learn  
24 and will comply with any ongoing requirements in  
25 the return-to-play and return-to-learn protocols;  
26 and

1 (iii) consents to the disclosure to  
2 appropriate persons, consistent with the federal  
3 Health Insurance Portability and Accountability  
4 Act of 1996 (Public Law 104-191), of the treating  
5 physician's or athletic trainer's written  
6 statement under subdivision (4) of this subsection  
7 (g) and, if any, the return-to-play and  
8 return-to-learn recommendations of the treating  
9 physician or the athletic trainer, as the case may  
10 be.

11 A coach of an interscholastic athletics team may not  
12 authorize a student's return to play or return to learn.

13 The district superintendent or the superintendent's  
14 designee in the case of a public elementary or secondary  
15 school, the chief school administrator or that person's  
16 designee in the case of a charter school, or the appropriate  
17 administrative officer or that person's designee in the case of  
18 a private school shall supervise an athletic trainer or other  
19 person responsible for compliance with the return-to-play  
20 protocol and shall supervise the person responsible for  
21 compliance with the return-to-learn protocol. The person who  
22 has supervisory responsibilities under this paragraph may not  
23 be a coach of an interscholastic athletics team.

24 (h) (1) The Illinois High School Association shall approve,  
25 for coaches and game officials of interscholastic athletic  
26 activities, training courses that provide for not less than 2

1 hours of training in the subject matter of concussions,  
2 including evaluation, prevention, symptoms, risks, and  
3 long-term effects. The Association shall maintain an updated  
4 list of individuals and organizations authorized by the  
5 Association to provide the training.

6 (2) The following persons must take a training course in  
7 accordance with paragraph (4) of this subsection (h) from an  
8 authorized training provider at least once every 2 years:

9 (A) a coach of an interscholastic athletic activity;

10 (B) a nurse who serves as a member of a concussion  
11 oversight team and is an employee, representative, or agent  
12 of a school;

13 (C) a game official of an interscholastic athletic  
14 activity; and

15 (D) a nurse who serves on a volunteer basis as a member  
16 of a concussion oversight team for a school.

17 (3) A physician who serves as a member of a concussion  
18 oversight team shall, to the greatest extent practicable,  
19 periodically take an appropriate continuing medical education  
20 course in the subject matter of concussions.

21 (4) For purposes of paragraph (2) of this subsection (h):

22 (A) a coach or game officials, as the case may be, must  
23 take a course described in paragraph (1) of this subsection  
24 (h).

25 (B) an athletic trainer must take a concussion-related  
26 continuing education course from an athletic trainer

1 continuing education sponsor approved by the Department;  
2 and

3 (C) a nurse must take a course concerning the subject  
4 matter of concussions that has been approved for continuing  
5 education credit by the Department.

6 (5) Each person described in paragraph (2) of this  
7 subsection (h) must submit proof of timely completion of an  
8 approved course in compliance with paragraph (4) of this  
9 subsection (h) to the district superintendent or the  
10 superintendent's designee in the case of a public elementary or  
11 secondary school, the chief school administrator or that  
12 person's designee in the case of a charter school, or the  
13 appropriate administrative officer or that person's designee  
14 in the case of a private school.

15 (6) A physician, athletic trainer, or nurse who is not in  
16 compliance with the training requirements under this  
17 subsection (h) may not serve on a concussion oversight team in  
18 any capacity.

19 (7) A person required under this subsection (h) to take a  
20 training course in the subject of concussions must initially  
21 complete the training not later than September 1, 2016.

22 (i) The governing body of each public or charter school and  
23 the appropriate administrative officer of a private school with  
24 students enrolled who participate in an interscholastic  
25 athletic activity shall develop a school-specific emergency  
26 action plan for interscholastic athletic activities to address

1 the serious injuries and acute medical conditions in which the  
2 condition of the student may deteriorate rapidly. The plan  
3 shall include a delineation of roles, methods of communication,  
4 available emergency equipment, and access to and a plan for  
5 emergency transport. This emergency action plan must be:

6 (1) in writing;

7 (2) reviewed by the concussion oversight team;

8 (3) approved by the district superintendent or the  
9 superintendent's designee in the case of a public  
10 elementary or secondary school, the chief school  
11 administrator or that person's designee in the case of a  
12 charter school, or the appropriate administrative officer  
13 or that person's designee in the case of a private school;

14 (4) distributed to all appropriate personnel;

15 (5) posted conspicuously at all venues utilized by the  
16 school; and

17 (6) reviewed annually by all athletic trainers, first  
18 responders, coaches, school nurses, athletic directors,  
19 and volunteers for interscholastic athletic activities.

20 (j) The State Board of Education may adopt rules as  
21 necessary to administer this Section.

22 (Source: P.A. 99-245, eff. 8-3-15; 99-486, eff. 11-20-15;  
23 99-642, eff. 7-28-16.)

24 (105 ILCS 5/24-5) (from Ch. 122, par. 24-5)

25 Sec. 24-5. Physical fitness and professional growth.

1           (a) In this Section, "employee" means any employee of a  
2 school district, a student teacher, an employee of a contractor  
3 that provides services to students or in schools, or any other  
4 individual subject to the requirements of Section 10-21.9 or  
5 34-18.5 of this Code.

6           (b) School boards shall require of new employees evidence  
7 of physical fitness to perform duties assigned and freedom from  
8 communicable disease. Such evidence shall consist of a physical  
9 examination by a physician licensed in Illinois or any other  
10 state to practice medicine and surgery in all its branches, a  
11 licensed advanced practice registered nurse, or a licensed  
12 physician assistant not more than 90 days preceding time of  
13 presentation to the board, and the cost of such examination  
14 shall rest with the employee. A new or existing employee may be  
15 subject to additional health examinations, including screening  
16 for tuberculosis, as required by rules adopted by the  
17 Department of Public Health or by order of a local public  
18 health official. The board may from time to time require an  
19 examination of any employee by a physician licensed in Illinois  
20 to practice medicine and surgery in all its branches, a  
21 licensed advanced practice registered nurse, or a licensed  
22 physician assistant and shall pay the expenses thereof from  
23 school funds.

24           (c) School boards may require teachers in their employ to  
25 furnish from time to time evidence of continued professional  
26 growth.

1 (Source: P.A. 98-716, eff. 7-16-14; 99-173, eff. 7-29-15.)

2 (105 ILCS 5/24-6)

3 Sec. 24-6. Sick leave. The school boards of all school  
4 districts, including special charter districts, but not  
5 including school districts in municipalities of 500,000 or  
6 more, shall grant their full-time teachers, and also shall  
7 grant such of their other employees as are eligible to  
8 participate in the Illinois Municipal Retirement Fund under the  
9 "600-Hour Standard" established, or under such other  
10 eligibility participation standard as may from time to time be  
11 established, by rules and regulations now or hereafter  
12 promulgated by the Board of that Fund under Section 7-198 of  
13 the Illinois Pension Code, as now or hereafter amended, sick  
14 leave provisions not less in amount than 10 days at full pay in  
15 each school year. If any such teacher or employee does not use  
16 the full amount of annual leave thus allowed, the unused amount  
17 shall be allowed to accumulate to a minimum available leave of  
18 180 days at full pay, including the leave of the current year.  
19 Sick leave shall be interpreted to mean personal illness,  
20 quarantine at home, serious illness or death in the immediate  
21 family or household, or birth, adoption, or placement for  
22 adoption. The school board may require a certificate from a  
23 physician licensed in Illinois to practice medicine and surgery  
24 in all its branches, a chiropractic physician licensed under  
25 the Medical Practice Act of 1987, a licensed advanced practice

1 registered nurse, a licensed physician assistant, or, if the  
2 treatment is by prayer or spiritual means, a spiritual adviser  
3 or practitioner of the teacher's or employee's faith as a basis  
4 for pay during leave after an absence of 3 days for personal  
5 illness or 30 days for birth or as the school board may deem  
6 necessary in other cases. If the school board does require a  
7 certificate as a basis for pay during leave of less than 3 days  
8 for personal illness, the school board shall pay, from school  
9 funds, the expenses incurred by the teachers or other employees  
10 in obtaining the certificate. For paid leave for adoption or  
11 placement for adoption, the school board may require that the  
12 teacher or other employee provide evidence that the formal  
13 adoption process is underway, and such leave is limited to 30  
14 days unless a longer leave has been negotiated with the  
15 exclusive bargaining representative.

16 If, by reason of any change in the boundaries of school  
17 districts, or by reason of the creation of a new school  
18 district, the employment of a teacher is transferred to a new  
19 or different board, the accumulated sick leave of such teacher  
20 is not thereby lost, but is transferred to such new or  
21 different district.

22 For purposes of this Section, "immediate family" shall  
23 include parents, spouse, brothers, sisters, children,  
24 grandparents, grandchildren, parents-in-law, brothers-in-law,  
25 sisters-in-law, and legal guardians.

26 (Source: P.A. 99-173, eff. 7-29-15.)



1 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

2 Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
3 custody or control of any child (i) between the ages of 7 and  
4 17 years (unless the child has already graduated from high  
5 school) for school years before the 2014-2015 school year or  
6 (ii) between the ages of 6 (on or before September 1) and 17  
7 years (unless the child has already graduated from high school)  
8 beginning with the 2014-2015 school year shall cause such child  
9 to attend some public school in the district wherein the child  
10 resides the entire time it is in session during the regular  
11 school term, except as provided in Section 10-19.1, and during  
12 a required summer school program established under Section  
13 10-22.33B; provided, that the following children shall not be  
14 required to attend the public schools:

15 1. Any child attending a private or a parochial school  
16 where children are taught the branches of education taught  
17 to children of corresponding age and grade in the public  
18 schools, and where the instruction of the child in the  
19 branches of education is in the English language;

20 2. Any child who is physically or mentally unable to  
21 attend school, such disability being certified to the  
22 county or district truant officer by a competent physician  
23 licensed in Illinois to practice medicine and surgery in  
24 all its branches, a chiropractic physician licensed under  
25 the Medical Practice Act of 1987, a licensed advanced

1 practice registered nurse, a licensed physician assistant,  
2 or a Christian Science practitioner residing in this State  
3 and listed in the Christian Science Journal; or who is  
4 excused for temporary absence for cause by the principal or  
5 teacher of the school which the child attends; the  
6 exemptions in this paragraph (2) do not apply to any female  
7 who is pregnant or the mother of one or more children,  
8 except where a female is unable to attend school due to a  
9 complication arising from her pregnancy and the existence  
10 of such complication is certified to the county or district  
11 truant officer by a competent physician;

12 3. Any child necessarily and lawfully employed  
13 according to the provisions of the law regulating child  
14 labor may be excused from attendance at school by the  
15 county superintendent of schools or the superintendent of  
16 the public school which the child should be attending, on  
17 certification of the facts by and the recommendation of the  
18 school board of the public school district in which the  
19 child resides. In districts having part time continuation  
20 schools, children so excused shall attend such schools at  
21 least 8 hours each week;

22 4. Any child over 12 and under 14 years of age while in  
23 attendance at confirmation classes;

24 5. Any child absent from a public school on a  
25 particular day or days or at a particular time of day for  
26 the reason that he is unable to attend classes or to

1 participate in any examination, study or work requirements  
2 on a particular day or days or at a particular time of day,  
3 because the tenets of his religion forbid secular activity  
4 on a particular day or days or at a particular time of day.  
5 Each school board shall prescribe rules and regulations  
6 relative to absences for religious holidays including, but  
7 not limited to, a list of religious holidays on which it  
8 shall be mandatory to excuse a child; but nothing in this  
9 paragraph 5 shall be construed to limit the right of any  
10 school board, at its discretion, to excuse an absence on  
11 any other day by reason of the observance of a religious  
12 holiday. A school board may require the parent or guardian  
13 of a child who is to be excused from attending school due  
14 to the observance of a religious holiday to give notice,  
15 not exceeding 5 days, of the child's absence to the school  
16 principal or other school personnel. Any child excused from  
17 attending school under this paragraph 5 shall not be  
18 required to submit a written excuse for such absence after  
19 returning to school;

20 6. Any child 16 years of age or older who (i) submits  
21 to a school district evidence of necessary and lawful  
22 employment pursuant to paragraph 3 of this Section and (ii)  
23 is enrolled in a graduation incentives program pursuant to  
24 Section 26-16 of this Code or an alternative learning  
25 opportunities program established pursuant to Article 13B  
26 of this Code; and

1           7. A child in any of grades 6 through 12 absent from a  
2 public school on a particular day or days or at a  
3 particular time of day for the purpose of sounding "Taps"  
4 at a military honors funeral held in this State for a  
5 deceased veteran. In order to be excused under this  
6 paragraph 7, the student shall notify the school's  
7 administration at least 2 days prior to the date of the  
8 absence and shall provide the school's administration with  
9 the date, time, and location of the military honors  
10 funeral. The school's administration may waive this 2-day  
11 notification requirement if the student did not receive at  
12 least 2 days advance notice, but the student shall notify  
13 the school's administration as soon as possible of the  
14 absence. A student whose absence is excused under this  
15 paragraph 7 shall be counted as if the student attended  
16 school for purposes of calculating the average daily  
17 attendance of students in the school district. A student  
18 whose absence is excused under this paragraph 7 must be  
19 allowed a reasonable time to make up school work missed  
20 during the absence. If the student satisfactorily  
21 completes the school work, the day of absence shall be  
22 counted as a day of compulsory attendance and he or she may  
23 not be penalized for that absence.

24 (Source: P.A. 98-544, eff. 7-1-14; 99-173, eff. 7-29-15;  
25 99-804, eff. 1-1-17.)

1 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

2 Sec. 27-8.1. Health examinations and immunizations.

3 (1) In compliance with rules and regulations which the  
4 Department of Public Health shall promulgate, and except as  
5 hereinafter provided, all children in Illinois shall have a  
6 health examination as follows: within one year prior to  
7 entering kindergarten or the first grade of any public,  
8 private, or parochial elementary school; upon entering the  
9 sixth and ninth grades of any public, private, or parochial  
10 school; prior to entrance into any public, private, or  
11 parochial nursery school; and, irrespective of grade,  
12 immediately prior to or upon entrance into any public, private,  
13 or parochial school or nursery school, each child shall present  
14 proof of having been examined in accordance with this Section  
15 and the rules and regulations promulgated hereunder. Any child  
16 who received a health examination within one year prior to  
17 entering the fifth grade for the 2007-2008 school year is not  
18 required to receive an additional health examination in order  
19 to comply with the provisions of Public Act 95-422 when he or  
20 she attends school for the 2008-2009 school year, unless the  
21 child is attending school for the first time as provided in  
22 this paragraph.

23 A tuberculosis skin test screening shall be included as a  
24 required part of each health examination included under this  
25 Section if the child resides in an area designated by the  
26 Department of Public Health as having a high incidence of

1 tuberculosis. Additional health examinations of pupils,  
2 including eye examinations, may be required when deemed  
3 necessary by school authorities. Parents are encouraged to have  
4 their children undergo eye examinations at the same points in  
5 time required for health examinations.

6 (1.5) In compliance with rules adopted by the Department of  
7 Public Health and except as otherwise provided in this Section,  
8 all children in kindergarten and the second and sixth grades of  
9 any public, private, or parochial school shall have a dental  
10 examination. Each of these children shall present proof of  
11 having been examined by a dentist in accordance with this  
12 Section and rules adopted under this Section before May 15th of  
13 the school year. If a child in the second or sixth grade fails  
14 to present proof by May 15th, the school may hold the child's  
15 report card until one of the following occurs: (i) the child  
16 presents proof of a completed dental examination or (ii) the  
17 child presents proof that a dental examination will take place  
18 within 60 days after May 15th. The Department of Public Health  
19 shall establish, by rule, a waiver for children who show an  
20 undue burden or a lack of access to a dentist. Each public,  
21 private, and parochial school must give notice of this dental  
22 examination requirement to the parents and guardians of  
23 students at least 60 days before May 15th of each school year.

24 (1.10) Except as otherwise provided in this Section, all  
25 children enrolling in kindergarten in a public, private, or  
26 parochial school on or after the effective date of this

1 amendatory Act of the 95th General Assembly and any student  
2 enrolling for the first time in a public, private, or parochial  
3 school on or after the effective date of this amendatory Act of  
4 the 95th General Assembly shall have an eye examination. Each  
5 of these children shall present proof of having been examined  
6 by a physician licensed to practice medicine in all of its  
7 branches or a licensed optometrist within the previous year, in  
8 accordance with this Section and rules adopted under this  
9 Section, before October 15th of the school year. If the child  
10 fails to present proof by October 15th, the school may hold the  
11 child's report card until one of the following occurs: (i) the  
12 child presents proof of a completed eye examination or (ii) the  
13 child presents proof that an eye examination will take place  
14 within 60 days after October 15th. The Department of Public  
15 Health shall establish, by rule, a waiver for children who show  
16 an undue burden or a lack of access to a physician licensed to  
17 practice medicine in all of its branches who provides eye  
18 examinations or to a licensed optometrist. Each public,  
19 private, and parochial school must give notice of this eye  
20 examination requirement to the parents and guardians of  
21 students in compliance with rules of the Department of Public  
22 Health. Nothing in this Section shall be construed to allow a  
23 school to exclude a child from attending because of a parent's  
24 or guardian's failure to obtain an eye examination for the  
25 child.

26 (2) The Department of Public Health shall promulgate rules

1 and regulations specifying the examinations and procedures  
2 that constitute a health examination, which shall include the  
3 collection of data relating to obesity (including at a minimum,  
4 date of birth, gender, height, weight, blood pressure, and date  
5 of exam), and a dental examination and may recommend by rule  
6 that certain additional examinations be performed. The rules  
7 and regulations of the Department of Public Health shall  
8 specify that a tuberculosis skin test screening shall be  
9 included as a required part of each health examination included  
10 under this Section if the child resides in an area designated  
11 by the Department of Public Health as having a high incidence  
12 of tuberculosis. The Department of Public Health shall specify  
13 that a diabetes screening as defined by rule shall be included  
14 as a required part of each health examination. Diabetes testing  
15 is not required.

16 Physicians licensed to practice medicine in all of its  
17 branches, licensed advanced practice registered nurses, or  
18 licensed physician assistants shall be responsible for the  
19 performance of the health examinations, other than dental  
20 examinations, eye examinations, and vision and hearing  
21 screening, and shall sign all report forms required by  
22 subsection (4) of this Section that pertain to those portions  
23 of the health examination for which the physician, advanced  
24 practice registered nurse, or physician assistant is  
25 responsible. If a registered nurse performs any part of a  
26 health examination, then a physician licensed to practice



1 medicine in all of its branches must review and sign all  
2 required report forms. Licensed dentists shall perform all  
3 dental examinations and shall sign all report forms required by  
4 subsection (4) of this Section that pertain to the dental  
5 examinations. Physicians licensed to practice medicine in all  
6 its branches or licensed optometrists shall perform all eye  
7 examinations required by this Section and shall sign all report  
8 forms required by subsection (4) of this Section that pertain  
9 to the eye examination. For purposes of this Section, an eye  
10 examination shall at a minimum include history, visual acuity,  
11 subjective refraction to best visual acuity near and far,  
12 internal and external examination, and a glaucoma evaluation,  
13 as well as any other tests or observations that in the  
14 professional judgment of the doctor are necessary. Vision and  
15 hearing screening tests, which shall not be considered  
16 examinations as that term is used in this Section, shall be  
17 conducted in accordance with rules and regulations of the  
18 Department of Public Health, and by individuals whom the  
19 Department of Public Health has certified. In these rules and  
20 regulations, the Department of Public Health shall require that  
21 individuals conducting vision screening tests give a child's  
22 parent or guardian written notification, before the vision  
23 screening is conducted, that states, "Vision screening is not a  
24 substitute for a complete eye and vision evaluation by an eye  
25 doctor. Your child is not required to undergo this vision  
26 screening if an optometrist or ophthalmologist has completed

1 and signed a report form indicating that an examination has  
2 been administered within the previous 12 months."

3 (3) Every child shall, at or about the same time as he or  
4 she receives a health examination required by subsection (1) of  
5 this Section, present to the local school proof of having  
6 received such immunizations against preventable communicable  
7 diseases as the Department of Public Health shall require by  
8 rules and regulations promulgated pursuant to this Section and  
9 the Communicable Disease Prevention Act.

10 (4) The individuals conducting the health examination,  
11 dental examination, or eye examination shall record the fact of  
12 having conducted the examination, and such additional  
13 information as required, including for a health examination  
14 data relating to obesity (including at a minimum, date of  
15 birth, gender, height, weight, blood pressure, and date of  
16 exam), on uniform forms which the Department of Public Health  
17 and the State Board of Education shall prescribe for statewide  
18 use. The examiner shall summarize on the report form any  
19 condition that he or she suspects indicates a need for special  
20 services, including for a health examination factors relating  
21 to obesity. The individuals confirming the administration of  
22 required immunizations shall record as indicated on the form  
23 that the immunizations were administered.

24 (5) If a child does not submit proof of having had either  
25 the health examination or the immunization as required, then  
26 the child shall be examined or receive the immunization, as the

1 case may be, and present proof by October 15 of the current  
2 school year, or by an earlier date of the current school year  
3 established by a school district. To establish a date before  
4 October 15 of the current school year for the health  
5 examination or immunization as required, a school district must  
6 give notice of the requirements of this Section 60 days prior  
7 to the earlier established date. If for medical reasons one or  
8 more of the required immunizations must be given after October  
9 15 of the current school year, or after an earlier established  
10 date of the current school year, then the child shall present,  
11 by October 15, or by the earlier established date, a schedule  
12 for the administration of the immunizations and a statement of  
13 the medical reasons causing the delay, both the schedule and  
14 the statement being issued by the physician, advanced practice  
15 registered nurse, physician assistant, registered nurse, or  
16 local health department that will be responsible for  
17 administration of the remaining required immunizations. If a  
18 child does not comply by October 15, or by the earlier  
19 established date of the current school year, with the  
20 requirements of this subsection, then the local school  
21 authority shall exclude that child from school until such time  
22 as the child presents proof of having had the health  
23 examination as required and presents proof of having received  
24 those required immunizations which are medically possible to  
25 receive immediately. During a child's exclusion from school for  
26 noncompliance with this subsection, the child's parents or

1 legal guardian shall be considered in violation of Section 26-1  
2 and subject to any penalty imposed by Section 26-10. This  
3 subsection (5) does not apply to dental examinations and eye  
4 examinations. If the student is an out-of-state transfer  
5 student and does not have the proof required under this  
6 subsection (5) before October 15 of the current year or  
7 whatever date is set by the school district, then he or she may  
8 only attend classes (i) if he or she has proof that an  
9 appointment for the required vaccinations has been scheduled  
10 with a party authorized to submit proof of the required  
11 vaccinations. If the proof of vaccination required under this  
12 subsection (5) is not submitted within 30 days after the  
13 student is permitted to attend classes, then the student is not  
14 to be permitted to attend classes until proof of the  
15 vaccinations has been properly submitted. No school district or  
16 employee of a school district shall be held liable for any  
17 injury or illness to another person that results from admitting  
18 an out-of-state transfer student to class that has an  
19 appointment scheduled pursuant to this subsection (5).

20 (6) Every school shall report to the State Board of  
21 Education by November 15, in the manner which that agency shall  
22 require, the number of children who have received the necessary  
23 immunizations and the health examination (other than a dental  
24 examination or eye examination) as required, indicating, of  
25 those who have not received the immunizations and examination  
26 as required, the number of children who are exempt from health

1 examination and immunization requirements on religious or  
2 medical grounds as provided in subsection (8). On or before  
3 December 1 of each year, every public school district and  
4 registered nonpublic school shall make publicly available the  
5 immunization data they are required to submit to the State  
6 Board of Education by November 15. The immunization data made  
7 publicly available must be identical to the data the school  
8 district or school has reported to the State Board of  
9 Education.

10 Every school shall report to the State Board of Education  
11 by June 30, in the manner that the State Board requires, the  
12 number of children who have received the required dental  
13 examination, indicating, of those who have not received the  
14 required dental examination, the number of children who are  
15 exempt from the dental examination on religious grounds as  
16 provided in subsection (8) of this Section and the number of  
17 children who have received a waiver under subsection (1.5) of  
18 this Section.

19 Every school shall report to the State Board of Education  
20 by June 30, in the manner that the State Board requires, the  
21 number of children who have received the required eye  
22 examination, indicating, of those who have not received the  
23 required eye examination, the number of children who are exempt  
24 from the eye examination as provided in subsection (8) of this  
25 Section, the number of children who have received a waiver  
26 under subsection (1.10) of this Section, and the total number

1 of children in noncompliance with the eye examination  
2 requirement.

3 The reported information under this subsection (6) shall be  
4 provided to the Department of Public Health by the State Board  
5 of Education.

6 (7) Upon determining that the number of pupils who are  
7 required to be in compliance with subsection (5) of this  
8 Section is below 90% of the number of pupils enrolled in the  
9 school district, 10% of each State aid payment made pursuant to  
10 Section 18-8.05 to the school district for such year may be  
11 withheld by the State Board of Education until the number of  
12 students in compliance with subsection (5) is the applicable  
13 specified percentage or higher.

14 (8) Children of parents or legal guardians who object to  
15 health, dental, or eye examinations or any part thereof, to  
16 immunizations, or to vision and hearing screening tests on  
17 religious grounds shall not be required to undergo the  
18 examinations, tests, or immunizations to which they so object  
19 if such parents or legal guardians present to the appropriate  
20 local school authority a signed Certificate of Religious  
21 Exemption detailing the grounds for objection and the specific  
22 immunizations, tests, or examinations to which they object. The  
23 grounds for objection must set forth the specific religious  
24 belief that conflicts with the examination, test,  
25 immunization, or other medical intervention. The signed  
26 certificate shall also reflect the parent's or legal guardian's

1 understanding of the school's exclusion policies in the case of  
2 a vaccine-preventable disease outbreak or exposure. The  
3 certificate must also be signed by the authorized examining  
4 health care provider responsible for the performance of the  
5 child's health examination confirming that the provider  
6 provided education to the parent or legal guardian on the  
7 benefits of immunization and the health risks to the student  
8 and to the community of the communicable diseases for which  
9 immunization is required in this State. However, the health  
10 care provider's signature on the certificate reflects only that  
11 education was provided and does not allow a health care  
12 provider grounds to determine a religious exemption. Those  
13 receiving immunizations required under this Code shall be  
14 provided with the relevant vaccine information statements that  
15 are required to be disseminated by the federal National  
16 Childhood Vaccine Injury Act of 1986, which may contain  
17 information on circumstances when a vaccine should not be  
18 administered, prior to administering a vaccine. A healthcare  
19 provider may consider including without limitation the  
20 nationally accepted recommendations from federal agencies such  
21 as the Advisory Committee on Immunization Practices, the  
22 information outlined in the relevant vaccine information  
23 statement, and vaccine package inserts, along with the  
24 healthcare provider's clinical judgment, to determine whether  
25 any child may be more susceptible to experiencing an adverse  
26 vaccine reaction than the general population, and, if so, the

1 healthcare provider may exempt the child from an immunization  
2 or adopt an individualized immunization schedule. The  
3 Certificate of Religious Exemption shall be created by the  
4 Department of Public Health and shall be made available and  
5 used by parents and legal guardians by the beginning of the  
6 2015-2016 school year. Parents or legal guardians must submit  
7 the Certificate of Religious Exemption to their local school  
8 authority prior to entering kindergarten, sixth grade, and  
9 ninth grade for each child for which they are requesting an  
10 exemption. The religious objection stated need not be directed  
11 by the tenets of an established religious organization.  
12 However, general philosophical or moral reluctance to allow  
13 physical examinations, eye examinations, immunizations, vision  
14 and hearing screenings, or dental examinations does not provide  
15 a sufficient basis for an exception to statutory requirements.  
16 The local school authority is responsible for determining if  
17 the content of the Certificate of Religious Exemption  
18 constitutes a valid religious objection. The local school  
19 authority shall inform the parent or legal guardian of  
20 exclusion procedures, in accordance with the Department's  
21 rules under Part 690 of Title 77 of the Illinois Administrative  
22 Code, at the time the objection is presented.

23 If the physical condition of the child is such that any one  
24 or more of the immunizing agents should not be administered,  
25 the examining physician, advanced practice registered nurse,  
26 or physician assistant responsible for the performance of the



1 health examination shall endorse that fact upon the health  
2 examination form.

3 Exempting a child from the health, dental, or eye  
4 examination does not exempt the child from participation in the  
5 program of physical education training provided in Sections  
6 27-5 through 27-7 of this Code.

7 (9) For the purposes of this Section, "nursery schools"  
8 means those nursery schools operated by elementary school  
9 systems or secondary level school units or institutions of  
10 higher learning.

11 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;  
12 99-249, eff. 8-3-15; 99-642, eff. 7-28-16.)

13 Section 90. The Care of Students with Diabetes Act is  
14 amended by changing Section 10 as follows:

15 (105 ILCS 145/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Delegated care aide" means a school employee who has  
18 agreed to receive training in diabetes care and to assist  
19 students in implementing their diabetes care plan and has  
20 entered into an agreement with a parent or guardian and the  
21 school district or private school.

22 "Diabetes care plan" means a document that specifies the  
23 diabetes-related services needed by a student at school and at  
24 school-sponsored activities and identifies the appropriate

1 staff to provide and supervise these services.

2 "Health care provider" means a physician licensed to  
3 practice medicine in all of its branches, advanced practice  
4 registered nurse who has a written agreement with a  
5 collaborating physician who authorizes the provision of  
6 diabetes care, or a physician assistant who has a written  
7 supervision agreement with a supervising physician who  
8 authorizes the provision of diabetes care.

9 "Principal" means the principal of the school.

10 "School" means any primary or secondary public, charter, or  
11 private school located in this State.

12 "School employee" means a person who is employed by a  
13 public school district or private school, a person who is  
14 employed by a local health department and assigned to a school,  
15 or a person who contracts with a school or school district to  
16 perform services in connection with a student's diabetes care  
17 plan. This definition must not be interpreted as requiring a  
18 school district or private school to hire additional personnel  
19 for the sole purpose of serving as a designated care aide.

20 (Source: P.A. 96-1485, eff. 12-1-10.)

21 Section 95. The Nursing Education Scholarship Law is  
22 amended by changing Sections 3, 5, and 6.5 as follows:

23 (110 ILCS 975/3) (from Ch. 144, par. 2753)

24 Sec. 3. Definitions.

1           The following terms, whenever used or referred to, have the  
2 following meanings except where the context clearly indicates  
3 otherwise:

4           (1) "Board" means the Board of Higher Education created by  
5 the Board of Higher Education Act.

6           (2) "Department" means the Illinois Department of Public  
7 Health.

8           (3) "Approved institution" means a public community  
9 college, private junior college, hospital-based diploma in  
10 nursing program, or public or private college or university  
11 located in this State that has approval by the Department of  
12 Professional Regulation for an associate degree in nursing  
13 program, associate degree in applied sciences in nursing  
14 program, hospital-based diploma in nursing program,  
15 baccalaureate degree in nursing program, graduate degree in  
16 nursing program, or certificate in practical nursing program.

17           (4) "Baccalaureate degree in nursing program" means a  
18 program offered by an approved institution and leading to a  
19 bachelor of science degree in nursing.

20           (5) "Enrollment" means the establishment and maintenance  
21 of an individual's status as a student in an approved  
22 institution, regardless of the terms used at the institution to  
23 describe such status.

24           (6) "Academic year" means the period of time from September  
25 1 of one year through August 31 of the next year or as  
26 otherwise defined by the academic institution.

1           (7) "Associate degree in nursing program or hospital-based  
2 diploma in nursing program" means a program offered by an  
3 approved institution and leading to an associate degree in  
4 nursing, associate degree in applied sciences in nursing, or  
5 hospital-based diploma in nursing.

6           (8) "Graduate degree in nursing program" means a program  
7 offered by an approved institution and leading to a master of  
8 science degree in nursing or a doctorate of philosophy or  
9 doctorate of nursing degree in nursing.

10          (9) "Director" means the Director of the Illinois  
11 Department of Public Health.

12          (10) "Accepted for admission" means a student has completed  
13 the requirements for entry into an associate degree in nursing  
14 program, associate degree in applied sciences in nursing  
15 program, hospital-based diploma in nursing program,  
16 baccalaureate degree in nursing program, graduate degree in  
17 nursing program, or certificate in practical nursing program at  
18 an approved institution, as documented by the institution.

19          (11) "Fees" means those mandatory charges, in addition to  
20 tuition, that all enrolled students must pay, including  
21 required course or lab fees.

22          (12) "Full-time student" means a student enrolled for at  
23 least 12 hours per term or as otherwise determined by the  
24 academic institution.

25          (13) "Law" means the Nursing Education Scholarship Law.

26          (14) "Nursing employment obligation" means employment in

1 this State as a registered professional nurse, licensed  
2 practical nurse, or advanced practice registered nurse in  
3 direct patient care for at least one year for each year of  
4 scholarship assistance received through the Nursing Education  
5 Scholarship Program.

6 (15) "Part-time student" means a person who is enrolled for  
7 at least one-third of the number of hours required per term by  
8 a school for its full-time students.

9 (16) "Practical nursing program" means a program offered by  
10 an approved institution leading to a certificate in practical  
11 nursing.

12 (17) "Registered professional nurse" means a person who is  
13 currently licensed as a registered professional nurse by the  
14 Department of Professional Regulation under the Nurse Practice  
15 Act.

16 (18) "Licensed practical nurse" means a person who is  
17 currently licensed as a licensed practical nurse by the  
18 Department of Professional Regulation under the Nurse Practice  
19 Act.

20 (19) "School term" means an academic term, such as a  
21 semester, quarter, trimester, or number of clock hours, as  
22 defined by an approved institution.

23 (20) "Student in good standing" means a student maintaining  
24 a cumulative grade point average equivalent to at least the  
25 academic grade of a "C".

26 (21) "Total and permanent disability" means a physical or

1 mental impairment, disease, or loss of a permanent nature that  
2 prevents nursing employment with or without reasonable  
3 accommodation. Proof of disability shall be a declaration from  
4 the social security administration, Illinois Workers'  
5 Compensation Commission, Department of Defense, or an insurer  
6 authorized to transact business in Illinois who is providing  
7 disability insurance coverage to a contractor.

8 (22) "Tuition" means the established charges of an  
9 institution of higher learning for instruction at that  
10 institution.

11 (23) "Nurse educator" means a person who is currently  
12 licensed as a registered nurse by the Department of  
13 Professional Regulation under the Nurse Practice Act, who has a  
14 graduate degree in nursing, and who is employed by an approved  
15 academic institution to educate registered nursing students,  
16 licensed practical nursing students, and registered nurses  
17 pursuing graduate degrees.

18 (24) "Nurse educator employment obligation" means  
19 employment in this State as a nurse educator for at least 2  
20 years for each year of scholarship assistance received under  
21 Section 6.5 of this Law.

22 Rulemaking authority to implement this amendatory Act of  
23 the 96th General Assembly, if any, is conditioned on the rules  
24 being adopted in accordance with all provisions of the Illinois  
25 Administrative Procedure Act and all rules and procedures of  
26 the Joint Committee on Administrative Rules; any purported rule

1 not so adopted, for whatever reason, is unauthorized.  
2 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07;  
3 96-805, eff. 10-30-09.)

4 (110 ILCS 975/5) (from Ch. 144, par. 2755)

5 Sec. 5. Nursing education scholarships. Beginning with the  
6 fall term of the 2004-2005 academic year, the Department, in  
7 accordance with rules and regulations promulgated by it for  
8 this program, shall provide scholarships to individuals  
9 selected from among those applicants who qualify for  
10 consideration by showing:

11 (1) that he or she has been a resident of this State  
12 for at least one year prior to application, and is a  
13 citizen or a lawful permanent resident alien of the United  
14 States;

15 (2) that he or she is enrolled in or accepted for  
16 admission to an associate degree in nursing program,  
17 hospital-based diploma in nursing program, baccalaureate  
18 degree in nursing program, graduate degree in nursing  
19 program, or practical nursing program at an approved  
20 institution; and

21 (3) that he or she agrees to meet the nursing  
22 employment obligation.

23 If in any year the number of qualified applicants exceeds  
24 the number of scholarships to be awarded, the Department shall,  
25 in consultation with the Illinois Nursing Workforce Center ~~for~~

1 ~~Nursing~~ Advisory Board, consider the following factors in  
2 granting priority in awarding scholarships:

3 (A) Financial need, as shown on a standardized  
4 financial needs assessment form used by an approved  
5 institution, of students who will pursue their  
6 education on a full-time or close to full-time basis  
7 and who already have a certificate in practical  
8 nursing, a diploma in nursing, or an associate degree  
9 in nursing and are pursuing a higher degree.

10 (B) A student's status as a registered nurse who is  
11 pursuing a graduate degree in nursing to pursue  
12 employment in an approved institution that educates  
13 licensed practical nurses and that educates registered  
14 nurses in undergraduate and graduate nursing programs.

15 (C) A student's merit, as shown through his or her  
16 grade point average, class rank, and other academic and  
17 extracurricular activities. The Department may add to  
18 and further define these merit criteria by rule.

19 Unless otherwise indicated, scholarships shall be awarded  
20 to recipients at approved institutions for a period of up to 2  
21 years if the recipient is enrolled in an associate degree in  
22 nursing program, up to 3 years if the recipient is enrolled in  
23 a hospital-based diploma in nursing program, up to 4 years if  
24 the recipient is enrolled in a baccalaureate degree in nursing  
25 program, up to 5 years if the recipient is enrolled in a  
26 graduate degree in nursing program, and up to one year if the



1 recipient is enrolled in a certificate in practical nursing  
2 program. At least 40% of the scholarships awarded shall be for  
3 recipients who are pursuing baccalaureate degrees in nursing,  
4 30% of the scholarships awarded shall be for recipients who are  
5 pursuing associate degrees in nursing or a diploma in nursing,  
6 10% of the scholarships awarded shall be for recipients who are  
7 pursuing a certificate in practical nursing, and 20% of the  
8 scholarships awarded shall be for recipients who are pursuing a  
9 graduate degree in nursing.

10 (Source: P.A. 93-879, eff. 1-1-05; 94-1020, eff. 7-11-06.)

11 (110 ILCS 975/6.5)

12 Sec. 6.5. Nurse educator scholarships.

13 (a) Beginning with the fall term of the 2009-2010 academic  
14 year, the Department shall provide scholarships to individuals  
15 selected from among those applicants who qualify for  
16 consideration by showing the following:

17 (1) that he or she has been a resident of this State  
18 for at least one year prior to application and is a citizen  
19 or a lawful permanent resident alien of the United States;

20 (2) that he or she is enrolled in or accepted for  
21 admission to a graduate degree in nursing program at an  
22 approved institution; and

23 (3) that he or she agrees to meet the nurse educator  
24 employment obligation.

25 (b) If in any year the number of qualified applicants

1 exceeds the number of scholarships to be awarded under this  
2 Section, the Department shall, in consultation with the  
3 Illinois Nursing Workforce Center ~~for Nursing~~ Advisory Board,  
4 consider the following factors in granting priority in awarding  
5 scholarships:

6 (1) Financial need, as shown on a standardized  
7 financial needs assessment form used by an approved  
8 institution, of students who will pursue their education on  
9 a full-time or close to full-time basis and who already  
10 have a diploma in nursing and are pursuing a higher degree.

11 (2) A student's status as a registered nurse who is  
12 pursuing a graduate degree in nursing to pursue employment  
13 in an approved institution that educates licensed  
14 practical nurses and that educates registered nurses in  
15 undergraduate and graduate nursing programs.

16 (3) A student's merit, as shown through his or her  
17 grade point average, class rank, experience as a nurse,  
18 including supervisory experience, experience as a nurse in  
19 the United States military, and other academic and  
20 extracurricular activities.

21 (c) Unless otherwise indicated, scholarships under this  
22 Section shall be awarded to recipients at approved institutions  
23 for a period of up to 3 years.

24 (d) Within 12 months after graduation from a graduate  
25 degree in nursing program for nurse educators, any recipient  
26 who accepted a scholarship under this Section shall begin

1 meeting the required nurse educator employment obligation. In  
2 order to defer his or her continuous employment obligation, a  
3 recipient must request the deferment in writing from the  
4 Department. A recipient shall receive a deferment if he or she  
5 notifies the Department, within 30 days after enlisting, that  
6 he or she is spending up to 4 years in military service. A  
7 recipient shall receive a deferment if he or she notifies the  
8 Department, within 30 days after enrolling, that he or she is  
9 enrolled in an academic program leading to a graduate degree in  
10 nursing. The recipient must begin meeting the required nurse  
11 educator employment obligation no later than 6 months after the  
12 end of the deferment or deferments.

13 Any person who fails to fulfill the nurse educator  
14 employment obligation shall pay to the Department an amount  
15 equal to the amount of scholarship funds received per year for  
16 each unfulfilled year of the nurse educator employment  
17 obligation, together with interest at 7% per year on the unpaid  
18 balance. Payment must begin within 6 months following the date  
19 of the occurrence initiating the repayment. All repayments must  
20 be completed within 6 years from the date of the occurrence  
21 initiating the repayment. However, this repayment obligation  
22 may be deferred and re-evaluated every 6 months when the  
23 failure to fulfill the nurse educator employment obligation  
24 results from involuntarily leaving the profession due to a  
25 decrease in the number of nurses employed in this State or when  
26 the failure to fulfill the nurse educator employment obligation

1 results from total and permanent disability. The repayment  
2 obligation shall be excused if the failure to fulfill the nurse  
3 educator employment obligation results from the death or  
4 adjudication as incompetent of the person holding the  
5 scholarship. No claim for repayment may be filed against the  
6 estate of such a decedent or incompetent.

7 The Department may allow a nurse educator employment  
8 obligation fulfillment alternative if the nurse educator  
9 scholarship recipient is unsuccessful in finding work as a  
10 nurse educator. The Department shall maintain a database of all  
11 available nurse educator positions in this State.

12 (e) Each person applying for a scholarship under this  
13 Section must be provided with a copy of this Section at the  
14 time of application for the benefits of this scholarship.

15 (f) Rulemaking authority to implement this amendatory Act  
16 of the 96th General Assembly, if any, is conditioned on the  
17 rules being adopted in accordance with all provisions of the  
18 Illinois Administrative Procedure Act and all rules and  
19 procedures of the Joint Committee on Administrative Rules; any  
20 purported rule not so adopted, for whatever reason, is  
21 unauthorized.

22 (Source: P.A. 96-805, eff. 10-30-09.)

23 Section 100. The Ambulatory Surgical Treatment Center Act  
24 is amended by changing Section 6.5 as follows:

1 (210 ILCS 5/6.5)

2 Sec. 6.5. Clinical privileges; advanced practice  
3 registered nurses. All ambulatory surgical treatment centers  
4 (ASTC) licensed under this Act shall comply with the following  
5 requirements:

6 (1) No ASTC policy, rule, regulation, or practice shall  
7 be inconsistent with the provision of adequate  
8 collaboration and consultation in accordance with Section  
9 54.5 of the Medical Practice Act of 1987.

10 (2) Operative surgical procedures shall be performed  
11 only by a physician licensed to practice medicine in all  
12 its branches under the Medical Practice Act of 1987, a  
13 dentist licensed under the Illinois Dental Practice Act, or  
14 a podiatric physician licensed under the Podiatric Medical  
15 Practice Act of 1987, with medical staff membership and  
16 surgical clinical privileges granted by the consulting  
17 committee of the ASTC. A licensed physician, dentist, or  
18 podiatric physician may be assisted by a physician licensed  
19 to practice medicine in all its branches, dentist, dental  
20 assistant, podiatric physician, licensed advanced practice  
21 registered nurse, licensed physician assistant, licensed  
22 registered nurse, licensed practical nurse, surgical  
23 assistant, surgical technician, or other individuals  
24 granted clinical privileges to assist in surgery by the  
25 consulting committee of the ASTC. Payment for services  
26 rendered by an assistant in surgery who is not an

1 ambulatory surgical treatment center employee shall be  
2 paid at the appropriate non-physician modifier rate if the  
3 payor would have made payment had the same services been  
4 provided by a physician.

5 (2.5) A registered nurse licensed under the Nurse  
6 Practice Act and qualified by training and experience in  
7 operating room nursing shall be present in the operating  
8 room and function as the circulating nurse during all  
9 invasive or operative procedures. For purposes of this  
10 paragraph (2.5), "circulating nurse" means a registered  
11 nurse who is responsible for coordinating all nursing care,  
12 patient safety needs, and the needs of the surgical team in  
13 the operating room during an invasive or operative  
14 procedure.

15 (3) An advanced practice registered nurse is not  
16 required to possess prescriptive authority or a written  
17 collaborative agreement meeting the requirements of the  
18 Nurse Practice Act to provide advanced practice registered  
19 nursing services in an ambulatory surgical treatment  
20 center. An advanced practice registered nurse must possess  
21 clinical privileges granted by the consulting medical  
22 staff committee and ambulatory surgical treatment center  
23 in order to provide services. Individual advanced practice  
24 registered nurses may also be granted clinical privileges  
25 to order, select, and administer medications, including  
26 controlled substances, to provide delineated care. The

1 attending physician must determine the advanced practice  
2 registered nurse's role in providing care for his or her  
3 patients, except as otherwise provided in the consulting  
4 staff policies. The consulting medical staff committee  
5 shall periodically review the services of advanced  
6 practice registered nurses granted privileges.

7 (4) The anesthesia service shall be under the direction  
8 of a physician licensed to practice medicine in all its  
9 branches who has had specialized preparation or experience  
10 in the area or who has completed a residency in  
11 anesthesiology. An anesthesiologist, Board certified or  
12 Board eligible, is recommended. Anesthesia services may  
13 only be administered pursuant to the order of a physician  
14 licensed to practice medicine in all its branches, licensed  
15 dentist, or licensed podiatric physician.

16 (A) The individuals who, with clinical privileges  
17 granted by the medical staff and ASTC, may administer  
18 anesthesia services are limited to the following:

19 (i) an anesthesiologist; or

20 (ii) a physician licensed to practice medicine  
21 in all its branches; or

22 (iii) a dentist with authority to administer  
23 anesthesia under Section 8.1 of the Illinois  
24 Dental Practice Act; or

25 (iv) a licensed certified registered nurse  
26 anesthetist; or

1                   (v) a podiatric physician licensed under the  
2                   Podiatric Medical Practice Act of 1987.

3                   (B) For anesthesia services, an anesthesiologist  
4                   shall participate through discussion of and agreement  
5                   with the anesthesia plan and shall remain physically  
6                   present and be available on the premises during the  
7                   delivery of anesthesia services for diagnosis,  
8                   consultation, and treatment of emergency medical  
9                   conditions. In the absence of 24-hour availability of  
10                  anesthesiologists with clinical privileges, an  
11                  alternate policy (requiring participation, presence,  
12                  and availability of a physician licensed to practice  
13                  medicine in all its branches) shall be developed by the  
14                  medical staff consulting committee in consultation  
15                  with the anesthesia service and included in the medical  
16                  staff consulting committee policies.

17                  (C) A certified registered nurse anesthetist is  
18                  not required to possess prescriptive authority or a  
19                  written collaborative agreement meeting the  
20                  requirements of Section 65-35 of the Nurse Practice Act  
21                  to provide anesthesia services ordered by a licensed  
22                  physician, dentist, or podiatric physician. Licensed  
23                  certified registered nurse anesthetists are authorized  
24                  to select, order, and administer drugs and apply the  
25                  appropriate medical devices in the provision of  
26                  anesthesia services under the anesthesia plan agreed



1 with by the anesthesiologist or, in the absence of an  
2 available anesthesiologist with clinical privileges,  
3 agreed with by the operating physician, operating  
4 dentist, or operating podiatric physician in  
5 accordance with the medical staff consulting committee  
6 policies of a licensed ambulatory surgical treatment  
7 center.

8 (Source: P.A. 98-214, eff. 8-9-13; 99-642, eff. 7-28-16.)

9 Section 105. The Assisted Living and Shared Housing Act is  
10 amended by changing Section 10 as follows:

11 (210 ILCS 9/10)

12 Sec. 10. Definitions. For purposes of this Act:

13 "Activities of daily living" means eating, dressing,  
14 bathing, toileting, transferring, or personal hygiene.

15 "Assisted living establishment" or "establishment" means a  
16 home, building, residence, or any other place where sleeping  
17 accommodations are provided for at least 3 unrelated adults, at  
18 least 80% of whom are 55 years of age or older and where the  
19 following are provided consistent with the purposes of this  
20 Act:

21 (1) services consistent with a social model that is  
22 based on the premise that the resident's unit in assisted  
23 living and shared housing is his or her own home;

24 (2) community-based residential care for persons who

1 need assistance with activities of daily living, including  
2 personal, supportive, and intermittent health-related  
3 services available 24 hours per day, if needed, to meet the  
4 scheduled and unscheduled needs of a resident;

5 (3) mandatory services, whether provided directly by  
6 the establishment or by another entity arranged for by the  
7 establishment, with the consent of the resident or  
8 resident's representative; and

9 (4) a physical environment that is a homelike setting  
10 that includes the following and such other elements as  
11 established by the Department: individual living units  
12 each of which shall accommodate small kitchen appliances  
13 and contain private bathing, washing, and toilet  
14 facilities, or private washing and toilet facilities with a  
15 common bathing room readily accessible to each resident.  
16 Units shall be maintained for single occupancy except in  
17 cases in which 2 residents choose to share a unit.  
18 Sufficient common space shall exist to permit individual  
19 and group activities.

20 "Assisted living establishment" or "establishment" does  
21 not mean any of the following:

22 (1) A home, institution, or similar place operated by  
23 the federal government or the State of Illinois.

24 (2) A long term care facility licensed under the  
25 Nursing Home Care Act, a facility licensed under the  
26 Specialized Mental Health Rehabilitation Act of 2013, a

1 facility licensed under the ID/DD Community Care Act, or a  
2 facility licensed under the MC/DD Act. However, a facility  
3 licensed under any of those Acts may convert distinct parts  
4 of the facility to assisted living. If the facility elects  
5 to do so, the facility shall retain the Certificate of Need  
6 for its nursing and sheltered care beds that were  
7 converted.

8 (3) A hospital, sanitarium, or other institution, the  
9 principal activity or business of which is the diagnosis,  
10 care, and treatment of human illness and that is required  
11 to be licensed under the Hospital Licensing Act.

12 (4) A facility for child care as defined in the Child  
13 Care Act of 1969.

14 (5) A community living facility as defined in the  
15 Community Living Facilities Licensing Act.

16 (6) A nursing home or sanitarium operated solely by and  
17 for persons who rely exclusively upon treatment by  
18 spiritual means through prayer in accordance with the creed  
19 or tenants of a well-recognized church or religious  
20 denomination.

21 (7) A facility licensed by the Department of Human  
22 Services as a community-integrated living arrangement as  
23 defined in the Community-Integrated Living Arrangements  
24 Licensure and Certification Act.

25 (8) A supportive residence licensed under the  
26 Supportive Residences Licensing Act.

1           (9) The portion of a life care facility as defined in  
2 the Life Care Facilities Act not licensed as an assisted  
3 living establishment under this Act; a life care facility  
4 may apply under this Act to convert sections of the  
5 community to assisted living.

6           (10) A free-standing hospice facility licensed under  
7 the Hospice Program Licensing Act.

8           (11) A shared housing establishment.

9           (12) A supportive living facility as described in  
10 Section 5-5.01a of the Illinois Public Aid Code.

11 "Department" means the Department of Public Health.

12 "Director" means the Director of Public Health.

13 "Emergency situation" means imminent danger of death or  
14 serious physical harm to a resident of an establishment.

15 "License" means any of the following types of licenses  
16 issued to an applicant or licensee by the Department:

17           (1) "Probationary license" means a license issued to an  
18 applicant or licensee that has not held a license under  
19 this Act prior to its application or pursuant to a license  
20 transfer in accordance with Section 50 of this Act.

21           (2) "Regular license" means a license issued by the  
22 Department to an applicant or licensee that is in  
23 substantial compliance with this Act and any rules  
24 promulgated under this Act.

25 "Licensee" means a person, agency, association,  
26 corporation, partnership, or organization that has been issued

1 a license to operate an assisted living or shared housing  
2 establishment.

3 "Licensed health care professional" means a registered  
4 professional nurse, an advanced practice registered nurse, a  
5 physician assistant, and a licensed practical nurse.

6 "Mandatory services" include the following:

7 (1) 3 meals per day available to the residents prepared  
8 by the establishment or an outside contractor;

9 (2) housekeeping services including, but not limited  
10 to, vacuuming, dusting, and cleaning the resident's unit;

11 (3) personal laundry and linen services available to  
12 the residents provided or arranged for by the  
13 establishment;

14 (4) security provided 24 hours each day including, but  
15 not limited to, locked entrances or building or contract  
16 security personnel;

17 (5) an emergency communication response system, which  
18 is a procedure in place 24 hours each day by which a  
19 resident can notify building management, an emergency  
20 response vendor, or others able to respond to his or her  
21 need for assistance; and

22 (6) assistance with activities of daily living as  
23 required by each resident.

24 "Negotiated risk" is the process by which a resident, or  
25 his or her representative, may formally negotiate with  
26 providers what risks each are willing and unwilling to assume

1 in service provision and the resident's living environment. The  
2 provider assures that the resident and the resident's  
3 representative, if any, are informed of the risks of these  
4 decisions and of the potential consequences of assuming these  
5 risks.

6 "Owner" means the individual, partnership, corporation,  
7 association, or other person who owns an assisted living or  
8 shared housing establishment. In the event an assisted living  
9 or shared housing establishment is operated by a person who  
10 leases or manages the physical plant, which is owned by another  
11 person, "owner" means the person who operates the assisted  
12 living or shared housing establishment, except that if the  
13 person who owns the physical plant is an affiliate of the  
14 person who operates the assisted living or shared housing  
15 establishment and has significant control over the day to day  
16 operations of the assisted living or shared housing  
17 establishment, the person who owns the physical plant shall  
18 incur jointly and severally with the owner all liabilities  
19 imposed on an owner under this Act.

20 "Physician" means a person licensed under the Medical  
21 Practice Act of 1987 to practice medicine in all of its  
22 branches.

23 "Resident" means a person residing in an assisted living or  
24 shared housing establishment.

25 "Resident's representative" means a person, other than the  
26 owner, agent, or employee of an establishment or of the health

1 care provider unless related to the resident, designated in  
2 writing by a resident to be his or her representative. This  
3 designation may be accomplished through the Illinois Power of  
4 Attorney Act, pursuant to the guardianship process under the  
5 Probate Act of 1975, or pursuant to an executed designation of  
6 representative form specified by the Department.

7 "Self" means the individual or the individual's designated  
8 representative.

9 "Shared housing establishment" or "establishment" means a  
10 publicly or privately operated free-standing residence for 16  
11 or fewer persons, at least 80% of whom are 55 years of age or  
12 older and who are unrelated to the owners and one manager of  
13 the residence, where the following are provided:

14 (1) services consistent with a social model that is  
15 based on the premise that the resident's unit is his or her  
16 own home;

17 (2) community-based residential care for persons who  
18 need assistance with activities of daily living, including  
19 housing and personal, supportive, and intermittent  
20 health-related services available 24 hours per day, if  
21 needed, to meet the scheduled and unscheduled needs of a  
22 resident; and

23 (3) mandatory services, whether provided directly by  
24 the establishment or by another entity arranged for by the  
25 establishment, with the consent of the resident or the  
26 resident's representative.

1 "Shared housing establishment" or "establishment" does not  
2 mean any of the following:

3 (1) A home, institution, or similar place operated by  
4 the federal government or the State of Illinois.

5 (2) A long term care facility licensed under the  
6 Nursing Home Care Act, a facility licensed under the  
7 Specialized Mental Health Rehabilitation Act of 2013, a  
8 facility licensed under the ID/DD Community Care Act, or a  
9 facility licensed under the MC/DD Act. A facility licensed  
10 under any of those Acts may, however, convert sections of  
11 the facility to assisted living. If the facility elects to  
12 do so, the facility shall retain the Certificate of Need  
13 for its nursing beds that were converted.

14 (3) A hospital, sanitarium, or other institution, the  
15 principal activity or business of which is the diagnosis,  
16 care, and treatment of human illness and that is required  
17 to be licensed under the Hospital Licensing Act.

18 (4) A facility for child care as defined in the Child  
19 Care Act of 1969.

20 (5) A community living facility as defined in the  
21 Community Living Facilities Licensing Act.

22 (6) A nursing home or sanitarium operated solely by and  
23 for persons who rely exclusively upon treatment by  
24 spiritual means through prayer in accordance with the creed  
25 or tenants of a well-recognized church or religious  
26 denomination.



1           (7) A facility licensed by the Department of Human  
2 Services as a community-integrated living arrangement as  
3 defined in the Community-Integrated Living Arrangements  
4 Licensure and Certification Act.

5           (8) A supportive residence licensed under the  
6 Supportive Residences Licensing Act.

7           (9) A life care facility as defined in the Life Care  
8 Facilities Act; a life care facility may apply under this  
9 Act to convert sections of the community to assisted  
10 living.

11           (10) A free-standing hospice facility licensed under  
12 the Hospice Program Licensing Act.

13           (11) An assisted living establishment.

14           (12) A supportive living facility as described in  
15 Section 5-5.01a of the Illinois Public Aid Code.

16           "Total assistance" means that staff or another individual  
17 performs the entire activity of daily living without  
18 participation by the resident.

19           (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

20           Section 110. The Illinois Clinical Laboratory and Blood  
21 Bank Act is amended by changing Section 7-101 as follows:

22           (210 ILCS 25/7-101) (from Ch. 111 1/2, par. 627-101)

23           Sec. 7-101. Examination of specimens. A clinical  
24 laboratory shall examine specimens only at the request of (i) a

1 licensed physician, (ii) a licensed dentist, (iii) a licensed  
2 podiatric physician, (iv) a licensed optometrist, (v) a  
3 licensed physician assistant, (v-A) a licensed advanced  
4 practice registered nurse, (vi) an authorized law enforcement  
5 agency or, in the case of blood alcohol, at the request of the  
6 individual for whom the test is to be performed in compliance  
7 with Sections 11-501 and 11-501.1 of the Illinois Vehicle Code,  
8 or (vii) a genetic counselor with the specific authority from a  
9 referral to order a test or tests pursuant to subsection (b) of  
10 Section 20 of the Genetic Counselor Licensing Act. If the  
11 request to a laboratory is oral, the physician or other  
12 authorized person shall submit a written request to the  
13 laboratory within 48 hours. If the laboratory does not receive  
14 the written request within that period, it shall note that fact  
15 in its records. For purposes of this Section, a request made by  
16 electronic mail or fax constitutes a written request.

17 (Source: P.A. 98-185, eff. 1-1-14; 98-214, eff. 8-9-13; 98-756,  
18 eff. 7-16-14; 98-767, eff. 1-1-15; 99-173, eff. 7-29-15.)

19 Section 115. The Nursing Home Care Act is amended by  
20 changing Section 3-206.05 as follows:

21 (210 ILCS 45/3-206.05)

22 Sec. 3-206.05. Safe resident handling policy.

23 (a) In this Section:

24 "Health care worker" means an individual providing direct

1 resident care services who may be required to lift, transfer,  
2 reposition, or move a resident.

3 "Nurse" means an advanced practice registered nurse, a  
4 registered nurse, or a licensed practical nurse licensed under  
5 the Nurse Practice Act.

6 "Safe lifting equipment and accessories" means mechanical  
7 equipment designed to lift, move, reposition, and transfer  
8 residents, including, but not limited to, fixed and portable  
9 ceiling lifts, sit-to-stand lifts, slide sheets and boards,  
10 slings, and repositioning and turning sheets.

11 "Safe lifting team" means at least 2 individuals who are  
12 trained and proficient in the use of both safe lifting  
13 techniques and safe lifting equipment and accessories.

14 "Adjustable equipment" means products and devices that may  
15 be adapted for use by individuals with physical and other  
16 disabilities in order to optimize accessibility. Adjustable  
17 equipment includes, but is not limited to, the following:

18 (1) Wheelchairs with adjustable footrest height and  
19 seat width and depth.

20 (2) Height-adjustable, drop-arm commode chairs and  
21 height-adjustable shower gurneys or shower benches to  
22 enable individuals with mobility disabilities to use a  
23 toilet and to shower safely and with increased comfort.

24 (3) Accessible weight scales that accommodate  
25 wheelchair users.

26 (4) Height-adjustable beds that can be lowered to

1 accommodate individuals with mobility disabilities in  
2 getting in and out of bed and that utilize drop-down side  
3 railings for stability and positioning support.

4 (5) Universally designed or adaptable call buttons and  
5 motorized bed position and height controls that can be  
6 operated by persons with limited or no reach range, fine  
7 motor ability, or vision.

8 (6) Height-adjustable platform tables for physical  
9 therapy with drop-down side railings for stability and  
10 positioning support.

11 (7) Therapeutic rehabilitation and exercise machines  
12 with foot straps to secure the user's feet to the pedals  
13 and with cuffs or splints to augment the user's grip  
14 strength on handles.

15 (b) A facility must adopt and ensure implementation of a  
16 policy to identify, assess, and develop strategies to control  
17 risk of injury to residents and nurses and other health care  
18 workers associated with the lifting, transferring,  
19 repositioning, or movement of a resident. The policy shall  
20 establish a process that, at a minimum, includes all of the  
21 following:

22 (1) Analysis of the risk of injury to residents and  
23 nurses and other health care workers taking into account  
24 the resident handling needs of the resident populations  
25 served by the facility and the physical environment in  
26 which the resident handling and movement occurs.

1           (2) Education and training of nurses and other direct  
2           resident care providers in the identification, assessment,  
3           and control of risks of injury to residents and nurses and  
4           other health care workers during resident handling and on  
5           safe lifting policies and techniques and current lifting  
6           equipment.

7           (3) Evaluation of alternative ways to reduce risks  
8           associated with resident handling, including evaluation of  
9           equipment and the environment.

10          (4) Restriction, to the extent feasible with existing  
11          equipment and aids, of manual resident handling or movement  
12          of all or most of a resident's weight except for emergency,  
13          life-threatening, or otherwise exceptional circumstances.

14          (5) Procedures for a nurse to refuse to perform or be  
15          involved in resident handling or movement that the nurse in  
16          good faith believes will expose a resident or nurse or  
17          other health care worker to an unacceptable risk of injury.

18          (6) Development of strategies to control risk of injury  
19          to residents and nurses and other health care workers  
20          associated with the lifting, transferring, repositioning,  
21          or movement of a resident.

22          (7) In developing architectural plans for construction  
23          or remodeling of a facility or unit of a facility in which  
24          resident handling and movement occurs, consideration of  
25          the feasibility of incorporating resident handling  
26          equipment or the physical space and construction design

1 needed to incorporate that equipment.

2 (8) Fostering and maintaining resident safety,  
3 dignity, self-determination, and choice, including the  
4 following policies, strategies, and procedures:

5 (A) The existence and availability of a trained  
6 safe lifting team.

7 (B) A policy of advising residents of a range of  
8 transfer and lift options, including adjustable  
9 diagnostic and treatment equipment, mechanical lifts,  
10 and provision of a trained safe lifting team.

11 (C) The right of a competent resident, or the  
12 guardian of a resident adjudicated incompetent, to  
13 choose among the range of transfer and lift options  
14 consistent with the procedures set forth under  
15 subdivision (b) (5) and the policies set forth under  
16 this paragraph (8), subject to the provisions of  
17 subparagraph (E) of this paragraph (8).

18 (D) Procedures for documenting, upon admission and  
19 as status changes, a mobility assessment and plan for  
20 lifting, transferring, repositioning, or movement of a  
21 resident, including the choice of the resident or the  
22 resident's guardian among the range of transfer and  
23 lift options.

24 (E) Incorporation of such safe lifting procedures,  
25 techniques, and equipment as are consistent with  
26 applicable federal law.

1 (c) Safe lifting teams must receive specialized, in-depth  
2 training that includes, but need not be limited to, the  
3 following:

4 (1) Types and operation of equipment.

5 (2) Safe manual lifting and moving techniques.

6 (3) Ergonomic principles in the assessment of risk both  
7 to nurses and other workers and to residents.

8 (4) The selection, safe use, location, and condition of  
9 appropriate pieces of equipment individualized to each  
10 resident's medical and physical conditions and  
11 preferences.

12 (5) Procedures for advising residents of the full range  
13 of transfer and lift options and for documenting  
14 individualized lifting plans that include resident choice.

15 Specialized, in-depth training may rely on federal  
16 standards and guidelines such as the United States Department  
17 of Labor Guidelines for Nursing Homes, supplemented by federal  
18 requirements for barrier removal, independent access, and  
19 means of accommodation optimizing independent movement and  
20 transfer.

21 (Source: P.A. 96-389, eff. 1-1-10; 97-866, eff. 1-1-13.)

22 Section 120. The Emergency Medical Services (EMS) Systems  
23 Act is amended by changing Sections 3.10 and 3.117 as follows:

24 (210 ILCS 50/3.10)

1           Sec. 3.10. Scope of Services.

2           (a) "Advanced Life Support (ALS) Services" means an  
3 advanced level of pre-hospital and inter-hospital emergency  
4 care and non-emergency medical services that includes basic  
5 life support care, cardiac monitoring, cardiac defibrillation,  
6 electrocardiography, intravenous therapy, administration of  
7 medications, drugs and solutions, use of adjunctive medical  
8 devices, trauma care, and other authorized techniques and  
9 procedures, as outlined in the provisions of the National EMS  
10 Education Standards relating to Advanced Life Support and any  
11 modifications to that curriculum specified in rules adopted by  
12 the Department pursuant to this Act.

13           That care shall be initiated as authorized by the EMS  
14 Medical Director in a Department approved advanced life support  
15 EMS System, under the written or verbal direction of a  
16 physician licensed to practice medicine in all of its branches  
17 or under the verbal direction of an Emergency Communications  
18 Registered Nurse.

19           (b) "Intermediate Life Support (ILS) Services" means an  
20 intermediate level of pre-hospital and inter-hospital  
21 emergency care and non-emergency medical services that  
22 includes basic life support care plus intravenous cannulation  
23 and fluid therapy, invasive airway management, trauma care, and  
24 other authorized techniques and procedures, as outlined in the  
25 Intermediate Life Support national curriculum of the United  
26 States Department of Transportation and any modifications to



1 that curriculum specified in rules adopted by the Department  
2 pursuant to this Act.

3 That care shall be initiated as authorized by the EMS  
4 Medical Director in a Department approved intermediate or  
5 advanced life support EMS System, under the written or verbal  
6 direction of a physician licensed to practice medicine in all  
7 of its branches or under the verbal direction of an Emergency  
8 Communications Registered Nurse.

9 (c) "Basic Life Support (BLS) Services" means a basic level  
10 of pre-hospital and inter-hospital emergency care and  
11 non-emergency medical services that includes medical  
12 monitoring, clinical observation, airway management,  
13 cardiopulmonary resuscitation (CPR), control of shock and  
14 bleeding and splinting of fractures, as outlined in the  
15 provisions of the National EMS Education Standards relating to  
16 Basic Life Support and any modifications to that curriculum  
17 specified in rules adopted by the Department pursuant to this  
18 Act.

19 That care shall be initiated, where authorized by the EMS  
20 Medical Director in a Department approved EMS System, under the  
21 written or verbal direction of a physician licensed to practice  
22 medicine in all of its branches or under the verbal direction  
23 of an Emergency Communications Registered Nurse.

24 (d) "Emergency Medical Responder Services" means a  
25 preliminary level of pre-hospital emergency care that includes  
26 cardiopulmonary resuscitation (CPR), monitoring vital signs

1 and control of bleeding, as outlined in the Emergency Medical  
2 Responder (EMR) curriculum of the National EMS Education  
3 Standards and any modifications to that curriculum specified in  
4 rules adopted by the Department pursuant to this Act.

5 (e) "Pre-hospital care" means those medical services  
6 rendered to patients for analytic, resuscitative, stabilizing,  
7 or preventive purposes, precedent to and during transportation  
8 of such patients to health care facilities.

9 (f) "Inter-hospital care" means those medical services  
10 rendered to patients for analytic, resuscitative, stabilizing,  
11 or preventive purposes, during transportation of such patients  
12 from one hospital to another hospital.

13 (f-5) "Critical care transport" means the pre-hospital or  
14 inter-hospital transportation of a critically injured or ill  
15 patient by a vehicle service provider, including the provision  
16 of medically necessary supplies and services, at a level of  
17 service beyond the scope of the Paramedic. When medically  
18 indicated for a patient, as determined by a physician licensed  
19 to practice medicine in all of its branches, an advanced  
20 practice registered nurse, or a physician's assistant, in  
21 compliance with subsections (b) and (c) of Section 3.155 of  
22 this Act, critical care transport may be provided by:

23 (1) Department-approved critical care transport  
24 providers, not owned or operated by a hospital, utilizing  
25 Paramedics with additional training, nurses, or other  
26 qualified health professionals; or

1           (2) Hospitals, when utilizing any vehicle service  
2           provider or any hospital-owned or operated vehicle service  
3           provider. Nothing in Public Act 96-1469 requires a hospital  
4           to use, or to be, a Department-approved critical care  
5           transport provider when transporting patients, including  
6           those critically injured or ill. Nothing in this Act shall  
7           restrict or prohibit a hospital from providing, or  
8           arranging for, the medically appropriate transport of any  
9           patient, as determined by a physician licensed to practice  
10          in all of its branches, an advanced practice registered  
11          nurse, or a physician's assistant.

12          (g) "Non-emergency medical services" means medical care,  
13          clinical observation, or medical monitoring rendered to  
14          patients whose conditions do not meet this Act's definition of  
15          emergency, before or during transportation of such patients to  
16          or from health care facilities visited for the purpose of  
17          obtaining medical or health care services which are not  
18          emergency in nature, using a vehicle regulated by this Act.

19          (g-5) The Department shall have the authority to promulgate  
20          minimum standards for critical care transport providers  
21          through rules adopted pursuant to this Act. All critical care  
22          transport providers must function within a Department-approved  
23          EMS System. Nothing in Department rules shall restrict a  
24          hospital's ability to furnish personnel, equipment, and  
25          medical supplies to any vehicle service provider, including a  
26          critical care transport provider. Minimum critical care

1 transport provider standards shall include, but are not limited  
2 to:

- 3 (1) Personnel staffing and licensure.
- 4 (2) Education, certification, and experience.
- 5 (3) Medical equipment and supplies.
- 6 (4) Vehicular standards.
- 7 (5) Treatment and transport protocols.
- 8 (6) Quality assurance and data collection.

9 (h) The provisions of this Act shall not apply to the use  
10 of an ambulance or SEMSV, unless and until emergency or  
11 non-emergency medical services are needed during the use of the  
12 ambulance or SEMSV.

13 (Source: P.A. 98-973, eff. 8-15-14; 99-661, eff. 1-1-17.)

14 (210 ILCS 50/3.117)

15 Sec. 3.117. Hospital Designations.

16 (a) The Department shall attempt to designate Primary  
17 Stroke Centers in all areas of the State.

18 (1) The Department shall designate as many certified  
19 Primary Stroke Centers as apply for that designation  
20 provided they are certified by a nationally-recognized  
21 certifying body, approved by the Department, and  
22 certification criteria are consistent with the most  
23 current nationally-recognized, evidence-based stroke  
24 guidelines related to reducing the occurrence,  
25 disabilities, and death associated with stroke.

1           (2) A hospital certified as a Primary Stroke Center by  
2 a nationally-recognized certifying body approved by the  
3 Department, shall send a copy of the Certificate and annual  
4 fee to the Department and shall be deemed, within 30  
5 business days of its receipt by the Department, to be a  
6 State-designated Primary Stroke Center.

7           (3) A center designated as a Primary Stroke Center  
8 shall pay an annual fee as determined by the Department  
9 that shall be no less than \$100 and no greater than \$500.  
10 All fees shall be deposited into the Stroke Data Collection  
11 Fund.

12           (3.5) With respect to a hospital that is a designated  
13 Primary Stroke Center, the Department shall have the  
14 authority and responsibility to do the following:

15           (A) Suspend or revoke a hospital's Primary Stroke  
16 Center designation upon receiving notice that the  
17 hospital's Primary Stroke Center certification has  
18 lapsed or has been revoked by the State recognized  
19 certifying body.

20           (B) Suspend a hospital's Primary Stroke Center  
21 designation, in extreme circumstances where patients  
22 may be at risk for immediate harm or death, until such  
23 time as the certifying body investigates and makes a  
24 final determination regarding certification.

25           (C) Restore any previously suspended or revoked  
26 Department designation upon notice to the Department

1           that the certifying body has confirmed or restored the  
2           Primary Stroke Center certification of that previously  
3           designated hospital.

4           (D) Suspend a hospital's Primary Stroke Center  
5           designation at the request of a hospital seeking to  
6           suspend its own Department designation.

7           (4) Primary Stroke Center designation shall remain  
8           valid at all times while the hospital maintains its  
9           certification as a Primary Stroke Center, in good standing,  
10          with the certifying body. The duration of a Primary Stroke  
11          Center designation shall coincide with the duration of its  
12          Primary Stroke Center certification. Each designated  
13          Primary Stroke Center shall have its designation  
14          automatically renewed upon the Department's receipt of a  
15          copy of the accrediting body's certification renewal.

16          (5) A hospital that no longer meets  
17          nationally-recognized, evidence-based standards for  
18          Primary Stroke Centers, or loses its Primary Stroke Center  
19          certification, shall notify the Department and the  
20          Regional EMS Advisory Committee within 5 business days.

21          (a-5) The Department shall attempt to designate  
22          Comprehensive Stroke Centers in all areas of the State.

23          (1) The Department shall designate as many certified  
24          Comprehensive Stroke Centers as apply for that  
25          designation, provided that the Comprehensive Stroke  
26          Centers are certified by a nationally-recognized

1 certifying body approved by the Department, and provided  
2 that the certifying body's certification criteria are  
3 consistent with the most current nationally-recognized and  
4 evidence-based stroke guidelines for reducing the  
5 occurrence of stroke and the disabilities and death  
6 associated with stroke.

7 (2) A hospital certified as a Comprehensive Stroke  
8 Center shall send a copy of the Certificate and annual fee  
9 to the Department and shall be deemed, within 30 business  
10 days of its receipt by the Department, to be a  
11 State-designated Comprehensive Stroke Center.

12 (3) A hospital designated as a Comprehensive Stroke  
13 Center shall pay an annual fee as determined by the  
14 Department that shall be no less than \$100 and no greater  
15 than \$500. All fees shall be deposited into the Stroke Data  
16 Collection Fund.

17 (4) With respect to a hospital that is a designated  
18 Comprehensive Stroke Center, the Department shall have the  
19 authority and responsibility to do the following:

20 (A) Suspend or revoke the hospital's Comprehensive  
21 Stroke Center designation upon receiving notice that  
22 the hospital's Comprehensive Stroke Center  
23 certification has lapsed or has been revoked by the  
24 State recognized certifying body.

25 (B) Suspend the hospital's Comprehensive Stroke  
26 Center designation, in extreme circumstances in which

1 patients may be at risk for immediate harm or death,  
2 until such time as the certifying body investigates and  
3 makes a final determination regarding certification.

4 (C) Restore any previously suspended or revoked  
5 Department designation upon notice to the Department  
6 that the certifying body has confirmed or restored the  
7 Comprehensive Stroke Center certification of that  
8 previously designated hospital.

9 (D) Suspend the hospital's Comprehensive Stroke  
10 Center designation at the request of a hospital seeking  
11 to suspend its own Department designation.

12 (5) Comprehensive Stroke Center designation shall  
13 remain valid at all times while the hospital maintains its  
14 certification as a Comprehensive Stroke Center, in good  
15 standing, with the certifying body. The duration of a  
16 Comprehensive Stroke Center designation shall coincide  
17 with the duration of its Comprehensive Stroke Center  
18 certification. Each designated Comprehensive Stroke Center  
19 shall have its designation automatically renewed upon the  
20 Department's receipt of a copy of the certifying body's  
21 certification renewal.

22 (6) A hospital that no longer meets  
23 nationally-recognized, evidence-based standards for  
24 Comprehensive Stroke Centers, or loses its Comprehensive  
25 Stroke Center certification, shall notify the Department  
26 and the Regional EMS Advisory Committee within 5 business



1 days.

2 (b) Beginning on the first day of the month that begins 12  
3 months after the adoption of rules authorized by this  
4 subsection, the Department shall attempt to designate  
5 hospitals as Acute Stroke-Ready Hospitals in all areas of the  
6 State. Designation may be approved by the Department after a  
7 hospital has been certified as an Acute Stroke-Ready Hospital  
8 or through application and designation by the Department. For  
9 any hospital that is designated as an Emergent Stroke Ready  
10 Hospital at the time that the Department begins the designation  
11 of Acute Stroke-Ready Hospitals, the Emergent Stroke Ready  
12 designation shall remain intact for the duration of the  
13 12-month period until that designation expires. Until the  
14 Department begins the designation of hospitals as Acute  
15 Stroke-Ready Hospitals, hospitals may achieve Emergent Stroke  
16 Ready Hospital designation utilizing the processes and  
17 criteria provided in Public Act 96-514.

18 (1) (Blank).

19 (2) Hospitals may apply for, and receive, Acute  
20 Stroke-Ready Hospital designation from the Department,  
21 provided that the hospital attests, on a form developed by  
22 the Department in consultation with the State Stroke  
23 Advisory Subcommittee, that it meets, and will continue to  
24 meet, the criteria for Acute Stroke-Ready Hospital  
25 designation and pays an annual fee.

26 A hospital designated as an Acute Stroke-Ready

1 Hospital shall pay an annual fee as determined by the  
2 Department that shall be no less than \$100 and no greater  
3 than \$500. All fees shall be deposited into the Stroke Data  
4 Collection Fund.

5 (2.5) A hospital may apply for, and receive, Acute  
6 Stroke-Ready Hospital designation from the Department,  
7 provided that the hospital provides proof of current Acute  
8 Stroke-Ready Hospital certification and the hospital pays  
9 an annual fee.

10 (A) Acute Stroke-Ready Hospital designation shall  
11 remain valid at all times while the hospital maintains  
12 its certification as an Acute Stroke-Ready Hospital,  
13 in good standing, with the certifying body.

14 (B) The duration of an Acute Stroke-Ready Hospital  
15 designation shall coincide with the duration of its  
16 Acute Stroke-Ready Hospital certification.

17 (C) Each designated Acute Stroke-Ready Hospital  
18 shall have its designation automatically renewed upon  
19 the Department's receipt of a copy of the certifying  
20 body's certification renewal and Application for  
21 Stroke Center Designation form.

22 (D) A hospital must submit a copy of its  
23 certification renewal from the certifying body as soon  
24 as practical but no later than 30 business days after  
25 that certification is received by the hospital. Upon  
26 the Department's receipt of the renewal certification,

1 the Department shall renew the hospital's Acute  
2 Stroke-Ready Hospital designation.

3 (E) A hospital designated as an Acute Stroke-Ready  
4 Hospital shall pay an annual fee as determined by the  
5 Department that shall be no less than \$100 and no  
6 greater than \$500. All fees shall be deposited into the  
7 Stroke Data Collection Fund.

8 (3) Hospitals seeking Acute Stroke-Ready Hospital  
9 designation that do not have certification shall develop  
10 policies and procedures that are consistent with  
11 nationally-recognized, evidence-based protocols for the  
12 provision of emergent stroke care. Hospital policies  
13 relating to emergent stroke care and stroke patient  
14 outcomes shall be reviewed at least annually, or more often  
15 as needed, by a hospital committee that oversees quality  
16 improvement. Adjustments shall be made as necessary to  
17 advance the quality of stroke care delivered. Criteria for  
18 Acute Stroke-Ready Hospital designation of hospitals shall  
19 be limited to the ability of a hospital to:

20 (A) create written acute care protocols related to  
21 emergent stroke care;

22 (A-5) participate in the data collection system  
23 provided in Section 3.118, if available;

24 (B) maintain a written transfer agreement with one  
25 or more hospitals that have neurosurgical expertise;

26 (C) designate a Clinical Director of Stroke Care

1           who shall be a clinical member of the hospital staff  
2           with training or experience, as defined by the  
3           facility, in the care of patients with cerebrovascular  
4           disease. This training or experience may include, but  
5           is not limited to, completion of a fellowship or other  
6           specialized training in the area of cerebrovascular  
7           disease, attendance at national courses, or prior  
8           experience in neuroscience intensive care units. The  
9           Clinical Director of Stroke Care may be a neurologist,  
10          neurosurgeon, emergency medicine physician, internist,  
11          radiologist, advanced practice registered nurse, or  
12          physician's assistant;

13                 (C-5) provide rapid access to an acute stroke team,  
14                 as defined by the facility, that considers and reflects  
15                 nationally-recognized, evidenced-based protocols or  
16                 guidelines;

17                 (D)     administer thrombolytic therapy, or  
18                 subsequently developed medical therapies that meet  
19                 nationally-recognized, evidence-based stroke  
20                 guidelines;

21                 (E) conduct brain image tests at all times;

22                 (F)     conduct blood coagulation studies at all  
23                 times;

24                 (G) maintain a log of stroke patients, which shall  
25                 be available for review upon request by the Department  
26                 or any hospital that has a written transfer agreement

1 with the Acute Stroke-Ready Hospital;

2 (H) admit stroke patients to a unit that can  
3 provide appropriate care that considers and reflects  
4 nationally-recognized, evidence-based protocols or  
5 guidelines or transfer stroke patients to an Acute  
6 Stroke-Ready Hospital, Primary Stroke Center, or  
7 Comprehensive Stroke Center, or another facility that  
8 can provide the appropriate care that considers and  
9 reflects nationally-recognized, evidence-based  
10 protocols or guidelines; and

11 (I) demonstrate compliance with  
12 nationally-recognized quality indicators.

13 (4) With respect to Acute Stroke-Ready Hospital  
14 designation, the Department shall have the authority and  
15 responsibility to do the following:

16 (A) Require hospitals applying for Acute  
17 Stroke-Ready Hospital designation to attest, on a form  
18 developed by the Department in consultation with the  
19 State Stroke Advisory Subcommittee, that the hospital  
20 meets, and will continue to meet, the criteria for an  
21 Acute Stroke-Ready Hospital.

22 (A-5) Require hospitals applying for Acute  
23 Stroke-Ready Hospital designation via national Acute  
24 Stroke-Ready Hospital certification to provide proof  
25 of current Acute Stroke-Ready Hospital certification,  
26 in good standing.

1           The Department shall require a hospital that is  
2 already certified as an Acute Stroke-Ready Hospital to  
3 send a copy of the Certificate to the Department.

4           Within 30 business days of the Department's  
5 receipt of a hospital's Acute Stroke-Ready Certificate  
6 and Application for Stroke Center Designation form  
7 that indicates that the hospital is a certified Acute  
8 Stroke-Ready Hospital, in good standing, the hospital  
9 shall be deemed a State-designated Acute Stroke-Ready  
10 Hospital. The Department shall send a designation  
11 notice to each hospital that it designates as an Acute  
12 Stroke-Ready Hospital and shall add the names of  
13 designated Acute Stroke-Ready Hospitals to the website  
14 listing immediately upon designation. The Department  
15 shall immediately remove the name of a hospital from  
16 the website listing when a hospital loses its  
17 designation after notice and, if requested by the  
18 hospital, a hearing.

19           The Department shall develop an Application for  
20 Stroke Center Designation form that contains a  
21 statement that "The above named facility meets the  
22 requirements for Acute Stroke-Ready Hospital  
23 Designation as provided in Section 3.117 of the  
24 Emergency Medical Services (EMS) Systems Act" and  
25 shall instruct the applicant facility to provide: the  
26 hospital name and address; the hospital CEO or

1 Administrator's typed name and signature; the hospital  
2 Clinical Director of Stroke Care's typed name and  
3 signature; and a contact person's typed name, email  
4 address, and phone number.

5 The Application for Stroke Center Designation form  
6 shall contain a statement that instructs the hospital  
7 to "Provide proof of current Acute Stroke-Ready  
8 Hospital certification from a nationally-recognized  
9 certifying body approved by the Department".

10 (B) Designate a hospital as an Acute Stroke-Ready  
11 Hospital no more than 30 business days after receipt of  
12 an attestation that meets the requirements for  
13 attestation, unless the Department, within 30 days of  
14 receipt of the attestation, chooses to conduct an  
15 onsite survey prior to designation. If the Department  
16 chooses to conduct an onsite survey prior to  
17 designation, then the onsite survey shall be conducted  
18 within 90 days of receipt of the attestation.

19 (C) Require annual written attestation, on a form  
20 developed by the Department in consultation with the  
21 State Stroke Advisory Subcommittee, by Acute  
22 Stroke-Ready Hospitals to indicate compliance with  
23 Acute Stroke-Ready Hospital criteria, as described in  
24 this Section, and automatically renew Acute  
25 Stroke-Ready Hospital designation of the hospital.

26 (D) Issue an Emergency Suspension of Acute

1           Stroke-Ready Hospital designation when the Director,  
2           or his or her designee, has determined that the  
3           hospital no longer meets the Acute Stroke-Ready  
4           Hospital criteria and an immediate and serious danger  
5           to the public health, safety, and welfare exists. If  
6           the Acute Stroke-Ready Hospital fails to eliminate the  
7           violation immediately or within a fixed period of time,  
8           not exceeding 10 days, as determined by the Director,  
9           the Director may immediately revoke the Acute  
10          Stroke-Ready Hospital designation. The Acute  
11          Stroke-Ready Hospital may appeal the revocation within  
12          15 business days after receiving the Director's  
13          revocation order, by requesting an administrative  
14          hearing.

15                 (E) After notice and an opportunity for an  
16                 administrative hearing, suspend, revoke, or refuse to  
17                 renew an Acute Stroke-Ready Hospital designation, when  
18                 the Department finds the hospital is not in substantial  
19                 compliance with current Acute Stroke-Ready Hospital  
20                 criteria.

21           (c) The Department shall consult with the State Stroke  
22          Advisory Subcommittee for developing the designation,  
23          re-designation, and de-designation processes for Comprehensive  
24          Stroke Centers, Primary Stroke Centers, and Acute Stroke-Ready  
25          Hospitals.

26           (d) The Department shall consult with the State Stroke



1 Advisory Subcommittee as subject matter experts at least  
2 annually regarding stroke standards of care.

3 (Source: P.A. 98-756, eff. 7-16-14; 98-1001, eff. 1-1-15.)

4 Section 125. The Home Health, Home Services, and Home  
5 Nursing Agency Licensing Act is amended by changing Sections  
6 2.05 and 2.11 as follows:

7 (210 ILCS 55/2.05) (from Ch. 111 1/2, par. 2802.05)

8 Sec. 2.05. "Home health services" means services provided  
9 to a person at his residence according to a plan of treatment  
10 for illness or infirmity prescribed by a physician licensed to  
11 practice medicine in all its branches, a licensed physician  
12 assistant, or a licensed advanced practice registered nurse.  
13 Such services include part time and intermittent nursing  
14 services and other therapeutic services such as physical  
15 therapy, occupational therapy, speech therapy, medical social  
16 services, or services provided by a home health aide.

17 (Source: P.A. 98-261, eff. 8-9-13; 99-173, eff. 7-29-15.)

18 (210 ILCS 55/2.11)

19 Sec. 2.11. "Home nursing agency" means an agency that  
20 provides services directly, or acts as a placement agency, in  
21 order to deliver skilled nursing and home health aide services  
22 to persons in their personal residences. A home nursing agency  
23 provides services that would require a licensed nurse to

1 perform. Home health aide services are provided under the  
2 direction of a registered professional nurse or advanced  
3 practice registered ~~Advanced Practice~~ nurse. A home nursing  
4 agency does not require licensure as a home health agency under  
5 this Act. "Home nursing agency" does not include an  
6 individually licensed nurse acting as a private contractor or a  
7 person that provides or procures temporary employment in health  
8 care facilities, as defined in the Nurse Agency Licensing Act.  
9 (Source: P.A. 94-379, eff. 1-1-06; 95-951, eff. 8-29-08.)

10 Section 130. The End Stage Renal Disease Facility Act is  
11 amended by changing Section 25 as follows:

12 (210 ILCS 62/25)

13 Sec. 25. Minimum staffing. An end stage renal disease  
14 facility shall be under the medical direction of a physician  
15 experienced in renal disease treatment, as required for  
16 licensure under this Act. Additionally, at a minimum, every  
17 facility licensed under this Act shall ensure that whenever  
18 patients are undergoing dialysis all of the following are met:

19 (1) one currently licensed physician, registered  
20 nurse, physician assistant, advanced practice registered  
21 nurse, or licensed practical nurse experienced in  
22 rendering end stage renal disease care is physically  
23 present on the premises to oversee patient care; and

24 (2) adequate staff is present to meet the medical and

1 non-medical needs of each patient, as provided by this Act  
2 and the rules adopted pursuant to this Act.

3 (Source: P.A. 92-794, eff. 7-1-03.)

4 Section 135. The Hospital Licensing Act is amended by  
5 changing Sections 6.14g, 6.23a, 6.25, 10, 10.7, 10.8, and 10.9  
6 as follows:

7 (210 ILCS 85/6.14g)

8 Sec. 6.14g. Reports to the Department; opioid overdoses.

9 (a) As used in this Section:

10 "Overdose" has the same meaning as provided in Section 414  
11 of the Illinois Controlled Substances Act.

12 "Health care professional" includes a physician licensed  
13 to practice medicine in all its branches, a physician  
14 assistant, or an advanced practice registered nurse licensed in  
15 the State.

16 (b) When treatment is provided in a hospital's emergency  
17 department, a health care professional who treats a drug  
18 overdose or hospital administrator or designee shall report the  
19 case to the Department of Public Health within 48 hours of  
20 providing treatment for the drug overdose or at such time the  
21 drug overdose is confirmed. The Department shall by rule create  
22 a form for this purpose which requires the following  
23 information, if known: (1) whether an opioid antagonist was  
24 administered; (2) the cause of the overdose; and (3) the

1 demographic information of the person treated. The Department  
2 shall create the form with input from the statewide association  
3 representing a majority of hospitals in Illinois. The person  
4 completing the form may not disclose the name, address, or any  
5 other personal information of the individual experiencing the  
6 overdose.

7 (c) The identity of the person and entity reporting under  
8 this subsection shall not be disclosed to the subject of the  
9 report. For the purposes of this subsection, the health care  
10 professional, hospital administrator, or designee making the  
11 report and his or her employer shall not be held criminally,  
12 civilly, or professionally liable for reporting under this  
13 subsection, except for willful or wanton misconduct.

14 (d) The Department shall provide a semiannual report to the  
15 General Assembly summarizing the reports received. The  
16 Department shall also provide on its website a monthly report  
17 of drug overdose figures. The figures shall be organized by the  
18 overdose location, the age of the victim, the cause of the  
19 overdose, and any other factors the Department deems  
20 appropriate.

21 (Source: P.A. 99-480, eff. 9-9-15.)

22 (210 ILCS 85/6.23a)

23 Sec. 6.23a. Sepsis screening protocols.

24 (a) Each hospital shall adopt, implement, and periodically  
25 update evidence-based protocols for the early recognition and

1 treatment of patients with sepsis, severe sepsis, or septic  
2 shock (sepsis protocols) that are based on generally accepted  
3 standards of care. Sepsis protocols must include components  
4 specific to the identification, care, and treatment of adults  
5 and of children, and must clearly identify where and when  
6 components will differ for adults and for children seeking  
7 treatment in the emergency department or as an inpatient. These  
8 protocols must also include the following components:

9 (1) a process for the screening and early recognition  
10 of patients with sepsis, severe sepsis, or septic shock;

11 (2) a process to identify and document individuals  
12 appropriate for treatment through sepsis protocols,  
13 including explicit criteria defining those patients who  
14 should be excluded from the protocols, such as patients  
15 with certain clinical conditions or who have elected  
16 palliative care;

17 (3) guidelines for hemodynamic support with explicit  
18 physiologic and treatment goals, methodology for invasive  
19 or non-invasive hemodynamic monitoring, and timeframe  
20 goals;

21 (4) for infants and children, guidelines for fluid  
22 resuscitation consistent with current, evidence-based  
23 guidelines for severe sepsis and septic shock with defined  
24 therapeutic goals for children;

25 (5) identification of the infectious source and  
26 delivery of early broad spectrum antibiotics with timely

1 re-evaluation to adjust to narrow spectrum antibiotics  
2 targeted to identified infectious sources; and

3 (6) criteria for use, based on accepted evidence of  
4 vasoactive agents.

5 (b) Each hospital shall ensure that professional staff with  
6 direct patient care responsibilities and, as appropriate,  
7 staff with indirect patient care responsibilities, including,  
8 but not limited to, laboratory and pharmacy staff, are  
9 periodically trained to implement the sepsis protocols  
10 required under subsection (a). The hospital shall ensure  
11 updated training of staff if the hospital initiates substantive  
12 changes to the sepsis protocols.

13 (c) Each hospital shall be responsible for the collection  
14 and utilization of quality measures related to the recognition  
15 and treatment of severe sepsis for purposes of internal quality  
16 improvement.

17 (d) The evidence-based protocols adopted under this  
18 Section shall be provided to the Department upon the  
19 Department's request.

20 (e) Hospitals submitting sepsis data as required by the  
21 Centers for Medicare and Medicaid Services Hospital Inpatient  
22 Quality Reporting program as of fiscal year 2016 are presumed  
23 to meet the sepsis protocol requirements outlined in this  
24 Section.

25 (f) Subject to appropriation, the Department shall:

26 (1) recommend evidence-based sepsis definitions and

1 metrics that incorporate evidence-based findings,  
2 including appropriate antibiotic stewardship, and that  
3 align with the National Quality Forum, the Centers for  
4 Medicare and Medicaid Services, the Agency for Healthcare  
5 Research and Quality, and the Joint Commission;

6 (2) establish and use a methodology for collecting,  
7 analyzing, and disclosing the information collected under  
8 this Section, including collection methods, formatting,  
9 and methods and means for aggregate data release and  
10 dissemination;

11 (3) complete a digest of efforts and recommendations no  
12 later than 12 months after the effective date of this  
13 amendatory Act of the 99th General Assembly; the digest may  
14 include Illinois-specific data, trends, conditions, or  
15 other clinical factors; a summary shall be provided to the  
16 Governor and General Assembly and shall be publicly  
17 available on the Department's website; and

18 (4) consult and seek input and feedback prior to the  
19 proposal, publication, or issuance of any guidance,  
20 methodologies, metrics, rulemaking, or any other  
21 information authorized under this Section from statewide  
22 organizations representing hospitals, physicians, advanced  
23 practice registered nurses, pharmacists, and long-term  
24 care facilities. Public and private hospitals,  
25 epidemiologists, infection prevention professionals,  
26 health care informatics and health care data

1 professionals, and academic researchers may be consulted.

2 If the Department receives an appropriation and carries out  
3 the requirements of paragraphs (1), (2), (3), and (4), then the  
4 Department may adopt rules concerning the collection of data  
5 from hospitals regarding sepsis and requiring that each  
6 hospital shall be responsible for reporting to the Department.

7 Any publicly released hospital-specific information under  
8 this Section is subject to data provisions specified in Section  
9 25 of the Hospital Report Card Act.

10 (Source: P.A. 99-828, eff. 8-18-16.)

11 (210 ILCS 85/6.25)

12 Sec. 6.25. Safe patient handling policy.

13 (a) In this Section:

14 "Health care worker" means an individual providing direct  
15 patient care services who may be required to lift, transfer,  
16 reposition, or move a patient.

17 "Nurse" means an advanced practice registered nurse, a  
18 registered nurse, or a licensed practical nurse licensed under  
19 the Nurse Practice Act.

20 "Safe lifting equipment and accessories" means mechanical  
21 equipment designed to lift, move, reposition, and transfer  
22 patients, including, but not limited to, fixed and portable  
23 ceiling lifts, sit-to-stand lifts, slide sheets and boards,  
24 slings, and repositioning and turning sheets.

25 "Safe lifting team" means at least 2 individuals who are



1 trained in the use of both safe lifting techniques and safe  
2 lifting equipment and accessories, including the  
3 responsibility for knowing the location and condition of such  
4 equipment and accessories.

5 (b) A hospital must adopt and ensure implementation of a  
6 policy to identify, assess, and develop strategies to control  
7 risk of injury to patients and nurses and other health care  
8 workers associated with the lifting, transferring,  
9 repositioning, or movement of a patient. The policy shall  
10 establish a process that, at a minimum, includes all of the  
11 following:

12 (1) Analysis of the risk of injury to patients and  
13 nurses and other health care workers posted by the patient  
14 handling needs of the patient populations served by the  
15 hospital and the physical environment in which the patient  
16 handling and movement occurs.

17 (2) Education and training of nurses and other direct  
18 patient care providers in the identification, assessment,  
19 and control of risks of injury to patients and nurses and  
20 other health care workers during patient handling and on  
21 safe lifting policies and techniques and current lifting  
22 equipment.

23 (3) Evaluation of alternative ways to reduce risks  
24 associated with patient handling, including evaluation of  
25 equipment and the environment.

26 (4) Restriction, to the extent feasible with existing

1 equipment and aids, of manual patient handling or movement  
2 of all or most of a patient's weight except for emergency,  
3 life-threatening, or otherwise exceptional circumstances.

4 (5) Collaboration with and an annual report to the  
5 nurse staffing committee.

6 (6) Procedures for a nurse to refuse to perform or be  
7 involved in patient handling or movement that the nurse in  
8 good faith believes will expose a patient or nurse or other  
9 health care worker to an unacceptable risk of injury.

10 (7) Submission of an annual report to the hospital's  
11 governing body or quality assurance committee on  
12 activities related to the identification, assessment, and  
13 development of strategies to control risk of injury to  
14 patients and nurses and other health care workers  
15 associated with the lifting, transferring, repositioning,  
16 or movement of a patient.

17 (8) In developing architectural plans for construction  
18 or remodeling of a hospital or unit of a hospital in which  
19 patient handling and movement occurs, consideration of the  
20 feasibility of incorporating patient handling equipment or  
21 the physical space and construction design needed to  
22 incorporate that equipment.

23 (9) Fostering and maintaining patient safety, dignity,  
24 self-determination, and choice, including the following  
25 policies, strategies, and procedures:

26 (A) the existence and availability of a trained

1 safe lifting team;

2 (B) a policy of advising patients of a range of  
3 transfer and lift options, including adjustable  
4 diagnostic and treatment equipment, mechanical lifts,  
5 and provision of a trained safe lifting team;

6 (C) the right of a competent patient, or guardian  
7 of a patient adjudicated incompetent, to choose among  
8 the range of transfer and lift options, subject to the  
9 provisions of subparagraph (E) of this paragraph (9);

10 (D) procedures for documenting, upon admission and  
11 as status changes, a mobility assessment and plan for  
12 lifting, transferring, repositioning, or movement of a  
13 patient, including the choice of the patient or  
14 patient's guardian among the range of transfer and lift  
15 options; and

16 (E) incorporation of such safe lifting procedures,  
17 techniques, and equipment as are consistent with  
18 applicable federal law.

19 (Source: P.A. 96-389, eff. 1-1-10; 96-1000, eff. 7-2-10;  
20 97-122, eff. 1-1-12.)

21 (210 ILCS 85/10) (from Ch. 111 1/2, par. 151)

22 Sec. 10. Board creation; Department rules.

23 (a) The Governor shall appoint a Hospital Licensing Board  
24 composed of 14 persons, which shall advise and consult with the  
25 Director in the administration of this Act. The Secretary of

1 Human Services (or his or her designee) shall serve on the  
2 Board, along with one additional representative of the  
3 Department of Human Services to be designated by the Secretary.  
4 Four appointive members shall represent the general public and  
5 2 of these shall be members of hospital governing boards; one  
6 appointive member shall be a registered professional nurse or  
7 advanced practice registered~~7~~ nurse as defined in the Nurse  
8 Practice Act, who is employed in a hospital; 3 appointive  
9 members shall be hospital administrators actively engaged in  
10 the supervision or administration of hospitals; 2 appointive  
11 members shall be practicing physicians, licensed in Illinois to  
12 practice medicine in all of its branches; and one appointive  
13 member shall be a physician licensed to practice podiatric  
14 medicine under the Podiatric Medical Practice Act of 1987; and  
15 one appointive member shall be a dentist licensed to practice  
16 dentistry under the Illinois Dental Practice Act. In making  
17 Board appointments, the Governor shall give consideration to  
18 recommendations made through the Director by professional  
19 organizations concerned with hospital administration for the  
20 hospital administrative and governing board appointments,  
21 registered professional nurse organizations for the registered  
22 professional nurse appointment, professional medical  
23 organizations for the physician appointments, and professional  
24 dental organizations for the dentist appointment.

25 (b) Each appointive member shall hold office for a term of  
26 3 years, except that any member appointed to fill a vacancy

1 occurring prior to the expiration of the term for which his  
2 predecessor was appointed shall be appointed for the remainder  
3 of such term and the terms of office of the members first  
4 taking office shall expire, as designated at the time of  
5 appointment, 2 at the end of the first year, 2 at the end of the  
6 second year, and 3 at the end of the third year, after the date  
7 of appointment. The initial terms of office of the 2 additional  
8 members representing the general public provided for in this  
9 Section shall expire at the end of the third year after the  
10 date of appointment. The term of office of each original  
11 appointee shall commence July 1, 1953; the term of office of  
12 the original registered professional nurse appointee shall  
13 commence July 1, 1969; the term of office of the original  
14 licensed podiatric physician appointee shall commence July 1,  
15 1981; the term of office of the original dentist appointee  
16 shall commence July 1, 1987; and the term of office of each  
17 successor shall commence on July 1 of the year in which his  
18 predecessor's term expires. Board members, while serving on  
19 business of the Board, shall receive actual and necessary  
20 travel and subsistence expenses while so serving away from  
21 their places of residence. The Board shall meet as frequently  
22 as the Director deems necessary, but not less than once a year.  
23 Upon request of 5 or more members, the Director shall call a  
24 meeting of the Board.

25 (c) The Director shall prescribe rules, regulations,  
26 standards, and statements of policy needed to implement,

1 interpret, or make specific the provisions and purposes of this  
2 Act. The Department shall adopt rules which set forth standards  
3 for determining when the public interest, safety or welfare  
4 requires emergency action in relation to termination of a  
5 research program or experimental procedure conducted by a  
6 hospital licensed under this Act. No rule, regulation, or  
7 standard shall be adopted by the Department concerning the  
8 operation of hospitals licensed under this Act which has not  
9 had prior approval of the Hospital Licensing Board, nor shall  
10 the Department adopt any rule, regulation or standard relating  
11 to the establishment of a hospital without consultation with  
12 the Hospital Licensing Board.

13 (d) Within one year after August 7, 1984 (the effective  
14 date of Public Act 83-1248) ~~this amendatory Act of 1984~~, all  
15 hospitals licensed under this Act and providing perinatal care  
16 shall comply with standards of perinatal care promulgated by  
17 the Department. The Director shall promulgate rules or  
18 regulations under this Act which are consistent with the  
19 Developmental Disability Prevention Act ~~"An Act relating to the~~  
20 ~~prevention of developmental disabilities"~~, approved September  
21 ~~6, 1973, as amended.~~

22 (Source: P.A. 98-214, eff. 8-9-13; revised 10-26-16.)

23 (210 ILCS 85/10.7)

24 Sec. 10.7. Clinical privileges; advanced practice  
25 registered nurses. All hospitals licensed under this Act shall

1 comply with the following requirements:

2 (1) No hospital policy, rule, regulation, or practice  
3 shall be inconsistent with the provision of adequate  
4 collaboration and consultation in accordance with Section  
5 54.5 of the Medical Practice Act of 1987.

6 (2) Operative surgical procedures shall be performed  
7 only by a physician licensed to practice medicine in all  
8 its branches under the Medical Practice Act of 1987, a  
9 dentist licensed under the Illinois Dental Practice Act, or  
10 a podiatric physician licensed under the Podiatric Medical  
11 Practice Act of 1987, with medical staff membership and  
12 surgical clinical privileges granted at the hospital. A  
13 licensed physician, dentist, or podiatric physician may be  
14 assisted by a physician licensed to practice medicine in  
15 all its branches, dentist, dental assistant, podiatric  
16 physician, licensed advanced practice registered nurse,  
17 licensed physician assistant, licensed registered nurse,  
18 licensed practical nurse, surgical assistant, surgical  
19 technician, or other individuals granted clinical  
20 privileges to assist in surgery at the hospital. Payment  
21 for services rendered by an assistant in surgery who is not  
22 a hospital employee shall be paid at the appropriate  
23 non-physician modifier rate if the payor would have made  
24 payment had the same services been provided by a physician.

25 (2.5) A registered nurse licensed under the Nurse  
26 Practice Act and qualified by training and experience in

1 operating room nursing shall be present in the operating  
2 room and function as the circulating nurse during all  
3 invasive or operative procedures. For purposes of this  
4 paragraph (2.5), "circulating nurse" means a registered  
5 nurse who is responsible for coordinating all nursing care,  
6 patient safety needs, and the needs of the surgical team in  
7 the operating room during an invasive or operative  
8 procedure.

9 (3) An advanced practice registered nurse is not  
10 required to possess prescriptive authority or a written  
11 collaborative agreement meeting the requirements of the  
12 Nurse Practice Act to provide advanced practice registered  
13 nursing services in a hospital. An advanced practice  
14 registered nurse must possess clinical privileges  
15 recommended by the medical staff and granted by the  
16 hospital in order to provide services. Individual advanced  
17 practice registered nurses may also be granted clinical  
18 privileges to order, select, and administer medications,  
19 including controlled substances, to provide delineated  
20 care. The attending physician must determine the advanced  
21 practice registered nurse's role in providing care for his  
22 or her patients, except as otherwise provided in medical  
23 staff bylaws. The medical staff shall periodically review  
24 the services of advanced practice registered nurses  
25 granted privileges. This review shall be conducted in  
26 accordance with item (2) of subsection (a) of Section 10.8



1 of this Act for advanced practice registered nurses  
2 employed by the hospital.

3 (4) The anesthesia service shall be under the direction  
4 of a physician licensed to practice medicine in all its  
5 branches who has had specialized preparation or experience  
6 in the area or who has completed a residency in  
7 anesthesiology. An anesthesiologist, Board certified or  
8 Board eligible, is recommended. Anesthesia services may  
9 only be administered pursuant to the order of a physician  
10 licensed to practice medicine in all its branches, licensed  
11 dentist, or licensed podiatric physician.

12 (A) The individuals who, with clinical privileges  
13 granted at the hospital, may administer anesthesia  
14 services are limited to the following:

15 (i) an anesthesiologist; or

16 (ii) a physician licensed to practice medicine  
17 in all its branches; or

18 (iii) a dentist with authority to administer  
19 anesthesia under Section 8.1 of the Illinois  
20 Dental Practice Act; or

21 (iv) a licensed certified registered nurse  
22 anesthetist; or

23 (v) a podiatric physician licensed under the  
24 Podiatric Medical Practice Act of 1987.

25 (B) For anesthesia services, an anesthesiologist  
26 shall participate through discussion of and agreement

1 with the anesthesia plan and shall remain physically  
2 present and be available on the premises during the  
3 delivery of anesthesia services for diagnosis,  
4 consultation, and treatment of emergency medical  
5 conditions. In the absence of 24-hour availability of  
6 anesthesiologists with medical staff privileges, an  
7 alternate policy (requiring participation, presence,  
8 and availability of a physician licensed to practice  
9 medicine in all its branches) shall be developed by the  
10 medical staff and licensed hospital in consultation  
11 with the anesthesia service.

12 (C) A certified registered nurse anesthetist is  
13 not required to possess prescriptive authority or a  
14 written collaborative agreement meeting the  
15 requirements of Section 65-35 of the Nurse Practice Act  
16 to provide anesthesia services ordered by a licensed  
17 physician, dentist, or podiatric physician. Licensed  
18 certified registered nurse anesthetists are authorized  
19 to select, order, and administer drugs and apply the  
20 appropriate medical devices in the provision of  
21 anesthesia services under the anesthesia plan agreed  
22 with by the anesthesiologist or, in the absence of an  
23 available anesthesiologist with clinical privileges,  
24 agreed with by the operating physician, operating  
25 dentist, or operating podiatric physician in  
26 accordance with the hospital's alternative policy.

1 (Source: P.A. 98-214, eff. 8-9-13; 99-642, eff. 7-28-16.)

2 (210 ILCS 85/10.8)

3 Sec. 10.8. Requirements for employment of physicians.

4 (a) Physician employment by hospitals and hospital  
5 affiliates. Employing entities may employ physicians to  
6 practice medicine in all of its branches provided that the  
7 following requirements are met:

8 (1) The employed physician is a member of the medical  
9 staff of either the hospital or hospital affiliate. If a  
10 hospital affiliate decides to have a medical staff, its  
11 medical staff shall be organized in accordance with written  
12 bylaws where the affiliate medical staff is responsible for  
13 making recommendations to the governing body of the  
14 affiliate regarding all quality assurance activities and  
15 safeguarding professional autonomy. The affiliate medical  
16 staff bylaws may not be unilaterally changed by the  
17 governing body of the affiliate. Nothing in this Section  
18 requires hospital affiliates to have a medical staff.

19 (2) Independent physicians, who are not employed by an  
20 employing entity, periodically review the quality of the  
21 medical services provided by the employed physician to  
22 continuously improve patient care.

23 (3) The employing entity and the employed physician  
24 sign a statement acknowledging that the employer shall not  
25 unreasonably exercise control, direct, or interfere with

1 the employed physician's exercise and execution of his or  
2 her professional judgment in a manner that adversely  
3 affects the employed physician's ability to provide  
4 quality care to patients. This signed statement shall take  
5 the form of a provision in the physician's employment  
6 contract or a separate signed document from the employing  
7 entity to the employed physician. This statement shall  
8 state: "As the employer of a physician, (employer's name)  
9 shall not unreasonably exercise control, direct, or  
10 interfere with the employed physician's exercise and  
11 execution of his or her professional judgment in a manner  
12 that adversely affects the employed physician's ability to  
13 provide quality care to patients."

14 (4) The employing entity shall establish a mutually  
15 agreed upon independent review process with criteria under  
16 which an employed physician may seek review of the alleged  
17 violation of this Section by physicians who are not  
18 employed by the employing entity. The affiliate may arrange  
19 with the hospital medical staff to conduct these reviews.  
20 The independent physicians shall make findings and  
21 recommendations to the employing entity and the employed  
22 physician within 30 days of the conclusion of the gathering  
23 of the relevant information.

24 (b) Definitions. For the purpose of this Section:

25 "Employing entity" means a hospital licensed under the  
26 Hospital Licensing Act or a hospital affiliate.

1 "Employed physician" means a physician who receives an IRS  
2 W-2 form, or any successor federal income tax form, from an  
3 employing entity.

4 "Hospital" means a hospital licensed under the Hospital  
5 Licensing Act, except county hospitals as defined in subsection  
6 (c) of Section 15-1 of the Illinois Public Aid Code.

7 "Hospital affiliate" means a corporation, partnership,  
8 joint venture, limited liability company, or similar  
9 organization, other than a hospital, that is devoted primarily  
10 to the provision, management, or support of health care  
11 services and that directly or indirectly controls, is  
12 controlled by, or is under common control of the hospital.  
13 "Control" means having at least an equal or a majority  
14 ownership or membership interest. A hospital affiliate shall be  
15 100% owned or controlled by any combination of hospitals, their  
16 parent corporations, or physicians licensed to practice  
17 medicine in all its branches in Illinois. "Hospital affiliate"  
18 does not include a health maintenance organization regulated  
19 under the Health Maintenance Organization Act.

20 "Physician" means an individual licensed to practice  
21 medicine in all its branches in Illinois.

22 "Professional judgment" means the exercise of a  
23 physician's independent clinical judgment in providing  
24 medically appropriate diagnoses, care, and treatment to a  
25 particular patient at a particular time. Situations in which an  
26 employing entity does not interfere with an employed

1 physician's professional judgment include, without limitation,  
2 the following:

3 (1) practice restrictions based upon peer review of the  
4 physician's clinical practice to assess quality of care and  
5 utilization of resources in accordance with applicable  
6 bylaws;

7 (2) supervision of physicians by appropriately  
8 licensed medical directors, medical school faculty,  
9 department chairpersons or directors, or supervising  
10 physicians;

11 (3) written statements of ethical or religious  
12 directives; and

13 (4) reasonable referral restrictions that do not, in  
14 the reasonable professional judgment of the physician,  
15 adversely affect the health or welfare of the patient.

16 (c) Private enforcement. An employed physician aggrieved  
17 by a violation of this Act may seek to obtain an injunction or  
18 reinstatement of employment with the employing entity as the  
19 court may deem appropriate. Nothing in this Section limits or  
20 abrogates any common law cause of action. Nothing in this  
21 Section shall be deemed to alter the law of negligence.

22 (d) Department enforcement. The Department may enforce the  
23 provisions of this Section, but nothing in this Section shall  
24 require or permit the Department to license, certify, or  
25 otherwise investigate the activities of a hospital affiliate  
26 not otherwise required to be licensed by the Department.

1           (e) Retaliation prohibited. No employing entity shall  
2           retaliate against any employed physician for requesting a  
3           hearing or review under this Section. No action may be taken  
4           that affects the ability of a physician to practice during this  
5           review, except in circumstances where the medical staff bylaws  
6           authorize summary suspension.

7           (f) Physician collaboration. No employing entity shall  
8           adopt or enforce, either formally or informally, any policy,  
9           rule, regulation, or practice inconsistent with the provision  
10          of adequate collaboration, including medical direction of  
11          licensed advanced practice registered nurses or supervision of  
12          licensed physician assistants and delegation to other  
13          personnel under Section 54.5 of the Medical Practice Act of  
14          1987.

15          (g) Physician disciplinary actions. Nothing in this  
16          Section shall be construed to limit or prohibit the governing  
17          body of an employing entity or its medical staff, if any, from  
18          taking disciplinary actions against a physician as permitted by  
19          law.

20          (h) Physician review. Nothing in this Section shall be  
21          construed to prohibit a hospital or hospital affiliate from  
22          making a determination not to pay for a particular health care  
23          service or to prohibit a medical group, independent practice  
24          association, hospital medical staff, or hospital governing  
25          body from enforcing reasonable peer review or utilization  
26          review protocols or determining whether the employed physician

1 complied with those protocols.

2 (i) Review. Nothing in this Section may be used or  
3 construed to establish that any activity of a hospital or  
4 hospital affiliate is subject to review under the Illinois  
5 Health Facilities Planning Act.

6 (j) Rules. The Department shall adopt any rules necessary  
7 to implement this Section.

8 (Source: P.A. 92-455, eff. 9-30-01; revised 10-26-16.)

9 (210 ILCS 85/10.9)

10 Sec. 10.9. Nurse mandated overtime prohibited.

11 (a) Definitions. As used in this Section:

12 "Mandated overtime" means work that is required by the  
13 hospital in excess of an agreed-to, predetermined work shift.  
14 Time spent by nurses required to be available as a condition of  
15 employment in specialized units, such as surgical nursing  
16 services, shall not be counted or considered in calculating the  
17 amount of time worked for the purpose of applying the  
18 prohibition against mandated overtime under subsection (b).

19 "Nurse" means any advanced practice registered nurse,  
20 registered professional nurse, or licensed practical nurse, as  
21 defined in the Nurse Practice Act, who receives an hourly wage  
22 and has direct responsibility to oversee or carry out nursing  
23 care. For the purposes of this Section, "advanced practice  
24 registered nurse" does not include a certified registered nurse  
25 anesthetist who is primarily engaged in performing the duties



1 of a nurse anesthetist.

2 "Unforeseen emergent circumstance" means (i) any declared  
3 national, State, or municipal disaster or other catastrophic  
4 event, or any implementation of a hospital's disaster plan,  
5 that will substantially affect or increase the need for health  
6 care services or (ii) any circumstance in which patient care  
7 needs require specialized nursing skills through the  
8 completion of a procedure. An "unforeseen emergent  
9 circumstance" does not include situations in which the hospital  
10 fails to have enough nursing staff to meet the usual and  
11 reasonably predictable nursing needs of its patients.

12 (b) Mandated overtime prohibited. No nurse may be required  
13 to work mandated overtime except in the case of an unforeseen  
14 emergent circumstance when such overtime is required only as a  
15 last resort. Such mandated overtime shall not exceed 4 hours  
16 beyond an agreed-to, predetermined work shift.

17 (c) Off-duty period. When a nurse is mandated to work up to  
18 12 consecutive hours, the nurse must be allowed at least 8  
19 consecutive hours of off-duty time immediately following the  
20 completion of a shift.

21 (d) Retaliation prohibited. No hospital may discipline,  
22 discharge, or take any other adverse employment action against  
23 a nurse solely because the nurse refused to work mandated  
24 overtime as prohibited under subsection (b).

25 (e) Violations. Any employee of a hospital that is subject  
26 to this Act may file a complaint with the Department of Public

1 Health regarding an alleged violation of this Section. The  
2 complaint must be filed within 45 days following the occurrence  
3 of the incident giving rise to the alleged violation. The  
4 Department must forward notification of the alleged violation  
5 to the hospital in question within 3 business days after the  
6 complaint is filed. Upon receiving a complaint of a violation  
7 of this Section, the Department may take any action authorized  
8 under Section 7 or 9 of this Act.

9 (f) Proof of violation. Any violation of this Section must  
10 be proved by clear and convincing evidence that a nurse was  
11 required to work overtime against his or her will. The hospital  
12 may defeat the claim of a violation by presenting clear and  
13 convincing evidence that an unforeseen emergent circumstance,  
14 which required overtime work, existed at the time the employee  
15 was required or compelled to work.

16 (Source: P.A. 94-349, eff. 7-28-05; 95-639, eff. 10-5-07.)

17 Section 140. The Illinois Insurance Code is amended by  
18 changing Section 356g.5 as follows:

19 (215 ILCS 5/356g.5)

20 Sec. 356g.5. Clinical breast exam.

21 (a) The General Assembly finds that clinical breast  
22 examinations are a critical tool in the early detection of  
23 breast cancer, while the disease is in its earlier and  
24 potentially more treatable stages. Insurer reimbursement of

1 clinical breast examinations is essential to the effort to  
2 reduce breast cancer deaths in Illinois.

3 (b) Every insurer shall provide, in each group or  
4 individual policy, contract, or certificate of accident or  
5 health insurance issued or renewed for persons who are  
6 residents of Illinois, coverage for complete and thorough  
7 clinical breast examinations as indicated by guidelines of  
8 practice, performed by a physician licensed to practice  
9 medicine in all its branches, a licensed advanced practice  
10 registered nurse, or a licensed physician assistant, to check  
11 for lumps and other changes for the purpose of early detection  
12 and prevention of breast cancer as follows:

13 (1) at least every 3 years for women at least 20 years  
14 of age but less than 40 years of age; and

15 (2) annually for women 40 years of age or older.

16 (c) Upon approval of a nationally recognized separate and  
17 distinct clinical breast exam code that is compliant with all  
18 State and federal laws, rules, and regulations, public and  
19 private insurance plans shall take action to cover clinical  
20 breast exams on a separate and distinct basis.

21 (Source: P.A. 99-173, eff. 7-29-15.)

22 Section 145. The Illinois Dental Practice Act is amended by  
23 changing Sections 4 and 8.1 as follows:

24 (225 ILCS 25/4) (from Ch. 111, par. 2304)

1 (Section scheduled to be repealed on January 1, 2026)

2 Sec. 4. Definitions. As used in this Act:

3 "Address of record" means the designated address recorded  
4 by the Department in the applicant's or licensee's application  
5 file or license file as maintained by the Department's  
6 licensure maintenance unit. It is the duty of the applicant or  
7 licensee to inform the Department of any change of address and  
8 those changes must be made either through the Department's  
9 website or by contacting the Department.

10 "Department" means the Department of Financial and  
11 Professional Regulation.

12 "Secretary" means the Secretary of Financial and  
13 Professional Regulation.

14 "Board" means the Board of Dentistry.

15 "Dentist" means a person who has received a general license  
16 pursuant to paragraph (a) of Section 11 of this Act and who may  
17 perform any intraoral and extraoral procedure required in the  
18 practice of dentistry and to whom is reserved the  
19 responsibilities specified in Section 17.

20 "Dental hygienist" means a person who holds a license under  
21 this Act to perform dental services as authorized by Section  
22 18.

23 "Dental assistant" means an appropriately trained person  
24 who, under the supervision of a dentist, provides dental  
25 services as authorized by Section 17.

26 "Dental laboratory" means a person, firm or corporation

1     which:

2             (i) engages in making, providing, repairing or  
3             altering dental prosthetic appliances and other artificial  
4             materials and devices which are returned to a dentist for  
5             insertion into the human oral cavity or which come in  
6             contact with its adjacent structures and tissues; and

7             (ii) utilizes or employs a dental technician to provide  
8             such services; and

9             (iii) performs such functions only for a dentist or  
10            dentists.

11            "Supervision" means supervision of a dental hygienist or a  
12            dental assistant requiring that a dentist authorize the  
13            procedure, remain in the dental facility while the procedure is  
14            performed, and approve the work performed by the dental  
15            hygienist or dental assistant before dismissal of the patient,  
16            but does not mean that the dentist must be present at all times  
17            in the treatment room.

18            "General supervision" means supervision of a dental  
19            hygienist requiring that the patient be a patient of record,  
20            that the dentist examine the patient in accordance with Section  
21            18 prior to treatment by the dental hygienist, and that the  
22            dentist authorize the procedures which are being carried out by  
23            a notation in the patient's record, but not requiring that a  
24            dentist be present when the authorized procedures are being  
25            performed. The issuance of a prescription to a dental  
26            laboratory by a dentist does not constitute general

1 supervision.

2 "Public member" means a person who is not a health  
3 professional. For purposes of board membership, any person with  
4 a significant financial interest in a health service or  
5 profession is not a public member.

6 "Dentistry" means the healing art which is concerned with  
7 the examination, diagnosis, treatment planning and care of  
8 conditions within the human oral cavity and its adjacent  
9 tissues and structures, as further specified in Section 17.

10 "Branches of dentistry" means the various specialties of  
11 dentistry which, for purposes of this Act, shall be limited to  
12 the following: endodontics, oral and maxillofacial surgery,  
13 orthodontics and dentofacial orthopedics, pediatric dentistry,  
14 periodontics, prosthodontics, and oral and maxillofacial  
15 radiology.

16 "Specialist" means a dentist who has received a specialty  
17 license pursuant to Section 11(b).

18 "Dental technician" means a person who owns, operates or is  
19 employed by a dental laboratory and engages in making,  
20 providing, repairing or altering dental prosthetic appliances  
21 and other artificial materials and devices which are returned  
22 to a dentist for insertion into the human oral cavity or which  
23 come in contact with its adjacent structures and tissues.

24 "Impaired dentist" or "impaired dental hygienist" means a  
25 dentist or dental hygienist who is unable to practice with  
26 reasonable skill and safety because of a physical or mental

1 disability as evidenced by a written determination or written  
2 consent based on clinical evidence, including deterioration  
3 through the aging process, loss of motor skills, abuse of drugs  
4 or alcohol, or a psychiatric disorder, of sufficient degree to  
5 diminish the person's ability to deliver competent patient  
6 care.

7 "Nurse" means a registered professional nurse, a certified  
8 registered nurse anesthetist licensed as an advanced practice  
9 registered nurse, or a licensed practical nurse licensed under  
10 the Nurse Practice Act.

11 "Patient of record" means a patient for whom the patient's  
12 most recent dentist has obtained a relevant medical and dental  
13 history and on whom the dentist has performed an examination  
14 and evaluated the condition to be treated.

15 "Dental responder" means a dentist or dental hygienist who  
16 is appropriately certified in disaster preparedness,  
17 immunizations, and dental humanitarian medical response  
18 consistent with the Society of Disaster Medicine and Public  
19 Health and training certified by the National Incident  
20 Management System or the National Disaster Life Support  
21 Foundation.

22 "Mobile dental van or portable dental unit" means any  
23 self-contained or portable dental unit in which dentistry is  
24 practiced that can be moved, towed, or transported from one  
25 location to another in order to establish a location where  
26 dental services can be provided.

1 "Public health dental hygienist" means a hygienist who  
2 holds a valid license to practice in the State, has 2 years of  
3 full-time clinical experience or an equivalent of 4,000 hours  
4 of clinical experience and has completed at least 42 clock  
5 hours of additional structured courses in dental education  
6 approved by rule by the Department in advanced areas specific  
7 to public health dentistry, including, but not limited to,  
8 emergency procedures for medically compromised patients,  
9 pharmacology, medical recordkeeping procedures, geriatric  
10 dentistry, pediatric dentistry, pathology, and other areas of  
11 study as determined by the Department, and works in a public  
12 health setting pursuant to a written public health supervision  
13 agreement as defined by rule by the Department with a dentist  
14 working in or contracted with a local or State government  
15 agency or institution or who is providing services as part of a  
16 certified school-based program or school-based oral health  
17 program.

18 "Public health setting" means a federally qualified health  
19 center; a federal, State, or local public health facility; Head  
20 Start; a special supplemental nutrition program for Women,  
21 Infants, and Children (WIC) facility; or a certified  
22 school-based health center or school-based oral health  
23 program.

24 "Public health supervision" means the supervision of a  
25 public health dental hygienist by a licensed dentist who has a  
26 written public health supervision agreement with that public



1 health dental hygienist while working in an approved facility  
2 or program that allows the public health dental hygienist to  
3 treat patients, without a dentist first examining the patient  
4 and being present in the facility during treatment, (1) who are  
5 eligible for Medicaid or (2) who are uninsured and whose  
6 household income is not greater than 200% of the federal  
7 poverty level.

8 (Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15;  
9 99-680, eff. 1-1-17.)

10 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 8.1. Permit for the administration of anesthesia and  
13 sedation.

14 (a) No licensed dentist shall administer general  
15 anesthesia, deep sedation, or conscious sedation without first  
16 applying for and obtaining a permit for such purpose from the  
17 Department. The Department shall issue such permit only after  
18 ascertaining that the applicant possesses the minimum  
19 qualifications necessary to protect public safety. A person  
20 with a dental degree who administers anesthesia, deep sedation,  
21 or conscious sedation in an approved hospital training program  
22 under the supervision of either a licensed dentist holding such  
23 permit or a physician licensed to practice medicine in all its  
24 branches shall not be required to obtain such permit.

25 (b) In determining the minimum permit qualifications that

1 are necessary to protect public safety, the Department, by  
2 rule, shall:

3 (1) establish the minimum educational and training  
4 requirements necessary for a dentist to be issued an  
5 appropriate permit;

6 (2) establish the standards for properly equipped  
7 dental facilities (other than licensed hospitals and  
8 ambulatory surgical treatment centers) in which general  
9 anesthesia, deep sedation, or conscious sedation is  
10 administered, as necessary to protect public safety;

11 (3) establish minimum requirements for all persons who  
12 assist the dentist in the administration of general  
13 anesthesia, deep sedation, or conscious sedation,  
14 including minimum training requirements for each member of  
15 the dental team, monitoring requirements, recordkeeping  
16 requirements, and emergency procedures; ~~and~~

17 (4) ensure that the dentist and all persons assisting  
18 the dentist or monitoring the administration of general  
19 anesthesia, deep sedation, or conscious sedation maintain  
20 current certification in Basic Life Support (BLS); ~~and-~~

21 (5) establish continuing education requirements in  
22 sedation techniques for dentists who possess a permit under  
23 this Section.

24 When establishing requirements under this Section, the  
25 Department shall consider the current American Dental  
26 Association guidelines on sedation and general anesthesia, the

1 current "Guidelines for Monitoring and Management of Pediatric  
2 Patients During and After Sedation for Diagnostic and  
3 Therapeutic Procedures" established by the American Academy of  
4 Pediatrics and the American Academy of Pediatric Dentistry, and  
5 the current parameters of care and Office Anesthesia Evaluation  
6 (OAE) Manual established by the American Association of Oral  
7 and Maxillofacial Surgeons.

8 (c) A licensed dentist must hold an appropriate permit  
9 issued under this Section in order to perform dentistry while a  
10 nurse anesthetist administers conscious sedation, and a valid  
11 written collaborative agreement must exist between the dentist  
12 and the nurse anesthetist, in accordance with the Nurse  
13 Practice Act.

14 A licensed dentist must hold an appropriate permit issued  
15 under this Section in order to perform dentistry while a nurse  
16 anesthetist administers deep sedation or general anesthesia,  
17 and a valid written collaborative agreement must exist between  
18 the dentist and the nurse anesthetist, in accordance with the  
19 Nurse Practice Act.

20 For the purposes of this subsection (c), "nurse  
21 anesthetist" means a licensed certified registered nurse  
22 anesthetist who holds a license as an advanced practice  
23 registered nurse.

24 (Source: P.A. 95-399, eff. 1-1-08; 95-639, eff. 1-1-08; 96-328,  
25 eff. 8-11-09; revised 10-27-16.)

1 Section 150. The Health Care Worker Self-Referral Act is  
2 amended by changing Section 15 as follows:

3 (225 ILCS 47/15)

4 Sec. 15. Definitions. In this Act:

5 (a) "Board" means the Health Facilities and Services Review  
6 Board.

7 (b) "Entity" means any individual, partnership, firm,  
8 corporation, or other business that provides health services  
9 but does not include an individual who is a health care worker  
10 who provides professional services to an individual.

11 (c) "Group practice" means a group of 2 or more health care  
12 workers legally organized as a partnership, professional  
13 corporation, not-for-profit corporation, faculty practice plan  
14 or a similar association in which:

15 (1) each health care worker who is a member or employee  
16 or an independent contractor of the group provides  
17 substantially the full range of services that the health  
18 care worker routinely provides, including consultation,  
19 diagnosis, or treatment, through the use of office space,  
20 facilities, equipment, or personnel of the group;

21 (2) the services of the health care workers are  
22 provided through the group, and payments received for  
23 health services are treated as receipts of the group; and

24 (3) the overhead expenses and the income from the  
25 practice are distributed by methods previously determined

1 by the group.

2 (d) "Health care worker" means any individual licensed  
3 under the laws of this State to provide health services,  
4 including but not limited to: dentists licensed under the  
5 Illinois Dental Practice Act; dental hygienists licensed under  
6 the Illinois Dental Practice Act; nurses and advanced practice  
7 registered nurses licensed under the Nurse Practice Act;  
8 occupational therapists licensed under the Illinois  
9 Occupational Therapy Practice Act; optometrists licensed under  
10 the Illinois Optometric Practice Act of 1987; pharmacists  
11 licensed under the Pharmacy Practice Act; physical therapists  
12 licensed under the Illinois Physical Therapy Act; physicians  
13 licensed under the Medical Practice Act of 1987; physician  
14 assistants licensed under the Physician Assistant Practice Act  
15 of 1987; podiatric physicians licensed under the Podiatric  
16 Medical Practice Act of 1987; clinical psychologists licensed  
17 under the Clinical Psychologist Licensing Act; clinical social  
18 workers licensed under the Clinical Social Work and Social Work  
19 Practice Act; speech-language pathologists and audiologists  
20 licensed under the Illinois Speech-Language Pathology and  
21 Audiology Practice Act; or hearing instrument dispensers  
22 licensed under the Hearing Instrument Consumer Protection Act,  
23 or any of their successor Acts.

24 (e) "Health services" means health care procedures and  
25 services provided by or through a health care worker.

26 (f) "Immediate family member" means a health care worker's

1 spouse, child, child's spouse, or a parent.

2 (g) "Investment interest" means an equity or debt security  
3 issued by an entity, including, without limitation, shares of  
4 stock in a corporation, units or other interests in a  
5 partnership, bonds, debentures, notes, or other equity  
6 interests or debt instruments except that investment interest  
7 for purposes of Section 20 does not include interest in a  
8 hospital licensed under the laws of the State of Illinois.

9 (h) "Investor" means an individual or entity directly or  
10 indirectly owning a legal or beneficial ownership or investment  
11 interest, (such as through an immediate family member, trust,  
12 or another entity related to the investor).

13 (i) "Office practice" includes the facility or facilities  
14 at which a health care worker, on an ongoing basis, provides or  
15 supervises the provision of professional health services to  
16 individuals.

17 (j) "Referral" means any referral of a patient for health  
18 services, including, without limitation:

19 (1) The forwarding of a patient by one health care  
20 worker to another health care worker or to an entity  
21 outside the health care worker's office practice or group  
22 practice that provides health services.

23 (2) The request or establishment by a health care  
24 worker of a plan of care outside the health care worker's  
25 office practice or group practice that includes the  
26 provision of any health services.

1 (Source: P.A. 98-214, eff. 8-9-13.)

2 Section 155. The Medical Practice Act of 1987 is amended by  
3 changing Sections 8.1, 22, 54.2, and 54.5 as follows:

4 (225 ILCS 60/8.1)

5 (Section scheduled to be repealed on December 31, 2017)

6 Sec. 8.1. Matters concerning advanced practice registered  
7 nurses. Any proposed rules, amendments, second notice  
8 materials and adopted rule or amendment materials, and policy  
9 statements concerning advanced practice registered nurses  
10 shall be presented to the Licensing Board for review and  
11 comment. The recommendations of both the Board of Nursing and  
12 the Licensing Board shall be presented to the Secretary for  
13 consideration in making final decisions. Whenever the Board of  
14 Nursing and the Licensing Board disagree on a proposed rule or  
15 policy, the Secretary shall convene a joint meeting of the  
16 officers of each Board to discuss the resolution of any such  
17 disagreements.

18 (Source: P.A. 97-622, eff. 11-23-11.)

19 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

20 (Section scheduled to be repealed on December 31, 2017)

21 Sec. 22. Disciplinary action.

22 (A) The Department may revoke, suspend, place on probation,  
23 reprimand, refuse to issue or renew, or take any other

1 disciplinary or non-disciplinary action as the Department may  
2 deem proper with regard to the license or permit of any person  
3 issued under this Act, including imposing fines not to exceed  
4 \$10,000 for each violation, upon any of the following grounds:

5 (1) Performance of an elective abortion in any place,  
6 locale, facility, or institution other than:

7 (a) a facility licensed pursuant to the Ambulatory  
8 Surgical Treatment Center Act;

9 (b) an institution licensed under the Hospital  
10 Licensing Act;

11 (c) an ambulatory surgical treatment center or  
12 hospitalization or care facility maintained by the  
13 State or any agency thereof, where such department or  
14 agency has authority under law to establish and enforce  
15 standards for the ambulatory surgical treatment  
16 centers, hospitalization, or care facilities under its  
17 management and control;

18 (d) ambulatory surgical treatment centers,  
19 hospitalization or care facilities maintained by the  
20 Federal Government; or

21 (e) ambulatory surgical treatment centers,  
22 hospitalization or care facilities maintained by any  
23 university or college established under the laws of  
24 this State and supported principally by public funds  
25 raised by taxation.

26 (2) Performance of an abortion procedure in a wilful



1 and wanton manner on a woman who was not pregnant at the  
2 time the abortion procedure was performed.

3 (3) A plea of guilty or nolo contendere, finding of  
4 guilt, jury verdict, or entry of judgment or sentencing,  
5 including, but not limited to, convictions, preceding  
6 sentences of supervision, conditional discharge, or first  
7 offender probation, under the laws of any jurisdiction of  
8 the United States of any crime that is a felony.

9 (4) Gross negligence in practice under this Act.

10 (5) Engaging in dishonorable, unethical or  
11 unprofessional conduct of a character likely to deceive,  
12 defraud or harm the public.

13 (6) Obtaining any fee by fraud, deceit, or  
14 misrepresentation.

15 (7) Habitual or excessive use or abuse of drugs defined  
16 in law as controlled substances, of alcohol, or of any  
17 other substances which results in the inability to practice  
18 with reasonable judgment, skill or safety.

19 (8) Practicing under a false or, except as provided by  
20 law, an assumed name.

21 (9) Fraud or misrepresentation in applying for, or  
22 procuring, a license under this Act or in connection with  
23 applying for renewal of a license under this Act.

24 (10) Making a false or misleading statement regarding  
25 their skill or the efficacy or value of the medicine,  
26 treatment, or remedy prescribed by them at their direction

1 in the treatment of any disease or other condition of the  
2 body or mind.

3 (11) Allowing another person or organization to use  
4 their license, procured under this Act, to practice.

5 (12) Adverse action taken by another state or  
6 jurisdiction against a license or other authorization to  
7 practice as a medical doctor, doctor of osteopathy, doctor  
8 of osteopathic medicine or doctor of chiropractic, a  
9 certified copy of the record of the action taken by the  
10 other state or jurisdiction being prima facie evidence  
11 thereof. This includes any adverse action taken by a State  
12 or federal agency that prohibits a medical doctor, doctor  
13 of osteopathy, doctor of osteopathic medicine, or doctor of  
14 chiropractic from providing services to the agency's  
15 participants.

16 (13) Violation of any provision of this Act or of the  
17 Medical Practice Act prior to the repeal of that Act, or  
18 violation of the rules, or a final administrative action of  
19 the Secretary, after consideration of the recommendation  
20 of the Disciplinary Board.

21 (14) Violation of the prohibition against fee  
22 splitting in Section 22.2 of this Act.

23 (15) A finding by the Disciplinary Board that the  
24 registrant after having his or her license placed on  
25 probationary status or subjected to conditions or  
26 restrictions violated the terms of the probation or failed

1 to comply with such terms or conditions.

2 (16) Abandonment of a patient.

3 (17) Prescribing, selling, administering,  
4 distributing, giving or self-administering any drug  
5 classified as a controlled substance (designated product)  
6 or narcotic for other than medically accepted therapeutic  
7 purposes.

8 (18) Promotion of the sale of drugs, devices,  
9 appliances or goods provided for a patient in such manner  
10 as to exploit the patient for financial gain of the  
11 physician.

12 (19) Offering, undertaking or agreeing to cure or treat  
13 disease by a secret method, procedure, treatment or  
14 medicine, or the treating, operating or prescribing for any  
15 human condition by a method, means or procedure which the  
16 licensee refuses to divulge upon demand of the Department.

17 (20) Immoral conduct in the commission of any act  
18 including, but not limited to, commission of an act of  
19 sexual misconduct related to the licensee's practice.

20 (21) Wilfully making or filing false records or reports  
21 in his or her practice as a physician, including, but not  
22 limited to, false records to support claims against the  
23 medical assistance program of the Department of Healthcare  
24 and Family Services (formerly Department of Public Aid)  
25 under the Illinois Public Aid Code.

26 (22) Wilful omission to file or record, or wilfully

1       impeding the filing or recording, or inducing another  
2       person to omit to file or record, medical reports as  
3       required by law, or wilfully failing to report an instance  
4       of suspected abuse or neglect as required by law.

5           (23) Being named as a perpetrator in an indicated  
6       report by the Department of Children and Family Services  
7       under the Abused and Neglected Child Reporting Act, and  
8       upon proof by clear and convincing evidence that the  
9       licensee has caused a child to be an abused child or  
10      neglected child as defined in the Abused and Neglected  
11      Child Reporting Act.

12          (24) Solicitation of professional patronage by any  
13      corporation, agents or persons, or profiting from those  
14      representing themselves to be agents of the licensee.

15          (25) Gross and wilful and continued overcharging for  
16      professional services, including filing false statements  
17      for collection of fees for which services are not rendered,  
18      including, but not limited to, filing such false statements  
19      for collection of monies for services not rendered from the  
20      medical assistance program of the Department of Healthcare  
21      and Family Services (formerly Department of Public Aid)  
22      under the Illinois Public Aid Code.

23          (26) A pattern of practice or other behavior which  
24      demonstrates incapacity or incompetence to practice under  
25      this Act.

26          (27) Mental illness or disability which results in the

1 inability to practice under this Act with reasonable  
2 judgment, skill or safety.

3 (28) Physical illness, including, but not limited to,  
4 deterioration through the aging process, or loss of motor  
5 skill which results in a physician's inability to practice  
6 under this Act with reasonable judgment, skill or safety.

7 (29) Cheating on or attempt to subvert the licensing  
8 examinations administered under this Act.

9 (30) Wilfully or negligently violating the  
10 confidentiality between physician and patient except as  
11 required by law.

12 (31) The use of any false, fraudulent, or deceptive  
13 statement in any document connected with practice under  
14 this Act.

15 (32) Aiding and abetting an individual not licensed  
16 under this Act in the practice of a profession licensed  
17 under this Act.

18 (33) Violating state or federal laws or regulations  
19 relating to controlled substances, legend drugs, or  
20 ephedra as defined in the Ephedra Prohibition Act.

21 (34) Failure to report to the Department any adverse  
22 final action taken against them by another licensing  
23 jurisdiction (any other state or any territory of the  
24 United States or any foreign state or country), by any peer  
25 review body, by any health care institution, by any  
26 professional society or association related to practice

1 under this Act, by any governmental agency, by any law  
2 enforcement agency, or by any court for acts or conduct  
3 similar to acts or conduct which would constitute grounds  
4 for action as defined in this Section.

5 (35) Failure to report to the Department surrender of a  
6 license or authorization to practice as a medical doctor, a  
7 doctor of osteopathy, a doctor of osteopathic medicine, or  
8 doctor of chiropractic in another state or jurisdiction, or  
9 surrender of membership on any medical staff or in any  
10 medical or professional association or society, while  
11 under disciplinary investigation by any of those  
12 authorities or bodies, for acts or conduct similar to acts  
13 or conduct which would constitute grounds for action as  
14 defined in this Section.

15 (36) Failure to report to the Department any adverse  
16 judgment, settlement, or award arising from a liability  
17 claim related to acts or conduct similar to acts or conduct  
18 which would constitute grounds for action as defined in  
19 this Section.

20 (37) Failure to provide copies of medical records as  
21 required by law.

22 (38) Failure to furnish the Department, its  
23 investigators or representatives, relevant information,  
24 legally requested by the Department after consultation  
25 with the Chief Medical Coordinator or the Deputy Medical  
26 Coordinator.

1           (39) Violating the Health Care Worker Self-Referral  
2           Act.

3           (40) Willful failure to provide notice when notice is  
4           required under the Parental Notice of Abortion Act of 1995.

5           (41) Failure to establish and maintain records of  
6           patient care and treatment as required by this law.

7           (42) Entering into an excessive number of written  
8           collaborative agreements with licensed advanced practice  
9           registered nurses resulting in an inability to adequately  
10          collaborate.

11          (43) Repeated failure to adequately collaborate with a  
12          licensed advanced practice registered nurse.

13          (44) Violating the Compassionate Use of Medical  
14          Cannabis Pilot Program Act.

15          (45) Entering into an excessive number of written  
16          collaborative agreements with licensed prescribing  
17          psychologists resulting in an inability to adequately  
18          collaborate.

19          (46) Repeated failure to adequately collaborate with a  
20          licensed prescribing psychologist.

21          Except for actions involving the ground numbered (26), all  
22          proceedings to suspend, revoke, place on probationary status,  
23          or take any other disciplinary action as the Department may  
24          deem proper, with regard to a license on any of the foregoing  
25          grounds, must be commenced within 5 years next after receipt by  
26          the Department of a complaint alleging the commission of or

1 notice of the conviction order for any of the acts described  
2 herein. Except for the grounds numbered (8), (9), (26), and  
3 (29), no action shall be commenced more than 10 years after the  
4 date of the incident or act alleged to have violated this  
5 Section. For actions involving the ground numbered (26), a  
6 pattern of practice or other behavior includes all incidents  
7 alleged to be part of the pattern of practice or other behavior  
8 that occurred, or a report pursuant to Section 23 of this Act  
9 received, within the 10-year period preceding the filing of the  
10 complaint. In the event of the settlement of any claim or cause  
11 of action in favor of the claimant or the reduction to final  
12 judgment of any civil action in favor of the plaintiff, such  
13 claim, cause of action or civil action being grounded on the  
14 allegation that a person licensed under this Act was negligent  
15 in providing care, the Department shall have an additional  
16 period of 2 years from the date of notification to the  
17 Department under Section 23 of this Act of such settlement or  
18 final judgment in which to investigate and commence formal  
19 disciplinary proceedings under Section 36 of this Act, except  
20 as otherwise provided by law. The time during which the holder  
21 of the license was outside the State of Illinois shall not be  
22 included within any period of time limiting the commencement of  
23 disciplinary action by the Department.

24 The entry of an order or judgment by any circuit court  
25 establishing that any person holding a license under this Act  
26 is a person in need of mental treatment operates as a



1 suspension of that license. That person may resume their  
2 practice only upon the entry of a Departmental order based upon  
3 a finding by the Disciplinary Board that they have been  
4 determined to be recovered from mental illness by the court and  
5 upon the Disciplinary Board's recommendation that they be  
6 permitted to resume their practice.

7 The Department may refuse to issue or take disciplinary  
8 action concerning the license of any person who fails to file a  
9 return, or to pay the tax, penalty or interest shown in a filed  
10 return, or to pay any final assessment of tax, penalty or  
11 interest, as required by any tax Act administered by the  
12 Illinois Department of Revenue, until such time as the  
13 requirements of any such tax Act are satisfied as determined by  
14 the Illinois Department of Revenue.

15 The Department, upon the recommendation of the  
16 Disciplinary Board, shall adopt rules which set forth standards  
17 to be used in determining:

18 (a) when a person will be deemed sufficiently  
19 rehabilitated to warrant the public trust;

20 (b) what constitutes dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud, or harm the public;

23 (c) what constitutes immoral conduct in the commission  
24 of any act, including, but not limited to, commission of an  
25 act of sexual misconduct related to the licensee's  
26 practice; and

1           (d) what constitutes gross negligence in the practice  
2           of medicine.

3           However, no such rule shall be admissible into evidence in  
4           any civil action except for review of a licensing or other  
5           disciplinary action under this Act.

6           In enforcing this Section, the Disciplinary Board or the  
7           Licensing Board, upon a showing of a possible violation, may  
8           compel, in the case of the Disciplinary Board, any individual  
9           who is licensed to practice under this Act or holds a permit to  
10          practice under this Act, or, in the case of the Licensing  
11          Board, any individual who has applied for licensure or a permit  
12          pursuant to this Act, to submit to a mental or physical  
13          examination and evaluation, or both, which may include a  
14          substance abuse or sexual offender evaluation, as required by  
15          the Licensing Board or Disciplinary Board and at the expense of  
16          the Department. The Disciplinary Board or Licensing Board shall  
17          specifically designate the examining physician licensed to  
18          practice medicine in all of its branches or, if applicable, the  
19          multidisciplinary team involved in providing the mental or  
20          physical examination and evaluation, or both. The  
21          multidisciplinary team shall be led by a physician licensed to  
22          practice medicine in all of its branches and may consist of one  
23          or more or a combination of physicians licensed to practice  
24          medicine in all of its branches, licensed chiropractic  
25          physicians, licensed clinical psychologists, licensed clinical  
26          social workers, licensed clinical professional counselors, and

1 other professional and administrative staff. Any examining  
2 physician or member of the multidisciplinary team may require  
3 any person ordered to submit to an examination and evaluation  
4 pursuant to this Section to submit to any additional  
5 supplemental testing deemed necessary to complete any  
6 examination or evaluation process, including, but not limited  
7 to, blood testing, urinalysis, psychological testing, or  
8 neuropsychological testing. The Disciplinary Board, the  
9 Licensing Board, or the Department may order the examining  
10 physician or any member of the multidisciplinary team to  
11 provide to the Department, the Disciplinary Board, or the  
12 Licensing Board any and all records, including business  
13 records, that relate to the examination and evaluation,  
14 including any supplemental testing performed. The Disciplinary  
15 Board, the Licensing Board, or the Department may order the  
16 examining physician or any member of the multidisciplinary team  
17 to present testimony concerning this examination and  
18 evaluation of the licensee, permit holder, or applicant,  
19 including testimony concerning any supplemental testing or  
20 documents relating to the examination and evaluation. No  
21 information, report, record, or other documents in any way  
22 related to the examination and evaluation shall be excluded by  
23 reason of any common law or statutory privilege relating to  
24 communication between the licensee, permit holder, or  
25 applicant and the examining physician or any member of the  
26 multidisciplinary team. No authorization is necessary from the

1 licensee, permit holder, or applicant ordered to undergo an  
2 evaluation and examination for the examining physician or any  
3 member of the multidisciplinary team to provide information,  
4 reports, records, or other documents or to provide any  
5 testimony regarding the examination and evaluation. The  
6 individual to be examined may have, at his or her own expense,  
7 another physician of his or her choice present during all  
8 aspects of the examination. Failure of any individual to submit  
9 to mental or physical examination and evaluation, or both, when  
10 directed, shall result in an automatic suspension, without  
11 hearing, until such time as the individual submits to the  
12 examination. If the Disciplinary Board or Licensing Board finds  
13 a physician unable to practice following an examination and  
14 evaluation because of the reasons set forth in this Section,  
15 the Disciplinary Board or Licensing Board shall require such  
16 physician to submit to care, counseling, or treatment by  
17 physicians, or other health care professionals, approved or  
18 designated by the Disciplinary Board, as a condition for  
19 issued, continued, reinstated, or renewed licensure to  
20 practice. Any physician, whose license was granted pursuant to  
21 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
22 renewed, disciplined or supervised, subject to such terms,  
23 conditions or restrictions who shall fail to comply with such  
24 terms, conditions or restrictions, or to complete a required  
25 program of care, counseling, or treatment, as determined by the  
26 Chief Medical Coordinator or Deputy Medical Coordinators,

1 shall be referred to the Secretary for a determination as to  
2 whether the licensee shall have their license suspended  
3 immediately, pending a hearing by the Disciplinary Board. In  
4 instances in which the Secretary immediately suspends a license  
5 under this Section, a hearing upon such person's license must  
6 be convened by the Disciplinary Board within 15 days after such  
7 suspension and completed without appreciable delay. The  
8 Disciplinary Board shall have the authority to review the  
9 subject physician's record of treatment and counseling  
10 regarding the impairment, to the extent permitted by applicable  
11 federal statutes and regulations safeguarding the  
12 confidentiality of medical records.

13 An individual licensed under this Act, affected under this  
14 Section, shall be afforded an opportunity to demonstrate to the  
15 Disciplinary Board that they can resume practice in compliance  
16 with acceptable and prevailing standards under the provisions  
17 of their license.

18 The Department may promulgate rules for the imposition of  
19 fines in disciplinary cases, not to exceed \$10,000 for each  
20 violation of this Act. Fines may be imposed in conjunction with  
21 other forms of disciplinary action, but shall not be the  
22 exclusive disposition of any disciplinary action arising out of  
23 conduct resulting in death or injury to a patient. Any funds  
24 collected from such fines shall be deposited in the Medical  
25 Disciplinary Fund.

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the fine  
2 or in accordance with the terms set forth in the order imposing  
3 the fine.

4 (B) The Department shall revoke the license or permit  
5 issued under this Act to practice medicine or a chiropractic  
6 physician who has been convicted a second time of committing  
7 any felony under the Illinois Controlled Substances Act or the  
8 Methamphetamine Control and Community Protection Act, or who  
9 has been convicted a second time of committing a Class 1 felony  
10 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
11 person whose license or permit is revoked under this subsection  
12 B shall be prohibited from practicing medicine or treating  
13 human ailments without the use of drugs and without operative  
14 surgery.

15 (C) The Department shall not revoke, suspend, place on  
16 probation, reprimand, refuse to issue or renew, or take any  
17 other disciplinary or non-disciplinary action against the  
18 license or permit issued under this Act to practice medicine to  
19 a physician based solely upon the recommendation of the  
20 physician to an eligible patient regarding, or prescription  
21 for, or treatment with, an investigational drug, biological  
22 product, or device.

23 (D) The Disciplinary Board shall recommend to the  
24 Department civil penalties and any other appropriate  
25 discipline in disciplinary cases when the Board finds that a  
26 physician willfully performed an abortion with actual

1 knowledge that the person upon whom the abortion has been  
2 performed is a minor or an incompetent person without notice as  
3 required under the Parental Notice of Abortion Act of 1995.  
4 Upon the Board's recommendation, the Department shall impose,  
5 for the first violation, a civil penalty of \$1,000 and for a  
6 second or subsequent violation, a civil penalty of \$5,000.  
7 (Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14;  
8 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16.)

9 (225 ILCS 60/54.2)

10 (Section scheduled to be repealed on December 31, 2017)

11 Sec. 54.2. Physician delegation of authority.

12 (a) Nothing in this Act shall be construed to limit the  
13 delegation of patient care tasks or duties by a physician, to a  
14 licensed practical nurse, a registered professional nurse, or  
15 other licensed person practicing within the scope of his or her  
16 individual licensing Act. Delegation by a physician licensed to  
17 practice medicine in all its branches to physician assistants  
18 or advanced practice registered nurses is also addressed in  
19 Section 54.5 of this Act. No physician may delegate any patient  
20 care task or duty that is statutorily or by rule mandated to be  
21 performed by a physician.

22 (b) In an office or practice setting and within a  
23 physician-patient relationship, a physician may delegate  
24 patient care tasks or duties to an unlicensed person who  
25 possesses appropriate training and experience provided a

1 health care professional, who is practicing within the scope of  
2 such licensed professional's individual licensing Act, is on  
3 site to provide assistance.

4 (c) Any such patient care task or duty delegated to a  
5 licensed or unlicensed person must be within the scope of  
6 practice, education, training, or experience of the delegating  
7 physician and within the context of a physician-patient  
8 relationship.

9 (d) Nothing in this Section shall be construed to affect  
10 referrals for professional services required by law.

11 (e) The Department shall have the authority to promulgate  
12 rules concerning a physician's delegation, including but not  
13 limited to, the use of light emitting devices for patient care  
14 or treatment.

15 (f) Nothing in this Act shall be construed to limit the  
16 method of delegation that may be authorized by any means,  
17 including, but not limited to, oral, written, electronic,  
18 standing orders, protocols, guidelines, or verbal orders.

19 (Source: P.A. 96-618, eff. 1-1-10; 97-622, eff. 11-23-11.)

20 (225 ILCS 60/54.5)

21 (Section scheduled to be repealed on December 31, 2017)

22 Sec. 54.5. Physician delegation of authority to physician  
23 assistants, advanced practice registered nurses, and  
24 prescribing psychologists.

25 (a) Physicians licensed to practice medicine in all its



1 branches may delegate care and treatment responsibilities to a  
2 physician assistant under guidelines in accordance with the  
3 requirements of the Physician Assistant Practice Act of 1987. A  
4 physician licensed to practice medicine in all its branches may  
5 enter into supervising physician agreements with no more than 5  
6 physician assistants as set forth in subsection (a) of Section  
7 of the Physician Assistant Practice Act of 1987.

8 (b) A physician licensed to practice medicine in all its  
9 branches in active clinical practice may collaborate with an  
10 advanced practice registered nurse in accordance with the  
11 requirements of the Nurse Practice Act. Collaboration is for  
12 the purpose of providing medical consultation, and no  
13 employment relationship is required. A written collaborative  
14 agreement shall conform to the requirements of Section 65-35 of  
15 the Nurse Practice Act. The written collaborative agreement  
16 shall be for services in the same area of practice or specialty  
17 as the collaborating physician in his or her clinical medical  
18 practice. A written collaborative agreement shall be adequate  
19 with respect to collaboration with advanced practice  
20 registered nurses if all of the following apply:

21 (1) The agreement is written to promote the exercise of  
22 professional judgment by the advanced practice registered  
23 nurse commensurate with his or her education and  
24 experience.

25 (2) The advanced ~~advance~~ practice registered nurse  
26 provides services based upon a written collaborative

1 agreement with the collaborating physician, except as set  
2 forth in subsection (b-5) of this Section. With respect to  
3 labor and delivery, the collaborating physician must  
4 provide delivery services in order to participate with a  
5 certified nurse midwife.

6 (3) Methods of communication are available with the  
7 collaborating physician in person or through  
8 telecommunications for consultation, collaboration, and  
9 referral as needed to address patient care needs.

10 (b-5) An anesthesiologist or physician licensed to  
11 practice medicine in all its branches may collaborate with a  
12 certified registered nurse anesthetist in accordance with  
13 Section 65-35 of the Nurse Practice Act for the provision of  
14 anesthesia services. With respect to the provision of  
15 anesthesia services, the collaborating anesthesiologist or  
16 physician shall have training and experience in the delivery of  
17 anesthesia services consistent with Department rules.  
18 Collaboration shall be adequate if:

19 (1) an anesthesiologist or a physician participates in  
20 the joint formulation and joint approval of orders or  
21 guidelines and periodically reviews such orders and the  
22 services provided patients under such orders; and

23 (2) for anesthesia services, the anesthesiologist or  
24 physician participates through discussion of and agreement  
25 with the anesthesia plan and is physically present and  
26 available on the premises during the delivery of anesthesia

1 services for diagnosis, consultation, and treatment of  
2 emergency medical conditions. Anesthesia services in a  
3 hospital shall be conducted in accordance with Section 10.7  
4 of the Hospital Licensing Act and in an ambulatory surgical  
5 treatment center in accordance with Section 6.5 of the  
6 Ambulatory Surgical Treatment Center Act.

7 (b-10) The anesthesiologist or operating physician must  
8 agree with the anesthesia plan prior to the delivery of  
9 services.

10 (c) The supervising physician shall have access to the  
11 medical records of all patients attended by a physician  
12 assistant. The collaborating physician shall have access to the  
13 medical records of all patients attended to by an advanced  
14 practice registered nurse.

15 (d) (Blank).

16 (e) A physician shall not be liable for the acts or  
17 omissions of a prescribing psychologist, physician assistant,  
18 or advanced practice registered nurse solely on the basis of  
19 having signed a supervision agreement or guidelines or a  
20 collaborative agreement, an order, a standing medical order, a  
21 standing delegation order, or other order or guideline  
22 authorizing a prescribing psychologist, physician assistant,  
23 or advanced practice registered nurse to perform acts, unless  
24 the physician has reason to believe the prescribing  
25 psychologist, physician assistant, or advanced practice  
26 registered nurse lacked the competency to perform the act or

1 acts or commits willful and wanton misconduct.

2 (f) A collaborating physician may, but is not required to,  
3 delegate prescriptive authority to an advanced practice  
4 registered nurse as part of a written collaborative agreement,  
5 and the delegation of prescriptive authority shall conform to  
6 the requirements of Section 65-40 of the Nurse Practice Act.

7 (g) A supervising physician may, but is not required to,  
8 delegate prescriptive authority to a physician assistant as  
9 part of a written supervision agreement, and the delegation of  
10 prescriptive authority shall conform to the requirements of  
11 Section 7.5 of the Physician Assistant Practice Act of 1987.

12 (h) (Blank).

13 (i) A collaborating physician shall delegate prescriptive  
14 authority to a prescribing psychologist as part of a written  
15 collaborative agreement, and the delegation of prescriptive  
16 authority shall conform to the requirements of Section 4.3 of  
17 the Clinical Psychologist Licensing Act.

18 (Source: P.A. 98-192, eff. 1-1-14; 98-668, eff. 6-25-14;  
19 99-173, eff. 7-29-15.)

20 Section 160. The Nurse Practice Act is amended by changing  
21 Sections 50-10, 50-15, 50-20, 50-50, 50-55, 50-60, 50-65,  
22 50-70, 50-75, 55-10, 55-20, 55-30, 60-5, 60-10, 60-25, 65-5,  
23 65-10, 65-15, 65-20, 65-25, 65-30, 65-35, 65-35.1, 65-40,  
24 65-45, 65-50, 65-55, 65-65, 70-5, 70-10, 70-20, 70-35, 70-40,  
25 70-50, 70-60, 70-75, 70-80, 70-85, 70-100, 70-140, 70-145,

1 70-160, 75-10, 75-15, 75-20, 80-15, and 80-35 and the heading  
2 of Articles 65 and 75 and by adding Sections 50-13, 50-26,  
3 55-11, 60-11, 70-81, and 70-103 as follows:

4 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 50-10. Definitions. Each of the following terms, when  
7 used in this Act, shall have the meaning ascribed to it in this  
8 Section, except where the context clearly indicates otherwise:

9 "Academic year" means the customary annual schedule of  
10 courses at a college, university, or approved school,  
11 customarily regarded as the school year as distinguished from  
12 the calendar year.

13 "Address of record" means the designated address recorded  
14 by the Department in the applicant's or licensee's application  
15 file or license file as maintained by the Department's  
16 licensure maintenance unit.

17 "Advanced practice registered nurse" or "APRN" "~~APN~~" means  
18 a person who has met the qualifications for a (i) certified  
19 nurse midwife (CNM); (ii) certified nurse practitioner (CNP);  
20 (iii) certified registered nurse anesthetist (CRNA); or (iv)  
21 clinical nurse specialist (CNS) and has been licensed by the  
22 Department. All advanced practice registered nurses licensed  
23 and practicing in the State of Illinois shall use the title  
24 APRN ~~APN~~ and may use specialty credentials CNM, CNP, CRNA, or  
25 CNS after their name. All advanced practice registered nurses

1 may only practice in accordance with national certification and  
2 this Act.

3 "Advisory Board" means the Illinois Nursing Workforce  
4 Center Advisory Board.

5 "Approved program of professional nursing education" and  
6 "approved program of practical nursing education" are programs  
7 of professional or practical nursing, respectively, approved  
8 by the Department under the provisions of this Act.

9 "Board" means the Board of Nursing appointed by the  
10 Secretary.

11 "Center" means the Illinois Nursing Workforce Center.

12 "Collaboration" means a process involving 2 or more health  
13 care professionals working together, each contributing one's  
14 respective area of expertise to provide more comprehensive  
15 patient care.

16 "Consultation" means the process whereby an advanced  
17 practice registered nurse seeks the advice or opinion of  
18 another health care professional.

19 "Credentialed" means the process of assessing and  
20 validating the qualifications of a health care professional.

21 ~~"Current nursing practice update course" means a planned~~  
22 ~~nursing education curriculum approved by the Department~~  
23 ~~consisting of activities that have educational objectives,~~  
24 ~~instructional methods, content or subject matter, clinical~~  
25 ~~practice, and evaluation methods, related to basic review and~~  
26 ~~updating content and specifically planned for those nurses~~

1 ~~previously licensed in the United States or its territories and~~  
2 ~~preparing for reentry into nursing practice.~~

3 "Dentist" means a person licensed to practice dentistry  
4 under the Illinois Dental Practice Act.

5 "Department" means the Department of Financial and  
6 Professional Regulation.

7 "Email address of record" means the designated email  
8 address recorded by the Department in the applicant's  
9 application file or the licensee's license file, as maintained  
10 by the Department's licensure maintenance unit.

11 "Hospital affiliate" means a corporation, partnership,  
12 joint venture, limited liability company, or similar  
13 organization, other than a hospital, that is devoted primarily  
14 to the provision, management, or support of health care  
15 services and that directly or indirectly controls, is  
16 controlled by, or is under common control of the hospital. For  
17 the purposes of this definition, "control" means having at  
18 least an equal or a majority ownership or membership interest.  
19 A hospital affiliate shall be 100% owned or controlled by any  
20 combination of hospitals, their parent corporations, or  
21 physicians licensed to practice medicine in all its branches in  
22 Illinois. "Hospital affiliate" does not include a health  
23 maintenance organization regulated under the Health  
24 Maintenance Organization Act.

25 "Impaired nurse" means a nurse licensed under this Act who  
26 is unable to practice with reasonable skill and safety because

1 of a physical or mental disability as evidenced by a written  
2 determination or written consent based on clinical evidence,  
3 including loss of motor skills, abuse of drugs or alcohol, or a  
4 psychiatric disorder, of sufficient degree to diminish his or  
5 her ability to deliver competent patient care.

6 "License-pending advanced practice registered nurse" means  
7 a registered professional nurse who has completed all  
8 requirements for licensure as an advanced practice registered  
9 nurse except the certification examination and has applied to  
10 take the next available certification exam and received a  
11 temporary permit ~~license~~ from the Department.

12 "License-pending registered nurse" means a person who has  
13 passed the Department-approved registered nurse licensure exam  
14 and has applied for a license from the Department. A  
15 license-pending registered nurse shall use the title "RN lic  
16 pend" on all documentation related to nursing practice.

17 "Physician" means a person licensed to practice medicine in  
18 all its branches under the Medical Practice Act of 1987.

19 "Podiatric physician" means a person licensed to practice  
20 podiatry under the Podiatric Medical Practice Act of 1987.

21 "Practical nurse" or "licensed practical nurse" means a  
22 person who is licensed as a practical nurse under this Act and  
23 practices practical nursing as defined in this Act. Only a  
24 practical nurse licensed under this Act is entitled to use the  
25 title "licensed practical nurse" and the abbreviation  
26 "L.P.N.".



1 "Practical nursing" means the performance of nursing acts  
2 requiring the basic nursing knowledge, judgment, and skill  
3 acquired by means of completion of an approved practical  
4 nursing education program. Practical nursing includes  
5 assisting in the nursing process as delegated by a registered  
6 professional nurse or an advanced practice registered nurse.  
7 The practical nurse may work under the direction of a licensed  
8 physician, dentist, podiatric physician, or other health care  
9 professional determined by the Department.

10 "Privileged" means the authorization granted by the  
11 governing body of a healthcare facility, agency, or  
12 organization to provide specific patient care services within  
13 well-defined limits, based on qualifications reviewed in the  
14 credentialing process.

15 "Registered Nurse" or "Registered Professional Nurse"  
16 means a person who is licensed as a professional nurse under  
17 this Act and practices nursing as defined in this Act. Only a  
18 registered nurse licensed under this Act is entitled to use the  
19 titles "registered nurse" and "registered professional nurse"  
20 and the abbreviation, "R.N.".

21 "Registered professional nursing practice" is a scientific  
22 process founded on a professional body of knowledge; it is a  
23 learned profession based on the understanding of the human  
24 condition across the life span and environment and includes all  
25 nursing specialties and means the performance of any nursing  
26 act based upon professional knowledge, judgment, and skills

1 acquired by means of completion of an approved professional  
2 nursing education program. A registered professional nurse  
3 provides holistic nursing care through the nursing process to  
4 individuals, groups, families, or communities, that includes  
5 but is not limited to: (1) the assessment of healthcare needs,  
6 nursing diagnosis, planning, implementation, and nursing  
7 evaluation; (2) the promotion, maintenance, and restoration of  
8 health; (3) counseling, patient education, health education,  
9 and patient advocacy; (4) the administration of medications and  
10 treatments as prescribed by a physician licensed to practice  
11 medicine in all of its branches, a licensed dentist, a licensed  
12 podiatric physician, or a licensed optometrist or as prescribed  
13 by a physician assistant or by an advanced practice registered  
14 nurse; (5) the coordination and management of the nursing plan  
15 of care; (6) the delegation to and supervision of individuals  
16 who assist the registered professional nurse implementing the  
17 plan of care; and (7) teaching nursing students. The foregoing  
18 shall not be deemed to include those acts of medical diagnosis  
19 or prescription of therapeutic or corrective measures.

20 "Professional assistance program for nurses" means a  
21 professional assistance program that meets criteria  
22 established by the Board of Nursing and approved by the  
23 Secretary, which provides a non-disciplinary treatment  
24 approach for nurses licensed under this Act whose ability to  
25 practice is compromised by alcohol or chemical substance  
26 addiction.

1 "Secretary" means the Secretary of Financial and  
2 Professional Regulation.

3 "Unencumbered license" means a license issued in good  
4 standing.

5 "Written collaborative agreement" means a written  
6 agreement between an advanced practice registered nurse and a  
7 collaborating physician, dentist, or podiatric physician  
8 pursuant to Section 65-35.

9 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15;  
10 99-330, eff. 1-1-16; 99-642, eff. 7-28-16.)

11 (225 ILCS 65/50-13 new)

12 Sec. 50-13. Address of record; email address of record. All  
13 applicants and licensees shall:

14 (1) provide a valid address and email address to the  
15 Department, which shall serve as the address of record and  
16 email address of record, respectively, at the time of  
17 application for licensure or renewal of a license; and

18 (2) inform the Department of any change of address of  
19 record or email address of record within 14 days after such  
20 change either through the Department's website or by  
21 contacting the Department's licensure maintenance unit.

22 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 50-15. Policy; application of Act.

1           (a) For the protection of life and the promotion of health,  
2 and the prevention of illness and communicable diseases, any  
3 person practicing or offering to practice advanced,  
4 professional, or practical nursing in Illinois shall submit  
5 evidence that he or she is qualified to practice, and shall be  
6 licensed as provided under this Act. No person shall practice  
7 or offer to practice advanced, professional, or practical  
8 nursing in Illinois or use any title, sign, card or device to  
9 indicate that such a person is practicing professional or  
10 practical nursing unless such person has been licensed under  
11 the provisions of this Act.

12           (b) This Act does not prohibit the following:

13           (1) The practice of nursing in Federal employment in  
14 the discharge of the employee's duties by a person who is  
15 employed by the United States government or any bureau,  
16 division or agency thereof and is a legally qualified and  
17 licensed nurse of another state or territory and not in  
18 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of  
19 this Act.

20           (2) Nursing that is included in the program of study by  
21 students enrolled in programs of nursing or in current  
22 nurse practice update courses approved by the Department.

23           (3) The furnishing of nursing assistance in an  
24 emergency.

25           (4) The practice of nursing by a nurse who holds an  
26 active license in another state when providing services to

1 patients in Illinois during a bonafide emergency or in  
2 immediate preparation for or during interstate transit.

3 (5) The incidental care of the sick by members of the  
4 family, domestic servants or housekeepers, or care of the  
5 sick where treatment is by prayer or spiritual means.

6 (6) Persons from being employed as unlicensed  
7 assistive personnel in private homes, long term care  
8 facilities, nurseries, hospitals or other institutions.

9 (7) The practice of practical nursing by one who is a  
10 licensed practical nurse under the laws of another U.S.  
11 jurisdiction and has applied in writing to the Department,  
12 in form and substance satisfactory to the Department, for a  
13 license as a licensed practical nurse and who is qualified  
14 to receive such license under this Act, until (i) the  
15 expiration of 6 months after the filing of such written  
16 application, (ii) the withdrawal of such application, or  
17 (iii) the denial of such application by the Department.

18 (8) The practice of advanced practice registered  
19 nursing by one who is an advanced practice registered nurse  
20 under the laws of another ~~state, territory of the~~ United  
21 States jurisdiction or a foreign jurisdiction, ~~or country~~  
22 and has applied in writing to the Department, in form and  
23 substance satisfactory to the Department, for a license as  
24 an advanced practice registered nurse and who is qualified  
25 to receive such license under this Act, until (i) the  
26 expiration of 6 months after the filing of such written

1 application, (ii) the withdrawal of such application, or  
2 (iii) the denial of such application by the Department.

3 (9) The practice of professional nursing by one who is  
4 a registered professional nurse under the laws of another  
5 ~~state, territory of the~~ United States jurisdiction or a  
6 foreign jurisdiction ~~or country~~ and has applied in writing  
7 to the Department, in form and substance satisfactory to  
8 the Department, for a license as a registered professional  
9 nurse and who is qualified to receive such license under  
10 Section 55-10, until (1) the expiration of 6 months after  
11 the filing of such written application, (2) the withdrawal  
12 of such application, or (3) the denial of such application  
13 by the Department.

14 (10) The practice of professional nursing that is  
15 included in a program of study by one who is a registered  
16 professional nurse under the laws of another ~~state or~~  
17 ~~territory of the~~ United States jurisdiction or a foreign  
18 jurisdiction ~~country, territory or province~~ and who is  
19 enrolled in a graduate nursing education program or a  
20 program for the completion of a baccalaureate nursing  
21 degree in this State, which includes clinical supervision  
22 by faculty as determined by the educational institution  
23 offering the program and the health care organization where  
24 the practice of nursing occurs.

25 (11) Any person licensed in this State under any other  
26 Act from engaging in the practice for which she or he is

1 licensed.

2 (12) Delegation to authorized direct care staff  
3 trained under Section 15.4 of the Mental Health and  
4 Developmental Disabilities Administrative Act consistent  
5 with the policies of the Department.

6 (13) (Blank). ~~The practice, services, or activities of~~  
7 ~~persons practicing the specified occupations set forth in~~  
8 ~~subsection (a) of, and pursuant to a licensing exemption~~  
9 ~~granted in subsection (b) or (d) of, Section 2105-350 of~~  
10 ~~the Department of Professional Regulation Law of the Civil~~  
11 ~~Administrative Code of Illinois, but only for so long as~~  
12 ~~the 2016 Olympic and Paralympic Games Professional~~  
13 ~~Licensure Exemption Law is operable.~~

14 (14) County correctional personnel from delivering  
15 prepackaged medication for self-administration to an  
16 individual detainee in a correctional facility.

17 Nothing in this Act shall be construed to limit the  
18 delegation of tasks or duties by a physician, dentist, or  
19 podiatric physician to a licensed practical nurse, a registered  
20 professional nurse, or other persons.

21 (Source: P.A. 98-214, eff. 8-9-13.)

22 (225 ILCS 65/50-20) (was 225 ILCS 65/5-20)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 50-20. Unlicensed practice; violation; civil penalty.

25 (a) In addition to any other penalty provided by law, any

1 ~~Any~~ person who practices, offers to practice, attempts to  
2 practice, or holds oneself out to practice nursing without  
3 being licensed under this Act shall, in addition to any other  
4 penalty provided by law, pay a civil penalty to the Department  
5 in an amount not to exceed \$10,000 for each offense as  
6 determined by the Department. The civil penalty shall be  
7 assessed by the Department after a hearing is held in  
8 accordance with the provisions set forth in this Act regarding  
9 the provision of a hearing for the discipline of a licensee.

10 (b) The Department has the authority and power to  
11 investigate any and all unlicensed activity.

12 (c) The civil penalty shall be paid within 60 days after  
13 the effective date of the order imposing the civil penalty. The  
14 order shall constitute a judgment and may be filed and  
15 execution had thereon in the same manner as any judgment from  
16 any court of record.

17 (Source: P.A. 95-639, eff. 10-5-07.)

18 (225 ILCS 65/50-26 new)

19 Sec. 50-26. Application for license. Applications for  
20 licenses shall be made to the Department on forms prescribed by  
21 the Department and accompanied by the required fee. All  
22 applications shall contain the information that, in the  
23 judgment of the Department, will enable the Department to pass  
24 on the qualifications of the applicant for a license under this  
25 Act.



1       If an applicant fails to obtain a license under this Act  
2       within 3 years after filing his or her application, the  
3       application shall be denied. The applicant may make a new  
4       application, which shall be accompanied by the required  
5       nonrefundable fee. The applicant shall be required to meet the  
6       qualifications required for licensure at the time of  
7       reapplication.

8           (225 ILCS 65/50-50) (was 225 ILCS 65/10-5)

9           (Section scheduled to be repealed on January 1, 2018)

10          Sec. 50-50. Prohibited acts.

11          (a) No person shall:

12               (1) Practice as an advanced practice registered nurse  
13               without a valid license as an advanced practice registered  
14               nurse, except as provided in Section 50-15 of this Act;

15               (2) Practice professional nursing without a valid  
16               license as a registered professional nurse except as  
17               provided in Section 50-15 of this Act;

18               (3) Practice practical nursing without a valid license  
19               as a licensed practical nurse or practice practical  
20               nursing, except as provided in Section 50-15 of this Act;

21               (4) Practice nursing under cover of any diploma,  
22               license, or record illegally or fraudulently obtained or  
23               signed or issued unlawfully or under fraudulent  
24               representation;

25               (5) Practice nursing during the time her or his license

1 is suspended, revoked, expired, or on inactive status;

2 (6) Use any words, abbreviations, figures, letters,  
3 title, sign, card, or device tending to imply that she or  
4 he is a registered professional nurse, including the titles  
5 or initials, "Nurse", "Registered Nurse", "Professional  
6 Nurse", "Registered Professional Nurse", "Certified  
7 Nurse", "Trained Nurse", "Graduate Nurse", "P.N." or  
8 "R.N." or "R.P.N." or similar titles or initials with  
9 intention of indicating practice without a valid license as  
10 a registered professional nurse;

11 (7) Use any words, abbreviations, figures, letters,  
12 titles, signs, cards, or devices tending to imply that she  
13 or he is an advanced practice registered nurse, including  
14 the titles or initials "Advanced Practice Registered  
15 Nurse", "A.P.R.N." "~~A.P.N.~~", or similar titles or  
16 initials, with the intention of indicating practice as an  
17 advanced practice registered nurse without a valid license  
18 as an advanced practice registered nurse under this Act.  
19 For purposes of this provision, the terms "advanced  
20 practice nurse" and "A.P.N." are considered to be similar  
21 titles or initials protected by this subsection (a).

22 (8) Use any words, abbreviations figures, letters,  
23 title, sign, card, or device tending to imply that she or  
24 he is a licensed practical nurse including the titles or  
25 initials "Practical Nurse", "Licensed Practical Nurse",  
26 "P.N." or "L.P.N." or similar titles or initials with

1 intention of indicated practice as a licensed practical  
2 nurse without a valid license as a licensed practical nurse  
3 under this Act;

4 (9) Advertise services regulated under this Act  
5 without including in every advertisement his or her title  
6 as it appears on the license or the initials authorized  
7 under this Act;

8 (10) Obtain or furnish a license by or for money or any  
9 other thing of value other than the fees required under  
10 this Act, or by any fraudulent representation or act;

11 (11) Make any willfully ~~wilfully~~ false oath or  
12 affirmation required by this Act;

13 (12) Conduct a nursing education program preparing  
14 persons for licensure that has not been approved by the  
15 Department;

16 (13) Represent that any school or course is approved or  
17 accredited as a school or course for the education of  
18 registered professional nurses or licensed practical  
19 nurses unless such school or course is approved by the  
20 Department under the provisions of this Act;

21 (14) Attempt or offer to do any of the acts enumerated  
22 in this Section, or knowingly aid, abet, assist in the  
23 doing of any such acts or in the attempt or offer to do any  
24 of such acts;

25 (15) Employ persons not licensed under this Act to  
26 practice professional nursing or practical nursing; ~~and~~

1           (16) (Blank); ~~Otherwise intentionally violate any~~  
2 ~~provision of this Act.~~

3           (17) Retaliate against any nurse who reports unsafe,  
4 unethical, or illegal health care practices or  
5 conditions;~~;~~

6           (18) Be deemed a supervisor when delegating nursing  
7 activities or tasks as authorized under this Act; and

8           (19) Otherwise intentionally violate any provision of  
9 this Act.

10          (b) Any person, including a firm, association, or  
11 corporation who violates any provision of this Section shall be  
12 guilty of a Class A misdemeanor.

13          (Source: P.A. 95-639, eff. 10-5-07.)

14          (225 ILCS 65/50-55) (was 225 ILCS 65/10-10)

15          (Section scheduled to be repealed on January 1, 2018)

16          Sec. 50-55. Department powers and duties. Subject to the  
17 provisions of this Act, the ~~(a) The Department is authorized to~~  
18 ~~shall~~ exercise the following functions, powers, and duties:  
19 ~~prescribed by the Civil Administrative Code of Illinois for~~  
20 ~~administration of licensing acts and shall exercise other~~  
21 ~~powers and duties necessary for effectuating the purpose of~~  
22 ~~this Act. None of the functions, powers, or duties of the~~  
23 ~~Department with respect to licensure and examination shall be~~  
24 ~~exercised by the Department except upon review by the Board.~~

25          (1) Conduct or authorize examinations to ascertain the

1 fitness and qualifications of applicants for all licenses  
2 governed by this Act, pass upon the qualifications of  
3 applicants for licenses, and issue licenses to applicants  
4 found to be fit and qualified.

5 (2) Adopt ~~The Department shall adopt~~ rules required for  
6 the administration to implement, interpret, or make  
7 ~~specific the provisions and purposes of this Act, in~~  
8 consultation with; ~~however no such rules shall be adopted~~  
9 ~~by the Department except upon review by the Board where~~  
10 necessary.

11 (3) Prescribe rules for a method of examination of  
12 candidates.

13 (4) Prescribe rules defining what constitutes an  
14 approved program, school, college, or department of a  
15 university, except that no program, school, college, or  
16 department of a university that refuses admittance to  
17 applicants solely on account of race, color, creed, sex, or  
18 national origin shall be approved.

19 (5) Conduct hearings on proceedings to revoke or  
20 suspend licenses or on objection to the issuance of  
21 licenses and to revoke, suspend, or refuse to issue such  
22 licenses.

23 (6) Prepare ~~(b) The Department shall prepare~~ and  
24 maintain a list of approved programs of professional  
25 nursing education and programs of practical nursing  
26 education in this State, whose graduates, if they have the

1 other necessary qualifications provided in this Act, shall  
2 be eligible to apply for a license to practice nursing in  
3 this State.

4 (7) Act ~~(c) The Department may act~~ upon the  
5 recommendations of the Board of Nursing and the Illinois  
6 Nursing Workforce Center ~~for Nursing~~ Advisory Board.

7 (8) Exercise the powers and duties prescribed by the  
8 Civil Administrative Code of Illinois for the  
9 administration of licensing Acts.

10 (Source: P.A. 94-1020, eff. 7-11-06; 95-639, eff. 10-5-07.)

11 (225 ILCS 65/50-60) (was 225 ILCS 65/10-15)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 50-60. Nursing Coordinator; ~~Assistant Nursing~~  
14 ~~Coordinator~~. The Secretary shall appoint, pursuant to the  
15 Personnel Code, a Nursing Coordinator ~~and an Assistant Nursing~~  
16 ~~Coordinator~~. The Nursing Coordinator ~~and Assistant Nursing~~  
17 ~~Coordinator~~ shall be a registered professional nurse ~~nurses~~  
18 licensed in this State who has ~~have~~ graduated from an approved  
19 school of nursing and holds ~~hold~~ at least a master's degree in  
20 nursing from an accredited college or university.

21 (Source: P.A. 95-639, eff. 10-5-07.)

22 (225 ILCS 65/50-65) (was 225 ILCS 65/10-25)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 50-65. Board.

1           (a) ~~The~~ The ~~term of each member of the Board of Nursing and~~  
2 ~~the Advanced Practice Nursing Board serving before the~~  
3 ~~effective date of this amendatory Act of the 95th General~~  
4 ~~Assembly shall terminate on the effective date of this~~  
5 ~~amendatory Act of the 95th General Assembly. Beginning on the~~  
6 ~~effective date of this amendatory Act of the 95th General~~  
7 ~~Assembly,~~ the Secretary shall solicit recommendations from  
8 nursing organizations and appoint the Board of Nursing, which  
9 shall consist of 13 members, one of whom shall be a practical  
10 nurse; one of whom shall be a practical nurse educator; one of  
11 whom shall be a registered professional nurse in practice; one  
12 of whom shall be an associate degree nurse educator; one of  
13 whom shall be a baccalaureate degree nurse educator; one of  
14 whom shall be a nurse who is actively engaged in direct care;  
15 one of whom shall be a registered professional nurse actively  
16 engaged in direct care; one of whom shall be a nursing  
17 administrator; 4 of whom shall be advanced practice registered  
18 nurses representing CNS, CNP, CNM, and CRNA practice; and one  
19 of whom shall be a public member who is not employed in and has  
20 no material interest in any health care field. The Board shall  
21 receive actual and necessary expenses incurred in the  
22 performance of their duties.

23           ~~Members of the Board of Nursing and the Advanced Practice~~  
24 ~~Nursing Board whose terms were terminated by this amendatory~~  
25 ~~Act of the 95th General Assembly shall be considered for~~  
26 ~~membership positions on the Board.~~

1 All nursing members of the Board must be (i) residents of  
2 this State, (ii) licensed in good standing to practice nursing  
3 in this State, (iii) graduates of an approved nursing program,  
4 with a minimum of 5 years' ~~years~~ experience in the field of  
5 nursing, and (iv) at the time of appointment to the Board,  
6 actively engaged in nursing or work related to nursing.

7 Membership terms shall be for 3 years, except that in  
8 making initial appointments, the Secretary shall appoint all  
9 members for initial terms of 2, 3, and 4 years and these terms  
10 shall be staggered as follows: 3 shall be appointed for terms  
11 of 2 years; 4 shall be appointed for terms of 3 years; and 6  
12 shall be appointed for terms of 4 years. No member shall be  
13 appointed to more than 2 consecutive terms. In the case of a  
14 vacated position, an individual may be appointed to serve the  
15 unexpired portion of that term; if the term is less than half  
16 of a full term, the individual is eligible to serve 2 full  
17 terms.

18 The Secretary may remove any member of the Board for  
19 misconduct, incapacity, or neglect of duty. The Secretary shall  
20 reduce to writing any causes for removal.

21 The Board shall meet annually to elect a chairperson and  
22 vice chairperson. The Board shall hold regularly scheduled  
23 meetings during the year. A simple majority of the Board shall  
24 constitute a quorum at any meeting. Any action taken by the  
25 Board must be on the affirmative vote of a simple majority of  
26 members. Voting by proxy shall not be permitted. In the case of



1 an emergency where all Board members cannot meet in person, the  
2 Board may convene a meeting via an electronic format in  
3 accordance with the Open Meetings Act.

4 (b) The Board may perform each of the following activities:

5 (1) Recommend to the Department the adoption and the  
6 revision of rules necessary for the administration of this  
7 Act;

8 (2) Recommend the approval, denial of approval,  
9 withdrawal of approval, or discipline of nursing education  
10 programs;

11 (c) The Board shall participate in disciplinary  
12 conferences and hearings and make recommendations to the  
13 Department regarding disciplinary action taken against a  
14 licensee as provided under this Act. Disciplinary conference  
15 hearings and proceedings regarding scope of practice issues  
16 shall be conducted by a Board member at the same or higher  
17 licensure level as the respondent. Participation in an informal  
18 conference shall not bar members of the Board from future  
19 participation or decisions relating to that matter.

20 (d) (Blank). ~~With the exception of emergency rules, any~~  
21 ~~proposed rules, amendments, second notice materials, and~~  
22 ~~adopted rule or amendment materials or policy statements~~  
23 ~~concerning advanced practice nurses shall be presented to the~~  
24 ~~Medical Licensing Board for review and comment. The~~  
25 ~~recommendations of both the Board of Nursing and the Medical~~  
26 ~~Licensing Board shall be presented to the Secretary for~~

1 ~~consideration in making final decisions. Whenever the Board of~~  
2 ~~Nursing and Medical Licensing Board disagree on a proposed rule~~  
3 ~~or policy, the Secretary shall convene a joint meeting of the~~  
4 ~~officers of each Board to discuss resolution of any~~  
5 ~~disagreements.~~

6 (Source: P.A. 95-639, eff. 10-5-07.)

7 (225 ILCS 65/50-70) (was 225 ILCS 65/10-35)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 50-70. Concurrent theory and clinical practice  
10 education requirements of this Act. The educational  
11 requirements of Sections 55-10 and 60-10 of this Act relating  
12 to registered professional nursing and licensed practical  
13 nursing shall not be deemed to have been satisfied by the  
14 completion of any online ~~correspondence~~ course or any program  
15 of nursing that does not require coordinated or concurrent  
16 theory and clinical practice. The Department may, upon  
17 recommendation of the Board, grant an Illinois license to those  
18 applicants who have received advanced graduate degrees in  
19 nursing from an approved program with concurrent theory and  
20 clinical practice or to those applicants who are currently  
21 licensed in another state and have been actively practicing  
22 clinical nursing for a minimum of 2 years.

23 (Source: P.A. 95-639, eff. 10-5-07.)

24 (225 ILCS 65/50-75)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 50-75. Nursing delegation.

3 (a) For the purposes of this Section:

4 "Delegation" means transferring to an individual the  
5 authority to perform a selected nursing activity or task, in a  
6 selected situation.

7 "Nursing activity" means any work requiring the use of  
8 knowledge acquired by completion of an approved program for  
9 licensure, including advanced education, continuing education,  
10 and experience as a licensed practical nurse or professional  
11 nurse, as defined by the Department by rule.

12 "Task" means work not requiring nursing knowledge,  
13 judgment, or decision-making, as defined by the Department by  
14 rule.

15 (b) Nursing shall be practiced by licensed practical  
16 nurses, registered professional nurses, and advanced practice  
17 registered nurses. In the delivery of nursing care, nurses work  
18 with many other licensed professionals and other persons. An  
19 advanced practice registered nurse may delegate to registered  
20 professional nurses, licensed practical nurses, and others  
21 persons.

22 (c) A registered professional nurse shall not delegate any  
23 nursing activity requiring the specialized knowledge,  
24 judgment, and skill of a licensed nurse to an unlicensed  
25 person, including medication administration. A registered  
26 professional nurse may delegate nursing activities to other

1 registered professional nurses or licensed practical nurses. A  
2 registered professional nurse may delegate certain nursing  
3 activities to a licensed medication aide in accordance with  
4 Article 80 of this Act.

5 A registered nurse may delegate tasks to other licensed and  
6 unlicensed persons. A licensed practical nurse who has been  
7 delegated a nursing activity shall not re-delegate the nursing  
8 activity. A registered professional nurse or advanced practice  
9 registered nurse retains the right to refuse to delegate or to  
10 stop or rescind a previously authorized delegation.

11 (Source: P.A. 95-639, eff. 10-5-07.)

12 (225 ILCS 65/55-10) (was 225 ILCS 65/10-30)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 55-10. LPN licensure by examination ~~Qualifications~~  
15 ~~for LPN licensure.~~

16 (a) Each applicant who successfully meets the requirements  
17 of this Section is eligible for ~~shall be entitled to~~ licensure  
18 as a licensed practical nurse ~~Licensed Practical Nurse.~~

19 (b) An applicant for licensure by examination to practice  
20 as a practical nurse is eligible for licensure when the  
21 following requirements are met ~~must do each of the following:~~

22 (1) the applicant has submitted ~~Submit~~ a completed  
23 written application, on forms provided by the Department  
24 and fees as established by the Department; ~~;~~

25 (2) the applicant has ~~Have~~ graduated from a practical

1 nursing education program approved by the Department or  
2 have been granted a certificate of completion of  
3 pre-licensure requirements from another United States  
4 jurisdiction;~~;~~

5 (3) the applicant has successfully completed  
6 ~~Successfully complete~~ a licensure examination approved by  
7 the Department;~~;~~

8 (4) (blank); ~~Have not violated the provisions of this~~  
9 ~~Act concerning the grounds for disciplinary action. The~~  
10 ~~Department may take into consideration any felony~~  
11 ~~conviction of the applicant, but such a conviction shall~~  
12 ~~not operate as an absolute bar to licensure.~~

13 (5) the applicant has submitted ~~Submit~~ to the criminal  
14 history records check required under Section 50-35 of this  
15 Act;~~;~~

16 (6) the applicant has submitted ~~Submit~~ either to the  
17 Department or its designated testing service, a fee  
18 covering the cost of providing the examination. Failure to  
19 appear for the examination on the scheduled date at the  
20 time and place specified after the applicant's application  
21 for examination has been received and acknowledged by the  
22 Department or the designated testing service shall result  
23 in the forfeiture of the examination fee; and ~~;~~

24 (7) the applicant has met ~~Meet~~ all other requirements  
25 established by rule.

26 ~~An applicant for licensure by examination may take the~~

1 ~~Department approved examination in another jurisdiction.~~

2 (b-5) If an applicant for licensure by examination  
3 neglects, fails, or refuses to take an examination or fails to  
4 pass an examination for a license under this Act within 3 years  
5 after filing the application, the application shall be denied.  
6 The applicant must enroll in and complete an approved practical  
7 nursing education program prior to submitting an additional  
8 application for the licensure exam.

9 An applicant may take and successfully complete a  
10 Department-approved examination in another jurisdiction.  
11 However, an applicant who has never been licensed previously in  
12 any jurisdiction that utilizes a Department-approved  
13 examination and who has taken and failed to pass the  
14 examination within 3 years after filing the application must  
15 submit proof of successful completion of a  
16 Department-authorized nursing education program or  
17 recompletion of an approved licensed practical nursing program  
18 prior to re-application.

19 (c) An applicant for licensure by examination shall have  
20 one year from the date of notification of successful completion  
21 of the examination to apply to the Department for a license. If  
22 an applicant fails to apply within one year, the applicant  
23 shall be required to retake and pass the examination unless  
24 licensed in another jurisdiction of the United States.

25 (d) A licensed practical nurse applicant who passes the  
26 Department-approved licensure examination and has applied to

1 the Department for licensure may obtain employment as a  
2 license-pending practical nurse and practice as delegated by a  
3 registered professional nurse or an advanced practice  
4 registered nurse or physician. An individual may be employed as  
5 a license-pending practical nurse if all of the following  
6 criteria are met:

7 (1) He or she has completed and passed the  
8 Department-approved licensure exam and presents to the  
9 employer the official written notification indicating  
10 successful passage of the licensure examination.

11 (2) He or she has completed and submitted to the  
12 Department an application for licensure under this Section  
13 as a practical nurse.

14 (3) He or she has submitted the required licensure fee.

15 (4) He or she has met all other requirements  
16 established by rule, including having submitted to a  
17 criminal history records check.

18 (e) The privilege to practice as a license-pending  
19 practical nurse shall terminate with the occurrence of any of  
20 the following:

21 (1) Three months have passed since the official date of  
22 passing the licensure exam as inscribed on the formal  
23 written notification indicating passage of the exam. This  
24 3-month period may be extended as determined by rule.

25 (2) Receipt of the practical nurse license from the  
26 Department.

1 (3) Notification from the Department that the  
2 application for licensure has been denied.

3 (4) A request by the Department that the individual  
4 terminate practicing as a license-pending practical nurse  
5 until an official decision is made by the Department to  
6 grant or deny a practical nurse license.

7 (f) (Blank). ~~An applicant for licensure by endorsement who  
8 is a licensed practical nurse licensed by examination under the  
9 laws of another state or territory of the United States or a  
10 foreign country, jurisdiction, territory, or province must do  
11 each of the following:~~

12 ~~(1) Submit a completed written application, on forms  
13 supplied by the Department, and fees as established by the  
14 Department.~~

15 ~~(2) Have graduated from a practical nursing education  
16 program approved by the Department.~~

17 ~~(3) Submit verification of licensure status directly  
18 from the United States jurisdiction of licensure, if  
19 applicable, as defined by rule.~~

20 ~~(4) Submit to the criminal history records check  
21 required under Section 50-35 of this Act.~~

22 ~~(5) Meet all other requirements as established by the  
23 Department by rule.~~

24 (g) All applicants for practical nurse licensure by  
25 examination ~~or endorsement~~ who are graduates of nursing  
26 educational programs in a country other than the United States



1 or its territories shall have their nursing education  
2 credentials evaluated by a Department-approved nursing  
3 credentialing evaluation service. No such applicant may be  
4 issued a license under this Act unless the applicant's program  
5 is deemed by the nursing credentialing evaluation service to be  
6 equivalent to a professional nursing education program  
7 approved by the Department. An applicant who has graduated from  
8 a nursing educational program outside of the United States or  
9 its territories and whose first language is not English shall  
10 submit evidence of English proficiency ~~certification of~~  
11 ~~passage of the Test of English as a Foreign Language (TOEFL),~~  
12 ~~as defined by rule. The Department may, upon recommendation~~  
13 ~~from the nursing evaluation service, waive the requirement that~~  
14 ~~the applicant pass the TOEFL examination if the applicant~~  
15 ~~submits verification of the successful completion of a nursing~~  
16 ~~education program conducted in English. The requirements of~~  
17 ~~this subsection (d) may be satisfied by the showing of proof of~~  
18 ~~a certificate from the Certificate Program or the VisaScreen~~  
19 ~~Program of the Commission on Graduates of Foreign Nursing~~  
20 ~~Schools.~~

21 (h) (Blank). ~~An applicant licensed in another state or~~  
22 ~~territory who is applying for licensure and has received her or~~  
23 ~~his education in a country other than the United States or its~~  
24 ~~territories shall have her or his nursing education credentials~~  
25 ~~evaluated by a Department approved nursing credentialing~~  
26 ~~evaluation service. No such applicant may be issued a license~~

1 ~~under this Act unless the applicant's program is deemed by the~~  
2 ~~nursing credentialing evaluation service to be equivalent to a~~  
3 ~~professional nursing education program approved by the~~  
4 ~~Department. An applicant who has graduated from a nursing~~  
5 ~~educational program outside of the United States or its~~  
6 ~~territories and whose first language is not English shall~~  
7 ~~submit certification of passage of the Test of English as a~~  
8 ~~Foreign Language (TOEFL), as defined by rule. The Department~~  
9 ~~may, upon recommendation from the nursing evaluation service,~~  
10 ~~waive the requirement that the applicant pass the TOEFL~~  
11 ~~examination if the applicant submits verification of the~~  
12 ~~successful completion of a nursing education program conducted~~  
13 ~~in English or the successful passage of an approved licensing~~  
14 ~~examination given in English. The requirements of this~~  
15 ~~subsection (d-5) may be satisfied by the showing of proof of a~~  
16 ~~certificate from the Certificate Program or the VisaScreen~~  
17 ~~Program of the Commission on Graduates of Foreign Nursing~~  
18 ~~Schools.~~

19 (i) (Blank). ~~A licensed practical nurse who holds an~~  
20 ~~unencumbered license in good standing in another United States~~  
21 ~~jurisdiction and who has applied for practical nurse licensure~~  
22 ~~under this Act by endorsement may be issued a temporary~~  
23 ~~license, if satisfactory proof of such licensure in another~~  
24 ~~jurisdiction is presented to the Department. The Department~~  
25 ~~shall not issue an applicant a temporary practical nurse~~  
26 ~~license until it is satisfied that the applicant holds an~~

1 ~~active, unencumbered license in good standing in another~~  
2 ~~jurisdiction. If the applicant holds more than one current~~  
3 ~~active license or one or more active temporary licenses from~~  
4 ~~another jurisdiction, the Department may not issue a temporary~~  
5 ~~license until the Department is satisfied that each current~~  
6 ~~active license held by the applicant is unencumbered. The~~  
7 ~~temporary license, which shall be issued no later than 14~~  
8 ~~working days following receipt by the Department of an~~  
9 ~~application for the temporary license, shall be granted upon~~  
10 ~~the submission of all of the following to the Department:~~

11 ~~(1) A completed application for licensure as a~~  
12 ~~practical nurse.~~

13 ~~(2) Proof of a current, active license in at least one~~  
14 ~~other jurisdiction of the United States and proof that each~~  
15 ~~current active license or temporary license held by the~~  
16 ~~applicant within the last 5 years is unencumbered.~~

17 ~~(3) A signed and completed application for a temporary~~  
18 ~~license.~~

19 ~~(4) The required temporary license fee.~~

20 (j) (Blank). ~~The Department may refuse to issue an~~  
21 ~~applicant a temporary license authorized pursuant to this~~  
22 ~~Section if, within 14 working days following its receipt of an~~  
23 ~~application for a temporary license, the Department determines~~  
24 ~~that:~~

25 ~~(1) the applicant has been convicted of a crime under~~  
26 ~~the laws of a jurisdiction of the United States that is:~~

1 ~~(i) a felony; or (ii) a misdemeanor directly related to the~~  
2 ~~practice of the profession, within the last 5 years;~~

3 ~~(2) the applicant has had a license or permit related~~  
4 ~~to the practice of practical nursing revoked, suspended, or~~  
5 ~~placed on probation by another jurisdiction within the last~~  
6 ~~5 years and at least one of the grounds for revoking,~~  
7 ~~suspending, or placing on probation is the same or~~  
8 ~~substantially equivalent to grounds in Illinois; or~~

9 ~~(3) the Department intends to deny licensure by~~  
10 ~~endorsement.~~

11 (k) (Blank). ~~The Department may revoke a temporary license~~  
12 ~~issued pursuant to this Section if it determines any of the~~  
13 ~~following:~~

14 ~~(1) That the applicant has been convicted of a crime~~  
15 ~~under the law of any jurisdiction of the United States that~~  
16 ~~is (i) a felony or (ii) a misdemeanor directly related to~~  
17 ~~the practice of the profession, within the last 5 years.~~

18 ~~(2) That within the last 5 years the applicant has had~~  
19 ~~a license or permit related to the practice of nursing~~  
20 ~~revoked, suspended, or placed on probation by another~~  
21 ~~jurisdiction, and at least one of the grounds for revoking,~~  
22 ~~suspending, or placing on probation is the same or~~  
23 ~~substantially equivalent to grounds for disciplinary~~  
24 ~~action under this Act.~~

25 ~~(3) That the Department intends to deny licensure by~~  
26 ~~endorsement.~~

1           (1) (Blank). ~~A temporary license shall expire 6 months from~~  
2 ~~the date of issuance. Further renewal may be granted by the~~  
3 ~~Department in hardship cases, as defined by rule and upon~~  
4 ~~approval of the Secretary. However, a temporary license shall~~  
5 ~~automatically expire upon issuance of a valid license under~~  
6 ~~this Act or upon notification that the Department intends to~~  
7 ~~deny licensure, whichever occurs first.~~

8           (m) All applicants for practical nurse licensure have 3  
9 years from the date of application to complete the application  
10 process. If the process has not been completed within 3 years  
11 from the date of application, the application shall be denied,  
12 the fee forfeited, and the applicant must reapply and meet the  
13 requirements in effect at the time of reapplication.

14           (Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07;  
15 95-639, eff. 10-5-07.)

16           (225 ILCS 65/55-11 new)

17           Sec. 55-11. LPN licensure by endorsement.

18           (a) Each applicant who successfully meets the requirements  
19 of this Section is eligible for licensure as a licensed  
20 practical nurse.

21           (b) An applicant for licensure by endorsement who is a  
22 licensed practical nurse licensed by examination under the laws  
23 of another United States jurisdiction or a foreign jurisdiction  
24 is eligible for licensure when the following requirements are  
25 met:

1           (1) the applicant has submitted a completed written  
2           application on forms supplied by the Department and fees as  
3           established by the Department;

4           (2) the applicant has graduated from a practical  
5           nursing education program approved by the Department;

6           (3) the applicant has been issued an LPN license by  
7           another United States or foreign jurisdiction, which shall  
8           be verified, as defined by rule;

9           (4) the applicant has submitted to the criminal history  
10           records check required under Section 50-35 of this Act; and

11           (5) the applicant has met all other requirements as  
12           established by the Department by rule.

13           (c) An applicant licensed in another state or territory who  
14           is applying for licensure and has received her or his education  
15           in a country other than the United States or its territories  
16           shall have her or his nursing education credentials evaluated  
17           by a Department-approved nursing credentialing evaluation  
18           service. No such applicant may be issued a license under this  
19           Act unless the applicant's program is deemed by the nursing  
20           credentialing evaluation service to be equivalent to a  
21           professional nursing education program approved by the  
22           Department. An applicant who has graduated from a nursing  
23           education program outside of the United States or its  
24           territories and whose first language is not English shall  
25           submit evidence of English proficiency, as defined by rule.

26           (d) A licensed practical nurse who holds an unencumbered

1 license in good standing in another United States jurisdiction  
2 and who has applied for practical nurse licensure under this  
3 Act by endorsement may be issued a temporary permit if  
4 satisfactory proof of such licensure in another jurisdiction is  
5 presented to the Department. The Department shall not issue an  
6 applicant a temporary practical nurse permit until it is  
7 satisfied that the applicant holds an active, unencumbered  
8 license in good standing in another jurisdiction. If the  
9 applicant holds more than one current active license or one or  
10 more active temporary permits from another jurisdiction, the  
11 Department may not issue a temporary permit until the  
12 Department is satisfied that each current active license held  
13 by the applicant is unencumbered. The temporary permit, which  
14 shall be issued no later than 14 working days following receipt  
15 by the Department of an application for the temporary permit,  
16 shall be granted upon the submission of all of the following to  
17 the Department:

18 (1) a completed application for licensure as a  
19 practical nurse;

20 (2) proof of a current, active license in at least one  
21 other jurisdiction of the United States and proof that each  
22 current active license or temporary permit held by the  
23 applicant within the last 5 years is unencumbered;

24 (3) a signed and completed application for a temporary  
25 permit; and

26 (4) the required temporary permit fee.

1       (e) The Department may refuse to issue an applicant a  
2 temporary permit authorized pursuant to this Section if, within  
3 14 working days following its receipt of an application for a  
4 temporary permit, the Department determines that:

5           (1) the applicant has been convicted of a crime under  
6 the laws of a jurisdiction of the United States that is:  
7 (i) a felony; or (ii) a misdemeanor directly related to the  
8 practice of the profession, within the last 5 years;

9           (2) the applicant has had a license or permit related  
10 to the practice of practical nursing revoked, suspended, or  
11 placed on probation by another jurisdiction within the last  
12 5 years and at least one of the grounds for revoking,  
13 suspending, or placing on probation is the same or  
14 substantially equivalent to grounds in Illinois; or

15           (3) the Department intends to deny licensure by  
16 endorsement.

17       (f) The Department may revoke a temporary permit issued  
18 pursuant to this Section if it determines that:

19           (1) the applicant has been convicted of a crime under  
20 the law of any jurisdiction of the United States that is  
21 (i) a felony or (ii) a misdemeanor directly related to the  
22 practice of the profession, within the last 5 years;

23           (2) within the last 5 years the applicant has had a  
24 license or permit related to the practice of nursing  
25 revoked, suspended, or placed on probation by another  
26 jurisdiction, and at least one of the grounds for revoking,



1 suspending, or placing on probation is the same or  
2 substantially equivalent to grounds for disciplinary  
3 action under this Act; or

4 (3) the Department intends to deny licensure by  
5 endorsement.

6 (g) A temporary permit shall expire 6 months after the date  
7 of issuance. Further renewal may be granted by the Department  
8 in hardship cases, as defined by rule and upon approval of the  
9 Secretary. However, a temporary permit shall automatically  
10 expire upon issuance of a valid license under this Act or upon  
11 notification that the Department intends to deny licensure,  
12 whichever occurs first.

13 (h) All applicants for practical nurse licensure have 3  
14 years after the date of application to complete the application  
15 process. If the process has not been completed within 3 years  
16 after the date of application, the application shall be denied,  
17 the fee forfeited, and the applicant must reapply and meet the  
18 requirements in effect at the time of reapplication.

19 (225 ILCS 65/55-20)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 55-20. Restoration of LPN license; temporary permit.

22 (a) Any license to practice practical nursing issued under  
23 this Act that has expired or that is on inactive status may be  
24 restored by making application to the Department and filing  
25 proof of fitness acceptable to the Department, as specified by

1 rule, to have the license restored, and by paying the required  
2 restoration fee. Such proof of fitness may include evidence  
3 certifying active lawful practice in another jurisdiction.

4 (b) A practical nurse licensee seeking restoration of a  
5 license after it has expired or been placed on inactive status  
6 for more than 5 years shall file an application, on forms  
7 supplied by the Department, and submit the restoration or  
8 renewal fees set forth by the Department. The licensee must  
9 also submit proof of fitness to practice, as specified by rule.

10 ~~, including one of the following:~~

11 ~~(1) certification of active practice in another~~  
12 ~~jurisdiction, which may include a statement from the~~  
13 ~~appropriate board or licensing authority in the other~~  
14 ~~jurisdiction that the licensee was authorized to practice~~  
15 ~~during the term of said active practice;~~

16 ~~(2) proof of the successful completion of a~~  
17 ~~Department approved licensure examination; or~~

18 ~~(3) an affidavit attesting to military service as~~  
19 ~~provided in subsection (c) of this Section; however, if~~  
20 ~~application is made within 2 years after discharge and if~~  
21 ~~all other provisions of subsection (c) of this Section are~~  
22 ~~satisfied, the applicant shall be required to pay the~~  
23 ~~current renewal fee.~~

24 (c) Notwithstanding any other provision of this Act, any  
25 license to practice practical nursing issued under this Act  
26 that expired while the licensee was (i) in federal service on

1 active duty with the Armed Forces of the United States or in  
2 the State Militia and called into service or training or (ii)  
3 in training or education under the supervision of the United  
4 States preliminary to induction into the military service may  
5 have the license restored without paying any lapsed renewal  
6 fees if, within 2 years after honorable termination of such  
7 service, training, or education, the applicant furnishes the  
8 Department with satisfactory evidence to the effect that the  
9 applicant has been so engaged and that the individual's  
10 service, training, or education has been so terminated.

11 (d) Any practical nurse licensee who shall engage in the  
12 practice of practical nursing with a lapsed license or while on  
13 inactive status shall be considered to be practicing without a  
14 license, which shall be grounds for discipline under Section  
15 70-5 of this Act.

16 (e) Pending restoration of a license under this Section,  
17 the Department may grant an applicant a temporary permit to  
18 practice as a practical nurse if the Department is satisfied  
19 that the applicant holds an active, unencumbered license in  
20 good standing in another jurisdiction. If the applicant holds  
21 more than one current active license or one or more active  
22 temporary licenses from another jurisdiction, the Department  
23 shall not issue a temporary permit until it is satisfied that  
24 each current active license held by the applicant is  
25 unencumbered. The temporary permit, which shall be issued no  
26 later than 14 working days after receipt by the Department of

1 an application for the permit, shall be granted upon the  
2 submission of all of the following to the Department:

3 (1) A signed and completed application for restoration  
4 of licensure under this Section as a licensed practical  
5 nurse.

6 (2) Proof of (i) a current, active license in at least  
7 one other jurisdiction and proof that each current, active  
8 license or temporary permit held by the applicant is  
9 unencumbered or (ii) fitness to practice nursing in this  
10 State, as specified by rule.

11 (3) A signed and completed application for a temporary  
12 permit.

13 (4) The required permit fee.

14 (f) The Department may refuse to issue to an applicant a  
15 temporary permit authorized under this Section if, within 14  
16 working days after its receipt of an application for a  
17 temporary permit, the Department determines that:

18 (1) the applicant has been convicted within the last 5  
19 years of any crime under the laws of any jurisdiction of  
20 the United States that is (i) a felony or (ii) a  
21 misdemeanor directly related to the practice of the  
22 profession;

23 (2) within the last 5 years, the applicant has had a  
24 license or permit related to the practice of nursing  
25 revoked, suspended, or placed on probation by another  
26 jurisdiction, if at least one of the grounds for revoking,

1           suspending, or placing on probation is the same or  
2           substantially equivalent to grounds for disciplinary  
3           action under this Act; or

4           (3) the Department intends to deny restoration of the  
5           license.

6           (g) The Department may revoke a temporary permit issued  
7           under this Section if:

8           (1) the Department determines that the applicant has  
9           been convicted within the last 5 years of any crime under  
10          the laws of any jurisdiction of the United States that is  
11          (i) a felony or (ii) a misdemeanor directly related to the  
12          practice of the profession;

13          (2) within the last 5 years, the applicant had a  
14          license or permit related to the practice of nursing  
15          revoked, suspended, or placed on probation by another  
16          jurisdiction and at least one of the grounds for revoking,  
17          suspending, or placing on probation is the same or  
18          substantially equivalent to grounds for disciplinary  
19          action under this Act; or

20          (3) the Department intends to deny restoration of the  
21          license.

22          (h) A temporary permit or renewed temporary permit shall  
23          expire (i) upon issuance of a valid license under this Act or  
24          (ii) upon notification that the Department intends to deny  
25          restoration of licensure. Except as otherwise provided in this  
26          Section, the temporary permit shall expire 6 months after the

1 date of issuance. Further renewal may be granted by the  
2 Department in hardship cases that shall automatically expire  
3 upon issuance of a valid license under this Act or upon  
4 notification that the Department intends to deny licensure,  
5 whichever occurs first. No extensions shall be granted beyond  
6 the 6-month period, unless approved by the Secretary.  
7 Notification by the Department under this Section must be by  
8 certified or registered mail to the address of record or by  
9 email to the email address of record.

10 (Source: P.A. 95-639, eff. 10-5-07.)

11 (225 ILCS 65/55-30)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 55-30. LPN scope of practice.

14 (a) Practice as a licensed practical nurse means a scope of  
15 basic nursing practice, with or without compensation, as  
16 delegated by a registered professional nurse or an advanced  
17 practice registered nurse or as directed by a physician  
18 assistant, physician, dentist, or podiatric physician, and  
19 includes, but is not limited to, all of the following:

20 (1) Collecting data and collaborating in the  
21 assessment of the health status of a patient.

22 (2) Collaborating in the development and modification  
23 of the registered professional nurse's or advanced  
24 practice registered nurse's comprehensive nursing plan of  
25 care for all types of patients.

1           (3) Implementing aspects of the plan of care as  
2 delegated.

3           (4) Participating in health teaching and counseling to  
4 promote, attain, and maintain the optimum health level of  
5 patients, as delegated.

6           (5) Serving as an advocate for the patient by  
7 communicating and collaborating with other health service  
8 personnel, as delegated.

9           (6) Participating in the evaluation of patient  
10 responses to interventions.

11           (7) Communicating and collaborating with other health  
12 care professionals as delegated.

13           (8) Providing input into the development of policies  
14 and procedures to support patient safety.

15 (Source: P.A. 98-214, eff. 8-9-13.)

16 (225 ILCS 65/60-5)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 60-5. RN education program requirements; out-of-State  
19 programs.

20 (a) All registered professional nurse education programs  
21 must be reviewed by the Board and approved by the Department  
22 before the successful completion of such a program may be  
23 applied toward meeting the requirements for registered  
24 professional nurse licensure under this Act. Any program  
25 changing the level of educational preparation or the

1 relationship with or to the parent institution or establishing  
2 an extension of an existing program must request a review by  
3 the Board and approval by the Department. The Board shall  
4 review and make a recommendation for the approval or  
5 disapproval of a program by the Department based on the  
6 following criteria:

7 (1) a feasibility study that describes the need for the  
8 program and the facilities used, the potential of the  
9 program to recruit faculty and students, financial support  
10 for the program, and other criteria, as established by  
11 rule;

12 (2) program curriculum that meets all State  
13 requirements;

14 (3) the administration of the program by a Nurse  
15 Administrator and the involvement of a Nurse Administrator  
16 in the development of the program; and

17 (4) the occurrence of a site visit prior to approval.

18 (b) In order to obtain initial Department approval and to  
19 maintain Department approval, a registered professional  
20 nursing program must meet all of the following requirements:

21 (1) The institution responsible for conducting the  
22 program and the Nurse Administrator must ensure that  
23 individual faculty members are academically and  
24 professionally competent.

25 (2) The program curriculum must contain all applicable  
26 requirements established by rule, including both theory



1 and clinical components.

2 (3) The passage rates of the program's graduating  
3 classes on the State-approved licensure exam must be deemed  
4 satisfactory by the Department.

5 (c) Program site visits to an institution conducting or  
6 hosting a professional nursing program may be made at the  
7 discretion of the Nursing Coordinator or upon recommendation of  
8 the Board. Full routine site visits ~~may shall~~ be conducted by  
9 the Department for periodic evaluation. Such ~~The~~ visits shall  
10 be used to determine compliance with this Act. Full routine  
11 site visits must be announced and may be waived at the  
12 discretion of the Department if the program maintains  
13 accreditation with an accrediting body approved by the  
14 Department ~~the National League for Nursing Accrediting~~  
15 ~~Commission (NLNAC) or the Commission on Collegiate Nursing~~  
16 ~~Education (CCNE).~~

17 (d) Any institution conducting a registered professional  
18 nursing program that wishes to discontinue the program must do  
19 each of the following:

20 (1) Notify the Department, in writing, of its intent to  
21 discontinue the program.

22 (2) Continue to meet the requirements of this Act and  
23 the rules adopted thereunder until the official date of  
24 termination of the program.

25 (3) Notify the Department of the date on which the last  
26 student shall graduate from the program and the program

1 shall terminate.

2 (4) Assist remaining students in the continuation of  
3 their education in the event of program termination prior  
4 to the graduation of the program's final student.

5 (5) Upon the closure of the program, notify the  
6 Department, in writing, of the location of student and  
7 graduate records' storage.

8 (e) Out-of-State registered professional nursing education  
9 programs planning to offer clinical practice experiences in  
10 this State must meet the requirements set forth in this Section  
11 and must meet the clinical and faculty requirements for  
12 institutions outside of this State, as established by rule. The  
13 institution responsible for conducting an out-of-State  
14 registered professional nursing education program and the  
15 administrator of the program shall be responsible for ensuring  
16 that the individual faculty and preceptors overseeing the  
17 clinical experience are academically and professionally  
18 competent.

19 (Source: P.A. 95-639, eff. 10-5-07.)

20 (225 ILCS 65/60-10)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 60-10. RN licensure by examination ~~Qualifications for~~  
23 ~~RN licensure.~~

24 (a) Each applicant who successfully meets the requirements  
25 of this Section is eligible for ~~shall be entitled to~~ licensure

1 as a registered professional nurse.

2 (b) An applicant for licensure by examination to practice  
3 as a registered professional nurse is eligible for licensure  
4 when the following requirements are met ~~must do each of the~~  
5 ~~following:~~

6 (1) the applicant has submitted ~~Submit~~ a completed  
7 written application, on forms provided by the Department,  
8 and fees, as established by the Department;~~;~~

9 (2) the applicant has ~~Have~~ graduated from a  
10 professional nursing education program approved by the  
11 Department or have been granted a certificate of completion  
12 of pre-licensure requirements from another United States  
13 jurisdiction;~~;~~

14 (3) the applicant has successfully completed  
15 ~~Successfully complete~~ a licensure examination approved by  
16 the Department;~~;~~

17 (4) (blank); ~~Have not violated the provisions of this~~  
18 ~~Act concerning the grounds for disciplinary action. The~~  
19 ~~Department may take into consideration any felony~~  
20 ~~conviction of the applicant, but such a conviction may not~~  
21 ~~operate as an absolute bar to licensure.~~

22 (5) the applicant has submitted ~~Submit~~ to the criminal  
23 history records check required under Section 50-35 of this  
24 Act;~~;~~

25 (6) the applicant has submitted ~~Submit~~, either to the  
26 Department or its designated testing service, a fee

1 covering the cost of providing the examination; failure ~~to~~  
2 ~~Failure~~ to appear for the examination on the scheduled date  
3 at the time and place specified after the applicant's  
4 application for examination has been received and  
5 acknowledged by the Department or the designated testing  
6 service shall result in the forfeiture of the examination  
7 fee; and ~~and~~

8 (7) the applicant has met ~~Meet~~ all other requirements  
9 established by the Department by rule.

10 An applicant for licensure by examination may take the  
11 Department-approved examination in another jurisdiction.

12 (b-5) If an applicant for licensure by examination  
13 neglects, fails, or refuses to take an examination or fails to  
14 pass an examination for a license within 3 years after filing  
15 the application, the application shall be denied. The applicant  
16 may make a new application accompanied by the required fee,  
17 evidence of meeting the requirements in force at the time of  
18 the new application, and proof of the successful completion of  
19 at least 2 additional years of professional nursing education.

20 (c) An applicant for licensure by examination shall have  
21 one year after the date of notification of the successful  
22 completion of the examination to apply to the Department for a  
23 license. If an applicant fails to apply within one year, the  
24 applicant shall be required to retake and pass the examination  
25 unless licensed in another jurisdiction of the United States.

26 (d) An applicant for licensure by examination who passes

1 the Department-approved licensure examination for professional  
2 nursing may obtain employment as a license-pending registered  
3 nurse and practice under the direction of a registered  
4 professional nurse or an advanced practice registered nurse  
5 until such time as he or she receives his or her license to  
6 practice or until the license is denied. In no instance shall  
7 any such applicant practice or be employed in any management  
8 capacity. An individual may be employed as a license-pending  
9 registered nurse if all of the following criteria are met:

10 (1) He or she has completed and passed the  
11 Department-approved licensure exam and presents to the  
12 employer the official written notification indicating  
13 successful passage of the licensure examination.

14 (2) He or she has completed and submitted to the  
15 Department an application for licensure under this Section  
16 as a registered professional nurse.

17 (3) He or she has submitted the required licensure fee.

18 (4) He or she has met all other requirements  
19 established by rule, including having submitted to a  
20 criminal history records check.

21 (e) The privilege to practice as a license-pending  
22 registered nurse shall terminate with the occurrence of any of  
23 the following:

24 (1) Three months have passed since the official date of  
25 passing the licensure exam as inscribed on the formal  
26 written notification indicating passage of the exam. The

1           3-month license pending period may be extended if more time  
2           is needed by the Department to process the licensure  
3           application.

4           (2) Receipt of the registered professional nurse  
5           license from the Department.

6           (3) Notification from the Department that the  
7           application for licensure has been refused.

8           (4) A request by the Department that the individual  
9           terminate practicing as a license-pending registered nurse  
10          until an official decision is made by the Department to  
11          grant or deny a registered professional nurse license.

12          (f) (Blank). ~~An applicant for registered professional~~  
13 ~~nurse licensure by endorsement who is a registered professional~~  
14 ~~nurse licensed by examination under the laws of another state~~  
15 ~~or territory of the United States must do each of the~~  
16 ~~following:~~

17           ~~(1) Submit a completed written application, on forms~~  
18 ~~supplied by the Department, and fees as established by the~~  
19 ~~Department.~~

20           ~~(2) Have graduated from a registered professional~~  
21 ~~nursing education program approved by the Department.~~

22           ~~(3) Submit verification of licensure status directly~~  
23 ~~from the United States jurisdiction of licensure, if~~  
24 ~~applicable, as defined by rule.~~

25           ~~(4) Submit to the criminal history records check~~  
26 ~~required under Section 50-35 of this Act.~~

1           ~~(5) Meet all other requirements as established by the~~  
2           ~~Department by rule.~~

3           (g) (Blank). ~~Pending the issuance of a license under this~~  
4           ~~Section, the Department may grant an applicant a temporary~~  
5           ~~license to practice nursing as a registered professional nurse~~  
6           ~~if the Department is satisfied that the applicant holds an~~  
7           ~~active, unencumbered license in good standing in another U.S.~~  
8           ~~jurisdiction. If the applicant holds more than one current~~  
9           ~~active license or one or more active temporary licenses from~~  
10           ~~another jurisdiction, the Department may not issue a temporary~~  
11           ~~license until the Department is satisfied that each current~~  
12           ~~active license held by the applicant is unencumbered. The~~  
13           ~~temporary license, which shall be issued no later than 14~~  
14           ~~working days after receipt by the Department of an application~~  
15           ~~for the temporary license, shall be granted upon the submission~~  
16           ~~of all of the following to the Department:~~

17           ~~(1) A completed application for licensure as a~~  
18           ~~registered professional nurse.~~

19           ~~(2) Proof of a current, active license in at least one~~  
20           ~~other jurisdiction of the United States and proof that each~~  
21           ~~current active license or temporary license held by the~~  
22           ~~applicant within the last 5 years is unencumbered.~~

23           ~~(3) A completed application for a temporary license.~~

24           ~~(4) The required temporary license fee.~~

25           (h) (Blank). ~~The Department may refuse to issue an~~  
26           ~~applicant a temporary license authorized pursuant to this~~

1 ~~Section if, within 14 working days after its receipt of an~~  
2 ~~application for a temporary license, the Department determines~~  
3 ~~that:~~

4 ~~(1) the applicant has been convicted of a crime under~~  
5 ~~the laws of a jurisdiction of the United States that is (i)~~  
6 ~~a felony or (ii) a misdemeanor directly related to the~~  
7 ~~practice of the profession, within the last 5 years;~~

8 ~~(2) the applicant has had a license or permit related~~  
9 ~~to the practice of nursing revoked, suspended, or placed on~~  
10 ~~probation by another jurisdiction within the last 5 years,~~  
11 ~~if at least one of the grounds for revoking, suspending, or~~  
12 ~~placing on probation is the same or substantially~~  
13 ~~equivalent to grounds for disciplinary action under this~~  
14 ~~Act; or~~

15 ~~(3) the Department intends to deny licensure by~~  
16 ~~endorsement.~~

17 (i) (Blank). ~~The Department may revoke a temporary license~~  
18 ~~issued pursuant to this Section if it determines any of the~~  
19 ~~following:~~

20 ~~(1) That the applicant has been convicted of a crime~~  
21 ~~under the laws of any jurisdiction of the United States~~  
22 ~~that is (i) a felony or (ii) a misdemeanor directly related~~  
23 ~~to the practice of the profession, within the last 5 years.~~

24 ~~(2) That within the last 5 years, the applicant has had~~  
25 ~~a license or permit related to the practice of nursing~~  
26 ~~revoked, suspended, or placed on probation by another~~



1 ~~jurisdiction, if at least one of the grounds for revoking,~~  
2 ~~suspending, or placing on probation is the same or~~  
3 ~~substantially equivalent to grounds for disciplinary~~  
4 ~~action under this Act.~~

5 ~~(3) That it intends to deny licensure by endorsement.~~

6 (j) (Blank). ~~A temporary license issued under this Section~~  
7 ~~shall expire 6 months after the date of issuance. Further~~  
8 ~~renewal may be granted by the Department in hardship cases, as~~  
9 ~~defined by rule and upon approval of the Secretary. However, a~~  
10 ~~temporary license shall automatically expire upon issuance of~~  
11 ~~the Illinois license or upon notification that the Department~~  
12 ~~intends to deny licensure, whichever occurs first.~~

13 (k) All applicants for registered professional nurse  
14 licensure have 3 years after the date of application to  
15 complete the application process. If the process has not been  
16 completed within 3 years after the date of application, the  
17 application shall be denied, the fee forfeited, and the  
18 applicant must reapply and meet the requirements in effect at  
19 the time of reapplication.

20 (l) All applicants for registered nurse licensure by  
21 examination ~~or endorsement~~ who are graduates of practical  
22 nursing educational programs in a country other than the United  
23 States and its territories shall have their nursing education  
24 credentials evaluated by a Department-approved nursing  
25 credentialing evaluation service. No such applicant may be  
26 issued a license under this Act unless the applicant's program

1 is deemed by the nursing credentialing evaluation service to be  
2 equivalent to a professional nursing education program  
3 approved by the Department. An applicant who has graduated from  
4 a nursing educational program outside of the United States or  
5 its territories and whose first language is not English shall  
6 submit evidence of English proficiency ~~certification of~~  
7 ~~passage of the Test of English as a Foreign Language (TOEFL),~~  
8 as defined by rule. ~~The Department may, upon recommendation~~  
9 ~~from the nursing evaluation service, waive the requirement that~~  
10 ~~the applicant pass the TOEFL examination if the applicant~~  
11 ~~submits verification of the successful completion of a nursing~~  
12 ~~education program conducted in English. The requirements of~~  
13 ~~this subsection (1) may be satisfied by the showing of proof of~~  
14 ~~a certificate from the Certificate Program or the VisaScreen~~  
15 ~~Program of the Commission on Graduates of Foreign Nursing~~  
16 ~~Schools.~~

17 (m) (Blank). ~~An applicant licensed in another state or~~  
18 ~~territory who is applying for licensure and has received her or~~  
19 ~~his education in a country other than the United States or its~~  
20 ~~territories shall have her or his nursing education credentials~~  
21 ~~evaluated by a Department approved nursing credentialing~~  
22 ~~evaluation service. No such applicant may be issued a license~~  
23 ~~under this Act unless the applicant's program is deemed by the~~  
24 ~~nursing credentialing evaluation service to be equivalent to a~~  
25 ~~professional nursing education program approved by the~~  
26 ~~Department. An applicant who has graduated from a nursing~~

1 ~~educational program outside of the United States or its~~  
2 ~~territories and whose first language is not English shall~~  
3 ~~submit certification of passage of the Test of English as a~~  
4 ~~Foreign Language (TOEFL), as defined by rule. The Department~~  
5 ~~may, upon recommendation from the nursing evaluation service,~~  
6 ~~waive the requirement that the applicant pass the TOEFL~~  
7 ~~examination if the applicant submits verification of the~~  
8 ~~successful completion of a nursing education program conducted~~  
9 ~~in English or the successful passage of an approved licensing~~  
10 ~~examination given in English. The requirements of this~~  
11 ~~subsection (m) may be satisfied by the showing of proof of a~~  
12 ~~certificate from the Certificate Program or the VisaScreen~~  
13 ~~Program of the Commission on Graduates of Foreign Nursing~~  
14 ~~Schools.~~

15 (Source: P.A. 95-639, eff. 10-5-07.)

16 (225 ILCS 65/60-11 new)

17 Sec. 60-11. RN licensure by endorsement.

18 (a) Each applicant who successfully meets the requirements  
19 of this Section is eligible for licensure as a registered  
20 professional nurse.

21 (b) An applicant for registered professional nurse  
22 licensure by endorsement who is a registered professional nurse  
23 licensed by examination under the laws of another United States  
24 jurisdiction or a foreign jurisdiction is eligible for  
25 licensure when the following requirements are met:

1           (1) the applicant has submitted a completed written  
2           application, on forms supplied by the Department, and fees  
3           as established by the Department;

4           (2) the applicant has graduated from a registered  
5           professional nursing education program approved by the  
6           Department;

7           (3) the applicant has been issued an LPN license by  
8           another United States or foreign jurisdiction, which shall  
9           be verified, as defined by rule;

10           (4) the applicant has submitted to the criminal history  
11           records check required under Section 50-35 of this Act; and

12           (5) the applicant has met all other requirements as  
13           established by the Department by rule.

14           (c) Pending the issuance of a license under this Section,  
15           the Department may grant an applicant a temporary permit to  
16           practice nursing as a registered professional nurse if the  
17           Department is satisfied that the applicant holds an active,  
18           unencumbered license in good standing in another United States  
19           jurisdiction. If the applicant holds more than one current  
20           active license or one or more active temporary licenses from  
21           another jurisdiction, the Department may not issue a temporary  
22           permit until the Department is satisfied that each current  
23           active license held by the applicant is unencumbered. The  
24           temporary permit, which shall be issued no later than 14  
25           working days after receipt by the Department of an application  
26           for the temporary permit, shall be granted upon the submission

1 of all of the following to the Department:

2 (1) a completed application for licensure as a  
3 registered professional nurse;

4 (2) proof of a current, active license in at least one  
5 other jurisdiction of the United States and proof that each  
6 current active license or temporary license held by the  
7 applicant within the last 5 years is unencumbered;

8 (3) a completed application for a temporary permit; and

9 (4) the required temporary permit fee.

10 (d) The Department may refuse to issue an applicant a  
11 temporary permit authorized pursuant to this Section if, within  
12 14 working days after its receipt of an application for a  
13 temporary permit, the Department determines that:

14 (1) the applicant has been convicted of a crime under  
15 the laws of a jurisdiction of the United States that is (i)  
16 a felony or (ii) a misdemeanor directly related to the  
17 practice of the profession, within the last 5 years;

18 (2) the applicant has had a license or permit related  
19 to the practice of nursing revoked, suspended, or placed on  
20 probation by another jurisdiction within the last 5 years,  
21 if at least one of the grounds for revoking, suspending, or  
22 placing on probation is the same or substantially  
23 equivalent to grounds for disciplinary action under this  
24 Act; or

25 (3) the Department intends to deny licensure by  
26 endorsement.

1       (e) The Department may revoke a temporary permit issued  
2 pursuant to this Section if it determines that:

3           (1) the applicant has been convicted of a crime under  
4 the laws of any jurisdiction of the United States that is  
5 (i) a felony or (ii) a misdemeanor directly related to the  
6 practice of the profession, within the last 5 years;

7           (2) within the last 5 years, the applicant has had a  
8 license or permit related to the practice of nursing  
9 revoked, suspended, or placed on probation by another  
10 jurisdiction, if at least one of the grounds for revoking,  
11 suspending, or placing on probation is the same or  
12 substantially equivalent to grounds for disciplinary  
13 action under this Act; or

14           (3) the Department intends to deny licensure by  
15 endorsement.

16       (f) A temporary permit issued under this Section shall  
17 expire 6 months after the date of issuance. Further renewal may  
18 be granted by the Department in hardship cases, as defined by  
19 rule and upon approval of the Secretary. However, a temporary  
20 permit shall automatically expire upon issuance of the Illinois  
21 license or upon notification that the Department intends to  
22 deny licensure, whichever occurs first.

23       (g) All applicants for registered professional nurse  
24 licensure have 3 years after the date of application to  
25 complete the application process. If the process has not been  
26 completed within 3 years after the date of application, the

1 application shall be denied, the fee forfeited, and the  
2 applicant must reapply and meet the requirements in effect at  
3 the time of reapplication.

4 (h) An applicant licensed in another state or territory who  
5 is applying for licensure and has received her or his education  
6 in a country other than the United States or its territories  
7 shall have her or his nursing education credentials evaluated  
8 by a Department-approved nursing credentialing evaluation  
9 service. No such applicant may be issued a license under this  
10 Act unless the applicant's program is deemed by the nursing  
11 credentialing evaluation service to be equivalent to a  
12 professional nursing education program approved by the  
13 Department. An applicant who has graduated from a nursing  
14 education program outside of the United States or its  
15 territories and whose first language is not English shall  
16 submit evidence of English proficiency, as defined by rule.

17 (225 ILCS 65/60-25)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 60-25. Restoration of RN license; temporary permit.

20 (a) Any license to practice professional nursing issued  
21 under this Act that has expired or that is on inactive status  
22 may be restored by making application to the Department and  
23 filing proof of fitness acceptable to the Department as  
24 specified by rule to have the license restored and by paying  
25 the required restoration fee. Such proof of fitness may include

1 evidence certifying active lawful practice in another  
2 jurisdiction.

3 (b) A licensee seeking restoration of a license after it  
4 has expired or been placed on inactive status for more than 5  
5 years shall file an application, on forms supplied by the  
6 Department, and submit the restoration or renewal fees set  
7 forth by the Department. The licensee shall also submit proof  
8 of fitness to practice as specified by rule. ~~, including one of~~  
9 ~~the following:~~

10 ~~(1) Certification of active practice in another~~  
11 ~~jurisdiction, which may include a statement from the~~  
12 ~~appropriate board or licensing authority in the other~~  
13 ~~jurisdiction that the licensee was authorized to practice~~  
14 ~~during the term of said active practice.~~

15 ~~(2) Proof of the successful completion of a~~  
16 ~~Department approved licensure examination.~~

17 ~~(3) An affidavit attesting to military service as~~  
18 ~~provided in subsection (c) of this Section; however, if~~  
19 ~~application is made within 2 years after discharge and if~~  
20 ~~all other provisions of subsection (c) of this Section are~~  
21 ~~satisfied, the applicant shall be required to pay the~~  
22 ~~current renewal fee.~~

23 (c) Any registered professional nurse license issued under  
24 this Act that expired while the licensee was (1) in federal  
25 service on active duty with the Armed Forces of the United  
26 States or in the State Militia called into service or training



1 or (2) in training or education under the supervision of the  
2 United States preliminary to induction into the military  
3 service may have the license restored without paying any lapsed  
4 renewal fees if, within 2 years after honorable termination of  
5 such service, training, or education, the applicant furnishes  
6 the Department with satisfactory evidence to the effect that  
7 the applicant has been so engaged and that the individual's  
8 service, training, or education has been so terminated.

9 (d) Any licensee who engages in the practice of  
10 professional nursing with a lapsed license or while on inactive  
11 status shall be considered to be practicing without a license,  
12 which shall be grounds for discipline under Section 70-5 of  
13 this Act.

14 (e) Pending restoration of a registered professional nurse  
15 license under this Section, the Department may grant an  
16 applicant a temporary permit to practice as a registered  
17 professional nurse if the Department is satisfied that the  
18 applicant holds an active, unencumbered license in good  
19 standing in another jurisdiction. If the applicant holds more  
20 than one current active license or one or more active temporary  
21 licenses from another jurisdiction, the Department shall not  
22 issue a temporary permit until it is satisfied that each  
23 current active license held by the applicant is unencumbered.  
24 The temporary permit, which shall be issued no later than 14  
25 working days after receipt by the Department of an application  
26 for the permit, shall be granted upon the submission of all of

1 the following to the Department:

2 (1) A signed and completed application for restoration  
3 of licensure under this Section as a registered  
4 professional nurse.

5 (2) Proof of (i) a current, active license in at least  
6 one other jurisdiction and proof that each current, active  
7 license or temporary permit held by the applicant is  
8 unencumbered or (ii) fitness to practice nursing in  
9 Illinois, as specified by rule.

10 (3) A signed and completed application for a temporary  
11 permit.

12 (4) The required permit fee.

13 (f) The Department may refuse to issue to an applicant a  
14 temporary permit authorized under this Section if, within 14  
15 working days after its receipt of an application for a  
16 temporary permit, the Department determines that:

17 (1) the applicant has been convicted within the last 5  
18 years of any crime under the laws of any jurisdiction of  
19 the United States that is (i) a felony or (ii) a  
20 misdemeanor directly related to the practice of the  
21 profession;

22 (2) within the last 5 years the applicant had a license  
23 or permit related to the practice of nursing revoked,  
24 suspended, or placed on probation by another jurisdiction  
25 if at least one of the grounds for revoking, suspending, or  
26 placing on probation is the same or substantially

1 equivalent to grounds for disciplinary action under this  
2 Act; or

3 (3) the Department intends to deny restoration of the  
4 license.

5 (g) The Department may revoke a temporary permit issued  
6 under this Section if:

7 (1) the Department determines that the applicant has  
8 been convicted within the last 5 years of any crime under  
9 the laws of any jurisdiction of the United States that is  
10 (i) a felony or (ii) a misdemeanor directly related to the  
11 practice of the profession;

12 (2) within the last 5 years, the applicant had a  
13 license or permit related to the practice of nursing  
14 revoked, suspended, or placed on probation by another  
15 jurisdiction, if at least one of the grounds for revoking,  
16 suspending, or placing on probation is the same or  
17 substantially equivalent to grounds in Illinois; or

18 (3) the Department intends to deny restoration of the  
19 license.

20 (h) A temporary permit or renewed temporary permit shall  
21 expire (i) upon issuance of an Illinois license or (ii) upon  
22 notification that the Department intends to deny restoration of  
23 licensure. A temporary permit shall expire 6 months from the  
24 date of issuance. Further renewal may be granted by the  
25 Department, in hardship cases, that shall automatically expire  
26 upon issuance of the Illinois license or upon notification that

1 the Department intends to deny licensure, whichever occurs  
2 first. No extensions shall be granted beyond the 6-month period  
3 unless approved by the Secretary. Notification by the  
4 Department under this Section must be by certified or  
5 registered mail to the address of record or by email to the  
6 email address of record.

7 (Source: P.A. 95-639, eff. 10-5-07.)

8 (225 ILCS 65/Art. 65 heading)

9 ARTICLE 65. ADVANCED PRACTICE REGISTERED NURSES

10 (Article scheduled to be repealed on January 1, 2018)

11 (Source: P.A. 95-639, eff. 10-5-07.)

12 (225 ILCS 65/65-5) (was 225 ILCS 65/15-10)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 65-5. Qualifications for APRN ~~APN~~ licensure.

15 (a) Each applicant who successfully meets the requirements  
16 of this Section is eligible for ~~shall be entitled to~~ licensure  
17 as an advanced practice registered nurse.

18 (b) An applicant for licensure to practice as an advanced  
19 practice registered nurse is eligible for licensure when the  
20 following requirements are met ~~must do each of the following:~~

21 (1) the applicant has submitted ~~Submit~~ a completed  
22 application and any fees as established by the Department;~~:-~~

23 (2) the applicant holds ~~Hold~~ a current license to  
24 practice as a registered professional nurse under this

1 Act;~~;~~

2 (3) the applicant has ~~Have~~ successfully completed  
3 requirements to practice as, and holds and maintains  
4 current, national certification as, a nurse midwife,  
5 clinical nurse specialist, nurse practitioner, or  
6 certified registered nurse anesthetist from the  
7 appropriate national certifying body as determined by rule  
8 of the Department;~~;~~

9 (4) the applicant has ~~Have~~ obtained a graduate degree  
10 appropriate for national certification in a clinical  
11 advanced practice registered nursing specialty or a  
12 graduate degree or post-master's certificate from a  
13 graduate level program in a clinical advanced practice  
14 registered nursing specialty;~~;~~

15 (5) (blank); ~~Have not violated the provisions of this~~  
16 ~~Act concerning the grounds for disciplinary action. The~~  
17 ~~Department may take into consideration any felony~~  
18 ~~conviction of the applicant, but such a conviction may not~~  
19 ~~operate as an absolute bar to licensure.~~

20 (6) the applicant has submitted ~~Submit~~ to the criminal  
21 history records check required under Section 50-35 of this  
22 Act; ~~and~~

23 (7) if applicable, the applicant has submitted  
24 verification of licensure status in another jurisdiction,  
25 as provided by rule.

26 (b-5) A registered professional nurse seeking licensure as

1 an advanced practice registered nurse in the category of  
2 certified registered nurse anesthetist who does not have a  
3 graduate degree as described in subsection (b) of this Section  
4 shall be qualified for licensure if that person:

5 (1) submits evidence of having successfully completed  
6 a nurse anesthesia program described in item (4) of  
7 subsection (b) of this Section prior to January 1, 1999;

8 (2) submits evidence of certification as a registered  
9 nurse anesthetist by an appropriate national certifying  
10 body; and

11 (3) has continually maintained active, up-to-date  
12 recertification status as a certified registered nurse  
13 anesthetist by an appropriate national recertifying body.

14 (b-10) The Department may ~~shall~~ issue a certified  
15 registered nurse anesthetist license to an APRN ~~APN~~ who (i)  
16 does not have a graduate degree, (ii) applies for licensure  
17 before July 1, 2018, and (iii) submits all of the following to  
18 the Department:

19 (1) His or her current State registered nurse license  
20 number.

21 (2) Proof of current national certification, which  
22 includes the completion of an examination from either of  
23 the following:

24 (A) the Council on Certification of the American  
25 Association of Nurse Anesthetists; or

26 (B) the Council on Recertification of the American

1 Association of Nurse Anesthetists.

2 (3) Proof of the successful completion of a post-basic  
3 advanced practice formal education program in the area of  
4 nurse anesthesia prior to January 1, 1999.

5 (4) His or her complete work history for the 5-year  
6 period immediately preceding the date of his or her  
7 application.

8 (5) Verification of licensure as an advanced practice  
9 registered nurse from the state in which he or she was  
10 originally licensed, current state of licensure, and any  
11 other state in which he or she has been actively practicing  
12 as an advanced practice registered nurse within the 5-year  
13 period immediately preceding the date of his or her  
14 application. If applicable, this verification must state:

15 (A) the time during which he or she was licensed in  
16 each state, including the date of the original issuance  
17 of each license; and

18 (B) any disciplinary action taken or pending  
19 concerning any nursing license held, currently or in  
20 the past, by the applicant.

21 (6) The required fee.

22 (c) Those applicants seeking licensure in more than one  
23 advanced practice registered nursing specialty need not  
24 possess multiple graduate degrees. Applicants may be eligible  
25 for licenses for multiple advanced practice registered nurse  
26 licensure specialties, provided that the applicant (i) has met

1 the requirements for at least one advanced practice registered  
2 nursing specialty under paragraphs (3) and (5) of subsection  
3 (a) of this Section, (ii) possesses an additional graduate  
4 education that results in a certificate for another clinical  
5 advanced practice registered nurse specialty and that meets the  
6 requirements for the national certification from the  
7 appropriate nursing specialty, and (iii) holds a current  
8 national certification from the appropriate national  
9 certifying body for that additional advanced practice  
10 registered nursing specialty.

11 (Source: P.A. 98-837, eff. 1-1-15.)

12 (225 ILCS 65/65-10) (was 225 ILCS 65/15-13)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 65-10. APRN ~~APN~~ license pending status.

15 (a) A graduate of an advanced practice registered nursing  
16 program may practice in the State of Illinois in the role of  
17 certified clinical nurse specialist, certified nurse midwife,  
18 certified nurse practitioner, or certified registered nurse  
19 anesthetist for not longer than 6 months provided he or she  
20 submits all of the following:

21 (1) An application for licensure as an advanced  
22 practice registered nurse in Illinois and all fees  
23 established by rule.

24 (2) Proof of an application to take the national  
25 certification examination in the specialty.



1           (3) Proof of completion of a graduate advanced practice  
2 education program that allows the applicant to be eligible  
3 for national certification in a clinical advanced practice  
4 registered nursing specialty and that allows the applicant  
5 to be eligible for licensure in Illinois in the area of his  
6 or her specialty.

7           (4) Proof that he or she is licensed in Illinois as a  
8 registered professional nurse.

9           (b) License pending status shall preclude delegation of  
10 prescriptive authority.

11           (c) A graduate practicing in accordance with this Section  
12 must use the title "license pending certified clinical nurse  
13 specialist", "license pending certified nurse midwife",  
14 "license pending certified nurse practitioner", or "license  
15 pending certified registered nurse anesthetist", whichever is  
16 applicable.

17 (Source: P.A. 97-813, eff. 7-13-12.)

18 (225 ILCS 65/65-15)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 65-15. Expiration of APRN ~~APN~~ license; renewal.

21           (a) The expiration date and renewal period for each  
22 advanced practice registered nurse license issued under this  
23 Act shall be set by rule. The holder of a license may renew the  
24 license during the month preceding the expiration date of the  
25 license by paying the required fee. It is the responsibility of

1 the licensee to notify the Department in writing of a change of  
2 address.

3 (b) On and after May 30, 2020, except as provided in  
4 subsections (c) and (d) of this Section, each advanced practice  
5 registered nurse is required to show proof of continued,  
6 current national certification in the specialty.

7 (c) An advanced practice registered nurse who does not meet  
8 the educational requirements necessary to obtain national  
9 certification but has continuously held an unencumbered  
10 license under this Act since 2001 shall not be required to show  
11 proof of national certification in the specialty to renew his  
12 or her advanced practice registered nurse license.

13 (d) The Department may renew the license of an advanced  
14 practice registered nurse who applies for renewal of his or her  
15 license on or before May 30, 2016 and is unable to provide  
16 proof of continued, current national certification in the  
17 specialty but complies with all other renewal requirements.

18 (e) Any advanced practice registered nurse license renewed  
19 on and after May 31, 2016 based on the changes made to this  
20 Section by this amendatory Act of the 99th General Assembly  
21 shall be retroactive to the expiration date.

22 (Source: P.A. 99-505, eff. 5-27-16.)

23 (225 ILCS 65/65-20)

24 (Section scheduled to be repealed on January 1, 2018)

25 Sec. 65-20. Restoration of APRN ~~APN~~ license; temporary

1 permit.

2 (a) Any license issued under this Act that has expired or  
3 that is on inactive status may be restored by making  
4 application to the Department and filing proof of fitness  
5 acceptable to the Department as specified by rule to have the  
6 license restored and by paying the required restoration fee.  
7 Such proof of fitness may include evidence certifying active  
8 lawful practice in another jurisdiction.

9 (b) A licensee seeking restoration of a license after it  
10 has expired or been placed on inactive status for more than 5  
11 years shall file an application, on forms supplied by the  
12 Department, and submit the restoration or renewal fees set  
13 forth by the Department. The licensee shall also submit proof  
14 of fitness to practice as specified by rule. ~~, including one of~~  
15 ~~the following:~~

16 ~~(1) Certification of active practice in another~~  
17 ~~jurisdiction, which may include a statement from the~~  
18 ~~appropriate board or licensing authority in the other~~  
19 ~~jurisdiction in which the licensee was authorized to~~  
20 ~~practice during the term of said active practice.~~

21 ~~(2) Proof of the successful completion of a~~  
22 ~~Department approved licensure examination.~~

23 ~~(3) An affidavit attesting to military service as~~  
24 ~~provided in subsection (c) of this Section; however, if~~  
25 ~~application is made within 2 years after discharge and if~~  
26 ~~all other provisions of subsection (c) of this Section are~~

1 ~~satisfied, the applicant shall be required to pay the~~  
2 ~~current renewal fee.~~

3 ~~(4) Other proof as established by rule.~~

4 (c) Any advanced practice registered nurse license issued  
5 under this Act that expired while the licensee was (1) in  
6 federal service on active duty with the Armed Forces of the  
7 United States or in the State Militia called into service or  
8 training or (2) in training or education under the supervision  
9 of the United States preliminary to induction into the military  
10 service may have the license restored without paying any lapsed  
11 renewal fees if, within 2 years after honorable termination of  
12 such service, training, or education, the applicant furnishes  
13 the Department with satisfactory evidence to the effect that  
14 the applicant has been so engaged and that the individual's  
15 service, training, or education has been so terminated.

16 (d) Any licensee who engages in the practice of advanced  
17 practice registered nursing with a lapsed license or while on  
18 inactive status shall be considered to be practicing without a  
19 license, which shall be grounds for discipline under Section  
20 70-5 of this Act.

21 (e) Pending restoration of an advanced practice registered  
22 nurse license under this Section, the Department may grant an  
23 applicant a temporary permit to practice as an advanced  
24 practice registered nurse if the Department is satisfied that  
25 the applicant holds an active, unencumbered license in good  
26 standing in another jurisdiction. If the applicant holds more

1 than one current, active license or one or more active  
2 temporary licenses from another jurisdiction, the Department  
3 shall not issue a temporary permit until it is satisfied that  
4 each current active license held by the applicant is  
5 unencumbered. The temporary permit, which shall be issued no  
6 later than 14 working days after receipt by the Department of  
7 an application for the permit, shall be granted upon the  
8 submission of all of the following to the Department:

9 (1) A signed and completed application for restoration  
10 of licensure under this Section as an advanced practice  
11 registered nurse.

12 (2) Proof of (i) a current, active license in at least  
13 one other jurisdiction and proof that each current, active  
14 license or temporary permit held by the applicant is  
15 unencumbered or (ii) fitness to practice nursing in  
16 Illinois, as specified by rule.

17 (3) A signed and completed application for a temporary  
18 permit.

19 (4) The required permit fee.

20 (5) Other proof as established by rule.

21 (f) The Department may refuse to issue to an applicant a  
22 temporary permit authorized under this Section if, within 14  
23 working days after its receipt of an application for a  
24 temporary permit, the Department determines that:

25 (1) the applicant has been convicted within the last 5  
26 years of any crime under the laws of any jurisdiction of

1 the United States that is (i) a felony or (ii) a  
2 misdemeanor directly related to the practice of the  
3 profession;

4 (2) within the last 5 years, the applicant had a  
5 license or permit related to the practice of nursing  
6 revoked, suspended, or placed on probation by another  
7 jurisdiction if at least one of the grounds for revoking,  
8 suspending, or placing on probation is the same or  
9 substantially equivalent to grounds for disciplinary  
10 action under this Act; or

11 (3) the Department intends to deny restoration of the  
12 license.

13 (g) The Department may revoke a temporary permit issued  
14 under this Section if:

15 (1) the Department determines that the applicant has  
16 been convicted within the last 5 years of any crime under  
17 the laws of any jurisdiction of the United States that is  
18 (i) a felony or (ii) a misdemeanor directly related to the  
19 practice of the profession;

20 (2) within the last 5 years, the applicant had a  
21 license or permit related to the practice of nursing  
22 revoked, suspended, or placed on probation by another  
23 jurisdiction, if at least one of the grounds for revoking,  
24 suspending, or placing on probation is the same or  
25 substantially equivalent to grounds in Illinois; or

26 (3) the Department intends to deny restoration of the

1 license.

2 (h) A temporary permit or renewed temporary permit shall  
3 expire (i) upon issuance of an Illinois license or (ii) upon  
4 notification that the Department intends to deny restoration of  
5 licensure. Except as otherwise provided in this Section, a  
6 temporary permit shall expire 6 months from the date of  
7 issuance. Further renewal may be granted by the Department in  
8 hardship cases that shall automatically expire upon issuance of  
9 the Illinois license or upon notification that the Department  
10 intends to deny licensure, whichever occurs first. No  
11 extensions shall be granted beyond the 6-month period unless  
12 approved by the Secretary. Notification by the Department under  
13 this Section must be by certified or registered mail to the  
14 address of record or by email to the email address of record.

15 (Source: P.A. 95-639, eff. 10-5-07.)

16 (225 ILCS 65/65-25)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 65-25. Inactive status of a APRN ~~APN~~ license. Any  
19 advanced practice registered nurse who notifies the Department  
20 in writing on forms prescribed by the Department may elect to  
21 place his or her license on inactive status and shall, subject  
22 to rules of the Department, be excused from payment of renewal  
23 fees until notice is given to the Department in writing of his  
24 or her intent to restore the license.

25 Any advanced practice registered nurse requesting

1 restoration from inactive status shall be required to pay the  
2 current renewal fee and shall be required to restore his or her  
3 license, as provided by rule of the Department.

4 Any advanced practice registered nurse whose license is on  
5 inactive status shall not practice advanced practice  
6 registered nursing, as defined by this Act in the State of  
7 Illinois.

8 (Source: P.A. 95-639, eff. 10-5-07.)

9 (225 ILCS 65/65-30)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 65-30. APRN ~~APN~~ scope of practice.

12 (a) Advanced practice registered nursing by certified  
13 nurse practitioners, certified nurse anesthetists, certified  
14 nurse midwives, or clinical nurse specialists is based on  
15 knowledge and skills acquired throughout an advanced practice  
16 registered nurse's nursing education, training, and  
17 experience.

18 (b) Practice as an advanced practice registered nurse means  
19 a scope of nursing practice, with or without compensation, and  
20 includes the registered nurse scope of practice.

21 (c) The scope of practice of an advanced practice  
22 registered nurse includes, but is not limited to, each of the  
23 following:

24 (1) Advanced nursing patient assessment and diagnosis.

25 (2) Ordering diagnostic and therapeutic tests and



1 procedures, performing those tests and procedures when using  
2 health care equipment, and interpreting and using the results  
3 of diagnostic and therapeutic tests and procedures ordered by  
4 the advanced practice registered nurse or another health care  
5 professional.

6 (3) Ordering treatments, ordering or applying  
7 appropriate medical devices, and using nursing medical,  
8 therapeutic, and corrective measures to treat illness and  
9 improve health status.

10 (4) Providing palliative and end-of-life care.

11 (5) Providing advanced counseling, patient education,  
12 health education, and patient advocacy.

13 (6) Prescriptive authority as defined in Section 65-40  
14 of this Act.

15 (7) Delegating selected nursing activities or tasks to  
16 a licensed practical nurse, a registered professional nurse, or  
17 other personnel.

18 (Source: P.A. 95-639, eff. 10-5-07.)

19 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 65-35. Written collaborative agreements.

22 (a) A written collaborative agreement is required for all  
23 advanced practice registered nurses engaged in clinical  
24 practice, except for advanced practice registered nurses who  
25 are authorized to practice in a hospital, hospital affiliate,

1 or ambulatory surgical treatment center.

2 (a-5) If an advanced practice registered nurse engages in  
3 clinical practice outside of a hospital, hospital affiliate, or  
4 ambulatory surgical treatment center in which he or she is  
5 authorized to practice, the advanced practice registered nurse  
6 must have a written collaborative agreement.

7 (b) A written collaborative agreement shall describe the  
8 relationship of the advanced practice registered nurse with the  
9 collaborating physician or podiatric physician and shall  
10 describe the categories of care, treatment, or procedures to be  
11 provided by the advanced practice registered nurse. A  
12 collaborative agreement with a dentist must be in accordance  
13 with subsection (c-10) of this Section. Collaboration does not  
14 require an employment relationship between the collaborating  
15 physician or podiatric physician and advanced practice  
16 registered nurse.

17 The collaborative relationship under an agreement shall  
18 not be construed to require the personal presence of a  
19 physician or podiatric physician at the place where services  
20 are rendered. Methods of communication shall be available for  
21 consultation with the collaborating physician or podiatric  
22 physician in person or by telecommunications or electronic  
23 communications as set forth in the written agreement.

24 (b-5) Absent an employment relationship, a written  
25 collaborative agreement may not (1) restrict the categories of  
26 patients of an advanced practice registered nurse within the

1 scope of the advanced practice registered nurses training and  
2 experience, (2) limit third party payors or government health  
3 programs, such as the medical assistance program or Medicare  
4 with which the advanced practice registered nurse contracts, or  
5 (3) limit the geographic area or practice location of the  
6 advanced practice registered nurse in this State.

7 (c) In the case of anesthesia services provided by a  
8 certified registered nurse anesthetist, an anesthesiologist, a  
9 physician, a dentist, or a podiatric physician must participate  
10 through discussion of and agreement with the anesthesia plan  
11 and remain physically present and available on the premises  
12 during the delivery of anesthesia services for diagnosis,  
13 consultation, and treatment of emergency medical conditions.

14 (c-5) A certified registered nurse anesthetist, who  
15 provides anesthesia services outside of a hospital or  
16 ambulatory surgical treatment center shall enter into a written  
17 collaborative agreement with an anesthesiologist or the  
18 physician licensed to practice medicine in all its branches or  
19 the podiatric physician performing the procedure. Outside of a  
20 hospital or ambulatory surgical treatment center, the  
21 certified registered nurse anesthetist may provide only those  
22 services that the collaborating podiatric physician is  
23 authorized to provide pursuant to the Podiatric Medical  
24 Practice Act of 1987 and rules adopted thereunder. A certified  
25 registered nurse anesthetist may select, order, and administer  
26 medication, including controlled substances, and apply

1 appropriate medical devices for delivery of anesthesia  
2 services under the anesthesia plan agreed with by the  
3 anesthesiologist or the operating physician or operating  
4 podiatric physician.

5 (c-10) A certified registered nurse anesthetist who  
6 provides anesthesia services in a dental office shall enter  
7 into a written collaborative agreement with an  
8 anesthesiologist or the physician licensed to practice  
9 medicine in all its branches or the operating dentist  
10 performing the procedure. The agreement shall describe the  
11 working relationship of the certified registered nurse  
12 anesthetist and dentist and shall authorize the categories of  
13 care, treatment, or procedures to be performed by the certified  
14 registered nurse anesthetist. In a collaborating dentist's  
15 office, the certified registered nurse anesthetist may only  
16 provide those services that the operating dentist with the  
17 appropriate permit is authorized to provide pursuant to the  
18 Illinois Dental Practice Act and rules adopted thereunder. For  
19 anesthesia services, an anesthesiologist, physician, or  
20 operating dentist shall participate through discussion of and  
21 agreement with the anesthesia plan and shall remain physically  
22 present and be available on the premises during the delivery of  
23 anesthesia services for diagnosis, consultation, and treatment  
24 of emergency medical conditions. A certified registered nurse  
25 anesthetist may select, order, and administer medication,  
26 including controlled substances, and apply appropriate medical

1 devices for delivery of anesthesia services under the  
2 anesthesia plan agreed with by the operating dentist.

3 (d) A copy of the signed, written collaborative agreement  
4 must be available to the Department upon request from both the  
5 advanced practice registered nurse and the collaborating  
6 physician, dentist, or podiatric physician.

7 (e) Nothing in this Act shall be construed to limit the  
8 delegation of tasks or duties by a physician to a licensed  
9 practical nurse, a registered professional nurse, or other  
10 persons in accordance with Section 54.2 of the Medical Practice  
11 Act of 1987. Nothing in this Act shall be construed to limit  
12 the method of delegation that may be authorized by any means,  
13 including, but not limited to, oral, written, electronic,  
14 standing orders, protocols, guidelines, or verbal orders.  
15 Nothing in this Act shall be construed to authorize an advanced  
16 practice registered nurse to provide health care services  
17 required by law or rule to be performed by a physician.

18 (f) An advanced practice registered nurse shall inform each  
19 collaborating physician, dentist, or podiatric physician of  
20 all collaborative agreements he or she has signed and provide a  
21 copy of these to any collaborating physician, dentist, or  
22 podiatric physician upon request.

23 (g) (Blank).

24 (Source: P.A. 98-192, eff. 1-1-14; 98-214, eff. 8-9-13; 98-756,  
25 eff. 7-16-14; 99-173, eff. 7-29-15.)

1 (225 ILCS 65/65-35.1)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 65-35.1. Written collaborative agreement; temporary  
4 practice. Any advanced practice registered nurse required to  
5 enter into a written collaborative agreement with a  
6 collaborating physician or collaborating podiatrist is  
7 authorized to continue to practice for up to 90 days after the  
8 termination of a collaborative agreement provided the advanced  
9 practice registered nurse seeks any needed collaboration at a  
10 local hospital and refers patients who require services beyond  
11 the training and experience of the advanced practice registered  
12 nurse to a physician or other health care provider.

13 (Source: P.A. 99-173, eff. 7-29-15.)

14 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 65-40. Written collaborative agreement; prescriptive  
17 authority.

18 (a) A collaborating physician or podiatric physician may,  
19 but is not required to, delegate prescriptive authority to an  
20 advanced practice registered nurse as part of a written  
21 collaborative agreement. This authority may, but is not  
22 required to, include prescription of, selection of, orders for,  
23 administration of, storage of, acceptance of samples of, and  
24 dispensing over the counter medications, legend drugs, medical  
25 gases, and controlled substances categorized as any Schedule

1 III through V controlled substances, as defined in Article II  
2 of the Illinois Controlled Substances Act, and other  
3 preparations, including, but not limited to, botanical and  
4 herbal remedies. The collaborating physician or podiatric  
5 physician must have a valid current Illinois controlled  
6 substance license and federal registration to delegate  
7 authority to prescribe delegated controlled substances.

8 (b) To prescribe controlled substances under this Section,  
9 an advanced practice registered nurse must obtain a mid-level  
10 practitioner controlled substance license. Medication orders  
11 shall be reviewed periodically by the collaborating physician  
12 or podiatric physician.

13 (c) The collaborating physician or podiatric physician  
14 shall file with the Department notice of delegation of  
15 prescriptive authority and termination of such delegation, in  
16 accordance with rules of the Department. Upon receipt of this  
17 notice delegating authority to prescribe any Schedule III  
18 through V controlled substances, the licensed advanced  
19 practice registered nurse shall be eligible to register for a  
20 mid-level practitioner controlled substance license under  
21 Section 303.05 of the Illinois Controlled Substances Act.

22 (d) In addition to the requirements of subsections (a),  
23 (b), and (c) of this Section, a collaborating physician or  
24 podiatric physician may, but is not required to, delegate  
25 authority to an advanced practice registered nurse to prescribe  
26 any Schedule II controlled substances, if all of the following

1 conditions apply:

2 (1) Specific Schedule II controlled substances by oral  
3 dosage or topical or transdermal application may be  
4 delegated, provided that the delegated Schedule II  
5 controlled substances are routinely prescribed by the  
6 collaborating physician or podiatric physician. This  
7 delegation must identify the specific Schedule II  
8 controlled substances by either brand name or generic name.  
9 Schedule II controlled substances to be delivered by  
10 injection or other route of administration may not be  
11 delegated.

12 (2) Any delegation must be controlled substances that  
13 the collaborating physician or podiatric physician  
14 prescribes.

15 (3) Any prescription must be limited to no more than a  
16 30-day supply, with any continuation authorized only after  
17 prior approval of the collaborating physician or podiatric  
18 physician.

19 (4) The advanced practice registered nurse must  
20 discuss the condition of any patients for whom a controlled  
21 substance is prescribed monthly with the delegating  
22 physician.

23 (5) The advanced practice registered nurse meets the  
24 education requirements of Section 303.05 of the Illinois  
25 Controlled Substances Act.

26 (e) Nothing in this Act shall be construed to limit the



1 delegation of tasks or duties by a physician to a licensed  
2 practical nurse, a registered professional nurse, or other  
3 persons. Nothing in this Act shall be construed to limit the  
4 method of delegation that may be authorized by any means,  
5 including, but not limited to, oral, written, electronic,  
6 standing orders, protocols, guidelines, or verbal orders.

7 (f) Nothing in this Section shall be construed to apply to  
8 any medication authority including Schedule II controlled  
9 substances of an advanced practice registered nurse for care  
10 provided in a hospital, hospital affiliate, or ambulatory  
11 surgical treatment center pursuant to Section 65-45.

12 (g) Any advanced practice registered nurse who writes a  
13 prescription for a controlled substance without having a valid  
14 appropriate authority may be fined by the Department not more  
15 than \$50 per prescription, and the Department may take any  
16 other disciplinary action provided for in this Act.

17 (h) Nothing in this Section shall be construed to prohibit  
18 generic substitution.

19 (Source: P.A. 97-358, eff. 8-12-11; 98-214, eff. 8-9-13.)

20 (225 ILCS 65/65-45) (was 225 ILCS 65/15-25)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 65-45. Advanced practice registered nursing in  
23 hospitals, hospital affiliates, or ambulatory surgical  
24 treatment centers.

25 (a) An advanced practice registered nurse may provide

1 services in a hospital or a hospital affiliate as those terms  
2 are defined in the Hospital Licensing Act or the University of  
3 Illinois Hospital Act or a licensed ambulatory surgical  
4 treatment center without a written collaborative agreement  
5 pursuant to Section 65-35 of this Act. An advanced practice  
6 registered nurse must possess clinical privileges recommended  
7 by the hospital medical staff and granted by the hospital or  
8 the consulting medical staff committee and ambulatory surgical  
9 treatment center in order to provide services. The medical  
10 staff or consulting medical staff committee shall periodically  
11 review the services of advanced practice registered nurses  
12 granted clinical privileges, including any care provided in a  
13 hospital affiliate. Authority may also be granted when  
14 recommended by the hospital medical staff and granted by the  
15 hospital or recommended by the consulting medical staff  
16 committee and ambulatory surgical treatment center to  
17 individual advanced practice registered nurses to select,  
18 order, and administer medications, including controlled  
19 substances, to provide delineated care. In a hospital, hospital  
20 affiliate, or ambulatory surgical treatment center, the  
21 attending physician shall determine an advanced practice  
22 registered nurse's role in providing care for his or her  
23 patients, except as otherwise provided in the medical staff  
24 bylaws or consulting committee policies.

25 (a-2) An advanced practice registered nurse granted  
26 authority to order medications including controlled substances

1 may complete discharge prescriptions provided the prescription  
2 is in the name of the advanced practice registered nurse and  
3 the attending or discharging physician.

4 (a-3) Advanced practice registered nurses practicing in a  
5 hospital or an ambulatory surgical treatment center are not  
6 required to obtain a mid-level controlled substance license to  
7 order controlled substances under Section 303.05 of the  
8 Illinois Controlled Substances Act.

9 (a-5) For anesthesia services provided by a certified  
10 registered nurse anesthetist, an anesthesiologist, physician,  
11 dentist, or podiatric physician shall participate through  
12 discussion of and agreement with the anesthesia plan and shall  
13 remain physically present and be available on the premises  
14 during the delivery of anesthesia services for diagnosis,  
15 consultation, and treatment of emergency medical conditions,  
16 unless hospital policy adopted pursuant to clause (B) of  
17 subdivision (3) of Section 10.7 of the Hospital Licensing Act  
18 or ambulatory surgical treatment center policy adopted  
19 pursuant to clause (B) of subdivision (3) of Section 6.5 of the  
20 Ambulatory Surgical Treatment Center Act provides otherwise. A  
21 certified registered nurse anesthetist may select, order, and  
22 administer medication for anesthesia services under the  
23 anesthesia plan agreed to by the anesthesiologist or the  
24 physician, in accordance with hospital alternative policy or  
25 the medical staff consulting committee policies of a licensed  
26 ambulatory surgical treatment center.

1 (b) An advanced practice registered nurse who provides  
2 services in a hospital shall do so in accordance with Section  
3 10.7 of the Hospital Licensing Act and, in an ambulatory  
4 surgical treatment center, in accordance with Section 6.5 of  
5 the Ambulatory Surgical Treatment Center Act.

6 (c) Advanced practice registered nurses certified as nurse  
7 practitioners, nurse midwives, or clinical nurse specialists  
8 practicing in a hospital affiliate may be, but are not required  
9 to be, granted authority to prescribe Schedule II through V  
10 controlled substances when such authority is recommended by the  
11 appropriate physician committee of the hospital affiliate and  
12 granted by the hospital affiliate. This authority may, but is  
13 not required to, include prescription of, selection of, orders  
14 for, administration of, storage of, acceptance of samples of,  
15 and dispensing over-the-counter medications, legend drugs,  
16 medical gases, and controlled substances categorized as  
17 Schedule II through V controlled substances, as defined in  
18 Article II of the Illinois Controlled Substances Act, and other  
19 preparations, including, but not limited to, botanical and  
20 herbal remedies.

21 To prescribe controlled substances under this subsection  
22 (c), an advanced practice registered nurse certified as a nurse  
23 practitioner, nurse midwife, or clinical nurse specialist must  
24 obtain a mid-level practitioner controlled substance license.  
25 Medication orders shall be reviewed periodically by the  
26 appropriate hospital affiliate physicians committee or its

1 physician designee.

2 The hospital affiliate shall file with the Department  
3 notice of a grant of prescriptive authority consistent with  
4 this subsection (c) and termination of such a grant of  
5 authority, in accordance with rules of the Department. Upon  
6 receipt of this notice of grant of authority to prescribe any  
7 Schedule II through V controlled substances, the licensed  
8 advanced practice registered nurse certified as a nurse  
9 practitioner, nurse midwife, or clinical nurse specialist may  
10 register for a mid-level practitioner controlled substance  
11 license under Section 303.05 of the Illinois Controlled  
12 Substances Act.

13 In addition, a hospital affiliate may, but is not required  
14 to, grant authority to an advanced practice registered nurse  
15 certified as a nurse practitioner, nurse midwife, or clinical  
16 nurse specialist to prescribe any Schedule II controlled  
17 substances, if all of the following conditions apply:

18 (1) specific Schedule II controlled substances by oral  
19 dosage or topical or transdermal application may be  
20 designated, provided that the designated Schedule II  
21 controlled substances are routinely prescribed by advanced  
22 practice registered nurses in their area of certification;  
23 this grant of authority must identify the specific Schedule  
24 II controlled substances by either brand name or generic  
25 name; authority to prescribe or dispense Schedule II  
26 controlled substances to be delivered by injection or other

1 route of administration may not be granted;

2 (2) any grant of authority must be controlled  
3 substances limited to the practice of the advanced practice  
4 registered nurse;

5 (3) any prescription must be limited to no more than a  
6 30-day supply;

7 (4) the advanced practice registered nurse must  
8 discuss the condition of any patients for whom a controlled  
9 substance is prescribed monthly with the appropriate  
10 physician committee of the hospital affiliate or its  
11 physician designee; and

12 (5) the advanced practice registered nurse must meet  
13 the education requirements of Section 303.05 of the  
14 Illinois Controlled Substances Act.

15 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15.)

16 (225 ILCS 65/65-50) (was 225 ILCS 65/15-30)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 65-50. APRN ~~APN~~ title.

19 (a) No person shall use any words, abbreviations, figures,  
20 letters, title, sign, card, or device tending to imply that he  
21 or she is an advanced practice registered nurse, including, but  
22 not limited to, using the titles or initials "Advanced Practice  
23 Registered Nurse", "Certified Nurse Midwife", "Certified Nurse  
24 Practitioner", "Certified Registered Nurse Anesthetist",  
25 "Clinical Nurse Specialist", "A.P.R.N." "~~A.P.N.~~", "C.N.M.",

1 "C.N.P.", "C.R.N.A.", "C.N.S.", or similar titles or initials,  
2 with the intention of indicating practice as an advanced  
3 practice registered nurse without meeting the requirements of  
4 this Act. For purposes of this provision, the terms "advanced  
5 practice nurse" and "A.P.N." are considered to be similar  
6 titles or initials protected by this subsection (a).

7 (b) No advanced practice registered nurse shall indicate to  
8 other persons that he or she is qualified to engage in the  
9 practice of medicine.

10 (c) An advanced practice registered nurse shall verbally  
11 identify himself or herself as an advanced practice registered  
12 nurse, including specialty certification, to each patient.

13 (d) Nothing in this Act shall be construed to relieve an  
14 advanced practice registered nurse of the professional or legal  
15 responsibility for the care and treatment of persons attended  
16 by him or her.

17 (Source: P.A. 95-639, eff. 10-5-07.)

18 (225 ILCS 65/65-55) (was 225 ILCS 65/15-40)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 65-55. Advertising as an APRN ~~APN~~.

21 (a) A person licensed under this Act as an advanced  
22 practice registered nurse may advertise the availability of  
23 professional services in the public media or on the premises  
24 where the professional services are rendered. The advertising  
25 shall be limited to the following information:

1 (1) publication of the person's name, title, office  
2 hours, address, and telephone number;

3 (2) information pertaining to the person's areas of  
4 specialization, including, but not limited to, appropriate  
5 board certification or limitation of professional  
6 practice;

7 (3) publication of the person's collaborating  
8 physician's, dentist's, or podiatric physician's name,  
9 title, and areas of specialization;

10 (4) information on usual and customary fees for routine  
11 professional services offered, which shall include  
12 notification that fees may be adjusted due to complications  
13 or unforeseen circumstances;

14 (5) announcements of the opening of, change of, absence  
15 from, or return to business;

16 (6) announcement of additions to or deletions from  
17 professional licensed staff; and

18 (7) the issuance of business or appointment cards.

19 (b) It is unlawful for a person licensed under this Act as  
20 an advanced practice registered nurse to use testimonials or  
21 claims of superior quality of care to entice the public. It  
22 shall be unlawful to advertise fee comparisons of available  
23 services with those of other licensed persons.

24 (c) This Article does not authorize the advertising of  
25 professional services that the offeror of the services is not  
26 licensed or authorized to render. Nor shall the advertiser use



1 statements that contain false, fraudulent, deceptive, or  
2 misleading material or guarantees of success, statements that  
3 play upon the vanity or fears of the public, or statements that  
4 promote or produce unfair competition.

5 (d) It is unlawful and punishable under the penalty  
6 provisions of this Act for a person licensed under this Article  
7 to knowingly advertise that the licensee will accept as payment  
8 for services rendered by assignment from any third party payor  
9 the amount the third party payor covers as payment in full, if  
10 the effect is to give the impression of eliminating the need of  
11 payment by the patient of any required deductible or copayment  
12 applicable in the patient's health benefit plan.

13 (e) A licensee shall include in every advertisement for  
14 services regulated under this Act his or her title as it  
15 appears on the license or the initials authorized under this  
16 Act.

17 (f) As used in this Section, "advertise" means solicitation  
18 by the licensee or through another person or entity by means of  
19 handbills, posters, circulars, motion pictures, radio,  
20 newspapers, or television or any other manner.

21 (Source: P.A. 98-214, eff. 8-9-13.)

22 (225 ILCS 65/65-65) (was 225 ILCS 65/15-55)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 65-65. Reports relating to APRN ~~APN~~ professional  
25 conduct and capacity.

1 (a) Entities Required to Report.

2 (1) Health Care Institutions. The chief administrator  
3 or executive officer of a health care institution licensed  
4 by the Department of Public Health, which provides the  
5 minimum due process set forth in Section 10.4 of the  
6 Hospital Licensing Act, shall report to the Board when an  
7 advanced practice registered nurse's organized  
8 professional staff clinical privileges are terminated or  
9 are restricted based on a final determination, in  
10 accordance with that institution's bylaws or rules and  
11 regulations, that (i) a person has either committed an act  
12 or acts that may directly threaten patient care and that  
13 are not of an administrative nature or (ii) that a person  
14 may have a mental or physical disability that may endanger  
15 patients under that person's care. The chief administrator  
16 or officer shall also report if an advanced practice  
17 registered nurse accepts voluntary termination or  
18 restriction of clinical privileges in lieu of formal action  
19 based upon conduct related directly to patient care and not  
20 of an administrative nature, or in lieu of formal action  
21 seeking to determine whether a person may have a mental or  
22 physical disability that may endanger patients under that  
23 person's care. The Department Board shall provide by rule  
24 for the reporting to it of all instances in which a person  
25 licensed under this Article, who is impaired by reason of  
26 age, drug, or alcohol abuse or physical or mental

1       impairment, is under supervision and, where appropriate,  
2       is in a program of rehabilitation. Reports submitted under  
3       this subsection shall be strictly confidential and may be  
4       reviewed and considered only by the members of the Board or  
5       authorized staff as provided by rule of the Department  
6       ~~Board~~. Provisions shall be made for the periodic report of  
7       the status of any such reported person not less than twice  
8       annually in order that the Board shall have current  
9       information upon which to determine the status of that  
10      person. Initial and periodic reports of impaired advanced  
11      practice registered nurses shall not be considered records  
12      within the meaning of the State Records Act and shall be  
13      disposed of, following a determination by the Board that  
14      such reports are no longer required, in a manner and at an  
15      appropriate time as the Board shall determine by rule. The  
16      filing of reports submitted under this subsection shall be  
17      construed as the filing of a report for purposes of  
18      subsection (c) of this Section.

19           (2) Professional Associations. The President or chief  
20      executive officer of an association or society of persons  
21      licensed under this Article, operating within this State,  
22      shall report to the Board when the association or society  
23      renders a final determination that a person licensed under  
24      this Article has committed unprofessional conduct related  
25      directly to patient care or that a person may have a mental  
26      or physical disability that may endanger patients under the

1 person's care.

2 (3) Professional Liability Insurers. Every insurance  
3 company that offers policies of professional liability  
4 insurance to persons licensed under this Article, or any  
5 other entity that seeks to indemnify the professional  
6 liability of a person licensed under this Article, shall  
7 report to the Board the settlement of any claim or cause of  
8 action, or final judgment rendered in any cause of action,  
9 that alleged negligence in the furnishing of patient care  
10 by the licensee when the settlement or final judgment is in  
11 favor of the plaintiff.

12 (4) State's Attorneys. The State's Attorney of each  
13 county shall report to the Board all instances in which a  
14 person licensed under this Article is convicted or  
15 otherwise found guilty of the commission of a felony.

16 (5) State Agencies. All agencies, boards, commissions,  
17 departments, or other instrumentalities of the government  
18 of this State shall report to the Board any instance  
19 arising in connection with the operations of the agency,  
20 including the administration of any law by the agency, in  
21 which a person licensed under this Article has either  
22 committed an act or acts that may constitute a violation of  
23 this Article, that may constitute unprofessional conduct  
24 related directly to patient care, or that indicates that a  
25 person licensed under this Article may have a mental or  
26 physical disability that may endanger patients under that

1 person's care.

2 (b) Mandatory Reporting. All reports required under items  
3 (16) and (17) of subsection (a) of Section 70-5 shall be  
4 submitted to the Board in a timely fashion. The reports shall  
5 be filed in writing within 60 days after a determination that a  
6 report is required under this Article. All reports shall  
7 contain the following information:

8 (1) The name, address, and telephone number of the  
9 person making the report.

10 (2) The name, address, and telephone number of the  
11 person who is the subject of the report.

12 (3) The name or other means of identification of any  
13 patient or patients whose treatment is a subject of the  
14 report, except that no medical records may be revealed  
15 without the written consent of the patient or patients.

16 (4) A brief description of the facts that gave rise to  
17 the issuance of the report, including, but not limited to,  
18 the dates of any occurrences deemed to necessitate the  
19 filing of the report.

20 (5) If court action is involved, the identity of the  
21 court in which the action is filed, the docket number, and  
22 date of filing of the action.

23 (6) Any further pertinent information that the  
24 reporting party deems to be an aid in the evaluation of the  
25 report.

26 Nothing contained in this Section shall be construed to in

1 any way waive or modify the confidentiality of medical reports  
2 and committee reports to the extent provided by law. Any  
3 information reported or disclosed shall be kept for the  
4 confidential use of the Board, the Board's attorneys, the  
5 investigative staff, and authorized clerical staff and shall be  
6 afforded the same status as is provided information concerning  
7 medical studies in Part 21 of Article VIII of the Code of Civil  
8 Procedure.

9 (c) Immunity from Prosecution. An individual or  
10 organization acting in good faith, and not in a willful ~~wilful~~  
11 and wanton manner, in complying with this Section by providing  
12 a report or other information to the Board, by assisting in the  
13 investigation or preparation of a report or information, by  
14 participating in proceedings of the Board, or by serving as a  
15 member of the Board shall not, as a result of such actions, be  
16 subject to criminal prosecution or civil damages.

17 (d) Indemnification. Members of the Board, the Board's  
18 attorneys, the investigative staff, advanced practice  
19 registered nurses or physicians retained under contract to  
20 assist and advise in the investigation, and authorized clerical  
21 staff shall be indemnified by the State for any actions (i)  
22 occurring within the scope of services on the Board, (ii)  
23 performed in good faith, and (iii) not willful ~~wilful~~ and  
24 wanton in nature. The Attorney General shall defend all actions  
25 taken against those persons unless he or she determines either  
26 that there would be a conflict of interest in the

1 representation or that the actions complained of were not  
2 performed in good faith or were willful ~~wilful~~ and wanton in  
3 nature. If the Attorney General declines representation, the  
4 member shall have the right to employ counsel of his or her  
5 choice, whose fees shall be provided by the State, after  
6 approval by the Attorney General, unless there is a  
7 determination by a court that the member's actions were not  
8 performed in good faith or were willful ~~wilful~~ and wanton in  
9 nature. The member shall notify the Attorney General within 7  
10 days of receipt of notice of the initiation of an action  
11 involving services of the Board. Failure to so notify the  
12 Attorney General shall constitute an absolute waiver of the  
13 right to a defense and indemnification. The Attorney General  
14 shall determine within 7 days after receiving the notice  
15 whether he or she will undertake to represent the member.

16 (e) Deliberations of Board. Upon the receipt of a report  
17 called for by this Section, other than those reports of  
18 impaired persons licensed under this Article required pursuant  
19 to the rules of the Board, the Board shall notify in writing by  
20 certified or registered mail or by email to the email address  
21 of record the person who is the subject of the report. The  
22 notification shall be made within 30 days of receipt by the  
23 Board of the report. The notification shall include a written  
24 notice setting forth the person's right to examine the report.  
25 Included in the notification shall be the address at which the  
26 file is maintained, the name of the custodian of the reports,

1 and the telephone number at which the custodian may be reached.  
2 The person who is the subject of the report shall submit a  
3 written statement responding to, clarifying, adding to, or  
4 proposing to amend the report previously filed. The statement  
5 shall become a permanent part of the file and shall be received  
6 by the Board no more than 30 days after the date on which the  
7 person was notified of the existence of the original report.  
8 The Board shall review all reports received by it and any  
9 supporting information and responding statements submitted by  
10 persons who are the subject of reports. The review by the Board  
11 shall be in a timely manner but in no event shall the Board's  
12 initial review of the material contained in each disciplinary  
13 file be less than 61 days nor more than 180 days after the  
14 receipt of the initial report by the Board. When the Board  
15 makes its initial review of the materials contained within its  
16 disciplinary files, the Board shall, in writing, make a  
17 determination as to whether there are sufficient facts to  
18 warrant further investigation or action. Failure to make that  
19 determination within the time provided shall be deemed to be a  
20 determination that there are not sufficient facts to warrant  
21 further investigation or action. Should the Board find that  
22 there are not sufficient facts to warrant further investigation  
23 or action, the report shall be accepted for filing and the  
24 matter shall be deemed closed and so reported. The individual  
25 or entity filing the original report or complaint and the  
26 person who is the subject of the report or complaint shall be



1 notified in writing by the Board of any final action on their  
2 report or complaint.

3 (f) (Blank). ~~Summary Reports. The Board shall prepare, on a~~  
4 ~~timely basis, but in no event less than one every other month,~~  
5 ~~a summary report of final actions taken upon disciplinary files~~  
6 ~~maintained by the Board. The summary reports shall be made~~  
7 ~~available to the public upon request and payment of the fees~~  
8 ~~set by the Department. This publication may be made available~~  
9 ~~to the public on the Department's Internet website.~~

10 (g) Any violation of this Section shall constitute a Class  
11 A misdemeanor.

12 (h) If a person violates the provisions of this Section, an  
13 action may be brought in the name of the People of the State of  
14 Illinois, through the Attorney General of the State of  
15 Illinois, for an order enjoining the violation or for an order  
16 enforcing compliance with this Section. Upon filing of a  
17 ~~verified~~ petition in court, the court may issue a temporary  
18 restraining order without notice or bond and may preliminarily  
19 or permanently enjoin the violation, and if it is established  
20 that the person has violated or is violating the injunction,  
21 the court may punish the offender for contempt of court.  
22 Proceedings under this subsection shall be in addition to, and  
23 not in lieu of, all other remedies and penalties provided for  
24 by this Section.

25 (Source: P.A. 99-143, eff. 7-27-15.)

1 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 70-5. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or to renew, or may  
5 revoke, suspend, place on probation, reprimand, or take other  
6 disciplinary or non-disciplinary action as the Department may  
7 deem appropriate, including fines not to exceed \$10,000 per  
8 violation, with regard to a license for any one or combination  
9 of the causes set forth in subsection (b) below. All fines  
10 collected under this Section shall be deposited in the Nursing  
11 Dedicated and Professional Fund.

12 (b) Grounds for disciplinary action include the following:

13 (1) Material deception in furnishing information to  
14 the Department.

15 (2) Material violations of any provision of this Act or  
16 violation of the rules of or final administrative action of  
17 the Secretary, after consideration of the recommendation  
18 of the Board.

19 (3) Conviction by plea of guilty or nolo contendere,  
20 finding of guilt, jury verdict, or entry of judgment or by  
21 sentencing of any crime, including, but not limited to,  
22 convictions, preceding sentences of supervision,  
23 conditional discharge, or first offender probation, under  
24 the laws of any jurisdiction of the United States: (i) that  
25 is a felony; or (ii) that is a misdemeanor, an essential  
26 element of which is dishonesty, or that is directly related

1 to the practice of the profession.

2 (4) A pattern of practice or other behavior which  
3 demonstrates incapacity or incompetency to practice under  
4 this Act.

5 (5) Knowingly aiding or assisting another person in  
6 violating any provision of this Act or rules.

7 (6) Failing, within 90 days, to provide a response to a  
8 request for information in response to a written request  
9 made by the Department by certified or registered mail or  
10 by email to the email address of record.

11 (7) Engaging in dishonorable, unethical or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud or harm the public, as defined by rule.

14 (8) Unlawful taking, theft, selling, distributing, or  
15 manufacturing of any drug, narcotic, or prescription  
16 device.

17 (9) Habitual or excessive use or addiction to alcohol,  
18 narcotics, stimulants, or any other chemical agent or drug  
19 that could result in a licensee's inability to practice  
20 with reasonable judgment, skill or safety.

21 (10) Discipline by another U.S. jurisdiction or  
22 foreign nation, if at least one of the grounds for the  
23 discipline is the same or substantially equivalent to those  
24 set forth in this Section.

25 (11) A finding that the licensee, after having her or  
26 his license placed on probationary status or subject to

1 conditions or restrictions, has violated the terms of  
2 probation or failed to comply with such terms or  
3 conditions.

4 (12) Being named as a perpetrator in an indicated  
5 report by the Department of Children and Family Services  
6 and under the Abused and Neglected Child Reporting Act, and  
7 upon proof by clear and convincing evidence that the  
8 licensee has caused a child to be an abused child or  
9 neglected child as defined in the Abused and Neglected  
10 Child Reporting Act.

11 (13) Willful omission to file or record, or willfully  
12 impeding the filing or recording or inducing another person  
13 to omit to file or record medical reports as required by  
14 law.

15 (13.5) Willfully ~~or willfully~~ failing to report an  
16 instance of suspected child abuse or neglect as required by  
17 the Abused and Neglected Child Reporting Act.

18 (14) Gross negligence in the practice of practical,  
19 professional, or advanced practice registered nursing.

20 (15) Holding oneself out to be practicing nursing under  
21 any name other than one's own.

22 (16) Failure of a licensee to report to the Department  
23 any adverse final action taken against him or her by  
24 another licensing jurisdiction of the United States or any  
25 foreign state or country, any peer review body, any health  
26 care institution, any professional or nursing society or

1 association, any governmental agency, any law enforcement  
2 agency, or any court or a nursing liability claim related  
3 to acts or conduct similar to acts or conduct that would  
4 constitute grounds for action as defined in this Section.

5 (17) Failure of a licensee to report to the Department  
6 surrender by the licensee of a license or authorization to  
7 practice nursing or advanced practice registered nursing  
8 in another state or jurisdiction or current surrender by  
9 the licensee of membership on any nursing staff or in any  
10 nursing or advanced practice registered nursing or  
11 professional association or society while under  
12 disciplinary investigation by any of those authorities or  
13 bodies for acts or conduct similar to acts or conduct that  
14 would constitute grounds for action as defined by this  
15 Section.

16 (18) Failing, within 60 days, to provide information in  
17 response to a written request made by the Department.

18 (19) Failure to establish and maintain records of  
19 patient care and treatment as required by law.

20 (20) Fraud, deceit or misrepresentation in applying  
21 for or procuring a license under this Act or in connection  
22 with applying for renewal of a license under this Act.

23 (21) Allowing another person or organization to use the  
24 licensees' license to deceive the public.

25 (22) Willfully making or filing false records or  
26 reports in the licensee's practice, including but not

1 limited to false records to support claims against the  
2 medical assistance program of the Department of Healthcare  
3 and Family Services (formerly Department of Public Aid)  
4 under the Illinois Public Aid Code.

5 (23) Attempting to subvert or cheat on a licensing  
6 examination administered under this Act.

7 (24) Immoral conduct in the commission of an act,  
8 including, but not limited to, sexual abuse, sexual  
9 misconduct, or sexual exploitation, related to the  
10 licensee's practice.

11 (25) Willfully or negligently violating the  
12 confidentiality between nurse and patient except as  
13 required by law.

14 (26) Practicing under a false or assumed name, except  
15 as provided by law.

16 (27) The use of any false, fraudulent, or deceptive  
17 statement in any document connected with the licensee's  
18 practice.

19 (28) Directly or indirectly giving to or receiving from  
20 a person, firm, corporation, partnership, or association a  
21 fee, commission, rebate, or other form of compensation for  
22 professional services not actually or personally rendered.  
23 Nothing in this paragraph (28) affects any bona fide  
24 independent contractor or employment arrangements among  
25 health care professionals, health facilities, health care  
26 providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include  
2 provisions for compensation, health insurance, pension, or  
3 other employment benefits for the provision of services  
4 within the scope of the licensee's practice under this Act.  
5 Nothing in this paragraph (28) shall be construed to  
6 require an employment arrangement to receive professional  
7 fees for services rendered.

8 (29) A violation of the Health Care Worker  
9 Self-Referral Act.

10 (30) Physical illness, ~~including but not limited to~~  
11 ~~deterioration through the aging process or loss of motor~~  
12 ~~skill~~, mental illness, or disability that results in the  
13 inability to practice the profession with reasonable  
14 judgment, skill, or safety.

15 (31) Exceeding the terms of a collaborative agreement  
16 or the prescriptive authority delegated to a licensee by  
17 his or her collaborating physician or podiatric physician  
18 in guidelines established under a written collaborative  
19 agreement.

20 (32) Making a false or misleading statement regarding a  
21 licensee's skill or the efficacy or value of the medicine,  
22 treatment, or remedy prescribed by him or her in the course  
23 of treatment.

24 (33) Prescribing, selling, administering,  
25 distributing, giving, or self-administering a drug  
26 classified as a controlled substance (designated product)

1 or narcotic for other than medically accepted therapeutic  
2 purposes.

3 (34) Promotion of the sale of drugs, devices,  
4 appliances, or goods provided for a patient in a manner to  
5 exploit the patient for financial gain.

6 (35) Violating State or federal laws, rules, or  
7 regulations relating to controlled substances.

8 (36) Willfully or negligently violating the  
9 confidentiality between an advanced practice registered  
10 nurse, collaborating physician, dentist, or podiatric  
11 physician and a patient, except as required by law.

12 (37) Willfully failing to report an instance of  
13 suspected abuse, neglect, financial exploitation, or  
14 self-neglect of an eligible adult as defined in and  
15 required by the Adult Protective Services Act.

16 (38) Being named as an abuser in a verified report by  
17 the Department on Aging and under the Adult Protective  
18 Services Act, and upon proof by clear and convincing  
19 evidence that the licensee abused, neglected, or  
20 financially exploited an eligible adult as defined in the  
21 Adult Protective Services Act.

22 (39) ~~(37)~~ A violation of any provision of this Act or  
23 any rules adopted ~~promulgated~~ under this Act.

24 (c) The determination by a circuit court that a licensee is  
25 subject to involuntary admission or judicial admission as  
26 provided in the Mental Health and Developmental Disabilities



1 Code, as amended, operates as an automatic suspension. The  
2 suspension will end only upon a finding by a court that the  
3 patient is no longer subject to involuntary admission or  
4 judicial admission and issues an order so finding and  
5 discharging the patient; and upon the recommendation of the  
6 Board to the Secretary that the licensee be allowed to resume  
7 his or her practice.

8 (d) The Department may refuse to issue or may suspend or  
9 otherwise discipline the license of any person who fails to  
10 file a return, or to pay the tax, penalty or interest shown in  
11 a filed return, or to pay any final assessment of the tax,  
12 penalty, or interest as required by any tax Act administered by  
13 the Department of Revenue, until such time as the requirements  
14 of any such tax Act are satisfied.

15 (e) In enforcing this Act, the Department ~~or Board~~, upon a  
16 showing of a possible violation, may compel an individual  
17 licensed to practice under this Act or who has applied for  
18 licensure under this Act, to submit to a mental or physical  
19 examination, or both, as required by and at the expense of the  
20 Department. The Department ~~or Board~~ may order the examining  
21 physician to present testimony concerning the mental or  
22 physical examination of the licensee or applicant. No  
23 information shall be excluded by reason of any common law or  
24 statutory privilege relating to communications between the  
25 licensee or applicant and the examining physician. The  
26 examining physicians shall be specifically designated by the

1 ~~Board or~~ Department. The individual to be examined may have, at  
2 his or her own expense, another physician of his or her choice  
3 present during all aspects of this examination. Failure of an  
4 individual to submit to a mental or physical examination, when  
5 directed, shall result in an automatic suspension without  
6 hearing.

7 All substance-related violations shall mandate an  
8 automatic substance abuse assessment. Failure to submit to an  
9 assessment by a licensed physician who is certified as an  
10 addictionist or an advanced practice registered nurse with  
11 specialty certification in addictions may be grounds for an  
12 automatic suspension, as defined by rule.

13 If the Department ~~or Board~~ finds an individual unable to  
14 practice or unfit for duty because of the reasons set forth in  
15 this subsection (e) ~~Section~~, the Department ~~or Board~~ may  
16 require that individual to submit to a substance abuse  
17 evaluation or treatment by individuals or programs approved or  
18 designated by the Department ~~or Board~~, as a condition, term, or  
19 restriction for continued, restored ~~reinstated~~, or renewed  
20 licensure to practice; or, in lieu of evaluation or treatment,  
21 the Department may file, or the Board may recommend to the  
22 Department to file, a complaint to immediately suspend, revoke,  
23 or otherwise discipline the license of the individual. An  
24 individual whose license was granted, continued, restored  
25 ~~reinstated~~, renewed, disciplined or supervised subject to such  
26 terms, conditions, or restrictions, and who fails to comply

1 with such terms, conditions, or restrictions, shall be referred  
2 to the Secretary for a determination as to whether the  
3 individual shall have his or her license suspended immediately,  
4 pending a hearing by the Department.

5 In instances in which the Secretary immediately suspends a  
6 person's license under this subsection (e) ~~Section~~, a hearing  
7 on that person's license must be convened by the Department  
8 within 15 days after the suspension and completed without  
9 appreciable delay. The Department and Board shall have the  
10 authority to review the subject individual's record of  
11 treatment and counseling regarding the impairment to the extent  
12 permitted by applicable federal statutes and regulations  
13 safeguarding the confidentiality of medical records.

14 An individual licensed under this Act and affected under  
15 this subsection (e) ~~Section~~ shall be afforded an opportunity to  
16 demonstrate to the Department that he or she can resume  
17 practice in compliance with nursing standards under the  
18 provisions of his or her license.

19 (Source: P.A. 98-214, eff. 8-9-13.)

20 (225 ILCS 65/70-10) (was 225 ILCS 65/10-50)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 70-10. Intoxication and drug abuse.

23 (a) Any nurse who is an administrator or officer in any  
24 hospital, nursing home, other health care agency or facility,  
25 or nurse agency and has knowledge of any action or condition

1 which reasonably indicates that a registered professional  
2 nurse or licensed practical nurse is impaired due to the use of  
3 alcohol or mood altering drugs to the extent that such  
4 impairment adversely affects such nurse's professional  
5 performance, or unlawfully possesses, uses, distributes or  
6 converts mood altering drugs belonging to the place of  
7 employment, shall promptly report the individual to the  
8 Department or designee of the Department; provided however, an  
9 administrator or officer need not file the report if the nurse  
10 participates in a course of remedial professional counseling or  
11 medical treatment for substance abuse, as long as such nurse  
12 actively pursues such treatment under monitoring by the  
13 administrator or officer or by the hospital, nursing home,  
14 health care agency or facility, or nurse agency and the nurse  
15 continues to be employed by such hospital, nursing home, health  
16 care agency or facility, or nurse agency. The Department shall  
17 review all reports received by it in a timely manner. Its  
18 initial review shall be completed no later than 60 days after  
19 receipt of the report. Within this 60 day period, the  
20 Department shall, in writing, make a determination as to  
21 whether there are sufficient facts to warrant further  
22 investigation or action. Any nurse participating in mandatory  
23 reporting to the Department under this Section or in good faith  
24 assisting another person in making such a report shall have  
25 immunity from any liability, either criminal or civil, that  
26 might result by reason of such action.

1           Should the Department find insufficient facts to warrant  
2 further investigation, or action, the report shall be accepted  
3 for filing and the matter shall be deemed closed and so  
4 reported.

5           Should the Department find sufficient facts to warrant  
6 further investigation, such investigation shall be completed  
7 within 60 days of the date of the determination of sufficient  
8 facts to warrant further investigation or action. Final action  
9 shall be determined no later than 30 days after the completion  
10 of the investigation. If there is a finding which verifies  
11 habitual intoxication or drug addiction which adversely  
12 affects professional performance or the unlawful possession,  
13 use, distribution or conversion of habit-forming drugs by the  
14 reported nurse, the Department may refuse to issue or renew or  
15 may suspend or revoke that nurse's license as a registered  
16 professional nurse or a licensed practical nurse.

17           Any of the aforementioned actions or a determination that  
18 there are insufficient facts to warrant further investigation  
19 or action shall be considered a final action. The nurse  
20 administrator or officer who filed the original report or  
21 complaint, and the nurse who is the subject of the report,  
22 shall be notified in writing by the Department within 15 days  
23 of any final action taken by the Department.

24           (b) (Blank). ~~Each year on March 1, the Department shall~~  
25 ~~submit a report to the General Assembly. The report shall~~  
26 ~~include the number of reports made under this Section to the~~

1 ~~Department during the previous year, the number of reports~~  
2 ~~reviewed and found insufficient to warrant further~~  
3 ~~investigation, the number of reports not completed and the~~  
4 ~~reasons for incompleteness. This report shall be made available~~  
5 ~~also to nurses requesting the report.~~

6 (c) Any person making a report under this Section or in  
7 good faith assisting another person in making such a report  
8 shall have immunity from any liability, either criminal or  
9 civil, that might result by reason of such action. For the  
10 purpose of any legal proceeding, criminal or civil, there shall  
11 be a rebuttable presumption that any person making a report  
12 under this Section or assisting another person in making such  
13 report was acting in good faith. All such reports and any  
14 information disclosed to or collected by the Department  
15 pursuant to this Section shall remain confidential records of  
16 the Department and shall not be disclosed nor be subject to any  
17 law or rule ~~regulation~~ of this State relating to freedom of  
18 information or public disclosure of records.

19 (Source: P.A. 95-639, eff. 10-5-07.)

20 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 70-20. Suspension of license ~~or registration~~ for  
23 failure to pay restitution. The Department, without further  
24 process or hearing, shall suspend the license or other  
25 authorization to practice of any person issued under this Act

1 who has been certified by court order as not having paid  
2 restitution to a person under Section 8A-3.5 of the Illinois  
3 Public Aid Code or under Section 17-10.5 or 46-1 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012. A person  
5 whose license or other authorization to practice is suspended  
6 under this Section is prohibited from practicing until the  
7 restitution is made in full.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

9 (225 ILCS 65/70-35) (was 225 ILCS 65/20-31)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 70-35. Licensure requirements; internet site. The  
12 Department shall make available to the public the requirements  
13 for licensure ~~in English and Spanish~~ on the internet through  
14 the Department's World Wide Web site. This information shall  
15 include the requirements for licensure of individuals  
16 currently residing in another state or territory of the United  
17 States or a foreign country, territory, or province. The  
18 Department shall establish an e-mail link to the Department for  
19 information on the requirements for licensure, ~~with replies~~  
20 ~~available in English and Spanish.~~

21 (Source: P.A. 95-639, eff. 10-5-07.)

22 (225 ILCS 65/70-40) (was 225 ILCS 65/20-32)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 70-40. Educational resources; internet link. The

1 Department ~~may shall~~ work with the Board, the Board of Higher  
2 Education, the Illinois Student Assistance Commission,  
3 Statewide organizations, and community-based organizations to  
4 develop a list of Department-approved nursing programs and  
5 other educational resources related to the Test of English as a  
6 Foreign Language and the Commission on Graduates of Foreign  
7 Nursing Schools Examination. The Department shall provide a  
8 link to a list of these resources, ~~in English and Spanish,~~ on  
9 the Department's World Wide Web site.

10 (Source: P.A. 95-639, eff. 10-5-07.)

11 (225 ILCS 65/70-50) (was 225 ILCS 65/20-40)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 70-50. Fund.

14 (a) There is hereby created within the State Treasury the  
15 Nursing Dedicated and Professional Fund. The monies in the Fund  
16 may be used by and at the direction of the Department for the  
17 administration and enforcement of this Act, including, but not  
18 limited to:

19 (1) Distribution and publication of this Act and rules.

20 (2) Employment of secretarial, nursing,  
21 administrative, enforcement, and other staff for the  
22 administration of this Act.

23 (b) Disposition of fees:

24 (1) \$5 of every licensure fee shall be placed in a fund  
25 for assistance to nurses enrolled in a diversionary program



1 as approved by the Department.

2 (2) All of the fees, fines, and penalties collected  
3 pursuant to this Act shall be deposited in the Nursing  
4 Dedicated and Professional Fund.

5 (3) Each fiscal year, the moneys deposited in the  
6 Nursing Dedicated and Professional Fund shall be  
7 appropriated to the Department for expenses of the  
8 Department and the Board in the administration of this Act.  
9 All earnings received from investment of moneys in the  
10 Nursing Dedicated and Professional Fund shall be deposited  
11 in the Nursing Dedicated and Professional Fund and shall be  
12 used for the same purposes as fees deposited in the Fund.

13 (4) For the fiscal year beginning July 1, 2009 and for  
14 each fiscal year thereafter, \$2,000,000 of the moneys  
15 deposited in the Nursing Dedicated and Professional Fund  
16 each year shall be set aside and appropriated to the  
17 Department of Public Health for nursing scholarships  
18 awarded pursuant to the Nursing Education Scholarship Law.  
19 ~~Representatives of the Department and the Nursing~~  
20 ~~Education Scholarship Program Advisory Council shall~~  
21 ~~review this requirement and the scholarship awards every 2~~  
22 ~~years.~~

23 (5) Moneys in the Fund may be transferred to the  
24 Professions Indirect Cost Fund as authorized under Section  
25 2105-300 of the Department of Professional Regulation Law  
26 (20 ILCS 2105/2105-300).

1 (c) Moneys set aside for nursing scholarships awarded  
2 pursuant to the Nursing Education Scholarship Law as provided  
3 in item (4) of subsection (b) of this Section may not be  
4 transferred under Section 8h of the State Finance Act.

5 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07;  
6 96-328, eff. 8-11-09; 96-805, eff. 10-30-09.)

7 (225 ILCS 65/70-60) (was 225 ILCS 65/20-55)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 70-60. Summary suspension; imminent danger. The  
10 Secretary of the Department may, upon receipt of a written  
11 communication from the Secretary of Human Services, the  
12 Director of Healthcare and Family Services (formerly Director  
13 of Public Aid), or the Director of Public Health that  
14 continuation of practice of a person licensed under this Act  
15 constitutes an immediate danger to the public, immediately  
16 suspend the license of such person without a hearing. In  
17 instances in which the Secretary immediately suspends a license  
18 under this Section, a hearing upon such person's license must  
19 be convened by the Department within 30 days after such  
20 suspension and completed without appreciable delay, such  
21 hearing held to determine whether to recommend to the Secretary  
22 that the person's license be revoked, suspended, placed on  
23 probationary status or restored ~~reinstated~~, or such person be  
24 subject to other disciplinary action. In such hearing, the  
25 written communication and any other evidence submitted

1 therewith may be introduced as evidence against such person;  
2 provided, however, the person, or his or her counsel, shall  
3 have the opportunity to discredit or impeach and submit  
4 evidence rebutting such evidence.

5 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)

6 (225 ILCS 65/70-75) (was 225 ILCS 65/20-75)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 70-75. Injunctive remedies.

9 (a) If any person violates the provision of this Act, the  
10 Secretary may, in the name of the People of the State of  
11 Illinois, through the Attorney General of the State of  
12 Illinois, or the State's Attorney of any county in which the  
13 action is brought, petition for an order enjoining such  
14 violation or for an order enforcing compliance with this Act.  
15 Upon the filing of a ~~verified~~ petition in court, the court may  
16 issue a temporary restraining order, without notice or bond,  
17 and may preliminarily and permanently enjoin such violation,  
18 and if it is established that such person has violated or is  
19 violating the injunction, the court may punish the offender for  
20 contempt of court. Proceedings under this Section shall be in  
21 addition to, and not in lieu of, all other remedies and  
22 penalties provided by this Act.

23 (b) If any person shall practice as a nurse or hold herself  
24 or himself out as a nurse without being licensed under the  
25 provisions of this Act, then any licensed nurse, any interested

1 party, or any person injured thereby may, in addition to the  
2 Secretary, petition for relief as provided in subsection (a) of  
3 this Section.

4 (b-5) Whoever knowingly practices or offers to practice  
5 nursing in this State without a license for that purpose shall  
6 be guilty of a Class A misdemeanor and for each subsequent  
7 conviction, shall be guilty of a Class 4 felony. All criminal  
8 fines, monies, or other property collected or received by the  
9 Department under this Section or any other State or federal  
10 statute, including, but not limited to, property forfeited to  
11 the Department under Section 505 of the Illinois Controlled  
12 Substances Act or Section 85 of the Methamphetamine Control and  
13 Community Protection Act, shall be deposited into the  
14 Professional Regulation Evidence Fund.

15 (c) Whenever in the opinion of the Department any person  
16 violates any provision of this Act, the Department may issue a  
17 rule to show cause why an order to cease and desist should not  
18 be entered against him. The rule shall clearly set forth the  
19 grounds relied upon by the Department and shall provide a  
20 period of 7 days from the date of the rule to file an answer to  
21 the satisfaction of the Department. Failure to answer to the  
22 satisfaction of the Department shall cause an order to cease  
23 and desist to be issued forthwith.

24 (Source: P.A. 94-556, eff. 9-11-05; 95-639, eff. 10-5-07.)

25 (225 ILCS 65/70-80) (was 225 ILCS 65/20-80)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 70-80. Investigation; notice; hearing.

3 ~~(a) The~~ Prior to bringing an action before the Board, the  
4 Department may investigate the actions of any applicant or of  
5 any person or persons holding or claiming to hold a license  
6 under this Act.

7 (b) The Department shall, before ~~suspending, revoking,~~  
8 ~~placing on probationary status, or taking any other~~  
9 ~~disciplinary action as the Department may deem proper with~~  
10 ~~regard to any license~~ disciplining a license under this Section  
11 or refusing to issue a license, at least 30 days prior to the  
12 date set for the hearing, (i) notify the accused in writing of  
13 any charges made and the time and place for the ~~a~~ hearing of  
14 the charges ~~before the Board,~~ (ii) direct her or him to file a  
15 written answer to the charges ~~thereto to the Board~~ under oath  
16 within 20 days after the service; of such notice and (iii)  
17 inform the applicant or licensee that failure if she or he  
18 fails to file such answer will result in a default being  
19 entered ~~default will be taken~~ against the applicant or  
20 licensee. As a result of the default, and such license may be  
21 suspended, revoked, placed on probationary status, or have  
22 other disciplinary action, including limiting the scope,  
23 nature or extent of her or his practice, as the Department may  
24 deem proper taken with regard thereto. ~~Such written notice may~~  
25 ~~be served by personal delivery or certified or registered mail~~  
26 ~~to the respondent at the address of her or his last~~

1 ~~notification to the Department.~~

2 (c) At the time and place fixed in the notice, the  
3 Department shall proceed to hear the charges and the parties or  
4 their counsel shall be accorded ample opportunity to present  
5 any pertinent ~~such~~ statements, testimony, evidence and  
6 arguments. ~~argument as may be pertinent to the charges or to~~  
7 ~~the defense to the charges.~~ The Department may continue a  
8 hearing from time to time. In case the accused person, after  
9 receiving notice, fails to file an answer, her or his license  
10 may in the discretion of the Secretary, having received first  
11 the recommendation of the Board, be suspended, revoked, placed  
12 on probationary status, or be subject to whatever disciplinary  
13 action the Secretary considers proper ~~the Secretary may take~~  
14 ~~whatever disciplinary action as he or she may deem proper,~~  
15 including limiting the scope, nature, or extent of said  
16 person's practice or the imposition of a fine, without a  
17 hearing, if the act or acts charged constitute sufficient  
18 grounds for such action under this Act.

19 (d) The written notice and any notice in the subsequent  
20 proceeding may be served by personal delivery or regular or  
21 certified mail to the respondent at the respondent's address of  
22 record or by email to the respondent's email address of record.

23 (e) The Secretary has the authority to appoint any attorney  
24 licensed to practice law in the State of Illinois to serve as  
25 the hearing officer in any action for refusal to issue,  
26 restore, or renew a license or to discipline a licensee. The

1 hearing officer has full authority to conduct the hearing. The  
2 Board may have a member or members present at any hearing. The  
3 Board members shall have equal or greater licensing  
4 qualifications than those of the licensee being prosecuted.

5 (Source: P.A. 95-639, eff. 10-5-07.)

6 (225 ILCS 65/70-81 new)

7 Sec. 70-81. Confidentiality. All information collected by  
8 the Department in the course of an examination or investigation  
9 of a licensee or applicant, including, but not limited to, any  
10 complaint against a licensee filed with the Department and  
11 information collected to investigate any such complaint, shall  
12 be maintained for the confidential use of the Department and  
13 shall not be disclosed. The Department may not disclose the  
14 information to anyone other than law enforcement officials,  
15 other regulatory agencies that have an appropriate regulatory  
16 interest as determined by the Secretary of the Department, or a  
17 party presenting a lawful subpoena to the Department.  
18 Information and documents disclosed to a federal, State,  
19 county, or local law enforcement agency shall not be disclosed  
20 by the agency for any purpose to any other agency or person. A  
21 formal complaint filed by the Department against a licensee or  
22 applicant shall be a public record, except as otherwise  
23 prohibited by law.

24 (225 ILCS 65/70-85) (was 225 ILCS 65/20-85)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 70-85. Stenographer; transcript. The Department, at  
3 its expense, shall provide a stenographer to take down the  
4 testimony and preserve a record of all formal hearing  
5 proceedings if a license may be revoked, suspended, or placed  
6 on probationary status or other disciplinary action may be  
7 taken at the hearing of any case wherein any disciplinary  
8 action is taken regarding a license. Any licensee who is found  
9 to have violated this Act or who fails to appear for a hearing  
10 to refuse to issue, restore, or renew a license or to  
11 discipline a license may be required by the Department to pay  
12 for the costs of the proceeding. These costs are limited to  
13 costs for court reporters, transcripts, and witness attendance  
14 and mileage fees. The Secretary may waive payment of costs by a  
15 licensee in whole or in part where there is an undue financial  
16 hardship. The notice of hearing, complaint and all other  
17 documents in the nature of pleadings and written motions filed  
18 in the proceedings, the transcript of testimony, the report of  
19 the Board and the orders of the Department shall be the record  
20 of the proceedings. The Department shall furnish a transcript  
21 of the record to any person interested in the hearing upon  
22 payment of the fee required under Section 2105-115 of the  
23 Department of Professional Regulation Law (20 ILCS  
24 2105/2105-115).

25 (Source: P.A. 95-639, eff. 10-5-07.)



1 (225 ILCS 65/70-100) (was 225 ILCS 65/20-100)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 70-100. Hearing; findings and recommendations;  
4 rehearing Board report.

5 (a) The Board or the hearing officer authorized by the  
6 Department shall hear evidence in support of the formal charges  
7 and evidence produced by the licensee. At the conclusion of the  
8 hearing the Board shall present to the Secretary a written  
9 report of its findings of fact, conclusions of law, and  
10 recommendations. The report shall contain a finding whether or  
11 not the accused person violated this Act or failed to comply  
12 with the conditions required in this Act. The report shall  
13 specify the nature of the violation or failure to comply, and  
14 the Board shall make its recommendations to the Secretary.

15 (b) At the conclusion of the hearing, a copy of the Board's  
16 or hearing officer's report shall be served upon the applicant  
17 or licensee by the Department, either personally or as provided  
18 in this Act for the service of a notice of hearing. Within 20  
19 calendar days after service, the applicant or licensee may  
20 present to the Department a motion in writing for a rehearing,  
21 which shall specify the particular grounds for hearing. The  
22 Department shall respond to the motion for rehearing within 20  
23 calendar days after its service on the Department. If no motion  
24 for rehearing is filed, then upon the expiration of the time  
25 specified for filing such a motion, or upon denial of a motion  
26 for rehearing, the Secretary may enter an order in accordance

1 with the recommendations of the Board or hearing officer. If  
2 the applicant or licensee orders from the reporting service and  
3 pays for a transcript of the record within the time for filing  
4 a motion for rehearing, the 20-day period within which a motion  
5 may be filed shall commence upon the delivery of the transcript  
6 to the applicant or licensee.

7 (c) If the Secretary disagrees in any regard with the  
8 report of the Board, the Secretary may issue an order contrary  
9 to the report. ~~The report of findings of fact, conclusions of~~  
10 ~~law, and recommendation of the Board shall be the basis for the~~  
11 ~~Department's order of refusal or for the granting of a license~~  
12 ~~or permit unless the Secretary shall determine that the report~~  
13 ~~is contrary to the manifest weight of the evidence, in which~~  
14 ~~case the Secretary may issue an order in contravention of the~~  
15 ~~report.~~ The findings are not admissible in evidence against the  
16 person in a criminal prosecution brought for the violation of  
17 this Act, but the hearing and findings are not a bar to a  
18 criminal prosecution brought for the violation of this Act.

19 (d) Whenever the Secretary is not satisfied that  
20 substantial justice has been done, the Secretary may order a  
21 rehearing by the same or another hearing officer.

22 (e) All proceedings under this Section are matters of  
23 public record and shall be preserved.

24 (f) Upon the suspension or revocation of a license, the  
25 licensee shall surrender the license to the Department, and,  
26 upon failure to do so, the Department shall seize the same.

1 (Source: P.A. 95-639, eff. 10-5-07.)

2 (225 ILCS 65/70-103 new)

3 Sec. 70-103. Disposition by consent order. At any point in  
4 any investigation or disciplinary proceeding provided for in  
5 this Act, both parties may agree to a negotiated consent order.  
6 The consent order shall be final upon signature of the  
7 Secretary.

8 (225 ILCS 65/70-140) (was 225 ILCS 65/20-140)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 70-140. Review under Administrative Review Law. All  
11 final administrative decisions of the Department ~~are hereunder~~  
12 ~~shall be~~ subject to judicial review pursuant to the provisions  
13 ~~revisions~~ of the Administrative Review Law, and all rules  
14 ~~amendments and modifications thereof, and the rule~~ adopted  
15 under the Administrative Review Law pursuant thereto. The term  
16 "administrative decision" is defined as in Section 3-101 of the  
17 Code of Civil Procedure.

18 Proceedings for judicial review shall be commenced in the  
19 circuit court of the county in which the party applying for  
20 review resides; however, if the party is not a resident of this  
21 State, the venue shall be Sangamon County.

22 (Source: P.A. 95-639, eff. 10-5-07.)

23 (225 ILCS 65/70-145) (was 225 ILCS 65/20-145)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 70-145. Certification of record. The Department shall  
3 not be required to certify any record to the court, ~~Court or~~  
4 file any answer in court, or otherwise appear in any court in a  
5 judicial review proceeding, unless and until the Department has  
6 received from the plaintiff payment of the costs of furnishing  
7 and certifying the record, which costs shall be determined by  
8 the Department. Exhibits shall be certified without cost there  
9 ~~is filed in the court, with the complaint, a receipt from the~~  
10 ~~Department acknowledging payment of the costs of furnishing and~~  
11 ~~certifying the record.~~ Failure on the part of the plaintiff to  
12 file such receipt in Court shall be grounds for dismissal of  
13 the action.

14 (Source: P.A. 95-639, eff. 10-5-07.)

15 (225 ILCS 65/70-160) (was 225 ILCS 65/20-160)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 70-160. Illinois Administrative Procedure Act. The  
18 Illinois Administrative Procedure Act is hereby expressly  
19 adopted and incorporated herein as if all of the provisions of  
20 that Act were included in this Act, except that the provision  
21 of subsection (d) of Section 10-65 of the Illinois  
22 Administrative Procedure Act that provides that at hearings the  
23 licensee has the right to show compliance with all lawful  
24 requirements for retention, continuation or renewal of the  
25 license is specifically excluded. For the purposes of this Act,

1 the notice required under Section 10-25 of the Illinois  
2 Administrative Procedure Act is deemed sufficient when mailed  
3 to the address of record ~~last known address of a party~~.

4 (Source: P.A. 95-639, eff. 10-5-07.)

5 (225 ILCS 65/Art. 75 heading)

6 ARTICLE 75. ILLINOIS NURSING WORKFORCE CENTER ~~FOR NURSING~~

7 (Article scheduled to be repealed on January 1, 2018)

8 (Source: P.A. 94-1020, eff. 7-11-06; 95-639, eff. 10-5-07.)

9 (225 ILCS 65/75-10) (was 225 ILCS 65/17-10)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 75-10. Illinois Nursing Workforce Center ~~for Nursing~~.

12 The purpose of ~~There is created~~ the Illinois Nursing Workforce

13 Center ~~for Nursing~~ to address issues of supply and demand in

14 the nursing profession, including issues of recruitment,

15 retention, and utilization of nurse manpower resources. The

16 General Assembly finds that the Center will enhance the access

17 to and delivery of quality health care services by providing an

18 ongoing strategy for the allocation of the State's resources

19 directed towards nursing. Each of the following objectives

20 shall serve as the primary goals for the Center:

21 (1) To develop a strategic plan for nursing manpower in  
22 Illinois by selecting priorities that must be addressed.

23 (2) To convene various groups of representatives of  
24 nurses, other health care providers, businesses and

1 industries, consumers, legislators, and educators to:

2 (A) review and comment on data analysis prepared  
3 for the Center; and

4 (B) recommend systemic changes, including  
5 strategies for implementation of recommended changes. ~~†~~  
6 and

7 ~~(C) evaluate and report the results of the Advisory~~  
8 ~~Board's efforts to the General Assembly and others.~~

9 (3) To enhance and promote recognition, reward, and  
10 renewal activities for nurses in Illinois by:

11 (A) proposing and creating reward, recognition,  
12 and renewal activities for nursing; and

13 (B) promoting media and positive image-building  
14 efforts for nursing.

15 (Source: P.A. 94-1020, eff. 7-11-06; 95-639, eff. 10-5-07.)

16 (225 ILCS 65/75-15) (was 225 ILCS 65/17-15)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 75-15. Illinois Center for Nursing Workforce Center  
19 Advisory Board.

20 (a) There is created the Illinois Center for Nursing  
21 Workforce Center Advisory Board, which shall consist of 11  
22 members appointed by the Secretary Governor, with 6 members of  
23 the Advisory Board being nurses representative of various  
24 nursing specialty areas. The other 5 members may include  
25 representatives of associations, health care providers,

1 nursing educators, and consumers.

2 (b) The membership of the Advisory Board shall reasonably  
3 reflect representation from the geographic areas in this State.

4 (c) Members of the Advisory Board appointed by the  
5 Secretary ~~Governor~~ shall serve for terms of 4 years, with no  
6 member serving more than 10 successive years, ~~except that,~~  
7 ~~initially, 4 members shall be appointed to the Advisory Board~~  
8 ~~for terms that expire on June 30, 2009, 4 members shall be~~  
9 ~~appointed to the Advisory Board for terms that expire on June~~  
10 ~~30, 2008, and 3 members shall be appointed to the Advisory~~  
11 ~~Board for terms that expire on June 30, 2007.~~ A member shall  
12 serve until his or her successor is appointed and has  
13 qualified. Vacancies shall be filled in the same manner as  
14 original appointments, and any member so appointed shall serve  
15 during the remainder of the term for which the vacancy  
16 occurred.

17 (d) A quorum of the Advisory Board shall consist of a  
18 majority of Advisory Board members currently serving. A  
19 majority vote of the quorum is required for Advisory Board  
20 decisions. A vacancy in the membership of the Advisory Board  
21 shall not impair the right of a quorum to exercise all of the  
22 rights and perform all of the duties of the Advisory Board.

23 (e) The Secretary ~~Governor~~ may remove any appointed member  
24 of the Advisory Board for misconduct, incapacity, or neglect of  
25 duty and shall be the sole judge of the sufficiency of the  
26 cause for removal.

1 (f) Members of the Advisory Board are immune from suit in  
2 any action based upon any activities performed in good faith as  
3 members of the Advisory Board.

4 (g) Members of the Advisory Board shall not receive  
5 compensation, but shall be reimbursed for actual traveling,  
6 incidentals, and expenses necessarily incurred in carrying out  
7 their duties as members of the Advisory Board, as approved by  
8 the Department.

9 (h) The Advisory Board shall meet annually to elect a  
10 chairperson and vice chairperson.

11 (Source: P.A. 97-813, eff. 7-13-12; 98-247, eff. 8-9-13.)

12 (225 ILCS 65/75-20) (was 225 ILCS 65/17-20)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 75-20. Powers and duties of the Advisory Board.

15 (a) The Advisory Board shall be advisory to the Department  
16 and shall possess and perform each of the following powers and  
17 duties:

18 (1) determine operational policy;

19 (2) (blank); ~~administer grants, scholarships,~~  
20 ~~internships, and other programs, as defined by rule,~~  
21 ~~including the administration of programs, as determined by~~  
22 ~~law, that further those goals set forth in Section 75-10 of~~  
23 ~~this Article, in consultation with other State agencies, as~~  
24 ~~provided by law;~~

25 (3) establish committees of the Advisory Board as



1 needed;

2 (4) recommend the adoption and, from time to time, the  
3 revision of those rules that may be adopted and necessary  
4 to carry out the provisions of this Act;

5 (5) implement the major functions of the Center, as  
6 established in the goals set forth in Section 75-10 of this  
7 Article; and

8 (6) seek and accept non-State funds for carrying out  
9 the policy of the Center.

10 (b) The Center shall work in consultation with other State  
11 agencies as necessary.

12 (Source: P.A. 94-1020, eff. 7-11-06; 95-639, eff. 10-5-07.)

13 (225 ILCS 65/80-15)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 80-15. Licensure requirement; exempt activities.

16 (a) On and after January 1, 2015, no person shall practice  
17 as a medication aide or hold himself or herself out as a  
18 licensed medication aide in this State unless he or she is  
19 licensed under this Article.

20 (b) Nothing in this Article shall be construed as  
21 preventing or restricting the practice, services, or  
22 activities of:

23 (1) any person licensed in this State by any other law  
24 from engaging in the profession or occupation for which he  
25 or she is licensed;

1           (2) any person employed as a medication aide by the  
2 government of the United States, if such person practices  
3 as a medication aide solely under the direction or control  
4 of the organization by which he or she is employed; or

5           (3) any person pursuing a course of study leading to a  
6 certificate in medication aide at an accredited or approved  
7 educational program if such activities and services  
8 constitute a part of a supervised course of study and if  
9 such person is designated by a title which clearly  
10 indicates his or her status as a student or trainee.

11           (c) Nothing in this Article shall be construed to limit the  
12 delegation of tasks or duties by a physician, dentist, advanced  
13 practice registered nurse, or podiatric physician as  
14 authorized by law.

15           (Source: P.A. 98-990, eff. 8-18-14.)

16           (225 ILCS 65/80-35)

17           (Section scheduled to be repealed on January 1, 2018)

18           Sec. 80-35. Examinations. The Department shall authorize  
19 examinations of applicants for a license under this Article at  
20 the times and place as it may designate. The examination shall  
21 be of a character to give a fair test of the qualifications of  
22 the applicant to practice as a medication aide.

23           Applicants for examination as a medication aide shall be  
24 required to pay, either to the Department or the designated  
25 testing service, a fee covering the cost of providing the

1 examination. Failure to appear for the examination on the  
2 scheduled date, at the time and place specified, after the  
3 applicant's application for examination has been received and  
4 acknowledged by the Department or the designated testing  
5 service, shall result in the forfeiture of the examination fee.

6 If an applicant fails to pass an examination for licensure  
7 ~~registration~~ under this Act within 3 years after filing his or  
8 her application, the application shall be denied. The applicant  
9 may thereafter make a new application accompanied by the  
10 required fee; however, the applicant shall meet all  
11 requirements in effect at the time of subsequent application  
12 before obtaining licensure. The Department may employ  
13 consultants for the purposes of preparing and conducting  
14 examinations.

15 (Source: P.A. 98-990, eff. 8-18-14.)

16 (225 ILCS 65/60-15 rep.)

17 (225 ILCS 65/70-30 rep.)

18 (225 ILCS 65/70-65 rep.)

19 (225 ILCS 65/70-105 rep.)

20 (225 ILCS 65/70-110 rep.)

21 (225 ILCS 65/70-115 rep.)

22 (225 ILCS 65/75-5 rep.)

23 Section 165. The Nurse Practice Act is amended by repealing  
24 Sections 60-15, 70-30, 70-65, 70-105, 70-110, 70-115, and 75-5.

1           Section 170. The Illinois Occupational Therapy Practice  
2 Act is amended by changing Sections 3.1 and 19 as follows:

3           (225 ILCS 75/3.1)

4           (Section scheduled to be repealed on January 1, 2024)

5           Sec. 3.1. Referrals.

6           (a) A licensed occupational therapist or licensed  
7 occupational therapy assistant may consult with, educate,  
8 evaluate, and monitor services for individuals, groups, and  
9 populations concerning occupational therapy needs. Except as  
10 indicated in subsections (b) and (c) of this Section,  
11 implementation of direct occupational therapy treatment to  
12 individuals for their specific health care conditions shall be  
13 based upon a referral from a licensed physician, dentist,  
14 podiatric physician, advanced practice registered nurse,  
15 physician assistant, or optometrist.

16           (b) A referral is not required for the purpose of providing  
17 consultation, habilitation, screening, education, wellness,  
18 prevention, environmental assessments, and work-related  
19 ergonomic services to individuals, groups, or populations.

20           (c) Referral from a physician or other health care provider  
21 is not required for evaluation or intervention for children and  
22 youths if an occupational therapist or occupational therapy  
23 assistant provides services in a school-based or educational  
24 environment, including the child's home.

25           (d) An occupational therapist shall refer to a licensed

1 physician, dentist, optometrist, advanced practice registered  
2 nurse, physician assistant, or podiatric physician any patient  
3 whose medical condition should, at the time of evaluation or  
4 treatment, be determined to be beyond the scope of practice of  
5 the occupational therapist.

6 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;  
7 98-756, eff. 7-16-14; 99-173, eff. 7-29-15.)

8 (225 ILCS 75/19) (from Ch. 111, par. 3719)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 19. Grounds for discipline.

11 (a) The Department may refuse to issue or renew, or may  
12 revoke, suspend, place on probation, reprimand or take other  
13 disciplinary or non-disciplinary action as the Department may  
14 deem proper, including imposing fines not to exceed \$10,000 for  
15 each violation and the assessment of costs as provided under  
16 Section 19.3 of this Act, with regard to any license for any  
17 one or combination of the following:

18 (1) Material misstatement in furnishing information to  
19 the Department;

20 (2) Violations of this Act, or of the rules promulgated  
21 thereunder;

22 (3) Conviction by plea of guilty or nolo contendere,  
23 finding of guilt, jury verdict, or entry of judgment or  
24 sentencing of any crime, including, but not limited to,  
25 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under  
2 the laws of any jurisdiction of the United States that is  
3 (i) a felony or (ii) a misdemeanor, an essential element of  
4 which is dishonesty, or that is directly related to the  
5 practice of the profession;

6 (4) Fraud or any misrepresentation in applying for or  
7 procuring a license under this Act, or in connection with  
8 applying for renewal of a license under this Act;

9 (5) Professional incompetence;

10 (6) Aiding or assisting another person, firm,  
11 partnership or corporation in violating any provision of  
12 this Act or rules;

13 (7) Failing, within 60 days, to provide information in  
14 response to a written request made by the Department;

15 (8) Engaging in dishonorable, unethical or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud or harm the public;

18 (9) Habitual or excessive use or abuse of drugs defined  
19 in law as controlled substances, alcohol, or any other  
20 substance that results in the inability to practice with  
21 reasonable judgment, skill, or safety;

22 (10) Discipline by another state, unit of government,  
23 government agency, the District of Columbia, a territory,  
24 or foreign nation, if at least one of the grounds for the  
25 discipline is the same or substantially equivalent to those  
26 set forth herein;

1           (11) Directly or indirectly giving to or receiving from  
2           any person, firm, corporation, partnership, or association  
3           any fee, commission, rebate or other form of compensation  
4           for professional services not actually or personally  
5           rendered. Nothing in this paragraph (11) affects any bona  
6           fide independent contractor or employment arrangements  
7           among health care professionals, health facilities, health  
8           care providers, or other entities, except as otherwise  
9           prohibited by law. Any employment arrangements may include  
10          provisions for compensation, health insurance, pension, or  
11          other employment benefits for the provision of services  
12          within the scope of the licensee's practice under this Act.  
13          Nothing in this paragraph (11) shall be construed to  
14          require an employment arrangement to receive professional  
15          fees for services rendered;

16          (12) A finding by the Department that the license  
17          holder, after having his license disciplined, has violated  
18          the terms of the discipline;

19          (13) Wilfully making or filing false records or reports  
20          in the practice of occupational therapy, including but not  
21          limited to false records filed with the State agencies or  
22          departments;

23          (14) Physical illness, including but not limited to,  
24          deterioration through the aging process, or loss of motor  
25          skill which results in the inability to practice under this  
26          Act with reasonable judgment, skill, or safety;

1           (15) Solicitation of professional services other than  
2           by permitted advertising;

3           (16) Allowing one's license under this Act to be used  
4           by an unlicensed person in violation of this Act;

5           (17) Practicing under a false or, except as provided by  
6           law, assumed name;

7           (18) Professional incompetence or gross negligence;

8           (19) Malpractice;

9           (20) Promotion of the sale of drugs, devices,  
10          appliances, or goods provided for a patient in any manner  
11          to exploit the client for financial gain of the licensee;

12          (21) Gross, willful, or continued overcharging for  
13          professional services;

14          (22) Mental illness or disability that results in the  
15          inability to practice under this Act with reasonable  
16          judgment, skill, or safety;

17          (23) Violating the Health Care Worker Self-Referral  
18          Act;

19          (24) Having treated patients other than by the practice  
20          of occupational therapy as defined in this Act, or having  
21          treated patients as a licensed occupational therapist  
22          independent of a referral from a physician, advanced  
23          practice registered nurse or physician assistant in  
24          accordance with Section 3.1, dentist, podiatric physician,  
25          or optometrist, or having failed to notify the physician,  
26          advanced practice registered nurse, physician assistant,



1 dentist, podiatric physician, or optometrist who  
2 established a diagnosis that the patient is receiving  
3 occupational therapy pursuant to that diagnosis;

4 (25) Cheating on or attempting to subvert the licensing  
5 examination administered under this Act; and

6 (26) Charging for professional services not rendered,  
7 including filing false statements for the collection of  
8 fees for which services are not rendered.

9 All fines imposed under this Section shall be paid within  
10 60 days after the effective date of the order imposing the fine  
11 or in accordance with the terms set forth in the order imposing  
12 the fine.

13 (b) The determination by a circuit court that a license  
14 holder is subject to involuntary admission or judicial  
15 admission as provided in the Mental Health and Developmental  
16 Disabilities Code, as now or hereafter amended, operates as an  
17 automatic suspension. Such suspension will end only upon a  
18 finding by a court that the patient is no longer subject to  
19 involuntary admission or judicial admission and an order by the  
20 court so finding and discharging the patient. In any case where  
21 a license is suspended under this provision, the licensee shall  
22 file a petition for restoration and shall include evidence  
23 acceptable to the Department that the licensee can resume  
24 practice in compliance with acceptable and prevailing  
25 standards of their profession.

26 (c) The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Code of Civil  
2 Procedure, the license of any person who fails to file a  
3 return, to pay the tax, penalty, or interest shown in a filed  
4 return, or to pay any final assessment of tax, penalty, or  
5 interest as required by any tax Act administered by the  
6 Illinois Department of Revenue, until such time as the  
7 requirements of any such tax Act are satisfied in accordance  
8 with subsection (a) of Section 2105-15 of the Department of  
9 Professional Regulation Law of the Civil Administrative Code of  
10 Illinois.

11 (d) In enforcing this Section, the Department, upon a  
12 showing of a possible violation, may compel any individual who  
13 is licensed under this Act or any individual who has applied  
14 for licensure to submit to a mental or physical examination or  
15 evaluation, or both, which may include a substance abuse or  
16 sexual offender evaluation, at the expense of the Department.  
17 The Department shall specifically designate the examining  
18 physician licensed to practice medicine in all of its branches  
19 or, if applicable, the multidisciplinary team involved in  
20 providing the mental or physical examination and evaluation.  
21 The multidisciplinary team shall be led by a physician licensed  
22 to practice medicine in all of its branches and may consist of  
23 one or more or a combination of physicians licensed to practice  
24 medicine in all of its branches, licensed chiropractic  
25 physicians, licensed clinical psychologists, licensed clinical  
26 social workers, licensed clinical professional counselors, and

1 other professional and administrative staff. Any examining  
2 physician or member of the multidisciplinary team may require  
3 any person ordered to submit to an examination and evaluation  
4 pursuant to this Section to submit to any additional  
5 supplemental testing deemed necessary to complete any  
6 examination or evaluation process, including, but not limited  
7 to, blood testing, urinalysis, psychological testing, or  
8 neuropsychological testing.

9 The Department may order the examining physician or any  
10 member of the multidisciplinary team to provide to the  
11 Department any and all records, including business records,  
12 that relate to the examination and evaluation, including any  
13 supplemental testing performed. The Department may order the  
14 examining physician or any member of the multidisciplinary team  
15 to present testimony concerning this examination and  
16 evaluation of the licensee or applicant, including testimony  
17 concerning any supplemental testing or documents relating to  
18 the examination and evaluation. No information, report,  
19 record, or other documents in any way related to the  
20 examination and evaluation shall be excluded by reason of any  
21 common law or statutory privilege relating to communication  
22 between the licensee or applicant and the examining physician  
23 or any member of the multidisciplinary team. No authorization  
24 is necessary from the licensee or applicant ordered to undergo  
25 an evaluation and examination for the examining physician or  
26 any member of the multidisciplinary team to provide

1 information, reports, records, or other documents or to provide  
2 any testimony regarding the examination and evaluation. The  
3 individual to be examined may have, at his or her own expense,  
4 another physician of his or her choice present during all  
5 aspects of the examination.

6 Failure of any individual to submit to mental or physical  
7 examination or evaluation, or both, when directed, shall result  
8 in an automatic suspension without hearing, until such time as  
9 the individual submits to the examination. If the Department  
10 finds a licensee unable to practice because of the reasons set  
11 forth in this Section, the Department shall require the  
12 licensee to submit to care, counseling, or treatment by  
13 physicians approved or designated by the Department as a  
14 condition for continued, reinstated, or renewed licensure.

15 When the Secretary immediately suspends a license under  
16 this Section, a hearing upon such person's license must be  
17 convened by the Department within 15 days after the suspension  
18 and completed without appreciable delay. The Department shall  
19 have the authority to review the licensee's record of treatment  
20 and counseling regarding the impairment to the extent permitted  
21 by applicable federal statutes and regulations safeguarding  
22 the confidentiality of medical records.

23 Individuals licensed under this Act that are affected under  
24 this Section, shall be afforded an opportunity to demonstrate  
25 to the Department that they can resume practice in compliance  
26 with acceptable and prevailing standards under the provisions

1 of their license.

2 (e) The Department shall deny a license or renewal  
3 authorized by this Act to a person who has defaulted on an  
4 educational loan or scholarship provided or guaranteed by the  
5 Illinois Student Assistance Commission or any governmental  
6 agency of this State in accordance with paragraph (5) of  
7 subsection (a) of Section 2105-15 of the Department of  
8 Professional Regulation Law of the Civil Administrative Code of  
9 Illinois.

10 (f) In cases where the Department of Healthcare and Family  
11 Services has previously determined a licensee or a potential  
12 licensee is more than 30 days delinquent in the payment of  
13 child support and has subsequently certified the delinquency to  
14 the Department, the Department may refuse to issue or renew or  
15 may revoke or suspend that person's license or may take other  
16 disciplinary action against that person based solely upon the  
17 certification of delinquency made by the Department of  
18 Healthcare and Family Services in accordance with paragraph (5)  
19 of subsection (a) of Section 2105-15 of the Department of  
20 Professional Regulation Law of the Civil Administrative Code of  
21 Illinois.

22 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;  
23 98-756, eff. 7-16-14.)

24 Section 175. The Orthotics, Prosthetics, and Pedorthics  
25 Practice Act is amended by changing Sections 15 and 57 as

1 follows:

2 (225 ILCS 84/15)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 15. Exceptions. This Act shall not be construed to  
5 prohibit:

6 (1) a physician licensed in this State from engaging in the  
7 practice for which he or she is licensed;

8 (2) a person licensed in this State under any other Act  
9 from engaging in the practice for which he or she is licensed;

10 (3) the practice of orthotics, prosthetics, or pedorthics  
11 by a person who is employed by the federal government or any  
12 bureau, division, or agency of the federal government while in  
13 the discharge of the employee's official duties;

14 (4) the practice of orthotics, prosthetics, or pedorthics  
15 by (i) a student enrolled in a school of orthotics,  
16 prosthetics, or pedorthics, (ii) a resident continuing his or  
17 her clinical education in a residency accredited by the  
18 National Commission on Orthotic and Prosthetic Education, or  
19 (iii) a student in a qualified work experience program or  
20 internship in pedorthics;

21 (5) the practice of orthotics, prosthetics, or pedorthics  
22 by one who is an orthotist, prosthetist, or pedorthist licensed  
23 under the laws of another state or territory of the United  
24 States or another country and has applied in writing to the  
25 Department, in a form and substance satisfactory to the

1 Department, for a license as orthotist, prosthetist, or  
2 pedorthist and who is qualified to receive the license under  
3 Section 40 until (i) the expiration of 6 months after the  
4 filing of the written application, (ii) the withdrawal of the  
5 application, or (iii) the denial of the application by the  
6 Department;

7 (6) a person licensed by this State as a physical  
8 therapist, occupational therapist, or advanced practice  
9 registered nurse from engaging in his or her profession; or

10 (7) a physician licensed under the Podiatric Medical  
11 Practice Act of 1987 from engaging in his or her profession.

12 (Source: P.A. 96-682, eff. 8-25-09; 96-1000, eff. 7-2-10.)

13 (225 ILCS 84/57)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 57. Limitation on provision of care and services. A  
16 licensed orthotist, prosthetist, or pedorthist may provide  
17 care or services only if the care or services are provided  
18 pursuant to an order from (i) a licensed physician, (ii) a  
19 licensed podiatric physician, (iii) a licensed advanced  
20 practice registered nurse, or (iv) a licensed physician  
21 assistant. A licensed podiatric physician or advanced practice  
22 registered nurse collaborating with a podiatric physician may  
23 only order care or services concerning the foot from a licensed  
24 prosthetist.

25 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15.)

1           Section 180. The Pharmacy Practice Act is amended by  
2 changing Sections 3, 4, and 16b as follows:

3           (225 ILCS 85/3)

4           (Section scheduled to be repealed on January 1, 2018)

5           Sec. 3. Definitions. For the purpose of this Act, except  
6 where otherwise limited therein:

7           (a) "Pharmacy" or "drugstore" means and includes every  
8 store, shop, pharmacy department, or other place where  
9 pharmacist care is provided by a pharmacist (1) where drugs,  
10 medicines, or poisons are dispensed, sold or offered for sale  
11 at retail, or displayed for sale at retail; or (2) where  
12 prescriptions of physicians, dentists, advanced practice  
13 registered nurses, physician assistants, veterinarians,  
14 podiatric physicians, or optometrists, within the limits of  
15 their licenses, are compounded, filled, or dispensed; or (3)  
16 which has upon it or displayed within it, or affixed to or used  
17 in connection with it, a sign bearing the word or words  
18 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",  
19 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",  
20 "Drugs", "Dispensary", "Medicines", or any word or words of  
21 similar or like import, either in the English language or any  
22 other language; or (4) where the characteristic prescription  
23 sign (Rx) or similar design is exhibited; or (5) any store, or  
24 shop, or other place with respect to which any of the above



1 words, objects, signs or designs are used in any advertisement.

2 (b) "Drugs" means and includes (1) articles recognized in  
3 the official United States Pharmacopoeia/National Formulary  
4 (USP/NF), or any supplement thereto and being intended for and  
5 having for their main use the diagnosis, cure, mitigation,  
6 treatment or prevention of disease in man or other animals, as  
7 approved by the United States Food and Drug Administration, but  
8 does not include devices or their components, parts, or  
9 accessories; and (2) all other articles intended for and having  
10 for their main use the diagnosis, cure, mitigation, treatment  
11 or prevention of disease in man or other animals, as approved  
12 by the United States Food and Drug Administration, but does not  
13 include devices or their components, parts, or accessories; and  
14 (3) articles (other than food) having for their main use and  
15 intended to affect the structure or any function of the body of  
16 man or other animals; and (4) articles having for their main  
17 use and intended for use as a component or any articles  
18 specified in clause (1), (2) or (3); but does not include  
19 devices or their components, parts or accessories.

20 (c) "Medicines" means and includes all drugs intended for  
21 human or veterinary use approved by the United States Food and  
22 Drug Administration.

23 (d) "Practice of pharmacy" means (1) the interpretation and  
24 the provision of assistance in the monitoring, evaluation, and  
25 implementation of prescription drug orders; (2) the dispensing  
26 of prescription drug orders; (3) participation in drug and

1 device selection; (4) drug administration limited to the  
2 administration of oral, topical, injectable, and inhalation as  
3 follows: in the context of patient education on the proper use  
4 or delivery of medications; vaccination of patients 14 years of  
5 age and older pursuant to a valid prescription or standing  
6 order, by a physician licensed to practice medicine in all its  
7 branches, upon completion of appropriate training, including  
8 how to address contraindications and adverse reactions set  
9 forth by rule, with notification to the patient's physician and  
10 appropriate record retention, or pursuant to hospital pharmacy  
11 and therapeutics committee policies and procedures; (5)  
12 vaccination of patients ages 10 through 13 limited to the  
13 Influenza (inactivated influenza vaccine and live attenuated  
14 influenza intranasal vaccine) and Tdap (defined as tetanus,  
15 diphtheria, acellular pertussis) vaccines, pursuant to a valid  
16 prescription or standing order, by a physician licensed to  
17 practice medicine in all its branches, upon completion of  
18 appropriate training, including how to address  
19 contraindications and adverse reactions set forth by rule, with  
20 notification to the patient's physician and appropriate record  
21 retention, or pursuant to hospital pharmacy and therapeutics  
22 committee policies and procedures; (6) drug regimen review; (7)  
23 drug or drug-related research; (8) the provision of patient  
24 counseling; (9) the practice of telepharmacy; (10) the  
25 provision of those acts or services necessary to provide  
26 pharmacist care; (11) medication therapy management; and (12)

1 the responsibility for compounding and labeling of drugs and  
2 devices (except labeling by a manufacturer, repackager, or  
3 distributor of non-prescription drugs and commercially  
4 packaged legend drugs and devices), proper and safe storage of  
5 drugs and devices, and maintenance of required records. A  
6 pharmacist who performs any of the acts defined as the practice  
7 of pharmacy in this State must be actively licensed as a  
8 pharmacist under this Act.

9 (e) "Prescription" means and includes any written, oral,  
10 facsimile, or electronically transmitted order for drugs or  
11 medical devices, issued by a physician licensed to practice  
12 medicine in all its branches, dentist, veterinarian, podiatric  
13 physician, or optometrist, within the limits of their licenses,  
14 by a physician assistant in accordance with subsection (f) of  
15 Section 4, or by an advanced practice registered nurse in  
16 accordance with subsection (g) of Section 4, containing the  
17 following: (1) name of the patient; (2) date when prescription  
18 was issued; (3) name and strength of drug or description of the  
19 medical device prescribed; and (4) quantity; (5) directions for  
20 use; (6) prescriber's name, address, and signature; and (7) DEA  
21 number where required, for controlled substances. The  
22 prescription may, but is not required to, list the illness,  
23 disease, or condition for which the drug or device is being  
24 prescribed. DEA numbers shall not be required on inpatient drug  
25 orders.

26 (f) "Person" means and includes a natural person,

1 copartnership, association, corporation, government entity, or  
2 any other legal entity.

3 (g) "Department" means the Department of Financial and  
4 Professional Regulation.

5 (h) "Board of Pharmacy" or "Board" means the State Board of  
6 Pharmacy of the Department of Financial and Professional  
7 Regulation.

8 (i) "Secretary" means the Secretary of Financial and  
9 Professional Regulation.

10 (j) "Drug product selection" means the interchange for a  
11 prescribed pharmaceutical product in accordance with Section  
12 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
13 Cosmetic Act.

14 (k) "Inpatient drug order" means an order issued by an  
15 authorized prescriber for a resident or patient of a facility  
16 licensed under the Nursing Home Care Act, the ID/DD Community  
17 Care Act, the MC/DD Act, the Specialized Mental Health  
18 Rehabilitation Act of 2013, or the Hospital Licensing Act, or  
19 "An Act in relation to the founding and operation of the  
20 University of Illinois Hospital and the conduct of University  
21 of Illinois health care programs", approved July 3, 1931, as  
22 amended, or a facility which is operated by the Department of  
23 Human Services (as successor to the Department of Mental Health  
24 and Developmental Disabilities) or the Department of  
25 Corrections.

26 (k-5) "Pharmacist" means an individual health care

1 professional and provider currently licensed by this State to  
2 engage in the practice of pharmacy.

3 (l) "Pharmacist in charge" means the licensed pharmacist  
4 whose name appears on a pharmacy license and who is responsible  
5 for all aspects of the operation related to the practice of  
6 pharmacy.

7 (m) "Dispense" or "dispensing" means the interpretation,  
8 evaluation, and implementation of a prescription drug order,  
9 including the preparation and delivery of a drug or device to a  
10 patient or patient's agent in a suitable container  
11 appropriately labeled for subsequent administration to or use  
12 by a patient in accordance with applicable State and federal  
13 laws and regulations. "Dispense" or "dispensing" does not mean  
14 the physical delivery to a patient or a patient's  
15 representative in a home or institution by a designee of a  
16 pharmacist or by common carrier. "Dispense" or "dispensing"  
17 also does not mean the physical delivery of a drug or medical  
18 device to a patient or patient's representative by a  
19 pharmacist's designee within a pharmacy or drugstore while the  
20 pharmacist is on duty and the pharmacy is open.

21 (n) "Nonresident pharmacy" means a pharmacy that is located  
22 in a state, commonwealth, or territory of the United States,  
23 other than Illinois, that delivers, dispenses, or distributes,  
24 through the United States Postal Service, commercially  
25 acceptable parcel delivery service, or other common carrier, to  
26 Illinois residents, any substance which requires a

1 prescription.

2 (o) "Compounding" means the preparation and mixing of  
3 components, excluding flavorings, (1) as the result of a  
4 prescriber's prescription drug order or initiative based on the  
5 prescriber-patient-pharmacist relationship in the course of  
6 professional practice or (2) for the purpose of, or incident  
7 to, research, teaching, or chemical analysis and not for sale  
8 or dispensing. "Compounding" includes the preparation of drugs  
9 or devices in anticipation of receiving prescription drug  
10 orders based on routine, regularly observed dispensing  
11 patterns. Commercially available products may be compounded  
12 for dispensing to individual patients only if all of the  
13 following conditions are met: (i) the commercial product is not  
14 reasonably available from normal distribution channels in a  
15 timely manner to meet the patient's needs and (ii) the  
16 prescribing practitioner has requested that the drug be  
17 compounded.

18 (p) (Blank).

19 (q) (Blank).

20 (r) "Patient counseling" means the communication between a  
21 pharmacist or a student pharmacist under the supervision of a  
22 pharmacist and a patient or the patient's representative about  
23 the patient's medication or device for the purpose of  
24 optimizing proper use of prescription medications or devices.  
25 "Patient counseling" may include without limitation (1)  
26 obtaining a medication history; (2) acquiring a patient's

1 allergies and health conditions; (3) facilitation of the  
2 patient's understanding of the intended use of the medication;  
3 (4) proper directions for use; (5) significant potential  
4 adverse events; (6) potential food-drug interactions; and (7)  
5 the need to be compliant with the medication therapy. A  
6 pharmacy technician may only participate in the following  
7 aspects of patient counseling under the supervision of a  
8 pharmacist: (1) obtaining medication history; (2) providing  
9 the offer for counseling by a pharmacist or student pharmacist;  
10 and (3) acquiring a patient's allergies and health conditions.

11 (s) "Patient profiles" or "patient drug therapy record"  
12 means the obtaining, recording, and maintenance of patient  
13 prescription information, including prescriptions for  
14 controlled substances, and personal information.

15 (t) (Blank).

16 (u) "Medical device" means an instrument, apparatus,  
17 implement, machine, contrivance, implant, in vitro reagent, or  
18 other similar or related article, including any component part  
19 or accessory, required under federal law to bear the label  
20 "Caution: Federal law requires dispensing by or on the order of  
21 a physician". A seller of goods and services who, only for the  
22 purpose of retail sales, compounds, sells, rents, or leases  
23 medical devices shall not, by reasons thereof, be required to  
24 be a licensed pharmacy.

25 (v) "Unique identifier" means an electronic signature,  
26 handwritten signature or initials, thumb print, or other

1 acceptable biometric or electronic identification process as  
2 approved by the Department.

3 (w) "Current usual and customary retail price" means the  
4 price that a pharmacy charges to a non-third-party payor.

5 (x) "Automated pharmacy system" means a mechanical system  
6 located within the confines of the pharmacy or remote location  
7 that performs operations or activities, other than compounding  
8 or administration, relative to storage, packaging, dispensing,  
9 or distribution of medication, and which collects, controls,  
10 and maintains all transaction information.

11 (y) "Drug regimen review" means and includes the evaluation  
12 of prescription drug orders and patient records for (1) known  
13 allergies; (2) drug or potential therapy contraindications;  
14 (3) reasonable dose, duration of use, and route of  
15 administration, taking into consideration factors such as age,  
16 gender, and contraindications; (4) reasonable directions for  
17 use; (5) potential or actual adverse drug reactions; (6)  
18 drug-drug interactions; (7) drug-food interactions; (8)  
19 drug-disease contraindications; (9) therapeutic duplication;  
20 (10) patient laboratory values when authorized and available;  
21 (11) proper utilization (including over or under utilization)  
22 and optimum therapeutic outcomes; and (12) abuse and misuse.

23 (z) "Electronic transmission prescription" means any  
24 prescription order for which a facsimile or electronic image of  
25 the order is electronically transmitted from a licensed  
26 prescriber to a pharmacy. "Electronic transmission



1 prescription" includes both data and image prescriptions.

2 (aa) "Medication therapy management services" means a  
3 distinct service or group of services offered by licensed  
4 pharmacists, physicians licensed to practice medicine in all  
5 its branches, advanced practice registered nurses authorized  
6 in a written agreement with a physician licensed to practice  
7 medicine in all its branches, or physician assistants  
8 authorized in guidelines by a supervising physician that  
9 optimize therapeutic outcomes for individual patients through  
10 improved medication use. In a retail or other non-hospital  
11 pharmacy, medication therapy management services shall consist  
12 of the evaluation of prescription drug orders and patient  
13 medication records to resolve conflicts with the following:

- 14 (1) known allergies;
- 15 (2) drug or potential therapy contraindications;
- 16 (3) reasonable dose, duration of use, and route of  
17 administration, taking into consideration factors such as  
18 age, gender, and contraindications;
- 19 (4) reasonable directions for use;
- 20 (5) potential or actual adverse drug reactions;
- 21 (6) drug-drug interactions;
- 22 (7) drug-food interactions;
- 23 (8) drug-disease contraindications;
- 24 (9) identification of therapeutic duplication;
- 25 (10) patient laboratory values when authorized and  
26 available;

1 (11) proper utilization (including over or under  
2 utilization) and optimum therapeutic outcomes; and

3 (12) drug abuse and misuse.

4 "Medication therapy management services" includes the  
5 following:

6 (1) documenting the services delivered and  
7 communicating the information provided to patients'  
8 prescribers within an appropriate time frame, not to exceed  
9 48 hours;

10 (2) providing patient counseling designed to enhance a  
11 patient's understanding and the appropriate use of his or  
12 her medications; and

13 (3) providing information, support services, and  
14 resources designed to enhance a patient's adherence with  
15 his or her prescribed therapeutic regimens.

16 "Medication therapy management services" may also include  
17 patient care functions authorized by a physician licensed to  
18 practice medicine in all its branches for his or her identified  
19 patient or groups of patients under specified conditions or  
20 limitations in a standing order from the physician.

21 "Medication therapy management services" in a licensed  
22 hospital may also include the following:

23 (1) reviewing assessments of the patient's health  
24 status; and

25 (2) following protocols of a hospital pharmacy and  
26 therapeutics committee with respect to the fulfillment of

1 medication orders.

2 (bb) "Pharmacist care" means the provision by a pharmacist  
3 of medication therapy management services, with or without the  
4 dispensing of drugs or devices, intended to achieve outcomes  
5 that improve patient health, quality of life, and comfort and  
6 enhance patient safety.

7 (cc) "Protected health information" means individually  
8 identifiable health information that, except as otherwise  
9 provided, is:

10 (1) transmitted by electronic media;

11 (2) maintained in any medium set forth in the  
12 definition of "electronic media" in the federal Health  
13 Insurance Portability and Accountability Act; or

14 (3) transmitted or maintained in any other form or  
15 medium.

16 "Protected health information" does not include  
17 individually identifiable health information found in:

18 (1) education records covered by the federal Family  
19 Educational Right and Privacy Act; or

20 (2) employment records held by a licensee in its role  
21 as an employer.

22 (dd) "Standing order" means a specific order for a patient  
23 or group of patients issued by a physician licensed to practice  
24 medicine in all its branches in Illinois.

25 (ee) "Address of record" means the address recorded by the  
26 Department in the applicant's or licensee's application file or

1 license file, as maintained by the Department's licensure  
2 maintenance unit.

3 (ff) "Home pharmacy" means the location of a pharmacy's  
4 primary operations.

5 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;  
6 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

7 (225 ILCS 85/4) (from Ch. 111, par. 4124)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 4. Exemptions. Nothing contained in any Section of  
10 this Act shall apply to, or in any manner interfere with:

11 (a) the lawful practice of any physician licensed to  
12 practice medicine in all of its branches, dentist, podiatric  
13 physician, veterinarian, or therapeutically or diagnostically  
14 certified optometrist within the limits of his or her license,  
15 or prevent him or her from supplying to his or her bona fide  
16 patients such drugs, medicines, or poisons as may seem to him  
17 appropriate;

18 (b) the sale of compressed gases;

19 (c) the sale of patent or proprietary medicines and  
20 household remedies when sold in original and unbroken packages  
21 only, if such patent or proprietary medicines and household  
22 remedies be properly and adequately labeled as to content and  
23 usage and generally considered and accepted as harmless and  
24 nonpoisonous when used according to the directions on the  
25 label, and also do not contain opium or coca leaves, or any

1 compound, salt or derivative thereof, or any drug which,  
2 according to the latest editions of the following authoritative  
3 pharmaceutical treatises and standards, namely, The United  
4 States Pharmacopoeia/National Formulary (USP/NF), the United  
5 States Dispensatory, and the Accepted Dental Remedies of the  
6 Council of Dental Therapeutics of the American Dental  
7 Association or any or either of them, in use on the effective  
8 date of this Act, or according to the existing provisions of  
9 the Federal Food, Drug, and Cosmetic Act and Regulations of the  
10 Department of Health and Human Services, Food and Drug  
11 Administration, promulgated thereunder now in effect, is  
12 designated, described or considered as a narcotic, hypnotic,  
13 habit forming, dangerous, or poisonous drug;

14 (d) the sale of poultry and livestock remedies in original  
15 and unbroken packages only, labeled for poultry and livestock  
16 medication;

17 (e) the sale of poisonous substances or mixture of  
18 poisonous substances, in unbroken packages, for nonmedicinal  
19 use in the arts or industries or for insecticide purposes;  
20 provided, they are properly and adequately labeled as to  
21 content and such nonmedicinal usage, in conformity with the  
22 provisions of all applicable federal, state and local laws and  
23 regulations promulgated thereunder now in effect relating  
24 thereto and governing the same, and those which are required  
25 under such applicable laws and regulations to be labeled with  
26 the word "Poison", are also labeled with the word "Poison"

1 printed thereon in prominent type and the name of a readily  
2 obtainable antidote with directions for its administration;

3 (f) the delegation of limited prescriptive authority by a  
4 physician licensed to practice medicine in all its branches to  
5 a physician assistant under Section 7.5 of the Physician  
6 Assistant Practice Act of 1987. This delegated authority under  
7 Section 7.5 of the Physician Assistant Practice Act of 1987  
8 may, but is not required to, include prescription of controlled  
9 substances, as defined in Article II of the Illinois Controlled  
10 Substances Act, in accordance with a written supervision  
11 agreement; and

12 (g) the delegation of prescriptive authority by a physician  
13 licensed to practice medicine in all its branches or a licensed  
14 podiatric physician to an advanced practice registered nurse in  
15 accordance with a written collaborative agreement under  
16 Sections 65-35 and 65-40 of the Nurse Practice Act.

17 (Source: P.A. 98-214, eff. 8-9-13.)

18 (225 ILCS 85/16b)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 16b. Prescription pick up and drop off. Nothing  
21 contained in this Act shall prohibit a pharmacist or pharmacy,  
22 by means of its employee or by use of a common carrier or the  
23 U.S. mail, at the request of the patient, from picking up  
24 prescription orders from the prescriber or delivering  
25 prescription drugs to the patient or the patient's agent,

1 including an advanced practice registered nurse, practical  
2 nurse, or registered nurse licensed under the Nurse Practice  
3 Act, or a physician assistant licensed under the Physician  
4 Assistant Practice Act of 1987, who provides hospice services  
5 to a hospice patient or who provides home health services to a  
6 person, at the residence or place of employment of the person  
7 for whom the prescription was issued or at the hospital or  
8 medical care facility in which the patient is confined.  
9 Conversely, the patient or patient's agent may drop off  
10 prescriptions at a designated area. In this Section, "home  
11 health services" has the meaning ascribed to it in the Home  
12 Health, Home Services, and Home Nursing Agency Licensing Act;  
13 and "hospice patient" and "hospice services" have the meanings  
14 ascribed to them in the Hospice Program Licensing Act.

15 (Source: P.A. 99-163, eff. 1-1-16.)

16 Section 185. The Illinois Physical Therapy Act is amended  
17 by changing Sections 1 and 17 as follows:

18 (225 ILCS 90/1) (from Ch. 111, par. 4251)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 1. Definitions. As used in this Act:

21 (1) "Physical therapy" means all of the following:

22 (A) Examining, evaluating, and testing individuals who  
23 may have mechanical, physiological, or developmental  
24 impairments, functional limitations, disabilities, or

1 other health and movement-related conditions, classifying  
2 these disorders, determining a rehabilitation prognosis  
3 and plan of therapeutic intervention, and assessing the  
4 on-going effects of the interventions.

5 (B) Alleviating impairments, functional limitations,  
6 or disabilities by designing, implementing, and modifying  
7 therapeutic interventions that may include, but are not  
8 limited to, the evaluation or treatment of a person through  
9 the use of the effective properties of physical measures  
10 and heat, cold, light, water, radiant energy, electricity,  
11 sound, and air and use of therapeutic massage, therapeutic  
12 exercise, mobilization, and rehabilitative procedures,  
13 with or without assistive devices, for the purposes of  
14 preventing, correcting, or alleviating a physical or  
15 mental impairment, functional limitation, or disability.

16 (C) Reducing the risk of injury, impairment,  
17 functional limitation, or disability, including the  
18 promotion and maintenance of fitness, health, and  
19 wellness.

20 (D) Engaging in administration, consultation,  
21 education, and research.

22 "Physical therapy" includes, but is not limited to: (a)  
23 performance of specialized tests and measurements, (b)  
24 administration of specialized treatment procedures, (c)  
25 interpretation of referrals from physicians, dentists,  
26 advanced practice registered nurses, physician assistants, and



1 podiatric physicians, (d) establishment, and modification of  
2 physical therapy treatment programs, (e) administration of  
3 topical medication used in generally accepted physical therapy  
4 procedures when such medication is either prescribed by the  
5 patient's physician, licensed to practice medicine in all its  
6 branches, the patient's physician licensed to practice  
7 podiatric medicine, the patient's advanced practice registered  
8 nurse, the patient's physician assistant, or the patient's  
9 dentist or used following the physician's orders or written  
10 instructions, and (f) supervision or teaching of physical  
11 therapy. Physical therapy does not include radiology,  
12 electrosurgery, chiropractic technique or determination of a  
13 differential diagnosis; provided, however, the limitation on  
14 determining a differential diagnosis shall not in any manner  
15 limit a physical therapist licensed under this Act from  
16 performing an evaluation pursuant to such license. Nothing in  
17 this Section shall limit a physical therapist from employing  
18 appropriate physical therapy techniques that he or she is  
19 educated and licensed to perform. A physical therapist shall  
20 refer to a licensed physician, advanced practice registered  
21 nurse, physician assistant, dentist, podiatric physician,  
22 other physical therapist, or other health care provider any  
23 patient whose medical condition should, at the time of  
24 evaluation or treatment, be determined to be beyond the scope  
25 of practice of the physical therapist.

26 (2) "Physical therapist" means a person who practices

1 physical therapy and who has met all requirements as provided  
2 in this Act.

3 (3) "Department" means the Department of Professional  
4 Regulation.

5 (4) "Director" means the Director of Professional  
6 Regulation.

7 (5) "Board" means the Physical Therapy Licensing and  
8 Disciplinary Board approved by the Director.

9 (6) "Referral" means a written or oral authorization for  
10 physical therapy services for a patient by a physician,  
11 dentist, advanced practice registered nurse, physician  
12 assistant, or podiatric physician who maintains medical  
13 supervision of the patient and makes a diagnosis or verifies  
14 that the patient's condition is such that it may be treated by  
15 a physical therapist.

16 (7) "Documented current and relevant diagnosis" for the  
17 purpose of this Act means a diagnosis, substantiated by  
18 signature or oral verification of a physician, dentist,  
19 advanced practice registered nurse, physician assistant, or  
20 podiatric physician, that a patient's condition is such that it  
21 may be treated by physical therapy as defined in this Act,  
22 which diagnosis shall remain in effect until changed by the  
23 physician, dentist, advanced practice registered nurse,  
24 physician assistant, or podiatric physician.

25 (8) "State" includes:

26 (a) the states of the United States of America;

1 (b) the District of Columbia; and

2 (c) the Commonwealth of Puerto Rico.

3 (9) "Physical therapist assistant" means a person licensed  
4 to assist a physical therapist and who has met all requirements  
5 as provided in this Act and who works under the supervision of  
6 a licensed physical therapist to assist in implementing the  
7 physical therapy treatment program as established by the  
8 licensed physical therapist. The patient care activities  
9 provided by the physical therapist assistant shall not include  
10 the interpretation of referrals, evaluation procedures, or the  
11 planning or major modification of patient programs.

12 (10) "Physical therapy aide" means a person who has  
13 received on the job training, specific to the facility in which  
14 he is employed.

15 (11) "Advanced practice registered nurse" means a person  
16 licensed as an advanced practice registered nurse under the  
17 Nurse Practice Act.

18 (12) "Physician assistant" means a person licensed under  
19 the Physician Assistant Practice Act of 1987.

20 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15;  
21 99-229, eff. 8-3-15; 99-642, eff. 7-28-16; revised 10-27-16.)

22 (225 ILCS 90/17) (from Ch. 111, par. 4267)

23 (Section scheduled to be repealed on January 1, 2026)

24 Sec. 17. (1) The Department may refuse to issue or to  
25 renew, or may revoke, suspend, place on probation, reprimand,

1 or take other disciplinary action as the Department deems  
2 appropriate, including the issuance of fines not to exceed  
3 \$5000, with regard to a license for any one or a combination of  
4 the following:

5 A. Material misstatement in furnishing information to  
6 the Department or otherwise making misleading, deceptive,  
7 untrue, or fraudulent representations in violation of this  
8 Act or otherwise in the practice of the profession;

9 B. Violations of this Act, or of the rules or  
10 regulations promulgated hereunder;

11 C. Conviction of any crime under the laws of the United  
12 States or any state or territory thereof which is a felony  
13 or which is a misdemeanor, an essential element of which is  
14 dishonesty, or of any crime which is directly related to  
15 the practice of the profession; conviction, as used in this  
16 paragraph, shall include a finding or verdict of guilty, an  
17 admission of guilt or a plea of nolo contendere;

18 D. Making any misrepresentation for the purpose of  
19 obtaining licenses, or violating any provision of this Act  
20 or the rules promulgated thereunder pertaining to  
21 advertising;

22 E. A pattern of practice or other behavior which  
23 demonstrates incapacity or incompetency to practice under  
24 this Act;

25 F. Aiding or assisting another person in violating any  
26 provision of this Act or Rules;

1           G. Failing, within 60 days, to provide information in  
2 response to a written request made by the Department;

3           H. Engaging in dishonorable, unethical or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud or harm the public. Unprofessional conduct shall  
6 include any departure from or the failure to conform to the  
7 minimal standards of acceptable and prevailing physical  
8 therapy practice, in which proceeding actual injury to a  
9 patient need not be established;

10          I. Unlawful distribution of any drug or narcotic, or  
11 unlawful conversion of any drug or narcotic not belonging  
12 to the person for such person's own use or benefit or for  
13 other than medically accepted therapeutic purposes;

14          J. Habitual or excessive use or addiction to alcohol,  
15 narcotics, stimulants, or any other chemical agent or drug  
16 which results in a physical therapist's or physical  
17 therapist assistant's inability to practice with  
18 reasonable judgment, skill or safety;

19          K. Revocation or suspension of a license to practice  
20 physical therapy as a physical therapist or physical  
21 therapist assistant or the taking of other disciplinary  
22 action by the proper licensing authority of another state,  
23 territory or country;

24          L. Directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate or other form of compensation

1 for any professional services not actually or personally  
2 rendered. Nothing contained in this paragraph prohibits  
3 persons holding valid and current licenses under this Act  
4 from practicing physical therapy in partnership under a  
5 partnership agreement, including a limited liability  
6 partnership, a limited liability company, or a corporation  
7 under the Professional Service Corporation Act or from  
8 pooling, sharing, dividing, or apportioning the fees and  
9 monies received by them or by the partnership, company, or  
10 corporation in accordance with the partnership agreement  
11 or the policies of the company or professional corporation.  
12 Nothing in this paragraph (L) affects any bona fide  
13 independent contractor or employment arrangements among  
14 health care professionals, health facilities, health care  
15 providers, or other entities, except as otherwise  
16 prohibited by law. Any employment arrangements may include  
17 provisions for compensation, health insurance, pension, or  
18 other employment benefits for the provision of services  
19 within the scope of the licensee's practice under this Act.  
20 Nothing in this paragraph (L) shall be construed to require  
21 an employment arrangement to receive professional fees for  
22 services rendered;

23 M. A finding by the Board that the licensee after  
24 having his or her license placed on probationary status has  
25 violated the terms of probation;

26 N. Abandonment of a patient;

1           O. Willfully failing to report an instance of suspected  
2 child abuse or neglect as required by the Abused and  
3 Neglected Child Reporting Act;

4           P. Willfully failing to report an instance of suspected  
5 elder abuse or neglect as required by the Elder Abuse  
6 Reporting Act;

7           Q. Physical illness, including but not limited to,  
8 deterioration through the aging process, or loss of motor  
9 skill which results in the inability to practice the  
10 profession with reasonable judgement, skill or safety;

11           R. The use of any words (such as physical therapy,  
12 physical therapist physiotherapy or physiotherapist),  
13 abbreviations, figures or letters with the intention of  
14 indicating practice as a licensed physical therapist  
15 without a valid license as a physical therapist issued  
16 under this Act;

17           S. The use of the term physical therapist assistant, or  
18 abbreviations, figures, or letters with the intention of  
19 indicating practice as a physical therapist assistant  
20 without a valid license as a physical therapist assistant  
21 issued under this Act;

22           T. Willfully violating or knowingly assisting in the  
23 violation of any law of this State relating to the practice  
24 of abortion;

25           U. Continued practice by a person knowingly having an  
26 infectious, communicable or contagious disease;

1           V. Having treated ailments of human beings otherwise  
2 than by the practice of physical therapy as defined in this  
3 Act, or having treated ailments of human beings as a  
4 licensed physical therapist independent of a documented  
5 referral or a documented current and relevant diagnosis  
6 from a physician, dentist, advanced practice registered  
7 nurse, physician assistant, or podiatric physician, or  
8 having failed to notify the physician, dentist, advanced  
9 practice registered nurse, physician assistant, or  
10 podiatric physician who established a documented current  
11 and relevant diagnosis that the patient is receiving  
12 physical therapy pursuant to that diagnosis;

13           W. Being named as a perpetrator in an indicated report  
14 by the Department of Children and Family Services pursuant  
15 to the Abused and Neglected Child Reporting Act, and upon  
16 proof by clear and convincing evidence that the licensee  
17 has caused a child to be an abused child or neglected child  
18 as defined in the Abused and Neglected Child Reporting Act;

19           X. Interpretation of referrals, performance of  
20 evaluation procedures, planning or making major  
21 modifications of patient programs by a physical therapist  
22 assistant;

23           Y. Failure by a physical therapist assistant and  
24 supervising physical therapist to maintain continued  
25 contact, including periodic personal supervision and  
26 instruction, to insure safety and welfare of patients;



1           Z. Violation of the Health Care Worker Self-Referral  
2           Act.

3           (2) The determination by a circuit court that a licensee is  
4           subject to involuntary admission or judicial admission as  
5           provided in the Mental Health and Developmental Disabilities  
6           Code operates as an automatic suspension. Such suspension will  
7           end only upon a finding by a court that the patient is no  
8           longer subject to involuntary admission or judicial admission  
9           and the issuance of an order so finding and discharging the  
10          patient; and upon the recommendation of the Board to the  
11          Director that the licensee be allowed to resume his practice.

12          (3) The Department may refuse to issue or may suspend the  
13          license of any person who fails to file a return, or to pay the  
14          tax, penalty or interest shown in a filed return, or to pay any  
15          final assessment of tax, penalty or interest, as required by  
16          any tax Act administered by the Illinois Department of Revenue,  
17          until such time as the requirements of any such tax Act are  
18          satisfied.

19          (Source: P.A. 98-214, eff. 8-9-13.)

20          Section 190. The Podiatric Medical Practice Act of 1987 is  
21          amended by changing Section 20.5 as follows:

22                 (225 ILCS 100/20.5)

23                 (Section scheduled to be repealed on January 1, 2018)

24          Sec. 20.5. Delegation of authority to advanced practice

1 registered nurses.

2 (a) A podiatric physician in active clinical practice may  
3 collaborate with an advanced practice registered nurse in  
4 accordance with the requirements of the Nurse Practice Act.  
5 Collaboration shall be for the purpose of providing podiatric  
6 care and no employment relationship shall be required. A  
7 written collaborative agreement shall conform to the  
8 requirements of Section 65-35 of the Nurse Practice Act. A  
9 written collaborative agreement and podiatric physician  
10 collaboration and consultation shall be adequate with respect  
11 to advanced practice registered nurses if all of the following  
12 apply:

13 (1) With respect to the provision of anesthesia  
14 services by a certified registered nurse anesthetist, the  
15 collaborating podiatric physician must have training and  
16 experience in the delivery of anesthesia consistent with  
17 Department rules.

18 (2) Methods of communication are available with the  
19 collaborating podiatric physician in person or through  
20 telecommunications or electronic communications for  
21 consultation, collaboration, and referral as needed to  
22 address patient care needs.

23 (3) With respect to the provision of anesthesia  
24 services by a certified registered nurse anesthetist, an  
25 anesthesiologist, physician, or podiatric physician shall  
26 participate through discussion of and agreement with the

1 anesthesia plan and shall remain physically present and be  
2 available on the premises during the delivery of anesthesia  
3 services for diagnosis, consultation, and treatment of  
4 emergency medical conditions. The anesthesiologist or  
5 operating podiatric physician must agree with the  
6 anesthesia plan prior to the delivery of services.

7 (b) The collaborating podiatric physician shall have  
8 access to the records of all patients attended to by an  
9 advanced practice registered nurse.

10 (c) Nothing in this Section shall be construed to limit the  
11 delegation of tasks or duties by a podiatric physician to a  
12 licensed practical nurse, a registered professional nurse, or  
13 other appropriately trained persons.

14 (d) A podiatric physician shall not be liable for the acts  
15 or omissions of an advanced practice registered nurse solely on  
16 the basis of having signed guidelines or a collaborative  
17 agreement, an order, a standing order, a standing delegation  
18 order, or other order or guideline authorizing an advanced  
19 practice registered nurse to perform acts, unless the podiatric  
20 physician has reason to believe the advanced practice  
21 registered nurse lacked the competency to perform the act or  
22 acts or commits willful or wanton misconduct.

23 (e) A podiatric physician, may, but is not required to  
24 delegate prescriptive authority to an advanced practice  
25 registered nurse as part of a written collaborative agreement  
26 and the delegation of prescriptive authority shall conform to

1 the requirements of Section 65-40 of the Nurse Practice Act.

2 (Source: P.A. 98-214, eff. 8-9-13; 99-173, eff. 7-29-15.)

3 Section 195. The Respiratory Care Practice Act is amended  
4 by changing Sections 10 and 15 as follows:

5 (225 ILCS 106/10)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 10. Definitions. In this Act:

8 "Address of record" means the designated address recorded  
9 by the Department in the applicant's or licensee's application  
10 file or license file as maintained by the Department's  
11 licensure maintenance unit. It is the duty of the applicant or  
12 licensee to inform the Department of any change of address and  
13 those changes must be made either through the Department's  
14 website or by contacting the Department.

15 "Advanced practice registered nurse" means an advanced  
16 practice registered nurse licensed under the Nurse Practice  
17 Act.

18 "Board" means the Respiratory Care Board appointed by the  
19 Secretary.

20 "Basic respiratory care activities" means and includes all  
21 of the following activities:

22 (1) Cleaning, disinfecting, and sterilizing equipment  
23 used in the practice of respiratory care as delegated by a  
24 licensed health care professional or other authorized

1 licensed personnel.

2 (2) Assembling equipment used in the practice of  
3 respiratory care as delegated by a licensed health care  
4 professional or other authorized licensed personnel.

5 (3) Collecting and reviewing patient data through  
6 non-invasive means, provided that the collection and  
7 review does not include the individual's interpretation of  
8 the clinical significance of the data. Collecting and  
9 reviewing patient data includes the performance of pulse  
10 oximetry and non-invasive monitoring procedures in order  
11 to obtain vital signs and notification to licensed health  
12 care professionals and other authorized licensed personnel  
13 in a timely manner.

14 (4) Maintaining a nasal cannula or face mask for oxygen  
15 therapy in the proper position on the patient's face.

16 (5) Assembling a nasal cannula or face mask for oxygen  
17 therapy at patient bedside in preparation for use.

18 (6) Maintaining a patient's natural airway by  
19 physically manipulating the jaw and neck, suctioning the  
20 oral cavity, or suctioning the mouth or nose with a bulb  
21 syringe.

22 (7) Performing assisted ventilation during emergency  
23 resuscitation using a manual resuscitator.

24 (8) Using a manual resuscitator at the direction of a  
25 licensed health care professional or other authorized  
26 licensed personnel who is present and performing routine

1 airway suctioning. These activities do not include care of  
2 a patient's artificial airway or the adjustment of  
3 mechanical ventilator settings while a patient is  
4 connected to the ventilator.

5 "Basic respiratory care activities" does not mean  
6 activities that involve any of the following:

7 (1) Specialized knowledge that results from a course of  
8 education or training in respiratory care.

9 (2) An unreasonable risk of a negative outcome for the  
10 patient.

11 (3) The assessment or making of a decision concerning  
12 patient care.

13 (4) The administration of aerosol medication or  
14 medical gas.

15 (5) The insertion and maintenance of an artificial  
16 airway.

17 (6) Mechanical ventilatory support.

18 (7) Patient assessment.

19 (8) Patient education.

20 (9) The transferring of oxygen devices, for purposes of  
21 patient transport, with a liter flow greater than 6 liters  
22 per minute, and the transferring of oxygen devices at any  
23 liter flow being delivered to patients less than 12 years  
24 of age.

25 "Department" means the Department of Financial and  
26 Professional Regulation.

1 "Licensed" means that which is required to hold oneself out  
2 as a respiratory care practitioner as defined in this Act.

3 "Licensed health care professional" means a physician  
4 licensed to practice medicine in all its branches, a licensed  
5 advanced practice registered nurse, or a licensed physician  
6 assistant.

7 "Order" means a written, oral, or telecommunicated  
8 authorization for respiratory care services for a patient by  
9 (i) a licensed health care professional who maintains medical  
10 supervision of the patient and makes a diagnosis or verifies  
11 that the patient's condition is such that it may be treated by  
12 a respiratory care practitioner or (ii) a certified registered  
13 nurse anesthetist in a licensed hospital or ambulatory surgical  
14 treatment center.

15 "Other authorized licensed personnel" means a licensed  
16 respiratory care practitioner, a licensed registered nurse, or  
17 a licensed practical nurse whose scope of practice authorizes  
18 the professional to supervise an individual who is not  
19 licensed, certified, or registered as a health professional.

20 "Proximate supervision" means a situation in which an  
21 individual is responsible for directing the actions of another  
22 individual in the facility and is physically close enough to be  
23 readily available, if needed, by the supervised individual.

24 "Respiratory care" and "cardiorespiratory care" mean  
25 preventative services, evaluation and assessment services,  
26 therapeutic services, cardiopulmonary disease management, and

1 rehabilitative services under the order of a licensed health  
2 care professional for an individual with a disorder, disease,  
3 or abnormality of the cardiopulmonary system. These terms  
4 include, but are not limited to, measuring, observing,  
5 assessing, and monitoring signs and symptoms, reactions,  
6 general behavior, and general physical response of individuals  
7 to respiratory care services, including the determination of  
8 whether those signs, symptoms, reactions, behaviors, or  
9 general physical responses exhibit abnormal characteristics;  
10 the administration of pharmacological and therapeutic agents  
11 and procedures related to respiratory care services; the  
12 collection of blood specimens and other bodily fluids and  
13 tissues for, and the performance of, cardiopulmonary  
14 diagnostic testing procedures, including, but not limited to,  
15 blood gas analysis; development, implementation, and  
16 modification of respiratory care treatment plans based on  
17 assessed abnormalities of the cardiopulmonary system,  
18 respiratory care guidelines, referrals, and orders of a  
19 licensed health care professional; application, operation, and  
20 management of mechanical ventilatory support and other means of  
21 life support, including, but not limited to, hemodynamic  
22 cardiovascular support; and the initiation of emergency  
23 procedures under the rules promulgated by the Department. A  
24 respiratory care practitioner shall refer to a physician  
25 licensed to practice medicine in all its branches any patient  
26 whose condition, at the time of evaluation or treatment, is



1 determined to be beyond the scope of practice of the  
2 respiratory care practitioner.

3 "Respiratory care education program" means a course of  
4 academic study leading to eligibility for registry or  
5 certification in respiratory care. The training is to be  
6 approved by an accrediting agency recognized by the Board and  
7 shall include an evaluation of competence through a  
8 standardized testing mechanism that is determined by the Board  
9 to be both valid and reliable.

10 "Respiratory care practitioner" means a person who is  
11 licensed by the Department of Professional Regulation and meets  
12 all of the following criteria:

13 (1) The person is engaged in the practice of  
14 cardiorespiratory care and has the knowledge and skill  
15 necessary to administer respiratory care.

16 (2) The person is capable of serving as a resource to  
17 the licensed health care professional in relation to the  
18 technical aspects of cardiorespiratory care and the safe  
19 and effective methods for administering cardiorespiratory  
20 care modalities.

21 (3) The person is able to function in situations of  
22 unsupervised patient contact requiring great individual  
23 judgment.

24 "Secretary" means the Secretary of Financial and  
25 Professional Regulation.

26 (Source: P.A. 99-173, eff. 7-29-15; 99-230, eff. 8-3-15;

1 99-642, eff. 7-28-16.)

2 (225 ILCS 106/15)

3 (Section scheduled to be repealed on January 1, 2026)

4 Sec. 15. Exemptions.

5 (a) This Act does not prohibit a person legally regulated  
6 in this State by any other Act from engaging in any practice  
7 for which he or she is authorized.

8 (b) Nothing in this Act shall prohibit the practice of  
9 respiratory care by a person who is employed by the United  
10 States government or any bureau, division, or agency thereof  
11 while in the discharge of the employee's official duties.

12 (c) Nothing in this Act shall be construed to limit the  
13 activities and services of a person enrolled in an approved  
14 course of study leading to a degree or certificate of registry  
15 or certification eligibility in respiratory care if these  
16 activities and services constitute a part of a supervised  
17 course of study and if the person is designated by a title  
18 which clearly indicates his or her status as a student or  
19 trainee. Status as a student or trainee shall not exceed 3  
20 years from the date of enrollment in an approved course.

21 (d) Nothing in this Act shall prohibit a person from  
22 treating ailments by spiritual means through prayer alone in  
23 accordance with the tenets and practices of a recognized church  
24 or religious denomination.

25 (e) Nothing in this Act shall be construed to prevent a

1 person who is a registered nurse, an advanced practice  
2 registered nurse, a licensed practical nurse, a physician  
3 assistant, or a physician licensed to practice medicine in all  
4 its branches from providing respiratory care.

5 (f) Nothing in this Act shall limit a person who is  
6 credentialed by the National Society for Cardiopulmonary  
7 Technology or the National Board for Respiratory Care from  
8 performing pulmonary function tests and respiratory care  
9 procedures related to the pulmonary function test. Individuals  
10 who do not possess a license to practice respiratory care or a  
11 license in another health care field may perform basic  
12 screening spirometry limited to peak flow, forced vital  
13 capacity, slow vital capacity, and maximum voluntary  
14 ventilation if they possess spirometry certification from the  
15 National Institute for Occupational Safety and Health, an  
16 Office Spirometry Certificate from the American Association  
17 for Respiratory Care, or other similarly accepted  
18 certification training.

19 (g) Nothing in this Act shall prohibit the collection and  
20 analysis of blood by clinical laboratory personnel meeting the  
21 personnel standards of the Illinois Clinical Laboratory Act.

22 (h) Nothing in this Act shall prohibit a polysomnographic  
23 technologist, technician, or trainee, as defined in the job  
24 descriptions jointly accepted by the American Academy of Sleep  
25 Medicine, the Association of Polysomnographic Technologists,  
26 the Board of Registered Polysomnographic Technologists, and

1 the American Society of Electroneurodiagnostic Technologists,  
2 from performing activities within the scope of practice of  
3 polysomnographic technology while under the direction of a  
4 physician licensed in this State.

5 (i) Nothing in this Act shall prohibit a family member from  
6 providing respiratory care services to an ill person.

7 (j) Nothing in this Act shall be construed to limit an  
8 unlicensed practitioner in a licensed hospital who is working  
9 under the proximate supervision of a licensed health care  
10 professional or other authorized licensed personnel and  
11 providing direct patient care services from performing basic  
12 respiratory care activities if the unlicensed practitioner (i)  
13 has been trained to perform the basic respiratory care  
14 activities at the facility that employs or contracts with the  
15 individual and (ii) at a minimum, has annually received an  
16 evaluation of the unlicensed practitioner's performance of  
17 basic respiratory care activities documented by the facility.

18 (k) Nothing in this Act shall be construed to prohibit a  
19 person enrolled in a respiratory care education program or an  
20 approved course of study leading to a degree or certification  
21 in a health care-related discipline that provides respiratory  
22 care activities within his or her scope of practice and  
23 employed in a licensed hospital in order to provide direct  
24 patient care services under the direction of other authorized  
25 licensed personnel from providing respiratory care activities.

26 (l) Nothing in this Act prohibits a person licensed as a

1 respiratory care practitioner in another jurisdiction from  
2 providing respiratory care: (i) in a declared emergency in this  
3 State; (ii) as a member of an organ procurement team; or (iii)  
4 as part of a medical transport team that is transporting a  
5 patient into or out of this State.

6 (Source: P.A. 99-230, eff. 8-3-15.)

7 Section 200. The Sex Offender Evaluation and Treatment  
8 Provider Act is amended by changing Sections 35 and 40 as  
9 follows:

10 (225 ILCS 109/35)

11 Sec. 35. Qualifications for licensure.

12 (a) (1) A person is qualified for licensure as a sex  
13 offender evaluator if that person:

14 (A) has applied in writing on forms prepared and  
15 furnished by the Department;

16 (B) has not engaged or is not engaged in any practice  
17 or conduct that would be grounds for disciplining a  
18 licensee under Section 75 of this Act; and

19 (C) satisfies the licensure and experience  
20 requirements of paragraph (2) of this subsection (a).

21 (2) A person who applies to the Department shall be issued  
22 a sex offender evaluator license by the Department if the  
23 person meets the qualifications set forth in paragraph (1) of  
24 this subsection (a) and provides evidence to the Department

1 that the person:

2 (A) is a physician licensed to practice medicine in all  
3 of its branches under the Medical Practice Act of 1987 or  
4 licensed under the laws of another state; an advanced  
5 practice registered nurse with psychiatric specialty  
6 licensed under the Nurse Practice Act or licensed under the  
7 laws of another state; a clinical psychologist licensed  
8 under the Clinical Psychologist Licensing Act or licensed  
9 under the laws of another state; a licensed clinical social  
10 worker licensed under the Clinical Social Work and Social  
11 Work Practice Act or licensed under the laws of another  
12 state; a licensed clinical professional counselor licensed  
13 under the Professional Counselor and Clinical Professional  
14 Counselor Licensing and Practice Act or licensed under the  
15 laws of another state; or a licensed marriage and family  
16 therapist licensed under the Marriage and Family Therapy  
17 ~~Therapist~~ Licensing Act or licensed under the laws of  
18 another state;

19 (B) has 400 hours of supervised experience in the  
20 treatment or evaluation of sex offenders in the last 4  
21 years, at least 200 of which are face-to-face therapy or  
22 evaluation with sex offenders;

23 (C) has completed at least 10 sex offender evaluations  
24 under supervision in the past 4 years; and

25 (D) has at least 40 hours of documented training in the  
26 specialty of sex offender evaluation, treatment, or

1 management.

2 Until January 1, 2015, the requirements of subparagraphs  
3 (B) and (D) of paragraph (2) of this subsection (a) are  
4 satisfied if the applicant has been listed on the Sex Offender  
5 Management Board's Approved Provider List for a minimum of 2  
6 years before application for licensure. Until January 1, 2015,  
7 the requirements of subparagraph (C) of paragraph (2) of this  
8 subsection (a) are satisfied if the applicant has completed at  
9 least 10 sex offender evaluations within the 4 years before  
10 application for licensure.

11 (b)(1) A person is qualified for licensure as a sex  
12 offender treatment provider if that person:

13 (A) has applied in writing on forms prepared and  
14 furnished by the Department;

15 (B) has not engaged or is not engaged in any practice  
16 or conduct that would be grounds for disciplining a  
17 licensee under Section 75 of this Act; and

18 (C) satisfies the licensure and experience  
19 requirements of paragraph (2) of this subsection (b).

20 (2) A person who applies to the Department shall be issued  
21 a sex offender treatment provider license by the Department if  
22 the person meets the qualifications set forth in paragraph (1)  
23 of this subsection (b) and provides evidence to the Department  
24 that the person:

25 (A) is a physician licensed to practice medicine in all  
26 of its branches under the Medical Practice Act of 1987 or

1 licensed under the laws of another state; an advanced  
2 practice registered nurse with psychiatric specialty  
3 licensed under the Nurse Practice Act or licensed under the  
4 laws of another state; a clinical psychologist licensed  
5 under the Clinical Psychologist Licensing Act or licensed  
6 under the laws of another state; a licensed clinical social  
7 worker licensed under the Clinical Social Work and Social  
8 Work Practice Act or licensed under the laws of another  
9 state; a licensed clinical professional counselor licensed  
10 under the Professional Counselor and Clinical Professional  
11 Counselor Licensing and Practice Act or licensed under the  
12 laws of another state; or a licensed marriage and family  
13 therapist licensed under the Marriage and Family Therapy  
14 ~~Therapist~~ Licensing Act or licensed under the laws of  
15 another state;

16 (B) has 400 hours of supervised experience in the  
17 treatment of sex offenders in the last 4 years, at least  
18 200 of which are face-to-face therapy with sex offenders;  
19 and

20 (C) has at least 40 hours documented training in the  
21 specialty of sex offender evaluation, treatment, or  
22 management.

23 Until January 1, 2015, the requirements of subparagraphs  
24 (B) and (C) of paragraph (2) of this subsection (b) are  
25 satisfied if the applicant has been listed on the Sex Offender  
26 Management Board's Approved Provider List for a minimum of 2



1 years before application.

2 (c) (1) A person is qualified for licensure as an associate  
3 sex offender provider if that person:

4 (A) has applied in writing on forms prepared and  
5 furnished by the Department;

6 (B) has not engaged or is not engaged in any practice  
7 or conduct that would be grounds for disciplining a  
8 licensee under Section 75 of this Act; and

9 (C) satisfies the education and experience  
10 requirements of paragraph (2) of this subsection (c).

11 (2) A person who applies to the Department shall be issued  
12 an associate sex offender provider license by the Department if  
13 the person meets the qualifications set forth in paragraph (1)  
14 of this subsection (c) and provides evidence to the Department  
15 that the person holds a master's degree or higher in social  
16 work, psychology, marriage and family therapy, counseling or  
17 closely related behavioral science degree, or psychiatry.

18 (Source: P.A. 97-1098, eff. 7-1-13; 98-612, eff. 12-27-13;  
19 revised 9-14-16.)

20 (225 ILCS 109/40)

21 Sec. 40. Application; exemptions.

22 (a) No person may act as a sex offender evaluator, sex  
23 offender treatment provider, or associate sex offender  
24 provider as defined in this Act for the provision of sex  
25 offender evaluations or sex offender treatment pursuant to the

1 Sex Offender Management Board Act, the Sexually Dangerous  
2 Persons Act, or the Sexually Violent Persons Commitment Act  
3 unless the person is licensed to do so by the Department. Any  
4 evaluation or treatment services provided by a licensed health  
5 care professional not licensed under this Act shall not be  
6 valid under the Sex Offender Management Board Act, the Sexually  
7 Dangerous Persons Act, or the Sexually Violent Persons  
8 Commitment Act. No business shall provide, attempt to provide,  
9 or offer to provide sex offender evaluation services unless it  
10 is organized under the Professional Service Corporation Act,  
11 the Medical Corporation Act, or the Professional Limited  
12 Liability Company Act.

13 (b) Nothing in this Act shall be construed to require any  
14 licensed physician, advanced practice registered nurse,  
15 physician assistant, or other health care professional to be  
16 licensed under this Act for the provision of services for which  
17 the person is otherwise licensed. This Act does not prohibit a  
18 person licensed under any other Act in this State from engaging  
19 in the practice for which he or she is licensed. This Act only  
20 applies to the provision of sex offender evaluations or sex  
21 offender treatment provided for the purposes of complying with  
22 the Sex Offender Management Board Act, the Sexually Dangerous  
23 Persons Act, or the Sexually Violent Persons Commitment Act.

24 (Source: P.A. 99-227, eff. 8-3-15.)

25 Section 205. The Registered Surgical Assistant and

1 Registered Surgical Technologist Title Protection Act is  
2 amended by changing Section 40 as follows:

3 (225 ILCS 130/40)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 40. Application of Act. This Act shall not be  
6 construed to prohibit the following:

7 (1) A person licensed in this State under any other Act  
8 from engaging in the practice for which he or she is  
9 licensed, including but not limited to a physician licensed  
10 to practice medicine in all its branches, physician  
11 assistant, advanced practice registered nurse, or nurse  
12 performing surgery-related tasks within the scope of his or  
13 her license, nor are these individuals required to be  
14 registered under this Act.

15 (2) A person from engaging in practice as a surgical  
16 assistant or surgical technologist in the discharge of his  
17 or her official duties as an employee of the United States  
18 government.

19 (3) One or more registered surgical assistants or  
20 surgical technologists from forming a professional service  
21 corporation in accordance with the Professional Service  
22 Corporation Act and applying for licensure as a corporation  
23 providing surgical assistant or surgical technologist  
24 services.

25 (4) A student engaging in practice as a surgical

1 assistant or surgical technologist under the direct  
2 supervision of a physician licensed to practice medicine in  
3 all of its branches as part of his or her program of study  
4 at a school approved by the Department or in preparation to  
5 qualify for the examination as prescribed under Sections 45  
6 and 50 of this Act.

7 (5) A person from assisting in surgery at a physician's  
8 discretion, including but not limited to medical students  
9 and residents, nor are medical students and residents  
10 required to be registered under this Act.

11 (6) A hospital, health system or network, ambulatory  
12 surgical treatment center, physician licensed to practice  
13 medicine in all its branches, physician medical group, or  
14 other entity that provides surgery-related services from  
15 employing individuals that the entity considers competent  
16 to assist in surgery. These entities are not required to  
17 utilize registered surgical assistants or registered  
18 surgical technologists when providing surgery-related  
19 services to patients. Nothing in this subsection shall be  
20 construed to limit the ability of an employer to utilize  
21 the services of any person to assist in surgery within the  
22 employment setting consistent with the individual's skill  
23 and training.

24 (Source: P.A. 98-364, eff. 12-31-13.)

25 Section 210. The Genetic Counselor Licensing Act is amended

1 by changing Sections 90 and 95 as follows:

2 (225 ILCS 135/90)

3 (Section scheduled to be repealed on January 1, 2025)

4 Sec. 90. Privileged communications and exceptions.

5 (a) With the exception of disclosure to the physician  
6 performing or supervising a genetic test and to the referring  
7 physician licensed to practice medicine in all its branches,  
8 advanced practice registered nurse, or physician assistant, no  
9 licensed genetic counselor shall disclose any information  
10 acquired from persons consulting the counselor in a  
11 professional capacity, except that which may be voluntarily  
12 disclosed under any of the following circumstances:

13 (1) In the course of formally reporting, conferring, or  
14 consulting with administrative superiors, colleagues, or  
15 consultants who share professional responsibility, in  
16 which instance all recipients of the information are  
17 similarly bound to regard the communication as privileged.

18 (2) With the written consent of the person who provided  
19 the information and about whom the information concerns.

20 (3) In the case of death or disability, with the  
21 written consent of a personal representative.

22 (4) When a communication reveals the intended  
23 commission of a crime or harmful act and such disclosure is  
24 judged necessary in the professional judgment of the  
25 licensed genetic counselor to protect any person from a

1 clear risk of serious mental or physical harm or injury or  
2 to forestall a serious threat to the public safety.

3 (5) When the person waives the privilege by bringing  
4 any public charges or filing a lawsuit against the  
5 licensee.

6 (b) Any person having access to records or anyone who  
7 participates in providing genetic counseling services, or in  
8 providing any human services, or is supervised by a licensed  
9 genetic counselor is similarly bound to regard all information  
10 and communications as privileged in accord with this Section.

11 (c) The Mental Health and Developmental Disabilities  
12 Confidentiality Act is incorporated herein as if all of its  
13 provisions were included in this Act. In the event of a  
14 conflict between the application of this Section and the Mental  
15 Health and Developmental Disabilities Confidentiality Act to a  
16 specific situation, the provisions of the Mental Health and  
17 Developmental Disabilities Confidentiality Act shall control.

18 (Source: P.A. 96-1313, eff. 7-27-10.)

19 (225 ILCS 135/95)

20 (Section scheduled to be repealed on January 1, 2025)

21 Sec. 95. Grounds for discipline.

22 (a) The Department may refuse to issue, renew, or may  
23 revoke, suspend, place on probation, reprimand, or take other  
24 disciplinary or non-disciplinary action as the Department  
25 deems appropriate, including the issuance of fines not to

1 exceed \$10,000 for each violation, with regard to any license  
2 for any one or more of the following:

3 (1) Material misstatement in furnishing information to  
4 the Department or to any other State agency.

5 (2) Violations or negligent or intentional disregard  
6 of this Act, or any of its rules.

7 (3) Conviction by plea of guilty or nolo contendere,  
8 finding of guilt, jury verdict, or entry of judgment or  
9 sentencing, including, but not limited to, convictions,  
10 preceding sentences of supervision, conditional discharge,  
11 or first offender probation, under the laws of any  
12 jurisdiction of the United States: (i) that is a felony or  
13 (ii) that is a misdemeanor, an essential element of which  
14 is dishonesty, or that is directly related to the practice  
15 of genetic counseling.

16 (4) Making any misrepresentation for the purpose of  
17 obtaining a license, or violating any provision of this Act  
18 or its rules.

19 (5) Negligence in the rendering of genetic counseling  
20 services.

21 (6) Failure to provide genetic testing results and any  
22 requested information to a referring physician licensed to  
23 practice medicine in all its branches, advanced practice  
24 registered nurse, or physician assistant.

25 (7) Aiding or assisting another person in violating any  
26 provision of this Act or any rules.

1           (8) Failing to provide information within 60 days in  
2 response to a written request made by the Department.

3           (9) Engaging in dishonorable, unethical, or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public and violating the rules of  
6 professional conduct adopted by the Department.

7           (10) Failing to maintain the confidentiality of any  
8 information received from a client, unless otherwise  
9 authorized or required by law.

10          (10.5) Failure to maintain client records of services  
11 provided and provide copies to clients upon request.

12          (11) Exploiting a client for personal advantage,  
13 profit, or interest.

14          (12) Habitual or excessive use or addiction to alcohol,  
15 narcotics, stimulants, or any other chemical agent or drug  
16 which results in inability to practice with reasonable  
17 skill, judgment, or safety.

18          (13) Discipline by another governmental agency or unit  
19 of government, by any jurisdiction of the United States, or  
20 by a foreign nation, if at least one of the grounds for the  
21 discipline is the same or substantially equivalent to those  
22 set forth in this Section.

23          (14) Directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate, or other form of compensation  
26 for any professional service not actually rendered.



1 Nothing in this paragraph (14) affects any bona fide  
2 independent contractor or employment arrangements among  
3 health care professionals, health facilities, health care  
4 providers, or other entities, except as otherwise  
5 prohibited by law. Any employment arrangements may include  
6 provisions for compensation, health insurance, pension, or  
7 other employment benefits for the provision of services  
8 within the scope of the licensee's practice under this Act.  
9 Nothing in this paragraph (14) shall be construed to  
10 require an employment arrangement to receive professional  
11 fees for services rendered.

12 (15) A finding by the Department that the licensee,  
13 after having the license placed on probationary status has  
14 violated the terms of probation.

15 (16) Failing to refer a client to other health care  
16 professionals when the licensee is unable or unwilling to  
17 adequately support or serve the client.

18 (17) Willfully filing false reports relating to a  
19 licensee's practice, including but not limited to false  
20 records filed with federal or State agencies or  
21 departments.

22 (18) Willfully failing to report an instance of  
23 suspected child abuse or neglect as required by the Abused  
24 and Neglected Child Reporting Act.

25 (19) Being named as a perpetrator in an indicated  
26 report by the Department of Children and Family Services

1           pursuant to the Abused and Neglected Child Reporting Act,  
2           and upon proof by clear and convincing evidence that the  
3           licensee has caused a child to be an abused child or  
4           neglected child as defined in the Abused and Neglected  
5           Child Reporting Act.

6           (20) Physical or mental disability, including  
7           deterioration through the aging process or loss of  
8           abilities and skills which results in the inability to  
9           practice the profession with reasonable judgment, skill,  
10          or safety.

11          (21) Solicitation of professional services by using  
12          false or misleading advertising.

13          (22) Failure to file a return, or to pay the tax,  
14          penalty of interest shown in a filed return, or to pay any  
15          final assessment of tax, penalty or interest, as required  
16          by any tax Act administered by the Illinois Department of  
17          Revenue or any successor agency or the Internal Revenue  
18          Service or any successor agency.

19          (23) Fraud or making any misrepresentation in applying  
20          for or procuring a license under this Act or in connection  
21          with applying for renewal of a license under this Act.

22          (24) Practicing or attempting to practice under a name  
23          other than the full name as shown on the license or any  
24          other legally authorized name.

25          (25) Gross overcharging for professional services,  
26          including filing statements for collection of fees or

1 monies for which services are not rendered.

2 (26) (Blank).

3 (27) Charging for professional services not rendered,  
4 including filing false statements for the collection of  
5 fees for which services are not rendered.

6 (28) Allowing one's license under this Act to be used  
7 by an unlicensed person in violation of this Act.

8 (b) The Department shall deny, without hearing, any  
9 application or renewal for a license under this Act to any  
10 person who has defaulted on an educational loan guaranteed by  
11 the Illinois Student ~~State~~ Assistance Commission; however, the  
12 Department may issue a license or renewal if the person in  
13 default has established a satisfactory repayment record as  
14 determined by the Illinois Student Assistance Commission.

15 (c) The determination by a court that a licensee is subject  
16 to involuntary admission or judicial admission as provided in  
17 the Mental Health and Developmental Disabilities Code will  
18 result in an automatic suspension of his or her license. The  
19 suspension will end upon a finding by a court that the licensee  
20 is no longer subject to involuntary admission or judicial  
21 admission, the issuance of an order so finding and discharging  
22 the patient, and the determination of the Secretary that the  
23 licensee be allowed to resume professional practice.

24 (d) The Department may refuse to issue or renew or may  
25 suspend without hearing the license of any person who fails to  
26 file a return, to pay the tax penalty or interest shown in a

1 filed return, or to pay any final assessment of the tax,  
2 penalty, or interest as required by any Act regarding the  
3 payment of taxes administered by the Illinois Department of  
4 Revenue until the requirements of the Act are satisfied in  
5 accordance with subsection (g) of Section 2105-15 of the Civil  
6 Administrative Code of Illinois.

7 (e) In cases where the Department of Healthcare and Family  
8 Services has previously determined that a licensee or a  
9 potential licensee is more than 30 days delinquent in the  
10 payment of child support and has subsequently certified the  
11 delinquency to the Department, the Department may refuse to  
12 issue or renew or may revoke or suspend that person's license  
13 or may take other disciplinary action against that person based  
14 solely upon the certification of delinquency made by the  
15 Department of Healthcare and Family Services in accordance with  
16 item (5) of subsection (a) of Section 2105-15 of the Department  
17 of Professional Regulation Law of the Civil Administrative Code  
18 of Illinois.

19 (f) All fines or costs imposed under this Section shall be  
20 paid within 60 days after the effective date of the order  
21 imposing the fine or costs or in accordance with the terms set  
22 forth in the order imposing the fine.

23 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15;  
24 99-633, eff. 1-1-17; revised 10-27-16.)

25 Section 215. The Illinois Public Aid Code is amended by

1 changing Sections 5-8 and 12-4.37 as follows:

2 (305 ILCS 5/5-8) (from Ch. 23, par. 5-8)

3 Sec. 5-8. Practitioners. In supplying medical assistance,  
4 the Illinois Department may provide for the legally authorized  
5 services of (i) persons licensed under the Medical Practice Act  
6 of 1987, as amended, except as hereafter in this Section  
7 stated, whether under a general or limited license, (ii)  
8 persons licensed under the Nurse Practice Act as advanced  
9 practice registered nurses, regardless of whether or not the  
10 persons have written collaborative agreements, (iii) persons  
11 licensed or registered under other laws of this State to  
12 provide dental, medical, pharmaceutical, optometric,  
13 podiatric, or nursing services, or other remedial care  
14 recognized under State law, and (iv) persons licensed under  
15 other laws of this State as a clinical social worker. The  
16 Department shall adopt rules, no later than 90 days after the  
17 effective date of this amendatory Act of the 99th General  
18 Assembly, for the legally authorized services of persons  
19 licensed under other laws of this State as a clinical social  
20 worker. The Department may not provide for legally authorized  
21 services of any physician who has been convicted of having  
22 performed an abortion procedure in a wilful and wanton manner  
23 on a woman who was not pregnant at the time such abortion  
24 procedure was performed. The utilization of the services of  
25 persons engaged in the treatment or care of the sick, which

1 persons are not required to be licensed or registered under the  
2 laws of this State, is not prohibited by this Section.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-621, eff. 1-1-17.)

4 (305 ILCS 5/12-4.37)

5 Sec. 12-4.37. Children's Healthcare Partnership Pilot  
6 Program.

7 (a) The Department of Healthcare and Family Services, in  
8 cooperation with the Department of Human Services, shall  
9 establish a Children's Healthcare Partnership Pilot Program in  
10 Sangamon County to fund the provision of various health care  
11 services by a single provider, or a group of providers that  
12 have entered into an agreement for that purpose, at a single  
13 location in the county. Services covered under the pilot  
14 program shall include, but need not be limited to, family  
15 practice, pediatric, nursing (including advanced practice  
16 registered nursing), psychiatric, dental, and vision services.  
17 The Departments shall fund the provision of all services  
18 provided under the pilot program using a rate structure that is  
19 cost-based. To be selected by the Departments as the provider  
20 of health care services under the pilot program, a provider or  
21 group of providers must serve a disproportionate share of  
22 low-income or indigent patients, including recipients of  
23 medical assistance under Article V of this Code. The  
24 Departments shall adopt rules as necessary to implement this  
25 Section.

1 (b) Implementation of this Section is contingent on federal  
2 approval. The Department of Healthcare and Family Services  
3 shall take appropriate action by January 1, 2010 to seek  
4 federal approval.

5 (c) This Section is inoperative if the provider of health  
6 care services under the pilot program receives designation as a  
7 Federally Qualified Health Center (FQHC) or FQHC Look-Alike.  
8 (Source: P.A. 96-691, eff. 8-25-09; 96-1000, eff. 7-2-10.)

9 Section 220. The Older Adult Services Act is amended by  
10 changing Section 35 as follows:

11 (320 ILCS 42/35)

12 Sec. 35. Older Adult Services Advisory Committee.

13 (a) The Older Adult Services Advisory Committee is created  
14 to advise the directors of Aging, Healthcare and Family  
15 Services, and Public Health on all matters related to this Act  
16 and the delivery of services to older adults in general.

17 (b) The Advisory Committee shall be comprised of the  
18 following:

19 (1) The Director of Aging or his or her designee, who  
20 shall serve as chair and shall be an ex officio and  
21 nonvoting member.

22 (2) The Director of Healthcare and Family Services and  
23 the Director of Public Health or their designees, who shall  
24 serve as vice-chairs and shall be ex officio and nonvoting

1 members.

2 (3) One representative each of the Governor's Office,  
3 the Department of Healthcare and Family Services, the  
4 Department of Public Health, the Department of Veterans'  
5 Affairs, the Department of Human Services, the Department  
6 of Insurance, the Department of Commerce and Economic  
7 Opportunity, the Department on Aging, the Department on  
8 Aging's State Long Term Care Ombudsman, the Illinois  
9 Housing Finance Authority, and the Illinois Housing  
10 Development Authority, each of whom shall be selected by  
11 his or her respective director and shall be an ex officio  
12 and nonvoting member.

13 (4) Thirty members appointed by the Director of Aging  
14 in collaboration with the directors of Public Health and  
15 Healthcare and Family Services, and selected from the  
16 recommendations of statewide associations and  
17 organizations, as follows:

18 (A) One member representing the Area Agencies on  
19 Aging;

20 (B) Four members representing nursing homes or  
21 licensed assisted living establishments;

22 (C) One member representing home health agencies;

23 (D) One member representing case management  
24 services;

25 (E) One member representing statewide senior  
26 center associations;



1 (F) One member representing Community Care Program  
2 homemaker services;

3 (G) One member representing Community Care Program  
4 adult day services;

5 (H) One member representing nutrition project  
6 directors;

7 (I) One member representing hospice programs;

8 (J) One member representing individuals with  
9 Alzheimer's disease and related dementias;

10 (K) Two members representing statewide trade or  
11 labor unions;

12 (L) One advanced practice registered nurse with  
13 experience in gerontological nursing;

14 (M) One physician specializing in gerontology;

15 (N) One member representing regional long-term  
16 care ombudsmen;

17 (O) One member representing municipal, township,  
18 or county officials;

19 (P) (Blank);

20 (Q) (Blank);

21 (R) One member representing the parish nurse  
22 movement;

23 (S) One member representing pharmacists;

24 (T) Two members representing statewide  
25 organizations engaging in advocacy or legal  
26 representation on behalf of the senior population;

- 1           (U) Two family caregivers;
- 2           (V) Two citizen members over the age of 60;
- 3           (W) One citizen with knowledge in the area of
- 4 gerontology research or health care law;
- 5           (X) One representative of health care facilities
- 6 licensed under the Hospital Licensing Act; and
- 7           (Y) One representative of primary care service
- 8 providers.

9           The Director of Aging, in collaboration with the Directors

10 of Public Health and Healthcare and Family Services, may

11 appoint additional citizen members to the Older Adult Services

12 Advisory Committee. Each such additional member must be either

13 an individual age 60 or older or an uncompensated caregiver for

14 a family member or friend who is age 60 or older.

15           (c) Voting members of the Advisory Committee shall serve

16 for a term of 3 years or until a replacement is named. All

17 members shall be appointed no later than January 1, 2005. Of

18 the initial appointees, as determined by lot, 10 members shall

19 serve a term of one year; 10 shall serve for a term of 2 years;

20 and 12 shall serve for a term of 3 years. Any member appointed

21 to fill a vacancy occurring prior to the expiration of the term

22 for which his or her predecessor was appointed shall be

23 appointed for the remainder of that term. The Advisory

24 Committee shall meet at least quarterly and may meet more

25 frequently at the call of the Chair. A simple majority of those

26 appointed shall constitute a quorum. The affirmative vote of a

1 majority of those present and voting shall be necessary for  
2 Advisory Committee action. Members of the Advisory Committee  
3 shall receive no compensation for their services.

4 (d) The Advisory Committee shall have an Executive  
5 Committee comprised of the Chair, the Vice Chairs, and up to 15  
6 members of the Advisory Committee appointed by the Chair who  
7 have demonstrated expertise in developing, implementing, or  
8 coordinating the system restructuring initiatives defined in  
9 Section 25. The Executive Committee shall have responsibility  
10 to oversee and structure the operations of the Advisory  
11 Committee and to create and appoint necessary subcommittees and  
12 subcommittee members.

13 (e) The Advisory Committee shall study and make  
14 recommendations related to the implementation of this Act,  
15 including but not limited to system restructuring initiatives  
16 as defined in Section 25 or otherwise related to this Act.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-916, eff. 6-9-10.)

18 Section 225. The Abused and Neglected Child Reporting Act  
19 is amended by changing Section 4 as follows:

20 (325 ILCS 5/4)

21 Sec. 4. Persons required to report; privileged  
22 communications; transmitting false report. Any physician,  
23 resident, intern, hospital, hospital administrator and  
24 personnel engaged in examination, care and treatment of

1 persons, surgeon, dentist, dentist hygienist, osteopath,  
2 chiropractor, podiatric physician, physician assistant,  
3 substance abuse treatment personnel, funeral home director or  
4 employee, coroner, medical examiner, emergency medical  
5 technician, acupuncturist, crisis line or hotline personnel,  
6 school personnel (including administrators and both certified  
7 and non-certified school employees), personnel of institutions  
8 of higher education, educational advocate assigned to a child  
9 pursuant to the School Code, member of a school board or the  
10 Chicago Board of Education or the governing body of a private  
11 school (but only to the extent required in accordance with  
12 other provisions of this Section expressly concerning the duty  
13 of school board members to report suspected child abuse),  
14 truant officers, social worker, social services administrator,  
15 domestic violence program personnel, registered nurse,  
16 licensed practical nurse, genetic counselor, respiratory care  
17 practitioner, advanced practice registered nurse, home health  
18 aide, director or staff assistant of a nursery school or a  
19 child day care center, recreational or athletic program or  
20 facility personnel, early intervention provider as defined in  
21 the Early Intervention Services System Act, law enforcement  
22 officer, licensed professional counselor, licensed clinical  
23 professional counselor, registered psychologist and assistants  
24 working under the direct supervision of a psychologist,  
25 psychiatrist, or field personnel of the Department of  
26 Healthcare and Family Services, Juvenile Justice, Public

1 Health, Human Services (acting as successor to the Department  
2 of Mental Health and Developmental Disabilities,  
3 Rehabilitation Services, or Public Aid), Corrections, Human  
4 Rights, or Children and Family Services, supervisor and  
5 administrator of general assistance under the Illinois Public  
6 Aid Code, probation officer, animal control officer or Illinois  
7 Department of Agriculture Bureau of Animal Health and Welfare  
8 field investigator, or any other foster parent, homemaker or  
9 child care worker having reasonable cause to believe a child  
10 known to them in their professional or official capacity may be  
11 an abused child or a neglected child shall immediately report  
12 or cause a report to be made to the Department.

13 Any member of the clergy having reasonable cause to believe  
14 that a child known to that member of the clergy in his or her  
15 professional capacity may be an abused child as defined in item  
16 (c) of the definition of "abused child" in Section 3 of this  
17 Act shall immediately report or cause a report to be made to  
18 the Department.

19 Any physician, physician's assistant, registered nurse,  
20 licensed practical nurse, medical technician, certified  
21 nursing assistant, social worker, or licensed professional  
22 counselor of any office, clinic, or any other physical location  
23 that provides abortions, abortion referrals, or contraceptives  
24 having reasonable cause to believe a child known to him or her  
25 in his or her professional or official capacity may be an  
26 abused child or a neglected child shall immediately report or

1 cause a report to be made to the Department.

2 If an allegation is raised to a school board member during  
3 the course of an open or closed school board meeting that a  
4 child who is enrolled in the school district of which he or she  
5 is a board member is an abused child as defined in Section 3 of  
6 this Act, the member shall direct or cause the school board to  
7 direct the superintendent of the school district or other  
8 equivalent school administrator to comply with the  
9 requirements of this Act concerning the reporting of child  
10 abuse. For purposes of this paragraph, a school board member is  
11 granted the authority in his or her individual capacity to  
12 direct the superintendent of the school district or other  
13 equivalent school administrator to comply with the  
14 requirements of this Act concerning the reporting of child  
15 abuse.

16 Notwithstanding any other provision of this Act, if an  
17 employee of a school district has made a report or caused a  
18 report to be made to the Department under this Act involving  
19 the conduct of a current or former employee of the school  
20 district and a request is made by another school district for  
21 the provision of information concerning the job performance or  
22 qualifications of the current or former employee because he or  
23 she is an applicant for employment with the requesting school  
24 district, the general superintendent of the school district to  
25 which the request is being made must disclose to the requesting  
26 school district the fact that an employee of the school

1 district has made a report involving the conduct of the  
2 applicant or caused a report to be made to the Department, as  
3 required under this Act. Only the fact that an employee of the  
4 school district has made a report involving the conduct of the  
5 applicant or caused a report to be made to the Department may  
6 be disclosed by the general superintendent of the school  
7 district to which the request for information concerning the  
8 applicant is made, and this fact may be disclosed only in cases  
9 where the employee and the general superintendent have not been  
10 informed by the Department that the allegations were unfounded.  
11 An employee of a school district who is or has been the subject  
12 of a report made pursuant to this Act during his or her  
13 employment with the school district must be informed by that  
14 school district that if he or she applies for employment with  
15 another school district, the general superintendent of the  
16 former school district, upon the request of the school district  
17 to which the employee applies, shall notify that requesting  
18 school district that the employee is or was the subject of such  
19 a report.

20 Whenever such person is required to report under this Act  
21 in his capacity as a member of the staff of a medical or other  
22 public or private institution, school, facility or agency, or  
23 as a member of the clergy, he shall make report immediately to  
24 the Department in accordance with the provisions of this Act  
25 and may also notify the person in charge of such institution,  
26 school, facility or agency, or church, synagogue, temple,

1 mosque, or other religious institution, or his designated agent  
2 that such report has been made. Under no circumstances shall  
3 any person in charge of such institution, school, facility or  
4 agency, or church, synagogue, temple, mosque, or other  
5 religious institution, or his designated agent to whom such  
6 notification has been made, exercise any control, restraint,  
7 modification or other change in the report or the forwarding of  
8 such report to the Department.

9 The privileged quality of communication between any  
10 professional person required to report and his patient or  
11 client shall not apply to situations involving abused or  
12 neglected children and shall not constitute grounds for failure  
13 to report as required by this Act or constitute grounds for  
14 failure to share information or documents with the Department  
15 during the course of a child abuse or neglect investigation. If  
16 requested by the professional, the Department shall confirm in  
17 writing that the information or documents disclosed by the  
18 professional were gathered in the course of a child abuse or  
19 neglect investigation.

20 The reporting requirements of this Act shall not apply to  
21 the contents of a privileged communication between an attorney  
22 and his or her client or to confidential information within the  
23 meaning of Rule 1.6 of the Illinois Rules of Professional  
24 Conduct relating to the legal representation of an individual  
25 client.

26 A member of the clergy may claim the privilege under



1 Section 8-803 of the Code of Civil Procedure.

2 Any office, clinic, or any other physical location that  
3 provides abortions, abortion referrals, or contraceptives  
4 shall provide to all office personnel copies of written  
5 information and training materials about abuse and neglect and  
6 the requirements of this Act that are provided to employees of  
7 the office, clinic, or physical location who are required to  
8 make reports to the Department under this Act, and instruct  
9 such office personnel to bring to the attention of an employee  
10 of the office, clinic, or physical location who is required to  
11 make reports to the Department under this Act any reasonable  
12 suspicion that a child known to him or her in his or her  
13 professional or official capacity may be an abused child or a  
14 neglected child. In addition to the above persons required to  
15 report suspected cases of abused or neglected children, any  
16 other person may make a report if such person has reasonable  
17 cause to believe a child may be an abused child or a neglected  
18 child.

19 Any person who enters into employment on and after July 1,  
20 1986 and is mandated by virtue of that employment to report  
21 under this Act, shall sign a statement on a form prescribed by  
22 the Department, to the effect that the employee has knowledge  
23 and understanding of the reporting requirements of this Act.  
24 The statement shall be signed prior to commencement of the  
25 employment. The signed statement shall be retained by the  
26 employer. The cost of printing, distribution, and filing of the

1 statement shall be borne by the employer.

2 Within one year of initial employment and at least every 5  
3 years thereafter, school personnel required to report child  
4 abuse as provided under this Section must complete mandated  
5 reporter training by a provider or agency with expertise in  
6 recognizing and reporting child abuse.

7 The Department shall provide copies of this Act, upon  
8 request, to all employers employing persons who shall be  
9 required under the provisions of this Section to report under  
10 this Act.

11 Any person who knowingly transmits a false report to the  
12 Department commits the offense of disorderly conduct under  
13 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.  
14 A violation of this provision is a Class 4 felony.

15 Any person who knowingly and willfully violates any  
16 provision of this Section other than a second or subsequent  
17 violation of transmitting a false report as described in the  
18 preceding paragraph, is guilty of a Class A misdemeanor for a  
19 first violation and a Class 4 felony for a second or subsequent  
20 violation; except that if the person acted as part of a plan or  
21 scheme having as its object the prevention of discovery of an  
22 abused or neglected child by lawful authorities for the purpose  
23 of protecting or insulating any person or entity from arrest or  
24 prosecution, the person is guilty of a Class 4 felony for a  
25 first offense and a Class 3 felony for a second or subsequent  
26 offense (regardless of whether the second or subsequent offense

1 involves any of the same facts or persons as the first or other  
2 prior offense).

3 A child whose parent, guardian or custodian in good faith  
4 selects and depends upon spiritual means through prayer alone  
5 for the treatment or cure of disease or remedial care may be  
6 considered neglected or abused, but not for the sole reason  
7 that his parent, guardian or custodian accepts and practices  
8 such beliefs.

9 A child shall not be considered neglected or abused solely  
10 because the child is not attending school in accordance with  
11 the requirements of Article 26 of the School Code, as amended.

12 Nothing in this Act prohibits a mandated reporter who  
13 reasonably believes that an animal is being abused or neglected  
14 in violation of the Humane Care for Animals Act from reporting  
15 animal abuse or neglect to the Department of Agriculture's  
16 Bureau of Animal Health and Welfare.

17 A home rule unit may not regulate the reporting of child  
18 abuse or neglect in a manner inconsistent with the provisions  
19 of this Section. This Section is a limitation under subsection  
20 (i) of Section 6 of Article VII of the Illinois Constitution on  
21 the concurrent exercise by home rule units of powers and  
22 functions exercised by the State.

23 For purposes of this Section "child abuse or neglect"  
24 includes abuse or neglect of an adult resident as defined in  
25 this Act.

26 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;

1 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.  
2 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,  
3 eff. 8-9-13; 98-408, eff. 7-1-14; 98-756, eff. 7-16-14.)

4 Section 230. The Health Care Workplace Violence Prevention  
5 Act is amended by changing Section 10 as follows:

6 (405 ILCS 90/10)

7 Sec. 10. Definitions. In this Act:

8 "Department" means (i) the Department of Human Services, in  
9 the case of a health care workplace that is operated or  
10 regulated by the Department of Human Services, or (ii) the  
11 Department of Public Health, in the case of a health care  
12 workplace that is operated or regulated by the Department of  
13 Public Health.

14 "Director" means the Secretary of Human Services or the  
15 Director of Public Health, as appropriate.

16 "Employee" means any individual who is employed on a  
17 full-time, part-time, or contractual basis by a health care  
18 workplace.

19 "Health care workplace" means a mental health facility or  
20 developmental disability facility as defined in the Mental  
21 Health and Developmental Disabilities Code, other than a  
22 hospital or unit thereof licensed under the Hospital Licensing  
23 Act or operated under the University of Illinois Hospital Act.

24 "Health care workplace" does not include, and shall not be

1 construed to include, any office of a physician licensed to  
2 practice medicine in all its branches, an advanced practice  
3 registered nurse, or a physician assistant, regardless of the  
4 form of such office.

5 "Imminent danger" means a preliminary determination of  
6 immediate, threatened, or impending risk of physical injury as  
7 determined by the employee.

8 "Responsible agency" means the State agency that (i)  
9 licenses, certifies, registers, or otherwise regulates or  
10 exercises jurisdiction over a health care workplace or a health  
11 care workplace's activities or (ii) contracts with a health  
12 care workplace for the delivery of health care services.

13 "Violence" or "violent act" means any act by a patient or  
14 resident that causes or threatens to cause an injury to another  
15 person.

16 (Source: P.A. 94-347, eff. 7-28-05.)

17 Section 235. The Perinatal Mental Health Disorders  
18 Prevention and Treatment Act is amended by changing Section 10  
19 as follows:

20 (405 ILCS 95/10)

21 Sec. 10. Definitions. In this Act:

22 "Hospital" has the meaning given to that term in the  
23 Hospital Licensing Act.

24 "Licensed health care professional" means a physician

1 licensed to practice medicine in all its branches, a licensed  
2 advanced practice registered nurse, or a licensed physician  
3 assistant.

4 "Postnatal care" means an office visit to a licensed health  
5 care professional occurring after birth, with reference to the  
6 infant or mother.

7 "Prenatal care" means an office visit to a licensed health  
8 care professional for pregnancy-related care occurring before  
9 birth.

10 "Questionnaire" means an assessment tool administered by a  
11 licensed health care professional to detect perinatal mental  
12 health disorders, such as the Edinburgh Postnatal Depression  
13 Scale, the Postpartum Depression Screening Scale, the Beck  
14 Depression Inventory, the Patient Health Questionnaire, or  
15 other validated assessment methods.

16 (Source: P.A. 99-173, eff. 7-29-15.)

17 Section 240. The Epinephrine Auto-Injector Act is amended  
18 by changing Section 5 as follows:

19 (410 ILCS 27/5)

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

21 "Administer" means to directly apply an epinephrine  
22 auto-injector to the body of an individual.

23 "Authorized entity" means any entity or organization,  
24 other than a school covered under Section 22-30 of the School

1 Code, in connection with or at which allergens capable of  
2 causing anaphylaxis may be present, including, but not limited  
3 to, independent contractors who provide student transportation  
4 to schools, recreation camps, colleges and universities, day  
5 care facilities, youth sports leagues, amusement parks,  
6 restaurants, sports arenas, and places of employment. The  
7 Department shall, by rule, determine what constitutes a day  
8 care facility under this definition.

9 "Department" means the Department of Public Health.

10 "Epinephrine auto-injector" means a single-use device used  
11 for the automatic injection of a pre-measured dose of  
12 epinephrine into the human body.

13 "Health care practitioner" means a physician licensed to  
14 practice medicine in all its branches under the Medical  
15 Practice Act of 1987, a physician assistant under the Physician  
16 Assistant Practice Act of 1987 with prescriptive authority, or  
17 an advanced practice registered nurse with prescribing  
18 authority under Article 65 of the Nurse Practice Act.

19 "Pharmacist" has the meaning given to that term under  
20 subsection (k-5) of Section 3 of the Pharmacy Practice Act.

21 "Undesignated epinephrine auto-injector" means an  
22 epinephrine auto-injector prescribed in the name of an  
23 authorized entity.

24 (Source: P.A. 99-711, eff. 1-1-17.)

25 Section 245. The Lead Poisoning Prevention Act is amended

1 by changing Section 6.2 as follows:

2 (410 ILCS 45/6.2) (from Ch. 111 1/2, par. 1306.2)

3 Sec. 6.2. Testing children and pregnant persons.

4 (a) Any physician licensed to practice medicine in all its  
5 branches or health care provider who sees or treats children 6  
6 years of age or younger shall test those children for lead  
7 poisoning when those children reside in an area defined as high  
8 risk by the Department. Children residing in areas defined as  
9 low risk by the Department shall be evaluated for risk by the  
10 Childhood Lead Risk Questionnaire developed by the Department  
11 and tested if indicated. Children shall be evaluated in  
12 accordance with rules adopted by the Department.

13 (b) Each licensed, registered, or approved health care  
14 facility serving children 6 years of age or younger, including,  
15 but not limited to, health departments, hospitals, clinics, and  
16 health maintenance organizations approved, registered, or  
17 licensed by the Department, shall take the appropriate steps to  
18 ensure that children 6 years of age or younger be evaluated for  
19 risk or tested for lead poisoning or both.

20 (c) Children 7 years and older and pregnant persons may  
21 also be tested by physicians or health care providers, in  
22 accordance with rules adopted by the Department. Physicians and  
23 health care providers shall also evaluate children for lead  
24 poisoning in conjunction with the school health examination, as  
25 required under the School Code, when, in the medical judgment



1 of the physician, advanced practice registered nurse, or  
2 physician assistant, the child is potentially at high risk of  
3 lead poisoning.

4 (d) (Blank).

5 (Source: P.A. 98-690, eff. 1-1-15; 99-78, eff. 7-20-15; 99-173,  
6 eff. 7-29-15.)

7 Section 250. The Medical Patient Rights Act is amended by  
8 changing Section 7 as follows:

9 (410 ILCS 50/7)

10 Sec. 7. Patient examination. Any physician, medical  
11 student, resident, advanced practice registered nurse,  
12 registered nurse, or physician assistant who provides  
13 treatment or care to a patient shall inform the patient of his  
14 or her profession upon providing the treatment or care, which  
15 includes but is not limited to any physical examination, such  
16 as a pelvic examination. In the case of an unconscious patient,  
17 any care or treatment must be related to the patient's illness,  
18 condition, or disease.

19 (Source: P.A. 93-771, eff. 7-21-04.)

20 Section 255. The Sexual Assault Survivors Emergency  
21 Treatment Act is amended by changing Sections 1a, 2.2, 5, 5.5,  
22 and 6.5 as follows:

1 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

2 Sec. 1a. Definitions. In this Act:

3 "Ambulance provider" means an individual or entity that  
4 owns and operates a business or service using ambulances or  
5 emergency medical services vehicles to transport emergency  
6 patients.

7 "Areawide sexual assault treatment plan" means a plan,  
8 developed by the hospitals in the community or area to be  
9 served, which provides for hospital emergency services to  
10 sexual assault survivors that shall be made available by each  
11 of the participating hospitals.

12 "Department" means the Department of Public Health.

13 "Emergency contraception" means medication as approved by  
14 the federal Food and Drug Administration (FDA) that can  
15 significantly reduce the risk of pregnancy if taken within 72  
16 hours after sexual assault.

17 "Follow-up healthcare" means healthcare services related  
18 to a sexual assault, including laboratory services and pharmacy  
19 services, rendered within 90 days of the initial visit for  
20 hospital emergency services.

21 "Forensic services" means the collection of evidence  
22 pursuant to a statewide sexual assault evidence collection  
23 program administered by the Department of State Police, using  
24 the Illinois State Police Sexual Assault Evidence Collection  
25 Kit.

26 "Health care professional" means a physician, a physician

1 assistant, or an advanced practice registered nurse.

2 "Hospital" has the meaning given to that term in the  
3 Hospital Licensing Act.

4 "Hospital emergency services" means healthcare delivered  
5 to outpatients within or under the care and supervision of  
6 personnel working in a designated emergency department of a  
7 hospital, including, but not limited to, care ordered by such  
8 personnel for a sexual assault survivor in the emergency  
9 department.

10 "Illinois State Police Sexual Assault Evidence Collection  
11 Kit" means a prepackaged set of materials and forms to be used  
12 for the collection of evidence relating to sexual assault. The  
13 standardized evidence collection kit for the State of Illinois  
14 shall be the Illinois State Police Sexual Assault Evidence  
15 Collection Kit.

16 "Law enforcement agency having jurisdiction" means the law  
17 enforcement agency in the jurisdiction where an alleged sexual  
18 assault or sexual abuse occurred.

19 "Nurse" means a nurse licensed under the Nurse Practice  
20 Act.

21 "Physician" means a person licensed to practice medicine in  
22 all its branches.

23 "Sexual assault" means an act of nonconsensual sexual  
24 conduct or sexual penetration, as defined in Section 11-0.1 of  
25 the Criminal Code of 2012, including, without limitation, acts  
26 prohibited under Sections 11-1.20 through 11-1.60 of the

1 Criminal Code of 2012.

2 "Sexual assault survivor" means a person who presents for  
3 hospital emergency services in relation to injuries or trauma  
4 resulting from a sexual assault.

5 "Sexual assault transfer plan" means a written plan  
6 developed by a hospital and approved by the Department, which  
7 describes the hospital's procedures for transferring sexual  
8 assault survivors to another hospital in order to receive  
9 emergency treatment.

10 "Sexual assault treatment plan" means a written plan  
11 developed by a hospital that describes the hospital's  
12 procedures and protocols for providing hospital emergency  
13 services and forensic services to sexual assault survivors who  
14 present themselves for such services, either directly or  
15 through transfer from another hospital.

16 "Transfer services" means the appropriate medical  
17 screening examination and necessary stabilizing treatment  
18 prior to the transfer of a sexual assault survivor to a  
19 hospital that provides hospital emergency services and  
20 forensic services to sexual assault survivors pursuant to a  
21 sexual assault treatment plan or areawide sexual assault  
22 treatment plan.

23 "Voucher" means a document generated by a hospital at the  
24 time the sexual assault survivor receives hospital emergency  
25 and forensic services that a sexual assault survivor may  
26 present to providers for follow-up healthcare.

1 (Source: P.A. 99-454, eff. 1-1-16; 99-801, eff. 1-1-17.)

2 (410 ILCS 70/2.2)

3 Sec. 2.2. Emergency contraception.

4 (a) The General Assembly finds:

5 (1) Crimes of sexual assault and sexual abuse cause  
6 significant physical, emotional, and psychological trauma  
7 to the victims. This trauma is compounded by a victim's  
8 fear of becoming pregnant and bearing a child as a result  
9 of the sexual assault.

10 (2) Each year over 32,000 women become pregnant in the  
11 United States as the result of rape and approximately 50%  
12 of these pregnancies end in abortion.

13 (3) As approved for use by the Federal Food and Drug  
14 Administration (FDA), emergency contraception can  
15 significantly reduce the risk of pregnancy if taken within  
16 72 hours after the sexual assault.

17 (4) By providing emergency contraception to rape  
18 victims in a timely manner, the trauma of rape can be  
19 significantly reduced.

20 (b) Within 120 days after the effective date of this  
21 amendatory Act of the 92nd General Assembly, every hospital  
22 providing services to sexual assault survivors in accordance  
23 with a plan approved under Section 2 must develop a protocol  
24 that ensures that each survivor of sexual assault will receive  
25 medically and factually accurate and written and oral

1 information about emergency contraception; the indications and  
2 counter-indications and risks associated with the use of  
3 emergency contraception; and a description of how and when  
4 victims may be provided emergency contraception upon the  
5 written order of a physician licensed to practice medicine in  
6 all its branches, a licensed advanced practice registered  
7 nurse, or a licensed physician assistant. The Department shall  
8 approve the protocol if it finds that the implementation of the  
9 protocol would provide sufficient protection for survivors of  
10 sexual assault.

11 The hospital shall implement the protocol upon approval by  
12 the Department. The Department shall adopt rules and  
13 regulations establishing one or more safe harbor protocols and  
14 setting minimum acceptable protocol standards that hospitals  
15 may develop and implement. The Department shall approve any  
16 protocol that meets those standards. The Department may provide  
17 a sample acceptable protocol upon request.

18 (Source: P.A. 99-173, eff. 7-29-15.)

19 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

20 Sec. 5. Minimum requirements for hospitals providing  
21 hospital emergency services and forensic services to sexual  
22 assault survivors.

23 (a) Every hospital providing hospital emergency services  
24 and forensic services to sexual assault survivors under this  
25 Act shall, as minimum requirements for such services, provide,

1 with the consent of the sexual assault survivor, and as ordered  
2 by the attending physician, an advanced practice registered  
3 nurse, or a physician assistant, the following:

4 (1) appropriate medical examinations and laboratory  
5 tests required to ensure the health, safety, and welfare of  
6 a sexual assault survivor or which may be used as evidence  
7 in a criminal proceeding against a person accused of the  
8 sexual assault, or both; and records of the results of such  
9 examinations and tests shall be maintained by the hospital  
10 and made available to law enforcement officials upon the  
11 request of the sexual assault survivor;

12 (2) appropriate oral and written information  
13 concerning the possibility of infection, sexually  
14 transmitted disease and pregnancy resulting from sexual  
15 assault;

16 (3) appropriate oral and written information  
17 concerning accepted medical procedures, medication, and  
18 possible contraindications of such medication available  
19 for the prevention or treatment of infection or disease  
20 resulting from sexual assault;

21 (4) an amount of medication for treatment at the  
22 hospital and after discharge as is deemed appropriate by  
23 the attending physician, an advanced practice registered  
24 nurse, or a physician assistant and consistent with the  
25 hospital's current approved protocol for sexual assault  
26 survivors;

1           (5) an evaluation of the sexual assault survivor's risk  
2           of contracting human immunodeficiency virus (HIV) from the  
3           sexual assault;

4           (6) written and oral instructions indicating the need  
5           for follow-up examinations and laboratory tests after the  
6           sexual assault to determine the presence or absence of  
7           sexually transmitted disease;

8           (7) referral by hospital personnel for appropriate  
9           counseling; and

10          (8) when HIV prophylaxis is deemed appropriate, an  
11          initial dose or doses of HIV prophylaxis, along with  
12          written and oral instructions indicating the importance of  
13          timely follow-up healthcare.

14          (b) Any person who is a sexual assault survivor who seeks  
15          emergency hospital services and forensic services or follow-up  
16          healthcare under this Act shall be provided such services  
17          without the consent of any parent, guardian, custodian,  
18          surrogate, or agent.

19          (b-5) Every treating hospital providing hospital emergency  
20          and forensic services to sexual assault survivors shall issue a  
21          voucher to any sexual assault survivor who is eligible to  
22          receive one. The hospital shall make a copy of the voucher and  
23          place it in the medical record of the sexual assault survivor.  
24          The hospital shall provide a copy of the voucher to the sexual  
25          assault survivor after discharge upon request.

26          (c) Nothing in this Section creates a physician-patient



1 relationship that extends beyond discharge from the hospital  
2 emergency department.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;  
4 99-642, eff. 7-28-16.)

5 (410 ILCS 70/5.5)

6 Sec. 5.5. Minimum reimbursement requirements for follow-up  
7 healthcare.

8 (a) Every hospital, health care professional, laboratory,  
9 or pharmacy that provides follow-up healthcare to a sexual  
10 assault survivor, with the consent of the sexual assault  
11 survivor and as ordered by the attending physician, an advanced  
12 practice registered nurse, or physician assistant shall be  
13 reimbursed for the follow-up healthcare services provided.  
14 Follow-up healthcare services include, but are not limited to,  
15 the following:

16 (1) a physical examination;

17 (2) laboratory tests to determine the presence or  
18 absence of sexually transmitted disease; and

19 (3) appropriate medications, including HIV  
20 prophylaxis.

21 (b) Reimbursable follow-up healthcare is limited to office  
22 visits with a physician, advanced practice registered nurse, or  
23 physician assistant within 90 days after an initial visit for  
24 hospital emergency services.

25 (c) Nothing in this Section requires a hospital, health

1 care professional, laboratory, or pharmacy to provide  
2 follow-up healthcare to a sexual assault survivor.

3 (Source: P.A. 99-173, eff. 7-29-15.)

4 (410 ILCS 70/6.5)

5 Sec. 6.5. Written consent to the release of sexual assault  
6 evidence for testing.

7 (a) Upon the completion of hospital emergency services and  
8 forensic services, the health care professional providing the  
9 forensic services shall provide the patient the opportunity to  
10 sign a written consent to allow law enforcement to submit the  
11 sexual assault evidence for testing. The written consent shall  
12 be on a form included in the sexual assault evidence collection  
13 kit and shall include whether the survivor consents to the  
14 release of information about the sexual assault to law  
15 enforcement.

16 (1) A survivor 13 years of age or older may sign the  
17 written consent to release the evidence for testing.

18 (2) If the survivor is a minor who is under 13 years of  
19 age, the written consent to release the sexual assault  
20 evidence for testing may be signed by the parent, guardian,  
21 investigating law enforcement officer, or Department of  
22 Children and Family Services.

23 (3) If the survivor is an adult who has a guardian of  
24 the person, a health care surrogate, or an agent acting  
25 under a health care power of attorney, the consent of the

1 guardian, surrogate, or agent is not required to release  
2 evidence and information concerning the sexual assault or  
3 sexual abuse. If the adult is unable to provide consent for  
4 the release of evidence and information and a guardian,  
5 surrogate, or agent under a health care power of attorney  
6 is unavailable or unwilling to release the information,  
7 then an investigating law enforcement officer may  
8 authorize the release.

9 (4) Any health care professional, including any  
10 physician, advanced practice registered nurse, physician  
11 assistant, or nurse, sexual assault nurse examiner, and any  
12 health care institution, including any hospital, who  
13 provides evidence or information to a law enforcement  
14 officer under a written consent as specified in this  
15 Section is immune from any civil or professional liability  
16 that might arise from those actions, with the exception of  
17 willful or wanton misconduct. The immunity provision  
18 applies only if all of the requirements of this Section are  
19 met.

20 (b) The hospital shall keep a copy of a signed or unsigned  
21 written consent form in the patient's medical record.

22 (c) If a written consent to allow law enforcement to test  
23 the sexual assault evidence is not signed at the completion of  
24 hospital emergency services and forensic services, the  
25 hospital shall include the following information in its  
26 discharge instructions:

1           (1) the sexual assault evidence will be stored for 5  
2 years from the completion of an Illinois State Police  
3 Sexual Assault Evidence Collection Kit, or 5 years from the  
4 age of 18 years, whichever is longer;

5           (2) a person authorized to consent to the testing of  
6 the sexual assault evidence may sign a written consent to  
7 allow law enforcement to test the sexual assault evidence  
8 at any time during that 5-year period for an adult victim,  
9 or until a minor victim turns 23 years of age by (A)  
10 contacting the law enforcement agency having jurisdiction,  
11 or if unknown, the law enforcement agency contacted by the  
12 hospital under Section 3.2 of the Criminal Identification  
13 Act; or (B) by working with an advocate at a rape crisis  
14 center;

15           (3) the name, address, and phone number of the law  
16 enforcement agency having jurisdiction, or if unknown the  
17 name, address, and phone number of the law enforcement  
18 agency contacted by the hospital under Section 3.2 of the  
19 Criminal Identification Act; and

20           (4) the name and phone number of a local rape crisis  
21 center.

22 (Source: P.A. 99-801, eff. 1-1-17.)

23           Section 260. The Consent by Minors to Medical Procedures  
24 Act is amended by changing Sections 1, 1.5, 2, 3, and 5 as  
25 follows:

1 (410 ILCS 210/1) (from Ch. 111, par. 4501)

2 Sec. 1. Consent by minor. The consent to the performance of  
3 a medical or surgical procedure by a physician licensed to  
4 practice medicine and surgery, a licensed advanced practice  
5 registered nurse, or a licensed physician assistant executed by  
6 a married person who is a minor, by a parent who is a minor, by  
7 a pregnant woman who is a minor, or by any person 18 years of  
8 age or older, is not voidable because of such minority, and,  
9 for such purpose, a married person who is a minor, a parent who  
10 is a minor, a pregnant woman who is a minor, or any person 18  
11 years of age or older, is deemed to have the same legal  
12 capacity to act and has the same powers and obligations as has  
13 a person of legal age.

14 (Source: P.A. 99-173, eff. 7-29-15.)

15 (410 ILCS 210/1.5)

16 Sec. 1.5. Consent by minor seeking care for primary care  
17 services.

18 (a) The consent to the performance of primary care services  
19 by a physician licensed to practice medicine in all its  
20 branches, a licensed advanced practice registered nurse, or a  
21 licensed physician assistant executed by a minor seeking care  
22 is not voidable because of such minority, and for such purpose,  
23 a minor seeking care is deemed to have the same legal capacity  
24 to act and has the same powers and obligations as has a person

1 of legal age under the following circumstances:

2 (1) the health care professional reasonably believes  
3 that the minor seeking care understands the benefits and  
4 risks of any proposed primary care or services; and

5 (2) the minor seeking care is identified in writing as  
6 a minor seeking care by:

7 (A) an adult relative;

8 (B) a representative of a homeless service agency  
9 that receives federal, State, county, or municipal  
10 funding to provide those services or that is otherwise  
11 sanctioned by a local continuum of care;

12 (C) an attorney licensed to practice law in this  
13 State;

14 (D) a public school homeless liaison or school  
15 social worker;

16 (E) a social service agency providing services to  
17 at risk, homeless, or runaway youth; or

18 (F) a representative of a religious organization.

19 (b) A health care professional rendering primary care  
20 services under this Section shall not incur civil or criminal  
21 liability for failure to obtain valid consent or professional  
22 discipline for failure to obtain valid consent if he or she  
23 relied in good faith on the representations made by the minor  
24 or the information provided under paragraph (2) of subsection  
25 (a) of this Section. Under such circumstances, good faith shall  
26 be presumed.

1 (c) The confidential nature of any communication between a  
2 health care professional described in Section 1 of this Act and  
3 a minor seeking care is not waived (1) by the presence, at the  
4 time of communication, of any additional persons present at the  
5 request of the minor seeking care, (2) by the health care  
6 professional's disclosure of confidential information to the  
7 additional person with the consent of the minor seeking care,  
8 when reasonably necessary to accomplish the purpose for which  
9 the additional person is consulted, or (3) by the health care  
10 professional billing a health benefit insurance or plan under  
11 which the minor seeking care is insured, is enrolled, or has  
12 coverage for the services provided.

13 (d) Nothing in this Section shall be construed to limit or  
14 expand a minor's existing powers and obligations under any  
15 federal, State, or local law. Nothing in this Section shall be  
16 construed to affect the Parental Notice of Abortion Act of  
17 1995. Nothing in this Section affects the right or authority of  
18 a parent or legal guardian to verbally, in writing, or  
19 otherwise authorize health care services to be provided for a  
20 minor in their absence.

21 (e) For the purposes of this Section:

22 "Minor seeking care" means a person at least 14 years  
23 of age but less than 18 years of age who is living separate  
24 and apart from his or her parents or legal guardian,  
25 whether with or without the consent of a parent or legal  
26 guardian who is unable or unwilling to return to the

1 residence of a parent, and managing his or her own personal  
2 affairs. "Minor seeking care" does not include minors who  
3 are under the protective custody, temporary custody, or  
4 guardianship of the Department of Children and Family  
5 Services.

6 "Primary care services" means health care services  
7 that include screening, counseling, immunizations,  
8 medication, and treatment of illness and conditions  
9 customarily provided by licensed health care professionals  
10 in an out-patient setting. "Primary care services" does not  
11 include invasive care, beyond standard injections,  
12 laceration care, or non-surgical fracture care.

13 (Source: P.A. 98-671, eff. 10-1-14; 99-173, eff. 7-29-15.)

14 (410 ILCS 210/2) (from Ch. 111, par. 4502)

15 Sec. 2. Any parent, including a parent who is a minor, may  
16 consent to the performance upon his or her child of a medical  
17 or surgical procedure by a physician licensed to practice  
18 medicine and surgery, a licensed advanced practice registered  
19 nurse, or a licensed physician assistant or a dental procedure  
20 by a licensed dentist. The consent of a parent who is a minor  
21 shall not be voidable because of such minority, but, for such  
22 purpose, a parent who is a minor shall be deemed to have the  
23 same legal capacity to act and shall have the same powers and  
24 obligations as has a person of legal age.

25 (Source: P.A. 99-173, eff. 7-29-15.)



1 (410 ILCS 210/3) (from Ch. 111, par. 4503)

2 Sec. 3. (a) Where a hospital, a physician licensed to  
3 practice medicine or surgery, a licensed advanced practice  
4 registered nurse, or a licensed physician assistant renders  
5 emergency treatment or first aid or a licensed dentist renders  
6 emergency dental treatment to a minor, consent of the minor's  
7 parent or legal guardian need not be obtained if, in the sole  
8 opinion of the physician, advanced practice registered nurse,  
9 physician assistant, dentist, or hospital, the obtaining of  
10 consent is not reasonably feasible under the circumstances  
11 without adversely affecting the condition of such minor's  
12 health.

13 (b) Where a minor is the victim of a predatory criminal  
14 sexual assault of a child, aggravated criminal sexual assault,  
15 criminal sexual assault, aggravated criminal sexual abuse or  
16 criminal sexual abuse, as provided in Sections 11-1.20 through  
17 11-1.60 of the Criminal Code of 2012, the consent of the  
18 minor's parent or legal guardian need not be obtained to  
19 authorize a hospital, physician, advanced practice registered  
20 nurse, physician assistant, or other medical personnel to  
21 furnish medical care or counseling related to the diagnosis or  
22 treatment of any disease or injury arising from such offense.  
23 The minor may consent to such counseling, diagnosis or  
24 treatment as if the minor had reached his or her age of  
25 majority. Such consent shall not be voidable, nor subject to

1 later disaffirmance, because of minority.

2 (Source: P.A. 99-173, eff. 7-29-15.)

3 (410 ILCS 210/5) (from Ch. 111, par. 4505)

4 Sec. 5. Counseling; informing parent or guardian. Any  
5 physician, advanced practice registered nurse, or physician  
6 assistant, who provides diagnosis or treatment or any licensed  
7 clinical psychologist or professionally trained social worker  
8 with a master's degree or any qualified person employed (i) by  
9 an organization licensed or funded by the Department of Human  
10 Services, (ii) by units of local government, or (iii) by  
11 agencies or organizations operating drug abuse programs funded  
12 or licensed by the Federal Government or the State of Illinois  
13 or any qualified person employed by or associated with any  
14 public or private alcoholism or drug abuse program licensed by  
15 the State of Illinois who provides counseling to a minor  
16 patient who has come into contact with any sexually transmitted  
17 disease referred to in Section 4 of this Act may, but shall not  
18 be obligated to, inform the parent, parents, or guardian of the  
19 minor as to the treatment given or needed. Any person described  
20 in this Section who provides counseling to a minor who abuses  
21 drugs or alcohol or has a family member who abuses drugs or  
22 alcohol shall not inform the parent, parents, guardian, or  
23 other responsible adult of the minor's condition or treatment  
24 without the minor's consent unless that action is, in the  
25 person's judgment, necessary to protect the safety of the

1 minor, a family member, or another individual.

2 Any such person shall, upon the minor's consent, make  
3 reasonable efforts to involve the family of the minor in his or  
4 her treatment, if the person furnishing the treatment believes  
5 that the involvement of the family will not be detrimental to  
6 the progress and care of the minor. Reasonable effort shall be  
7 extended to assist the minor in accepting the involvement of  
8 his or her family in the care and treatment being given.

9 (Source: P.A. 93-962, eff. 8-20-04.)

10 Section 265. The Early Hearing Detection and Intervention  
11 Act is amended by changing Section 10 as follows:

12 (410 ILCS 213/10)

13 Sec. 10. Reports to Department of Public Health.  
14 Physicians, advanced practice registered nurses, physician  
15 assistants, otolaryngologists, audiologists, ancillary health  
16 care providers, early intervention programs and providers,  
17 parent-to-parent support programs, the Department of Human  
18 Services, and the University of Illinois at Chicago Division of  
19 Specialized Care for Children shall report all hearing testing,  
20 medical treatment, and intervention outcomes related to  
21 newborn hearing screening or newly identified hearing loss for  
22 children birth through 6 years of age to the Department.  
23 Reporting shall be done within 7 days after the date of service  
24 or after an inquiry from the Department. Reports shall be in a

1 format determined by the Department.

2 (Source: P.A. 99-834, eff. 8-19-16.)

3 Section 270. The Prenatal and Newborn Care Act is amended  
4 by changing Sections 2 and 6 as follows:

5 (410 ILCS 225/2) (from Ch. 111 1/2, par. 7022)

6 Sec. 2. Definitions. As used in this Act, unless the  
7 context otherwise requires:

8 "Advanced practice registered nurse" or "APRN" ~~"APN"~~ means  
9 an advanced practice registered nurse licensed under the Nurse  
10 Practice Act.

11 "Department" means the Illinois Department of Human  
12 Services.

13 "Early and Periodic Screening, Diagnosis and Treatment  
14 (EPSDT)" means the provision of preventative health care under  
15 42 C.F.R. 441.50 et seq., including medical and dental  
16 services, needed to assess growth and development and detect  
17 and treat health problems.

18 "Hospital" means a hospital as defined under the Hospital  
19 Licensing Act.

20 "Local health authority" means the full-time official  
21 health department or board of health, as recognized by the  
22 Illinois Department of Public Health, having jurisdiction over  
23 a particular area.

24 "Nurse" means a nurse licensed under the Nurse Practice

1 Act.

2 "Physician" means a physician licensed to practice  
3 medicine in all of its branches.

4 "Physician assistant" means a physician assistant licensed  
5 under the Physician Assistant Practice Act of 1987.

6 "Postnatal visit" means a visit occurring after birth, with  
7 reference to the newborn.

8 "Prenatal visit" means a visit occurring before birth.

9 "Program" means the Prenatal and Newborn Care Program  
10 established pursuant to this Act.

11 (Source: P.A. 99-173, eff. 7-29-15.)

12 (410 ILCS 225/6) (from Ch. 111 1/2, par. 7026)

13 Sec. 6. Covered services.

14 (a) Covered services under the program may include, but are  
15 not necessarily limited to, the following:

16 (1) Laboratory services related to a recipient's  
17 pregnancy, performed or ordered by a physician, advanced  
18 practice registered nurse, or physician assistant.

19 (2) Screening and treatment for sexually transmitted  
20 disease.

21 (3) Prenatal visits to a physician in the physician's  
22 office, an advanced practice registered nurse in the  
23 advanced practice registered nurse's office, a physician  
24 assistant in the physician assistant's office, or to a  
25 hospital outpatient prenatal clinic, local health

1 department maternity clinic, or community health center.

2 (4) Radiology services which are directly related to  
3 the pregnancy, are determined to be medically necessary and  
4 are ordered by a physician, an advanced practice registered  
5 nurse, or a physician assistant.

6 (5) Pharmacy services related to the pregnancy.

7 (6) Other medical consultations related to the  
8 pregnancy.

9 (7) Physician, advanced practice registered nurse,  
10 physician assistant, or nurse services associated with  
11 delivery.

12 (8) One postnatal office visit within 60 days after  
13 delivery.

14 (9) Two EPSDT-equivalent screenings for the infant  
15 within 90 days after birth.

16 (10) Social and support services.

17 (11) Nutrition services.

18 (12) Case management services.

19 (b) The following services shall not be covered under the  
20 program:

21 (1) Services determined by the Department not to be  
22 medically necessary.

23 (2) Services not directly related to the pregnancy,  
24 except for the 2 covered EPSDT-equivalent screenings.

25 (3) Hospital inpatient services.

26 (4) Anesthesiologist and radiologist services during a

1 period of hospital inpatient care.

2 (5) Physician, advanced practice registered nurse, and  
3 physician assistant hospital visits.

4 (6) Services considered investigational or  
5 experimental.

6 (Source: P.A. 93-962, eff. 8-20-04.)

7 Section 275. The AIDS Confidentiality Act is amended by  
8 changing Section 3 as follows:

9 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

10 Sec. 3. Definitions. When used in this Act:

11 (a) "AIDS" means acquired immunodeficiency syndrome.

12 (b) "Authority" means the Illinois Health Information  
13 Exchange Authority established pursuant to the Illinois Health  
14 Information Exchange and Technology Act.

15 (c) "Business associate" has the meaning ascribed to it  
16 under HIPAA, as specified in 45 CFR 160.103.

17 (d) "Covered entity" has the meaning ascribed to it under  
18 HIPAA, as specified in 45 CFR 160.103.

19 (e) "De-identified information" means health information  
20 that is not individually identifiable as described under HIPAA,  
21 as specified in 45 CFR 164.514(b).

22 (f) "Department" means the Illinois Department of Public  
23 Health or its designated agents.

24 (g) "Disclosure" has the meaning ascribed to it under

1 HIPAA, as specified in 45 CFR 160.103.

2 (h) "Health care operations" has the meaning ascribed to it  
3 under HIPAA, as specified in 45 CFR 164.501.

4 (i) "Health care professional" means (i) a licensed  
5 physician, (ii) a licensed physician assistant, (iii) a  
6 licensed advanced practice registered nurse, (iv) an advanced  
7 practice registered nurse or physician assistant who practices  
8 in a hospital or ambulatory surgical treatment center and  
9 possesses appropriate clinical privileges, (v) a licensed  
10 dentist, (vi) a licensed podiatric physician, or (vii) an  
11 individual certified to provide HIV testing and counseling by a  
12 state or local public health department.

13 (j) "Health care provider" has the meaning ascribed to it  
14 under HIPAA, as specified in 45 CFR 160.103.

15 (k) "Health facility" means a hospital, nursing home, blood  
16 bank, blood center, sperm bank, or other health care  
17 institution, including any "health facility" as that term is  
18 defined in the Illinois Finance Authority Act.

19 (l) "Health information exchange" or "HIE" means a health  
20 information exchange or health information organization that  
21 oversees and governs the electronic exchange of health  
22 information that (i) is established pursuant to the Illinois  
23 Health Information Exchange and Technology Act, or any  
24 subsequent amendments thereto, and any administrative rules  
25 adopted thereunder; (ii) has established a data sharing  
26 arrangement with the Authority; or (iii) as of August 16, 2013,



1 was designated by the Authority Board as a member of, or was  
2 represented on, the Authority Board's Regional Health  
3 Information Exchange Workgroup; provided that such designation  
4 shall not require the establishment of a data sharing  
5 arrangement or other participation with the Illinois Health  
6 Information Exchange or the payment of any fee. In certain  
7 circumstances, in accordance with HIPAA, an HIE will be a  
8 business associate.

9 (m) "Health oversight agency" has the meaning ascribed to  
10 it under HIPAA, as specified in 45 CFR 164.501.

11 (n) "HIPAA" means the Health Insurance Portability and  
12 Accountability Act of 1996, Public Law 104-191, as amended by  
13 the Health Information Technology for Economic and Clinical  
14 Health Act of 2009, Public Law 111-05, and any subsequent  
15 amendments thereto and any regulations promulgated thereunder.

16 (o) "HIV" means the human immunodeficiency virus.

17 (p) "HIV-related information" means the identity of a  
18 person upon whom an HIV test is performed, the results of an  
19 HIV test, as well as diagnosis, treatment, and prescription  
20 information that reveals a patient is HIV-positive, including  
21 such information contained in a limited data set. "HIV-related  
22 information" does not include information that has been  
23 de-identified in accordance with HIPAA.

24 (q) "Informed consent" means:

25 (1) where a health care provider, health care  
26 professional, or health facility has implemented opt-in

1 testing, a process by which an individual or their legal  
2 representative receives pre-test information, has an  
3 opportunity to ask questions, and consents verbally or in  
4 writing to the test without undue inducement or any element  
5 of force, fraud, deceit, duress, or other form of  
6 constraint or coercion; or

7 (2) where a health care provider, health care  
8 professional, or health facility has implemented opt-out  
9 testing, the individual or their legal representative has  
10 been notified verbally or in writing that the test is  
11 planned, has received pre-test information, has been given  
12 the opportunity to ask questions and the opportunity to  
13 decline testing, and has not declined testing; where such  
14 notice is provided, consent for opt-out HIV testing may be  
15 incorporated into the patient's general consent for  
16 medical care on the same basis as are other screening or  
17 diagnostic tests; a separate consent for opt-out HIV  
18 testing is not required.

19 In addition, where the person providing informed consent is  
20 a participant in an HIE, informed consent requires a fair  
21 explanation that the results of the patient's HIV test will be  
22 accessible through an HIE and meaningful disclosure of the  
23 patient's opt-out right under Section 9.6 of this Act.

24 A health care provider, health care professional, or health  
25 facility undertaking an informed consent process for HIV  
26 testing under this subsection may combine a form used to obtain

1 informed consent for HIV testing with forms used to obtain  
2 written consent for general medical care or any other medical  
3 test or procedure, provided that the forms make it clear that  
4 the subject may consent to general medical care, tests, or  
5 procedures without being required to consent to HIV testing,  
6 and clearly explain how the subject may decline HIV testing.  
7 Health facility clerical staff or other staff responsible for  
8 the consent form for general medical care may obtain consent  
9 for HIV testing through a general consent form.

10 (r) "Limited data set" has the meaning ascribed to it under  
11 HIPAA, as described in 45 CFR 164.514(e)(2).

12 (s) "Minimum necessary" means the HIPAA standard for using,  
13 disclosing, and requesting protected health information found  
14 in 45 CFR 164.502(b) and 164.514(d).

15 (s-1) "Opt-in testing" means an approach where an HIV test  
16 is presented by offering the test and the patient accepts or  
17 declines testing.

18 (s-3) "Opt-out testing" means an approach where an HIV test  
19 is presented such that a patient is notified that HIV testing  
20 may occur unless the patient declines.

21 (t) "Organized health care arrangement" has the meaning  
22 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

23 (u) "Patient safety activities" has the meaning ascribed to  
24 it under 42 CFR 3.20.

25 (v) "Payment" has the meaning ascribed to it under HIPAA,  
26 as specified in 45 CFR 164.501.

1 (w) "Person" includes any natural person, partnership,  
2 association, joint venture, trust, governmental entity, public  
3 or private corporation, health facility, or other legal entity.

4 (w-5) "Pre-test information" means:

5 (1) a reasonable explanation of the test, including its  
6 purpose, potential uses, limitations, and the meaning of  
7 its results; and

8 (2) a reasonable explanation of the procedures to be  
9 followed, including the voluntary nature of the test, the  
10 availability of a qualified person to answer questions, the  
11 right to withdraw consent to the testing process at any  
12 time, the right to anonymity to the extent provided by law  
13 with respect to participation in the test and disclosure of  
14 test results, and the right to confidential treatment of  
15 information identifying the subject of the test and the  
16 results of the test, to the extent provided by law.

17 Pre-test information may be provided in writing, verbally,  
18 or by video, electronic, or other means and may be provided as  
19 designated by the supervising health care professional or the  
20 health facility.

21 For the purposes of this definition, a qualified person to  
22 answer questions is a health care professional or, when acting  
23 under the supervision of a health care professional, a  
24 registered nurse, medical assistant, or other person  
25 determined to be sufficiently knowledgeable about HIV testing,  
26 its purpose, potential uses, limitations, the meaning of the

1 test results, and the testing procedures in the professional  
2 judgment of a supervising health care professional or as  
3 designated by a health care facility.

4 (x) "Protected health information" has the meaning  
5 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

6 (y) "Research" has the meaning ascribed to it under HIPAA,  
7 as specified in 45 CFR 164.501.

8 (z) "State agency" means an instrumentality of the State of  
9 Illinois and any instrumentality of another state that,  
10 pursuant to applicable law or a written undertaking with an  
11 instrumentality of the State of Illinois, is bound to protect  
12 the privacy of HIV-related information of Illinois persons.

13 (aa) "Test" or "HIV test" means a test to determine the  
14 presence of the antibody or antigen to HIV, or of HIV  
15 infection.

16 (bb) "Treatment" has the meaning ascribed to it under  
17 HIPAA, as specified in 45 CFR 164.501.

18 (cc) "Use" has the meaning ascribed to it under HIPAA, as  
19 specified in 45 CFR 160.103, where context dictates.

20 (Source: P.A. 98-214, eff. 8-9-13; 98-1046, eff. 1-1-15; 99-54,  
21 eff. 1-1-16; 99-173, eff. 7-29-15; 99-642, eff. 7-28-16.)

22 Section 280. The Illinois Sexually Transmissible Disease  
23 Control Act is amended by changing Sections 3, 4, and 5.5 as  
24 follows:

1 (410 ILCS 325/3) (from Ch. 111 1/2, par. 7403)

2 Sec. 3. Definitions. As used in this Act, unless the  
3 context clearly requires otherwise:

4 (1) "Department" means the Department of Public Health.

5 (2) "Local health authority" means the full-time official  
6 health department or board of health, as recognized by the  
7 Department, having jurisdiction over a particular area.

8 (3) "Sexually transmissible disease" means a bacterial,  
9 viral, fungal or parasitic disease, determined by rule of the  
10 Department to be sexually transmissible, to be a threat to the  
11 public health and welfare, and to be a disease for which a  
12 legitimate public interest will be served by providing for  
13 regulation and treatment. In considering which diseases are to  
14 be designated sexually transmissible diseases, the Department  
15 shall consider such diseases as chancroid, gonorrhea,  
16 granuloma inguinale, lymphogranuloma venereum, genital herpes  
17 simplex, chlamydia, nongonococcal urethritis (NGU), pelvic  
18 inflammatory disease (PID)/Acute Salpingitis, syphilis,  
19 Acquired Immunodeficiency Syndrome (AIDS), and Human  
20 Immunodeficiency Virus (HIV) for designation, and shall  
21 consider the recommendations and classifications of the  
22 Centers for Disease Control and other nationally recognized  
23 medical authorities. Not all diseases that are sexually  
24 transmissible need be designated for purposes of this Act.

25 (4) "Health care professional" means a physician licensed  
26 to practice medicine in all its branches, a licensed physician

1 assistant, or a licensed advanced practice registered nurse.

2 (5) "Expedited partner therapy" means to prescribe,  
3 dispense, furnish, or otherwise provide prescription  
4 antibiotic drugs to the partner or partners of persons  
5 clinically diagnosed as infected with a sexually transmissible  
6 disease, without physical examination of the partner or  
7 partners.

8 (Source: P.A. 99-173, eff. 7-29-15.)

9 (410 ILCS 325/4) (from Ch. 111 1/2, par. 7404)

10 Sec. 4. Reporting required.

11 (a) A physician licensed under the provisions of the  
12 Medical Practice Act of 1987, an advanced practice registered  
13 nurse licensed under the provisions of the Nurse Practice Act,  
14 or a physician assistant licensed under the provisions of the  
15 Physician Assistant Practice Act of 1987 who makes a diagnosis  
16 of or treats a person with a sexually transmissible disease and  
17 each laboratory that performs a test for a sexually  
18 transmissible disease which concludes with a positive result  
19 shall report such facts as may be required by the Department by  
20 rule, within such time period as the Department may require by  
21 rule, but in no case to exceed 2 weeks.

22 (b) The Department shall adopt rules specifying the  
23 information required in reporting a sexually transmissible  
24 disease, the method of reporting and specifying a minimum time  
25 period for reporting. In adopting such rules, the Department

1 shall consider the need for information, protections for the  
2 privacy and confidentiality of the patient, and the practical  
3 abilities of persons and laboratories to report in a reasonable  
4 fashion.

5 (c) Any person who knowingly or maliciously disseminates  
6 any false information or report concerning the existence of any  
7 sexually transmissible disease under this Section is guilty of  
8 a Class A misdemeanor.

9 (d) Any person who violates the provisions of this Section  
10 or the rules adopted hereunder may be fined by the Department  
11 up to \$500 for each violation. The Department shall report each  
12 violation of this Section to the regulatory agency responsible  
13 for licensing a health care professional or a laboratory to  
14 which these provisions apply.

15 (Source: P.A. 99-173, eff. 7-29-15.)

16 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

17 Sec. 5.5. Risk assessment.

18 (a) Whenever the Department receives a report of HIV  
19 infection or AIDS pursuant to this Act and the Department  
20 determines that the subject of the report may present or may  
21 have presented a possible risk of HIV transmission, the  
22 Department shall, when medically appropriate, investigate the  
23 subject of the report and that person's contacts as defined in  
24 subsection (c), to assess the potential risks of transmission.  
25 Any investigation and action shall be conducted in a timely



1 fashion. All contacts other than those defined in subsection  
2 (c) shall be investigated in accordance with Section 5 of this  
3 Act.

4 (b) If the Department determines that there is or may have  
5 been potential risks of HIV transmission from the subject of  
6 the report to other persons, the Department shall afford the  
7 subject the opportunity to submit any information and comment  
8 on proposed actions the Department intends to take with respect  
9 to the subject's contacts who are at potential risk of  
10 transmission of HIV prior to notification of the subject's  
11 contacts. The Department shall also afford the subject of the  
12 report the opportunity to notify the subject's contacts in a  
13 timely fashion who are at potential risk of transmission of HIV  
14 prior to the Department taking any steps to notify such  
15 contacts. If the subject declines to notify such contacts or if  
16 the Department determines the notices to be inadequate or  
17 incomplete, the Department shall endeavor to notify such other  
18 persons of the potential risk, and offer testing and counseling  
19 services to these individuals. When the contacts are notified,  
20 they shall be informed of the disclosure provisions of the AIDS  
21 Confidentiality Act and the penalties therein and this Section.

22 (c) Contacts investigated under this Section shall in the  
23 case of HIV infection include (i) individuals who have  
24 undergone invasive procedures performed by an HIV infected  
25 health care provider and (ii) health care providers who have  
26 performed invasive procedures for persons infected with HIV,

1 provided the Department has determined that there is or may  
2 have been potential risk of HIV transmission from the health  
3 care provider to those individuals or from infected persons to  
4 health care providers. The Department shall have access to the  
5 subject's records to review for the identity of contacts. The  
6 subject's records shall not be copied or seized by the  
7 Department.

8 For purposes of this subsection, the term "invasive  
9 procedures" means those procedures termed invasive by the  
10 Centers for Disease Control in current guidelines or  
11 recommendations for the prevention of HIV transmission in  
12 health care settings, and the term "health care provider" means  
13 any physician, dentist, podiatric physician, advanced practice  
14 registered nurse, physician assistant, nurse, or other person  
15 providing health care services of any kind.

16 (d) All information and records held by the Department and  
17 local health authorities pertaining to activities conducted  
18 pursuant to this Section shall be strictly confidential and  
19 exempt from copying and inspection under the Freedom of  
20 Information Act. Such information and records shall not be  
21 released or made public by the Department or local health  
22 authorities, and shall not be admissible as evidence, nor  
23 discoverable in any action of any kind in any court or before  
24 any tribunal, board, agency or person and shall be treated in  
25 the same manner as the information and those records subject to  
26 the provisions of Part 21 of Article VIII of the Code of Civil

1 Procedure except under the following circumstances:

2 (1) When made with the written consent of all persons  
3 to whom this information pertains;

4 (2) When authorized under Section 8 to be released  
5 under court order or subpoena pursuant to Section 12-5.01  
6 or 12-16.2 of the Criminal Code of 1961 or the Criminal  
7 Code of 2012; or

8 (3) When made by the Department for the purpose of  
9 seeking a warrant authorized by Sections 6 and 7 of this  
10 Act. Such disclosure shall conform to the requirements of  
11 subsection (a) of Section 8 of this Act.

12 (e) Any person who knowingly or maliciously disseminates  
13 any information or report concerning the existence of any  
14 disease under this Section is guilty of a Class A misdemeanor.

15 (Source: P.A. 98-214, eff. 8-9-13; 98-756, eff. 7-16-14;  
16 99-642, eff. 7-28-16.)

17 Section 285. The Perinatal HIV Prevention Act is amended by  
18 changing Section 5 as follows:

19 (410 ILCS 335/5)

20 Sec. 5. Definitions. In this Act:

21 "Department" means the Department of Public Health.

22 "Health care professional" means a physician licensed to  
23 practice medicine in all its branches, a licensed physician  
24 assistant, or a licensed advanced practice registered nurse.

1 "Health care facility" or "facility" means any hospital or  
2 other institution that is licensed or otherwise authorized to  
3 deliver health care services.

4 "Health care services" means any prenatal medical care or  
5 labor or delivery services to a pregnant woman and her newborn  
6 infant, including hospitalization.

7 (Source: P.A. 99-173, eff. 7-29-15.)

8 Section 290. The Genetic Information Privacy Act is amended  
9 by changing Section 10 as follows:

10 (410 ILCS 513/10)

11 Sec. 10. Definitions. As used in this Act:

12 "Authority" means the Illinois Health Information Exchange  
13 Authority established pursuant to the Illinois Health  
14 Information Exchange and Technology Act.

15 "Business associate" has the meaning ascribed to it under  
16 HIPAA, as specified in 45 CFR 160.103.

17 "Covered entity" has the meaning ascribed to it under  
18 HIPAA, as specified in 45 CFR 160.103.

19 "De-identified information" means health information that  
20 is not individually identifiable as described under HIPAA, as  
21 specified in 45 CFR 164.514(b).

22 "Disclosure" has the meaning ascribed to it under HIPAA, as  
23 specified in 45 CFR 160.103.

24 "Employer" means the State of Illinois, any unit of local

1 government, and any board, commission, department,  
2 institution, or school district, any party to a public  
3 contract, any joint apprenticeship or training committee  
4 within the State, and every other person employing employees  
5 within the State.

6 "Employment agency" means both public and private  
7 employment agencies and any person, labor organization, or  
8 labor union having a hiring hall or hiring office regularly  
9 undertaking, with or without compensation, to procure  
10 opportunities to work, or to procure, recruit, refer, or place  
11 employees.

12 "Family member" means, with respect to an individual, (i)  
13 the spouse of the individual; (ii) a dependent child of the  
14 individual, including a child who is born to or placed for  
15 adoption with the individual; (iii) any other person qualifying  
16 as a covered dependent under a managed care plan; and (iv) all  
17 other individuals related by blood or law to the individual or  
18 the spouse or child described in subsections (i) through (iii)  
19 of this definition.

20 "Genetic information" has the meaning ascribed to it under  
21 HIPAA, as specified in 45 CFR 160.103.

22 "Genetic monitoring" means the periodic examination of  
23 employees to evaluate acquired modifications to their genetic  
24 material, such as chromosomal damage or evidence of increased  
25 occurrence of mutations that may have developed in the course  
26 of employment due to exposure to toxic substances in the

1 workplace in order to identify, evaluate, and respond to  
2 effects of or control adverse environmental exposures in the  
3 workplace.

4 "Genetic services" has the meaning ascribed to it under  
5 HIPAA, as specified in 45 CFR 160.103.

6 "Genetic testing" and "genetic test" have the meaning  
7 ascribed to "genetic test" under HIPAA, as specified in 45 CFR  
8 160.103.

9 "Health care operations" has the meaning ascribed to it  
10 under HIPAA, as specified in 45 CFR 164.501.

11 "Health care professional" means (i) a licensed physician,  
12 (ii) a licensed physician assistant, (iii) a licensed advanced  
13 practice registered nurse, (iv) a licensed dentist, (v) a  
14 licensed podiatrist, (vi) a licensed genetic counselor, or  
15 (vii) an individual certified to provide genetic testing by a  
16 state or local public health department.

17 "Health care provider" has the meaning ascribed to it under  
18 HIPAA, as specified in 45 CFR 160.103.

19 "Health facility" means a hospital, blood bank, blood  
20 center, sperm bank, or other health care institution, including  
21 any "health facility" as that term is defined in the Illinois  
22 Finance Authority Act.

23 "Health information exchange" or "HIE" means a health  
24 information exchange or health information organization that  
25 exchanges health information electronically that (i) is  
26 established pursuant to the Illinois Health Information

1 Exchange and Technology Act, or any subsequent amendments  
2 thereto, and any administrative rules promulgated thereunder;  
3 (ii) has established a data sharing arrangement with the  
4 Authority; or (iii) as of August 16, 2013, was designated by  
5 the Authority Board as a member of, or was represented on, the  
6 Authority Board's Regional Health Information Exchange  
7 Workgroup; provided that such designation shall not require the  
8 establishment of a data sharing arrangement or other  
9 participation with the Illinois Health Information Exchange or  
10 the payment of any fee. In certain circumstances, in accordance  
11 with HIPAA, an HIE will be a business associate.

12 "Health oversight agency" has the meaning ascribed to it  
13 under HIPAA, as specified in 45 CFR 164.501.

14 "HIPAA" means the Health Insurance Portability and  
15 Accountability Act of 1996, Public Law 104-191, as amended by  
16 the Health Information Technology for Economic and Clinical  
17 Health Act of 2009, Public Law 111-05, and any subsequent  
18 amendments thereto and any regulations promulgated thereunder.

19 "Insurer" means (i) an entity that is subject to the  
20 jurisdiction of the Director of Insurance and (ii) a managed  
21 care plan.

22 "Labor organization" includes any organization, labor  
23 union, craft union, or any voluntary unincorporated  
24 association designed to further the cause of the rights of  
25 union labor that is constituted for the purpose, in whole or in  
26 part, of collective bargaining or of dealing with employers

1 concerning grievances, terms or conditions of employment, or  
2 apprenticeships or applications for apprenticeships, or of  
3 other mutual aid or protection in connection with employment,  
4 including apprenticeships or applications for apprenticeships.

5 "Licensing agency" means a board, commission, committee,  
6 council, department, or officers, except a judicial officer, in  
7 this State or any political subdivision authorized to grant,  
8 deny, renew, revoke, suspend, annul, withdraw, or amend a  
9 license or certificate of registration.

10 "Limited data set" has the meaning ascribed to it under  
11 HIPAA, as described in 45 CFR 164.514(e)(2).

12 "Managed care plan" means a plan that establishes,  
13 operates, or maintains a network of health care providers that  
14 have entered into agreements with the plan to provide health  
15 care services to enrollees where the plan has the ultimate and  
16 direct contractual obligation to the enrollee to arrange for  
17 the provision of or pay for services through:

18 (1) organizational arrangements for ongoing quality  
19 assurance, utilization review programs, or dispute  
20 resolution; or

21 (2) financial incentives for persons enrolled in the  
22 plan to use the participating providers and procedures  
23 covered by the plan.

24 A managed care plan may be established or operated by any  
25 entity including a licensed insurance company, hospital or  
26 medical service plan, health maintenance organization, limited



1 health service organization, preferred provider organization,  
2 third party administrator, or an employer or employee  
3 organization.

4 "Minimum necessary" means HIPAA's standard for using,  
5 disclosing, and requesting protected health information found  
6 in 45 CFR 164.502(b) and 164.514(d).

7 "Nontherapeutic purpose" means a purpose that is not  
8 intended to improve or preserve the life or health of the  
9 individual whom the information concerns.

10 "Organized health care arrangement" has the meaning  
11 ascribed to it under HIPAA, as specified in 45 CFR 160.103.

12 "Patient safety activities" has the meaning ascribed to it  
13 under 42 CFR 3.20.

14 "Payment" has the meaning ascribed to it under HIPAA, as  
15 specified in 45 CFR 164.501.

16 "Person" includes any natural person, partnership,  
17 association, joint venture, trust, governmental entity, public  
18 or private corporation, health facility, or other legal entity.

19 "Protected health information" has the meaning ascribed to  
20 it under HIPAA, as specified in 45 CFR 164.103.

21 "Research" has the meaning ascribed to it under HIPAA, as  
22 specified in 45 CFR 164.501.

23 "State agency" means an instrumentality of the State of  
24 Illinois and any instrumentality of another state which  
25 pursuant to applicable law or a written undertaking with an  
26 instrumentality of the State of Illinois is bound to protect

1 the privacy of genetic information of Illinois persons.

2 "Treatment" has the meaning ascribed to it under HIPAA, as  
3 specified in 45 CFR 164.501.

4 "Use" has the meaning ascribed to it under HIPAA, as  
5 specified in 45 CFR 160.103, where context dictates.

6 (Source: P.A. 98-1046, eff. 1-1-15; 99-173, eff. 7-29-15.)

7 Section 295. The Home Health and Hospice Drug Dispensation  
8 and Administration Act is amended by changing Section 10 as  
9 follows:

10 (410 ILCS 642/10)

11 Sec. 10. Definitions. In this Act:

12 "Authorized nursing employee" means a registered nurse or  
13 advanced practice registered nurse, as defined in the Nurse  
14 Practice Act, who is employed by a home health agency or  
15 hospice licensed in this State.

16 "Health care professional" means a physician licensed to  
17 practice medicine in all its branches, a licensed advanced  
18 practice registered nurse, or a licensed physician assistant.

19 "Home health agency" has the meaning ascribed to it in  
20 Section 2.04 of the Home Health, Home Services, and Home  
21 Nursing Agency Licensing Act.

22 "Hospice" means a full hospice, as defined in Section 3 of  
23 the Hospice Program Licensing Act.

24 "Physician" means a physician licensed under the Medical

1 Practice Act of 1987 to practice medicine in all its branches.  
2 (Source: P.A. 99-173, eff. 7-29-15.)

3 Section 300. The Radiation Protection Act of 1990 is  
4 amended by changing Sections 5 and 6 as follows:

5 (420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 5. Limitations on application of radiation to human  
8 beings and requirements for radiation installation operators  
9 providing mammography services.

10 (a) No person shall intentionally administer radiation to a  
11 human being unless such person is licensed to practice a  
12 treatment of human ailments by virtue of the Illinois Medical,  
13 Dental or Podiatric Medical Practice Acts, or, as physician  
14 assistant, advanced practice registered nurse, technician,  
15 nurse, or other assistant, is acting under the supervision,  
16 prescription or direction of such licensed person. However, no  
17 such physician assistant, advanced practice registered nurse,  
18 technician, nurse, or other assistant acting under the  
19 supervision of a person licensed under the Medical Practice Act  
20 of 1987, shall administer radiation to human beings unless  
21 accredited by the Agency, except that persons enrolled in a  
22 course of education approved by the Agency may apply ionizing  
23 radiation to human beings as required by their course of study  
24 when under the direct supervision of a person licensed under

1 the Medical Practice Act of 1987. No person authorized by this  
2 Section to apply ionizing radiation shall apply such radiation  
3 except to those parts of the human body specified in the Act  
4 under which such person or his supervisor is licensed. No  
5 person may operate a radiation installation where ionizing  
6 radiation is administered to human beings unless all persons  
7 who administer ionizing radiation in that radiation  
8 installation are licensed, accredited, or exempted in  
9 accordance with this Section. Nothing in this Section shall be  
10 deemed to relieve a person from complying with the provisions  
11 of Section 10.

12 (b) In addition, no person shall provide mammography  
13 services unless all of the following requirements are met:

14 (1) the mammography procedures are performed using a  
15 radiation machine that is specifically designed for  
16 mammography;

17 (2) the mammography procedures are performed using a  
18 radiation machine that is used solely for performing  
19 mammography procedures;

20 (3) the mammography procedures are performed using  
21 equipment that has been subjected to a quality assurance  
22 program that satisfies quality assurance requirements  
23 which the Agency shall establish by rule;

24 (4) beginning one year after the effective date of this  
25 amendatory Act of 1991, if the mammography procedure is  
26 performed by a radiologic technologist, that technologist,

1 in addition to being accredited by the Agency to perform  
2 radiography, has satisfied training requirements specific  
3 to mammography, which the Agency shall establish by rule.

4 (c) Every operator of a radiation installation at which  
5 mammography services are provided shall ensure and have  
6 confirmed by each mammography patient that the patient is  
7 provided with a pamphlet which is orally reviewed with the  
8 patient and which contains the following:

9 (1) how to perform breast self-examination;

10 (2) that early detection of breast cancer is maximized  
11 through a combined approach, using monthly breast  
12 self-examination, a thorough physical examination  
13 performed by a physician, and mammography performed at  
14 recommended intervals;

15 (3) that mammography is the most accurate method for  
16 making an early detection of breast cancer, however, no  
17 diagnostic tool is 100% effective;

18 (4) that if the patient is self-referred and does not  
19 have a primary care physician, or if the patient is  
20 unfamiliar with the breast examination procedures, that  
21 the patient has received information regarding public  
22 health services where she can obtain a breast examination  
23 and instructions.

24 (Source: P.A. 93-149, eff. 7-10-03; 94-104, eff. 7-1-05.)

25 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 6. Accreditation of administrators of radiation;  
3 Limited scope accreditation; Rules and regulations; Education.

4 (a) The Agency shall promulgate such rules and regulations  
5 as are necessary to establish accreditation standards and  
6 procedures, including a minimum course of education and  
7 continuing education requirements in the administration of  
8 radiation to human beings, which are appropriate to the  
9 classification of accreditation and which are to be met by all  
10 physician assistants, advanced practice registered nurses,  
11 nurses, technicians, or other assistants who administer  
12 radiation to human beings under the supervision of a person  
13 licensed under the Medical Practice Act of 1987. Such rules and  
14 regulations may provide for different classes of accreditation  
15 based on evidence of national certification, clinical  
16 experience or community hardship as conditions of initial and  
17 continuing accreditation. The rules and regulations of the  
18 Agency shall be consistent with national standards in regard to  
19 the protection of the health and safety of the general public.

20 (b) The rules and regulations shall also provide that  
21 persons who have been accredited by the Agency, in accordance  
22 with the Radiation Protection Act, without passing an  
23 examination, will remain accredited as provided in Section 43  
24 of this Act and that those persons may be accredited, without  
25 passing an examination, to use other equipment, procedures, or  
26 supervision within the original category of accreditation if

1 the Agency receives written assurances from a person licensed  
2 under the Medical Practice Act of 1987, that the person  
3 accredited has the necessary skill and qualifications for such  
4 additional equipment procedures or supervision. The Agency  
5 shall, in accordance with subsection (c) of this Section,  
6 provide for the accreditation of nurses, technicians, or other  
7 assistants, unless exempted elsewhere in this Act, to perform a  
8 limited scope of diagnostic radiography procedures of the  
9 chest, the extremities, skull and sinuses, or the spine, while  
10 under the supervision of a person licensed under the Medical  
11 Practice Act of 1987.

12 (c) The rules or regulations promulgated by the Agency  
13 pursuant to subsection (a) shall establish standards and  
14 procedures for accrediting persons to perform a limited scope  
15 of diagnostic radiography procedures. The rules or regulations  
16 shall require persons seeking limited scope accreditation to  
17 register with the Agency as a "student-in-training," and  
18 declare those procedures in which the student will be receiving  
19 training. The student-in-training registration shall be valid  
20 for a period of 16 months, during which the time the student  
21 may, under the supervision of a person licensed under the  
22 Medical Practice Act of 1987, perform the diagnostic  
23 radiography procedures listed on the student's registration.  
24 The student-in-training registration shall be nonrenewable.

25 Upon expiration of the 16 month training period, the  
26 student shall be prohibited from performing diagnostic

1 radiography procedures unless accredited by the Agency to  
2 perform such procedures. In order to be accredited to perform a  
3 limited scope of diagnostic radiography procedures, an  
4 individual must pass an examination offered by the Agency. The  
5 examination shall be consistent with national standards in  
6 regard to protection of public health and safety. The  
7 examination shall consist of a standardized component covering  
8 general principles applicable to diagnostic radiography  
9 procedures and a clinical component specific to the types of  
10 procedures for which accreditation is being sought. The Agency  
11 may assess a reasonable fee for such examinations to cover the  
12 costs incurred by the Agency in conjunction with offering the  
13 examinations.

14 (d) The Agency shall by rule or regulation exempt from  
15 accreditation physician assistants, advanced practice  
16 registered nurses, nurses, technicians, or other assistants  
17 who administer radiation to human beings under supervision of a  
18 person licensed to practice under the Medical Practice Act of  
19 1987 when the services are performed on employees of a business  
20 at a medical facility owned and operated by the business. Such  
21 exemption shall only apply to the equipment, procedures and  
22 supervision specific to the medical facility owned and operated  
23 by the business.

24 (Source: P.A. 94-104, eff. 7-1-05; 95-777, eff. 8-4-08.)

25 Section 305. The Illinois Vehicle Code is amended by



1 changing Sections 1-159.1, 3-609, 3-616, 6-103, 6-106.1,  
2 6-106.1a, 6-901, 11-501.01, 11-501.2, 11-501.6, 11-501.8,  
3 11-1301.2, and 11-1301.5 as follows:

4 (625 ILCS 5/1-159.1) (from Ch. 95 1/2, par. 1-159.1)

5 Sec. 1-159.1. Person with disabilities. A natural person  
6 who, as determined by a licensed physician, by a licensed  
7 physician assistant, or by a licensed advanced practice  
8 registered nurse: (1) cannot walk without the use of, or  
9 assistance from, a brace, cane, crutch, another person,  
10 prosthetic device, wheelchair, or other assistive device; (2)  
11 is restricted by lung disease to such an extent that his or her  
12 forced (respiratory) expiratory volume for one second, when  
13 measured by spirometry, is less than one liter, or the arterial  
14 oxygen tension is less than 60 mm/hg on room air at rest; (3)  
15 uses portable oxygen; (4) has a cardiac condition to the extent  
16 that the person's functional limitations are classified in  
17 severity as Class III or Class IV, according to standards set  
18 by the American Heart Association; (5) is severely limited in  
19 the person's ability to walk due to an arthritic, neurological,  
20 oncological, or orthopedic condition; (6) cannot walk 200 feet  
21 without stopping to rest because of one of the above 5  
22 conditions; or (7) is missing a hand or arm or has permanently  
23 lost the use of a hand or arm.

24 (Source: P.A. 98-405, eff. 1-1-14; 99-173, eff. 7-29-15.)

1 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

2 Sec. 3-609. Plates for Veterans with Disabilities.

3 (a) Any veteran who holds proof of a service-connected  
4 disability from the United States Department of Veterans  
5 Affairs, and who has obtained certification from a licensed  
6 physician, physician assistant, or advanced practice  
7 registered nurse that the service-connected disability  
8 qualifies the veteran for issuance of registration plates or  
9 decals to a person with disabilities in accordance with Section  
10 3-616, may, without the payment of any registration fee, make  
11 application to the Secretary of State for license plates for  
12 veterans with disabilities displaying the international symbol  
13 of access, for the registration of one motor vehicle of the  
14 first division or one motor vehicle of the second division  
15 weighing not more than 8,000 pounds.

16 (b) Any veteran who holds proof of a service-connected  
17 disability from the United States Department of Veterans  
18 Affairs, and whose degree of disability has been declared to be  
19 50% or more, but whose disability does not qualify the veteran  
20 for a plate or decal for persons with disabilities under  
21 Section 3-616, may, without the payment of any registration  
22 fee, make application to the Secretary for a special  
23 registration plate without the international symbol of access  
24 for the registration of one motor vehicle of the first division  
25 or one motor vehicle of the second division weighing not more  
26 than 8,000 pounds.

1 (c) Renewal of such registration must be accompanied with  
2 documentation for eligibility of registration without fee  
3 unless the applicant has a permanent qualifying disability, and  
4 such registration plates may not be issued to any person not  
5 eligible therefor. The Illinois Department of Veterans'  
6 Affairs may assist in providing the documentation of  
7 disability.

8 (d) The design and color of the plates shall be within the  
9 discretion of the Secretary, except that the plates issued  
10 under subsection (b) of this Section shall not contain the  
11 international symbol of access. The Secretary may, in his or  
12 her discretion, allow the plates to be issued as vanity or  
13 personalized plates in accordance with Section 3-405.1 of this  
14 Code. Registration shall be for a multi-year period and may be  
15 issued staggered registration.

16 (e) Any person eligible to receive license plates under  
17 this Section who has been approved for benefits under the  
18 Senior Citizens and Persons with Disabilities Property Tax  
19 Relief Act, or who has claimed and received a grant under that  
20 Act, shall pay a fee of \$24 instead of the fee otherwise  
21 provided in this Code for passenger cars displaying standard  
22 multi-year registration plates issued under Section 3-414.1,  
23 for motor vehicles registered at 8,000 pounds or less under  
24 Section 3-815(a), or for recreational vehicles registered at  
25 8,000 pounds or less under Section 3-815(b), for a second set  
26 of plates under this Section.

1 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

2 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

3 Sec. 3-616. Disability license plates.

4 (a) Upon receiving an application for a certificate of  
5 registration for a motor vehicle of the first division or for a  
6 motor vehicle of the second division weighing no more than  
7 8,000 pounds, accompanied with payment of the registration fees  
8 required under this Code from a person with disabilities or a  
9 person who is deaf or hard of hearing, the Secretary of State,  
10 if so requested, shall issue to such person registration plates  
11 as provided for in Section 3-611, provided that the person with  
12 disabilities or person who is deaf or hard of hearing must not  
13 be disqualified from obtaining a driver's license under  
14 subsection 8 of Section 6-103 of this Code, and further  
15 provided that any person making such a request must submit a  
16 statement, certified by a licensed physician, by a licensed  
17 physician assistant, or by a licensed advanced practice  
18 registered nurse, to the effect that such person is a person  
19 with disabilities as defined by Section 1-159.1 of this Code,  
20 or alternatively provide adequate documentation that such  
21 person has a Class 1A, Class 2A or Type Four disability under  
22 the provisions of Section 4A of the Illinois Identification  
23 Card Act. For purposes of this Section, an Illinois Person with  
24 a Disability Identification Card issued pursuant to the  
25 Illinois Identification Card Act indicating that the person

1 thereon named has a disability shall be adequate documentation  
2 of such a disability.

3 (b) The Secretary shall issue plates under this Section to  
4 a parent or legal guardian of a person with disabilities if the  
5 person with disabilities has a Class 1A or Class 2A disability  
6 as defined in Section 4A of the Illinois Identification Card  
7 Act or is a person with disabilities as defined by Section  
8 1-159.1 of this Code, and does not possess a vehicle registered  
9 in his or her name, provided that the person with disabilities  
10 relies frequently on the parent or legal guardian for  
11 transportation. Only one vehicle per family may be registered  
12 under this subsection, unless the applicant can justify in  
13 writing the need for one additional set of plates. Any person  
14 requesting special plates under this subsection shall submit  
15 such documentation or such physician's, physician assistant's,  
16 or advanced practice registered nurse's statement as is  
17 required in subsection (a) and a statement describing the  
18 circumstances qualifying for issuance of special plates under  
19 this subsection. An optometrist may certify a Class 2A Visual  
20 Disability, as defined in Section 4A of the Illinois  
21 Identification Card Act, for the purpose of qualifying a person  
22 with disabilities for special plates under this subsection.

23 (c) The Secretary may issue a parking decal or device to a  
24 person with disabilities as defined by Section 1-159.1 without  
25 regard to qualification of such person with disabilities for a  
26 driver's license or registration of a vehicle by such person

1 with disabilities or such person's immediate family, provided  
2 such person with disabilities making such a request has been  
3 issued an Illinois Person with a Disability Identification Card  
4 indicating that the person named thereon has a Class 1A or  
5 Class 2A disability, or alternatively, submits a statement  
6 certified by a licensed physician, or by a licensed physician  
7 assistant or a licensed advanced practice registered nurse as  
8 provided in subsection (a), to the effect that such person is a  
9 person with disabilities as defined by Section 1-159.1. An  
10 optometrist may certify a Class 2A Visual Disability as defined  
11 in Section 4A of the Illinois Identification Card Act for the  
12 purpose of qualifying a person with disabilities for a parking  
13 decal or device under this subsection.

14 (d) The Secretary shall prescribe by rules and regulations  
15 procedures to certify or re-certify as necessary the  
16 eligibility of persons whose disabilities are other than  
17 permanent for special plates or parking decals or devices  
18 issued under subsections (a), (b) and (c). Except as provided  
19 under subsection (f) of this Section, no such special plates,  
20 decals or devices shall be issued by the Secretary of State to  
21 or on behalf of any person with disabilities unless such person  
22 is certified as meeting the definition of a person with  
23 disabilities pursuant to Section 1-159.1 or meeting the  
24 requirement of a Type Four disability as provided under Section  
25 4A of the Illinois Identification Card Act for the period of  
26 time that the physician, or the physician assistant or advanced

1 practice registered nurse as provided in subsection (a),  
2 determines the applicant will have the disability, but not to  
3 exceed 6 months from the date of certification or  
4 recertification.

5 (e) Any person requesting special plates under this Section  
6 may also apply to have the special plates personalized, as  
7 provided under Section 3-405.1.

8 (f) The Secretary of State, upon application, shall issue  
9 disability registration plates or a parking decal to  
10 corporations, school districts, State or municipal agencies,  
11 limited liability companies, nursing homes, convalescent  
12 homes, or special education cooperatives which will transport  
13 persons with disabilities. The Secretary shall prescribe by  
14 rule a means to certify or re-certify the eligibility of  
15 organizations to receive disability plates or decals and to  
16 designate which of the 2 person with disabilities emblems shall  
17 be placed on qualifying vehicles.

18 (g) The Secretary of State, or his designee, may enter into  
19 agreements with other jurisdictions, including foreign  
20 jurisdictions, on behalf of this State relating to the  
21 extension of parking privileges by such jurisdictions to  
22 residents of this State with disabilities who display a special  
23 license plate or parking device that contains the International  
24 symbol of access on his or her motor vehicle, and to recognize  
25 such plates or devices issued by such other jurisdictions. This  
26 State shall grant the same parking privileges which are granted

1 to residents of this State with disabilities to any  
2 non-resident whose motor vehicle is licensed in another state,  
3 district, territory or foreign country if such vehicle displays  
4 the international symbol of access or a distinguishing insignia  
5 on license plates or parking device issued in accordance with  
6 the laws of the non-resident's state, district, territory or  
7 foreign country.

8 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;  
9 99-642, eff. 7-28-16.)

10 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

11 Sec. 6-103. What persons shall not be licensed as drivers  
12 or granted permits. The Secretary of State shall not issue,  
13 renew, or allow the retention of any driver's license nor issue  
14 any permit under this Code:

15 1. To any person, as a driver, who is under the age of  
16 18 years except as provided in Section 6-107, and except  
17 that an instruction permit may be issued under Section  
18 6-107.1 to a child who is not less than 15 years of age if  
19 the child is enrolled in an approved driver education  
20 course as defined in Section 1-103 of this Code and  
21 requires an instruction permit to participate therein,  
22 except that an instruction permit may be issued under the  
23 provisions of Section 6-107.1 to a child who is 17 years  
24 and 3 months of age without the child having enrolled in an  
25 approved driver education course and except that an



1 instruction permit may be issued to a child who is at least  
2 15 years and 3 months of age, is enrolled in school, meets  
3 the educational requirements of the Driver Education Act,  
4 and has passed examinations the Secretary of State in his  
5 or her discretion may prescribe;

6 1.5. To any person at least 18 years of age but less  
7 than 21 years of age unless the person has, in addition to  
8 any other requirements of this Code, successfully  
9 completed an adult driver education course as provided in  
10 Section 6-107.5 of this Code;

11 2. To any person who is under the age of 18 as an  
12 operator of a motorcycle other than a motor driven cycle  
13 unless the person has, in addition to meeting the  
14 provisions of Section 6-107 of this Code, successfully  
15 completed a motorcycle training course approved by the  
16 Illinois Department of Transportation and successfully  
17 completes the required Secretary of State's motorcycle  
18 driver's examination;

19 3. To any person, as a driver, whose driver's license  
20 or permit has been suspended, during the suspension, nor to  
21 any person whose driver's license or permit has been  
22 revoked, except as provided in Sections 6-205, 6-206, and  
23 6-208;

24 4. To any person, as a driver, who is a user of alcohol  
25 or any other drug to a degree that renders the person  
26 incapable of safely driving a motor vehicle;

1           5. To any person, as a driver, who has previously been  
2 adjudged to be afflicted with or suffering from any mental  
3 or physical disability or disease and who has not at the  
4 time of application been restored to competency by the  
5 methods provided by law;

6           6. To any person, as a driver, who is required by the  
7 Secretary of State to submit an alcohol and drug evaluation  
8 or take an examination provided for in this Code unless the  
9 person has successfully passed the examination and  
10 submitted any required evaluation;

11           7. To any person who is required under the provisions  
12 of the laws of this State to deposit security or proof of  
13 financial responsibility and who has not deposited the  
14 security or proof;

15           8. To any person when the Secretary of State has good  
16 cause to believe that the person by reason of physical or  
17 mental disability would not be able to safely operate a  
18 motor vehicle upon the highways, unless the person shall  
19 furnish to the Secretary of State a verified written  
20 statement, acceptable to the Secretary of State, from a  
21 competent medical specialist, a licensed physician  
22 assistant, or a licensed advanced practice registered  
23 nurse, to the effect that the operation of a motor vehicle  
24 by the person would not be inimical to the public safety;

25           9. To any person, as a driver, who is 69 years of age  
26 or older, unless the person has successfully complied with

1 the provisions of Section 6-109;

2 10. To any person convicted, within 12 months of  
3 application for a license, of any of the sexual offenses  
4 enumerated in paragraph 2 of subsection (b) of Section  
5 6-205;

6 11. To any person who is under the age of 21 years with  
7 a classification prohibited in paragraph (b) of Section  
8 6-104 and to any person who is under the age of 18 years  
9 with a classification prohibited in paragraph (c) of  
10 Section 6-104;

11 12. To any person who has been either convicted of or  
12 adjudicated under the Juvenile Court Act of 1987 based upon  
13 a violation of the Cannabis Control Act, the Illinois  
14 Controlled Substances Act, or the Methamphetamine Control  
15 and Community Protection Act while that person was in  
16 actual physical control of a motor vehicle. For purposes of  
17 this Section, any person placed on probation under Section  
18 10 of the Cannabis Control Act, Section 410 of the Illinois  
19 Controlled Substances Act, or Section 70 of the  
20 Methamphetamine Control and Community Protection Act shall  
21 not be considered convicted. Any person found guilty of  
22 this offense, while in actual physical control of a motor  
23 vehicle, shall have an entry made in the court record by  
24 the judge that this offense did occur while the person was  
25 in actual physical control of a motor vehicle and order the  
26 clerk of the court to report the violation to the Secretary

1 of State as such. The Secretary of State shall not issue a  
2 new license or permit for a period of one year;

3 13. To any person who is under the age of 18 years and  
4 who has committed the offense of operating a motor vehicle  
5 without a valid license or permit in violation of Section  
6 6-101 or a similar out of state offense;

7 14. To any person who is 90 days or more delinquent in  
8 court ordered child support payments or has been  
9 adjudicated in arrears in an amount equal to 90 days'  
10 obligation or more and who has been found in contempt of  
11 court for failure to pay the support, subject to the  
12 requirements and procedures of Article VII of Chapter 7 of  
13 the Illinois Vehicle Code;

14 14.5. To any person certified by the Illinois  
15 Department of Healthcare and Family Services as being 90  
16 days or more delinquent in payment of support under an  
17 order of support entered by a court or administrative body  
18 of this or any other State, subject to the requirements and  
19 procedures of Article VII of Chapter 7 of this Code  
20 regarding those certifications;

21 15. To any person released from a term of imprisonment  
22 for violating Section 9-3 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, or a similar provision of a law  
24 of another state relating to reckless homicide or for  
25 violating subparagraph (F) of paragraph (1) of subsection  
26 (d) of Section 11-501 of this Code relating to aggravated

1 driving under the influence of alcohol, other drug or  
2 drugs, intoxicating compound or compounds, or any  
3 combination thereof, if the violation was the proximate  
4 cause of a death, within 24 months of release from a term  
5 of imprisonment;

6 16. To any person who, with intent to influence any act  
7 related to the issuance of any driver's license or permit,  
8 by an employee of the Secretary of State's Office, or the  
9 owner or employee of any commercial driver training school  
10 licensed by the Secretary of State, or any other individual  
11 authorized by the laws of this State to give driving  
12 instructions or administer all or part of a driver's  
13 license examination, promises or tenders to that person any  
14 property or personal advantage which that person is not  
15 authorized by law to accept. Any persons promising or  
16 tendering such property or personal advantage shall be  
17 disqualified from holding any class of driver's license or  
18 permit for 120 consecutive days. The Secretary of State  
19 shall establish by rule the procedures for implementing  
20 this period of disqualification and the procedures by which  
21 persons so disqualified may obtain administrative review  
22 of the decision to disqualify;

23 17. To any person for whom the Secretary of State  
24 cannot verify the accuracy of any information or  
25 documentation submitted in application for a driver's  
26 license;

1           18. To any person who has been adjudicated under the  
2           Juvenile Court Act of 1987 based upon an offense that is  
3           determined by the court to have been committed in  
4           furtherance of the criminal activities of an organized  
5           gang, as provided in Section 5-710 of that Act, and that  
6           involved the operation or use of a motor vehicle or the use  
7           of a driver's license or permit. The person shall be denied  
8           a license or permit for the period determined by the court;  
9           or

10           19. Beginning July 1, 2017, to any person who has been  
11           issued an identification card under the Illinois  
12           Identification Card Act. Any such person may, at his or her  
13           discretion, surrender the identification card in order to  
14           become eligible to obtain a driver's license.

15           The Secretary of State shall retain all conviction  
16           information, if the information is required to be held  
17           confidential under the Juvenile Court Act of 1987.

18           (Source: P.A. 98-167, eff. 7-1-14; 98-756, eff. 7-16-14;  
19           99-173, eff. 7-29-15; 99-511, eff. 1-1-17.)

20           (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

21           Sec. 6-106.1. School bus driver permit.

22           (a) The Secretary of State shall issue a school bus driver  
23           permit to those applicants who have met all the requirements of  
24           the application and screening process under this Section to  
25           insure the welfare and safety of children who are transported

1 on school buses throughout the State of Illinois. Applicants  
2 shall obtain the proper application required by the Secretary  
3 of State from their prospective or current employer and submit  
4 the completed application to the prospective or current  
5 employer along with the necessary fingerprint submission as  
6 required by the Department of State Police to conduct  
7 fingerprint based criminal background checks on current and  
8 future information available in the state system and current  
9 information available through the Federal Bureau of  
10 Investigation's system. Applicants who have completed the  
11 fingerprinting requirements shall not be subjected to the  
12 fingerprinting process when applying for subsequent permits or  
13 submitting proof of successful completion of the annual  
14 refresher course. Individuals who on July 1, 1995 (the  
15 effective date of Public Act 88-612) possess a valid school bus  
16 driver permit that has been previously issued by the  
17 appropriate Regional School Superintendent are not subject to  
18 the fingerprinting provisions of this Section as long as the  
19 permit remains valid and does not lapse. The applicant shall be  
20 required to pay all related application and fingerprinting fees  
21 as established by rule including, but not limited to, the  
22 amounts established by the Department of State Police and the  
23 Federal Bureau of Investigation to process fingerprint based  
24 criminal background investigations. All fees paid for  
25 fingerprint processing services under this Section shall be  
26 deposited into the State Police Services Fund for the cost

1 incurred in processing the fingerprint based criminal  
2 background investigations. All other fees paid under this  
3 Section shall be deposited into the Road Fund for the purpose  
4 of defraying the costs of the Secretary of State in  
5 administering this Section. All applicants must:

6 1. be 21 years of age or older;

7 2. possess a valid and properly classified driver's  
8 license issued by the Secretary of State;

9 3. possess a valid driver's license, which has not been  
10 revoked, suspended, or canceled for 3 years immediately  
11 prior to the date of application, or have not had his or  
12 her commercial motor vehicle driving privileges  
13 disqualified within the 3 years immediately prior to the  
14 date of application;

15 4. successfully pass a written test, administered by  
16 the Secretary of State, on school bus operation, school bus  
17 safety, and special traffic laws relating to school buses  
18 and submit to a review of the applicant's driving habits by  
19 the Secretary of State at the time the written test is  
20 given;

21 5. demonstrate ability to exercise reasonable care in  
22 the operation of school buses in accordance with rules  
23 promulgated by the Secretary of State;

24 6. demonstrate physical fitness to operate school  
25 buses by submitting the results of a medical examination,  
26 including tests for drug use for each applicant not subject



1 to such testing pursuant to federal law, conducted by a  
2 licensed physician, a licensed advanced practice  
3 registered nurse, or a licensed physician assistant within  
4 90 days of the date of application according to standards  
5 promulgated by the Secretary of State;

6 7. affirm under penalties of perjury that he or she has  
7 not made a false statement or knowingly concealed a  
8 material fact in any application for permit;

9 8. have completed an initial classroom course,  
10 including first aid procedures, in school bus driver safety  
11 as promulgated by the Secretary of State; and after  
12 satisfactory completion of said initial course an annual  
13 refresher course; such courses and the agency or  
14 organization conducting such courses shall be approved by  
15 the Secretary of State; failure to complete the annual  
16 refresher course, shall result in cancellation of the  
17 permit until such course is completed;

18 9. not have been under an order of court supervision  
19 for or convicted of 2 or more serious traffic offenses, as  
20 defined by rule, within one year prior to the date of  
21 application that may endanger the life or safety of any of  
22 the driver's passengers within the duration of the permit  
23 period;

24 10. not have been under an order of court supervision  
25 for or convicted of reckless driving, aggravated reckless  
26 driving, driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or  
2 any combination thereof, or reckless homicide resulting  
3 from the operation of a motor vehicle within 3 years of the  
4 date of application;

5 11. not have been convicted of committing or attempting  
6 to commit any one or more of the following offenses: (i)  
7 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
8 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
9 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
10 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
11 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
12 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
13 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
14 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
15 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
16 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
17 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
18 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
19 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
20 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
21 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
22 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,  
23 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section  
24 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),  
25 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and  
26 in subsection (a) and subsection (b), clause (1), of

1 Section 12-4, and in subsection (A), clauses (a) and (b),  
2 of Section 24-3, and those offenses contained in Article  
3 29D of the Criminal Code of 1961 or the Criminal Code of  
4 2012; (ii) those offenses defined in the Cannabis Control  
5 Act except those offenses defined in subsections (a) and  
6 (b) of Section 4, and subsection (a) of Section 5 of the  
7 Cannabis Control Act; (iii) those offenses defined in the  
8 Illinois Controlled Substances Act; (iv) those offenses  
9 defined in the Methamphetamine Control and Community  
10 Protection Act; (v) any offense committed or attempted in  
11 any other state or against the laws of the United States,  
12 which if committed or attempted in this State would be  
13 punishable as one or more of the foregoing offenses; (vi)  
14 the offenses defined in Section 4.1 and 5.1 of the Wrongs  
15 to Children Act or Section 11-9.1A of the Criminal Code of  
16 1961 or the Criminal Code of 2012; (vii) those offenses  
17 defined in Section 6-16 of the Liquor Control Act of 1934;  
18 and (viii) those offenses defined in the Methamphetamine  
19 Precursor Control Act;

20 12. not have been repeatedly involved as a driver in  
21 motor vehicle collisions or been repeatedly convicted of  
22 offenses against laws and ordinances regulating the  
23 movement of traffic, to a degree which indicates lack of  
24 ability to exercise ordinary and reasonable care in the  
25 safe operation of a motor vehicle or disrespect for the  
26 traffic laws and the safety of other persons upon the

1 highway;

2 13. not have, through the unlawful operation of a motor  
3 vehicle, caused an accident resulting in the death of any  
4 person;

5 14. not have, within the last 5 years, been adjudged to  
6 be afflicted with or suffering from any mental disability  
7 or disease; and

8 15. consent, in writing, to the release of results of  
9 reasonable suspicion drug and alcohol testing under  
10 Section 6-106.1c of this Code by the employer of the  
11 applicant to the Secretary of State.

12 (b) A school bus driver permit shall be valid for a period  
13 specified by the Secretary of State as set forth by rule. It  
14 shall be renewable upon compliance with subsection (a) of this  
15 Section.

16 (c) A school bus driver permit shall contain the holder's  
17 driver's license number, legal name, residence address, zip  
18 code, and date of birth, a brief description of the holder and  
19 a space for signature. The Secretary of State may require a  
20 suitable photograph of the holder.

21 (d) The employer shall be responsible for conducting a  
22 pre-employment interview with prospective school bus driver  
23 candidates, distributing school bus driver applications and  
24 medical forms to be completed by the applicant, and submitting  
25 the applicant's fingerprint cards to the Department of State  
26 Police that are required for the criminal background

1 investigations. The employer shall certify in writing to the  
2 Secretary of State that all pre-employment conditions have been  
3 successfully completed including the successful completion of  
4 an Illinois specific criminal background investigation through  
5 the Department of State Police and the submission of necessary  
6 fingerprints to the Federal Bureau of Investigation for  
7 criminal history information available through the Federal  
8 Bureau of Investigation system. The applicant shall present the  
9 certification to the Secretary of State at the time of  
10 submitting the school bus driver permit application.

11 (e) Permits shall initially be provisional upon receiving  
12 certification from the employer that all pre-employment  
13 conditions have been successfully completed, and upon  
14 successful completion of all training and examination  
15 requirements for the classification of the vehicle to be  
16 operated, the Secretary of State shall provisionally issue a  
17 School Bus Driver Permit. The permit shall remain in a  
18 provisional status pending the completion of the Federal Bureau  
19 of Investigation's criminal background investigation based  
20 upon fingerprinting specimens submitted to the Federal Bureau  
21 of Investigation by the Department of State Police. The Federal  
22 Bureau of Investigation shall report the findings directly to  
23 the Secretary of State. The Secretary of State shall remove the  
24 bus driver permit from provisional status upon the applicant's  
25 successful completion of the Federal Bureau of Investigation's  
26 criminal background investigation.

1           (f) A school bus driver permit holder shall notify the  
2 employer and the Secretary of State if he or she is issued an  
3 order of court supervision for or convicted in another state of  
4 an offense that would make him or her ineligible for a permit  
5 under subsection (a) of this Section. The written notification  
6 shall be made within 5 days of the entry of the order of court  
7 supervision or conviction. Failure of the permit holder to  
8 provide the notification is punishable as a petty offense for a  
9 first violation and a Class B misdemeanor for a second or  
10 subsequent violation.

11           (g) Cancellation; suspension; notice and procedure.

12           (1) The Secretary of State shall cancel a school bus  
13 driver permit of an applicant whose criminal background  
14 investigation discloses that he or she is not in compliance  
15 with the provisions of subsection (a) of this Section.

16           (2) The Secretary of State shall cancel a school bus  
17 driver permit when he or she receives notice that the  
18 permit holder fails to comply with any provision of this  
19 Section or any rule promulgated for the administration of  
20 this Section.

21           (3) The Secretary of State shall cancel a school bus  
22 driver permit if the permit holder's restricted commercial  
23 or commercial driving privileges are withdrawn or  
24 otherwise invalidated.

25           (4) The Secretary of State may not issue a school bus  
26 driver permit for a period of 3 years to an applicant who

1 fails to obtain a negative result on a drug test as  
2 required in item 6 of subsection (a) of this Section or  
3 under federal law.

4 (5) The Secretary of State shall forthwith suspend a  
5 school bus driver permit for a period of 3 years upon  
6 receiving notice that the holder has failed to obtain a  
7 negative result on a drug test as required in item 6 of  
8 subsection (a) of this Section or under federal law.

9 (6) The Secretary of State shall suspend a school bus  
10 driver permit for a period of 3 years upon receiving notice  
11 from the employer that the holder failed to perform the  
12 inspection procedure set forth in subsection (a) or (b) of  
13 Section 12-816 of this Code.

14 (7) The Secretary of State shall suspend a school bus  
15 driver permit for a period of 3 years upon receiving notice  
16 from the employer that the holder refused to submit to an  
17 alcohol or drug test as required by Section 6-106.1c or has  
18 submitted to a test required by that Section which  
19 disclosed an alcohol concentration of more than 0.00 or  
20 disclosed a positive result on a National Institute on Drug  
21 Abuse five-drug panel, utilizing federal standards set  
22 forth in 49 CFR 40.87.

23 The Secretary of State shall notify the State  
24 Superintendent of Education and the permit holder's  
25 prospective or current employer that the applicant has (1) has  
26 failed a criminal background investigation or (2) is no longer

1 eligible for a school bus driver permit; and of the related  
2 cancellation of the applicant's provisional school bus driver  
3 permit. The cancellation shall remain in effect pending the  
4 outcome of a hearing pursuant to Section 2-118 of this Code.  
5 The scope of the hearing shall be limited to the issuance  
6 criteria contained in subsection (a) of this Section. A  
7 petition requesting a hearing shall be submitted to the  
8 Secretary of State and shall contain the reason the individual  
9 feels he or she is entitled to a school bus driver permit. The  
10 permit holder's employer shall notify in writing to the  
11 Secretary of State that the employer has certified the removal  
12 of the offending school bus driver from service prior to the  
13 start of that school bus driver's next workshift. An employing  
14 school board that fails to remove the offending school bus  
15 driver from service is subject to the penalties defined in  
16 Section 3-14.23 of the School Code. A school bus contractor who  
17 violates a provision of this Section is subject to the  
18 penalties defined in Section 6-106.11.

19 All valid school bus driver permits issued under this  
20 Section prior to January 1, 1995, shall remain effective until  
21 their expiration date unless otherwise invalidated.

22 (h) When a school bus driver permit holder who is a service  
23 member is called to active duty, the employer of the permit  
24 holder shall notify the Secretary of State, within 30 days of  
25 notification from the permit holder, that the permit holder has  
26 been called to active duty. Upon notification pursuant to this



1 subsection, (i) the Secretary of State shall characterize the  
2 permit as inactive until a permit holder renews the permit as  
3 provided in subsection (i) of this Section, and (ii) if a  
4 permit holder fails to comply with the requirements of this  
5 Section while called to active duty, the Secretary of State  
6 shall not characterize the permit as invalid.

7 (i) A school bus driver permit holder who is a service  
8 member returning from active duty must, within 90 days, renew a  
9 permit characterized as inactive pursuant to subsection (h) of  
10 this Section by complying with the renewal requirements of  
11 subsection (b) of this Section.

12 (j) For purposes of subsections (h) and (i) of this  
13 Section:

14 "Active duty" means active duty pursuant to an executive  
15 order of the President of the United States, an act of the  
16 Congress of the United States, or an order of the Governor.

17 "Service member" means a member of the Armed Services or  
18 reserve forces of the United States or a member of the Illinois  
19 National Guard.

20 (k) A private carrier employer of a school bus driver  
21 permit holder, having satisfied the employer requirements of  
22 this Section, shall be held to a standard of ordinary care for  
23 intentional acts committed in the course of employment by the  
24 bus driver permit holder. This subsection (k) shall in no way  
25 limit the liability of the private carrier employer for  
26 violation of any provision of this Section or for the negligent

1 hiring or retention of a school bus driver permit holder.  
2 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;  
3 99-642, eff. 7-28-16.)

4 (625 ILCS 5/6-106.1a)

5 Sec. 6-106.1a. Cancellation of school bus driver permit;  
6 trace of alcohol.

7 (a) A person who has been issued a school bus driver permit  
8 by the Secretary of State in accordance with Section 6-106.1 of  
9 this Code and who drives or is in actual physical control of a  
10 school bus or any other vehicle owned or operated by or for a  
11 public or private school, or a school operated by a religious  
12 institution, when the vehicle is being used over a regularly  
13 scheduled route for the transportation of persons enrolled as  
14 students in grade 12 or below, in connection with any activity  
15 of the entities listed, upon the public highways of this State  
16 shall be deemed to have given consent to a chemical test or  
17 tests of blood, breath, other bodily substance, or urine for  
18 the purpose of determining the alcohol content of the person's  
19 blood if arrested, as evidenced by the issuance of a Uniform  
20 Traffic Ticket for any violation of this Code or a similar  
21 provision of a local ordinance, if a police officer has  
22 probable cause to believe that the driver has consumed any  
23 amount of an alcoholic beverage based upon evidence of the  
24 driver's physical condition or other first hand knowledge of  
25 the police officer. The test or tests shall be administered at

1 the direction of the arresting officer. The law enforcement  
2 agency employing the officer shall designate which of the  
3 aforesaid tests shall be administered. A urine or other bodily  
4 substance test may be administered even after a blood or breath  
5 test or both has been administered.

6 (b) A person who is dead, unconscious, or who is otherwise  
7 in a condition rendering that person incapable of refusal,  
8 shall be deemed not to have withdrawn the consent provided by  
9 paragraph (a) of this Section and the test or tests may be  
10 administered subject to the following provisions:

11 (1) Chemical analysis of the person's blood, urine,  
12 breath, or other bodily substance, to be considered valid  
13 under the provisions of this Section, shall have been  
14 performed according to standards promulgated by the  
15 Department of State Police by an individual possessing a  
16 valid permit issued by the Department of State Police for  
17 this purpose. The Director of State Police is authorized to  
18 approve satisfactory techniques or methods, to ascertain  
19 the qualifications and competence of individuals to  
20 conduct analyses, to issue permits that shall be subject to  
21 termination or revocation at the direction of the  
22 Department of State Police, and to certify the accuracy of  
23 breath testing equipment. The Department of State Police  
24 shall prescribe rules as necessary.

25 (2) When a person submits to a blood test at the  
26 request of a law enforcement officer under the provisions

1 of this Section, only a physician authorized to practice  
2 medicine, a licensed physician assistant, a licensed  
3 advanced practice registered nurse, a registered nurse, or  
4 other qualified person trained in venipuncture and acting  
5 under the direction of a licensed physician may withdraw  
6 blood for the purpose of determining the alcohol content.  
7 This limitation does not apply to the taking of breath,  
8 other bodily substance, or urine specimens.

9 (3) The person tested may have a physician, qualified  
10 technician, chemist, registered nurse, or other qualified  
11 person of his or her own choosing administer a chemical  
12 test or tests in addition to any test or tests administered  
13 at the direction of a law enforcement officer. The test  
14 administered at the request of the person may be admissible  
15 into evidence at a hearing conducted in accordance with  
16 Section 2-118 of this Code. The failure or inability to  
17 obtain an additional test by a person shall not preclude  
18 the consideration of the previously performed chemical  
19 test.

20 (4) Upon a request of the person who submits to a  
21 chemical test or tests at the request of a law enforcement  
22 officer, full information concerning the test or tests  
23 shall be made available to the person or that person's  
24 attorney by the requesting law enforcement agency within 72  
25 hours of receipt of the test result.

26 (5) Alcohol concentration means either grams of

1 alcohol per 100 milliliters of blood or grams of alcohol  
2 per 210 liters of breath.

3 (6) If a driver is receiving medical treatment as a  
4 result of a motor vehicle accident, a physician licensed to  
5 practice medicine, licensed physician assistant, licensed  
6 advanced practice registered nurse, registered nurse, or  
7 other qualified person trained in venipuncture and acting  
8 under the direction of a licensed physician shall withdraw  
9 blood for testing purposes to ascertain the presence of  
10 alcohol upon the specific request of a law enforcement  
11 officer. However, that testing shall not be performed  
12 until, in the opinion of the medical personnel on scene,  
13 the withdrawal can be made without interfering with or  
14 endangering the well-being of the patient.

15 (c) A person requested to submit to a test as provided in  
16 this Section shall be warned by the law enforcement officer  
17 requesting the test that a refusal to submit to the test, or  
18 submission to the test resulting in an alcohol concentration of  
19 more than 0.00, may result in the loss of that person's  
20 privilege to possess a school bus driver permit. The loss of  
21 the individual's privilege to possess a school bus driver  
22 permit shall be imposed in accordance with Section 6-106.1b of  
23 this Code. A person requested to submit to a test under this  
24 Section shall also acknowledge, in writing, receipt of the  
25 warning required under this subsection (c). If the person  
26 refuses to acknowledge receipt of the warning, the law

1 enforcement officer shall make a written notation on the  
2 warning that the person refused to sign the warning. A person's  
3 refusal to sign the warning shall not be evidence that the  
4 person was not read the warning.

5 (d) If the person refuses testing or submits to a test that  
6 discloses an alcohol concentration of more than 0.00, the law  
7 enforcement officer shall immediately submit a sworn report to  
8 the Secretary of State on a form prescribed by the Secretary of  
9 State certifying that the test or tests were requested under  
10 subsection (a) and the person refused to submit to a test or  
11 tests or submitted to testing which disclosed an alcohol  
12 concentration of more than 0.00. The law enforcement officer  
13 shall submit the same sworn report when a person who has been  
14 issued a school bus driver permit and who was operating a  
15 school bus or any other vehicle owned or operated by or for a  
16 public or private school, or a school operated by a religious  
17 institution, when the vehicle is being used over a regularly  
18 scheduled route for the transportation of persons enrolled as  
19 students in grade 12 or below, in connection with any activity  
20 of the entities listed, submits to testing under Section  
21 11-501.1 of this Code and the testing discloses an alcohol  
22 concentration of more than 0.00 and less than the alcohol  
23 concentration at which driving or being in actual physical  
24 control of a motor vehicle is prohibited under paragraph (1) of  
25 subsection (a) of Section 11-501.

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary of State shall enter the school bus  
2 driver permit sanction on the individual's driving record and  
3 the sanction shall be effective on the 46th day following the  
4 date notice of the sanction was given to the person.

5 The law enforcement officer submitting the sworn report  
6 shall serve immediate notice of this school bus driver permit  
7 sanction on the person and the sanction shall be effective on  
8 the 46th day following the date notice was given.

9 In cases where the blood alcohol concentration of more than  
10 0.00 is established by a subsequent analysis of blood, other  
11 bodily substance, or urine, the police officer or arresting  
12 agency shall give notice as provided in this Section or by  
13 deposit in the United States mail of that notice in an envelope  
14 with postage prepaid and addressed to that person at his or her  
15 last known address and the loss of the school bus driver permit  
16 shall be effective on the 46th day following the date notice  
17 was given.

18 Upon receipt of the sworn report of a law enforcement  
19 officer, the Secretary of State shall also give notice of the  
20 school bus driver permit sanction to the driver and the  
21 driver's current employer by mailing a notice of the effective  
22 date of the sanction to the individual. However, shall the  
23 sworn report be defective by not containing sufficient  
24 information or be completed in error, the notice of the school  
25 bus driver permit sanction may not be mailed to the person or  
26 his current employer or entered to the driving record, but

1 rather the sworn report shall be returned to the issuing law  
2 enforcement agency.

3 (e) A driver may contest this school bus driver permit  
4 sanction by requesting an administrative hearing with the  
5 Secretary of State in accordance with Section 2-118 of this  
6 Code. An individual whose blood alcohol concentration is shown  
7 to be more than 0.00 is not subject to this Section if he or she  
8 consumed alcohol in the performance of a religious service or  
9 ceremony. An individual whose blood alcohol concentration is  
10 shown to be more than 0.00 shall not be subject to this Section  
11 if the individual's blood alcohol concentration resulted only  
12 from ingestion of the prescribed or recommended dosage of  
13 medicine that contained alcohol. The petition for that hearing  
14 shall not stay or delay the effective date of the impending  
15 suspension. The scope of this hearing shall be limited to the  
16 issues of:

17 (1) whether the police officer had probable cause to  
18 believe that the person was driving or in actual physical  
19 control of a school bus or any other vehicle owned or  
20 operated by or for a public or private school, or a school  
21 operated by a religious institution, when the vehicle is  
22 being used over a regularly scheduled route for the  
23 transportation of persons enrolled as students in grade 12  
24 or below, in connection with any activity of the entities  
25 listed, upon the public highways of the State and the  
26 police officer had reason to believe that the person was in



1 violation of any provision of this Code or a similar  
2 provision of a local ordinance; and

3 (2) whether the person was issued a Uniform Traffic  
4 Ticket for any violation of this Code or a similar  
5 provision of a local ordinance; and

6 (3) whether the police officer had probable cause to  
7 believe that the driver had consumed any amount of an  
8 alcoholic beverage based upon the driver's physical  
9 actions or other first-hand knowledge of the police  
10 officer; and

11 (4) whether the person, after being advised by the  
12 officer that the privilege to possess a school bus driver  
13 permit would be canceled if the person refused to submit to  
14 and complete the test or tests, did refuse to submit to or  
15 complete the test or tests to determine the person's  
16 alcohol concentration; and

17 (5) whether the person, after being advised by the  
18 officer that the privileges to possess a school bus driver  
19 permit would be canceled if the person submits to a  
20 chemical test or tests and the test or tests disclose an  
21 alcohol concentration of more than 0.00 and the person did  
22 submit to and complete the test or tests that determined an  
23 alcohol concentration of more than 0.00; and

24 (6) whether the test result of an alcohol concentration  
25 of more than 0.00 was based upon the person's consumption  
26 of alcohol in the performance of a religious service or

1 ceremony; and

2 (7) whether the test result of an alcohol concentration  
3 of more than 0.00 was based upon the person's consumption  
4 of alcohol through ingestion of the prescribed or  
5 recommended dosage of medicine.

6 The Secretary of State may adopt administrative rules  
7 setting forth circumstances under which the holder of a school  
8 bus driver permit is not required to appear in person at the  
9 hearing.

10 Provided that the petitioner may subpoena the officer, the  
11 hearing may be conducted upon a review of the law enforcement  
12 officer's own official reports. Failure of the officer to  
13 answer the subpoena shall be grounds for a continuance if, in  
14 the hearing officer's discretion, the continuance is  
15 appropriate. At the conclusion of the hearing held under  
16 Section 2-118 of this Code, the Secretary of State may rescind,  
17 continue, or modify the school bus driver permit sanction.

18 (f) The results of any chemical testing performed in  
19 accordance with subsection (a) of this Section are not  
20 admissible in any civil or criminal proceeding, except that the  
21 results of the testing may be considered at a hearing held  
22 under Section 2-118 of this Code. However, the results of the  
23 testing may not be used to impose driver's license sanctions  
24 under Section 11-501.1 of this Code. A law enforcement officer  
25 may, however, pursue a statutory summary suspension or  
26 revocation of driving privileges under Section 11-501.1 of this

1 Code if other physical evidence or first hand knowledge forms  
2 the basis of that suspension or revocation.

3 (g) This Section applies only to drivers who have been  
4 issued a school bus driver permit in accordance with Section  
5 6-106.1 of this Code at the time of the issuance of the Uniform  
6 Traffic Ticket for a violation of this Code or a similar  
7 provision of a local ordinance, and a chemical test request is  
8 made under this Section.

9 (h) The action of the Secretary of State in suspending,  
10 revoking, canceling, or denying any license, permit,  
11 registration, or certificate of title shall be subject to  
12 judicial review in the Circuit Court of Sangamon County or in  
13 the Circuit Court of Cook County, and the provisions of the  
14 Administrative Review Law and its rules are hereby adopted and  
15 shall apply to and govern every action for the judicial review  
16 of final acts or decisions of the Secretary of State under this  
17 Section.

18 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

19 (625 ILCS 5/6-901) (from Ch. 95 1/2, par. 6-901)

20 Sec. 6-901. Definitions. For the purposes of this Article:

21 "Board" means the Driver's License Medical Advisory Board.

22 "Medical examiner" or "medical practitioner" means:

23 (i) any person licensed to practice medicine in all its  
24 branches in the State of Illinois or any other state;

25 (ii) a licensed physician assistant; or

1 (iii) a licensed advanced practice registered nurse.

2 (Source: P.A. 99-173, eff. 7-29-15.)

3 (625 ILCS 5/11-501.01)

4 Sec. 11-501.01. Additional administrative sanctions.

5 (a) After a finding of guilt and prior to any final  
6 sentencing or an order for supervision, for an offense based  
7 upon an arrest for a violation of Section 11-501 or a similar  
8 provision of a local ordinance, individuals shall be required  
9 to undergo a professional evaluation to determine if an  
10 alcohol, drug, or intoxicating compound abuse problem exists  
11 and the extent of the problem, and undergo the imposition of  
12 treatment as appropriate. Programs conducting these  
13 evaluations shall be licensed by the Department of Human  
14 Services. The cost of any professional evaluation shall be paid  
15 for by the individual required to undergo the professional  
16 evaluation.

17 (b) Any person who is found guilty of or pleads guilty to  
18 violating Section 11-501, including any person receiving a  
19 disposition of court supervision for violating that Section,  
20 may be required by the Court to attend a victim impact panel  
21 offered by, or under contract with, a county State's Attorney's  
22 office, a probation and court services department, Mothers  
23 Against Drunk Driving, or the Alliance Against Intoxicated  
24 Motorists. All costs generated by the victim impact panel shall  
25 be paid from fees collected from the offender or as may be

1 determined by the court.

2 (c) Every person found guilty of violating Section 11-501,  
3 whose operation of a motor vehicle while in violation of that  
4 Section proximately caused any incident resulting in an  
5 appropriate emergency response, shall be liable for the expense  
6 of an emergency response as provided in subsection (i) of this  
7 Section.

8 (d) The Secretary of State shall revoke the driving  
9 privileges of any person convicted under Section 11-501 or a  
10 similar provision of a local ordinance.

11 (e) The Secretary of State shall require the use of  
12 ignition interlock devices for a period not less than 5 years  
13 on all vehicles owned by a person who has been convicted of a  
14 second or subsequent offense of Section 11-501 or a similar  
15 provision of a local ordinance. The person must pay to the  
16 Secretary of State DUI Administration Fund an amount not to  
17 exceed \$30 for each month that he or she uses the device. The  
18 Secretary shall establish by rule and regulation the procedures  
19 for certification and use of the interlock system, the amount  
20 of the fee, and the procedures, terms, and conditions relating  
21 to these fees. During the time period in which a person is  
22 required to install an ignition interlock device under this  
23 subsection (e), that person shall only operate vehicles in  
24 which ignition interlock devices have been installed, except as  
25 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of  
26 this Code.

1 (f) In addition to any other penalties and liabilities, a  
2 person who is found guilty of or pleads guilty to violating  
3 Section 11-501, including any person placed on court  
4 supervision for violating Section 11-501, shall be assessed  
5 \$750, payable to the circuit clerk, who shall distribute the  
6 money as follows: \$350 to the law enforcement agency that made  
7 the arrest, and \$400 shall be forwarded to the State Treasurer  
8 for deposit into the General Revenue Fund. If the person has  
9 been previously convicted of violating Section 11-501 or a  
10 similar provision of a local ordinance, the fine shall be  
11 \$1,000, and the circuit clerk shall distribute \$200 to the law  
12 enforcement agency that made the arrest and \$800 to the State  
13 Treasurer for deposit into the General Revenue Fund. In the  
14 event that more than one agency is responsible for the arrest,  
15 the amount payable to law enforcement agencies shall be shared  
16 equally. Any moneys received by a law enforcement agency under  
17 this subsection (f) shall be used for enforcement and  
18 prevention of driving while under the influence of alcohol,  
19 other drug or drugs, intoxicating compound or compounds or any  
20 combination thereof, as defined by Section 11-501 of this Code,  
21 including but not limited to the purchase of law enforcement  
22 equipment and commodities that will assist in the prevention of  
23 alcohol related criminal violence throughout the State; police  
24 officer training and education in areas related to alcohol  
25 related crime, including but not limited to DUI training; and  
26 police officer salaries, including but not limited to salaries

1 for hire back funding for safety checkpoints, saturation  
2 patrols, and liquor store sting operations. Any moneys received  
3 by the Department of State Police under this subsection (f)  
4 shall be deposited into the State Police DUI Fund and shall be  
5 used to purchase law enforcement equipment that will assist in  
6 the prevention of alcohol related criminal violence throughout  
7 the State.

8 (g) The Secretary of State Police DUI Fund is created as a  
9 special fund in the State treasury. All moneys received by the  
10 Secretary of State Police under subsection (f) of this Section  
11 shall be deposited into the Secretary of State Police DUI Fund  
12 and, subject to appropriation, shall be used for enforcement  
13 and prevention of driving while under the influence of alcohol,  
14 other drug or drugs, intoxicating compound or compounds or any  
15 combination thereof, as defined by Section 11-501 of this Code,  
16 including but not limited to the purchase of law enforcement  
17 equipment and commodities to assist in the prevention of  
18 alcohol related criminal violence throughout the State; police  
19 officer training and education in areas related to alcohol  
20 related crime, including but not limited to DUI training; and  
21 police officer salaries, including but not limited to salaries  
22 for hire back funding for safety checkpoints, saturation  
23 patrols, and liquor store sting operations.

24 (h) Whenever an individual is sentenced for an offense  
25 based upon an arrest for a violation of Section 11-501 or a  
26 similar provision of a local ordinance, and the professional

1 evaluation recommends remedial or rehabilitative treatment or  
2 education, neither the treatment nor the education shall be the  
3 sole disposition and either or both may be imposed only in  
4 conjunction with another disposition. The court shall monitor  
5 compliance with any remedial education or treatment  
6 recommendations contained in the professional evaluation.  
7 Programs conducting alcohol or other drug evaluation or  
8 remedial education must be licensed by the Department of Human  
9 Services. If the individual is not a resident of Illinois,  
10 however, the court may accept an alcohol or other drug  
11 evaluation or remedial education program in the individual's  
12 state of residence. Programs providing treatment must be  
13 licensed under existing applicable alcoholism and drug  
14 treatment licensure standards.

15 (i) In addition to any other fine or penalty required by  
16 law, an individual convicted of a violation of Section 11-501,  
17 Section 5-7 of the Snowmobile Registration and Safety Act,  
18 Section 5-16 of the Boat Registration and Safety Act, or a  
19 similar provision, whose operation of a motor vehicle,  
20 snowmobile, or watercraft while in violation of Section 11-501,  
21 Section 5-7 of the Snowmobile Registration and Safety Act,  
22 Section 5-16 of the Boat Registration and Safety Act, or a  
23 similar provision proximately caused an incident resulting in  
24 an appropriate emergency response, shall be required to make  
25 restitution to a public agency for the costs of that emergency  
26 response. The restitution may not exceed \$1,000 per public



1 agency for each emergency response. As used in this subsection  
2 (i), "emergency response" means any incident requiring a  
3 response by a police officer, a firefighter carried on the  
4 rolls of a regularly constituted fire department, or an  
5 ambulance. With respect to funds designated for the Department  
6 of State Police, the moneys shall be remitted by the circuit  
7 court clerk to the State Police within one month after receipt  
8 for deposit into the State Police DUI Fund. With respect to  
9 funds designated for the Department of Natural Resources, the  
10 Department of Natural Resources shall deposit the moneys into  
11 the Conservation Police Operations Assistance Fund.

12 (j) A person that is subject to a chemical test or tests of  
13 blood under subsection (a) of Section 11-501.1 or subdivision  
14 (c) (2) of Section 11-501.2 of this Code, whether or not that  
15 person consents to testing, shall be liable for the expense up  
16 to \$500 for blood withdrawal by a physician authorized to  
17 practice medicine, a licensed physician assistant, a licensed  
18 advanced practice registered nurse, a registered nurse, a  
19 trained phlebotomist, a licensed paramedic, or a qualified  
20 person other than a police officer approved by the Department  
21 of State Police to withdraw blood, who responds, whether at a  
22 law enforcement facility or a health care facility, to a police  
23 department request for the drawing of blood based upon refusal  
24 of the person to submit to a lawfully requested breath test or  
25 probable cause exists to believe the test would disclose the  
26 ingestion, consumption, or use of drugs or intoxicating

1 compounds if:

2 (1) the person is found guilty of violating Section  
3 11-501 of this Code or a similar provision of a local  
4 ordinance; or

5 (2) the person pleads guilty to or stipulates to facts  
6 supporting a violation of Section 11-503 of this Code or a  
7 similar provision of a local ordinance when the plea or  
8 stipulation was the result of a plea agreement in which the  
9 person was originally charged with violating Section  
10 11-501 of this Code or a similar local ordinance.

11 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;  
12 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;  
13 99-642, eff. 7-28-16.)

14 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

15 Sec. 11-501.2. Chemical and other tests.

16 (a) Upon the trial of any civil or criminal action or  
17 proceeding arising out of an arrest for an offense as defined  
18 in Section 11-501 or a similar local ordinance or proceedings  
19 pursuant to Section 2-118.1, evidence of the concentration of  
20 alcohol, other drug or drugs, or intoxicating compound or  
21 compounds, or any combination thereof in a person's blood or  
22 breath at the time alleged, as determined by analysis of the  
23 person's blood, urine, breath, or other bodily substance, shall  
24 be admissible. Where such test is made the following provisions  
25 shall apply:

1           1. Chemical analyses of the person's blood, urine,  
2           breath, or other bodily substance to be considered valid  
3           under the provisions of this Section shall have been  
4           performed according to standards promulgated by the  
5           Department of State Police by a licensed physician,  
6           registered nurse, trained phlebotomist, licensed  
7           paramedic, or other individual possessing a valid permit  
8           issued by that Department for this purpose. The Director of  
9           State Police is authorized to approve satisfactory  
10          techniques or methods, to ascertain the qualifications and  
11          competence of individuals to conduct such analyses, to  
12          issue permits which shall be subject to termination or  
13          revocation at the discretion of that Department and to  
14          certify the accuracy of breath testing equipment. The  
15          Department of State Police shall prescribe regulations as  
16          necessary to implement this Section.

17          2. When a person in this State shall submit to a blood  
18          test at the request of a law enforcement officer under the  
19          provisions of Section 11-501.1, only a physician  
20          authorized to practice medicine, a licensed physician  
21          assistant, a licensed advanced practice registered nurse,  
22          a registered nurse, trained phlebotomist, or licensed  
23          paramedic, or other qualified person approved by the  
24          Department of State Police may withdraw blood for the  
25          purpose of determining the alcohol, drug, or alcohol and  
26          drug content therein. This limitation shall not apply to

1 the taking of breath, other bodily substance, or urine  
2 specimens.

3 When a blood test of a person who has been taken to an  
4 adjoining state for medical treatment is requested by an  
5 Illinois law enforcement officer, the blood may be  
6 withdrawn only by a physician authorized to practice  
7 medicine in the adjoining state, a licensed physician  
8 assistant, a licensed advanced practice registered nurse,  
9 a registered nurse, a trained phlebotomist acting under the  
10 direction of the physician, or licensed paramedic. The law  
11 enforcement officer requesting the test shall take custody  
12 of the blood sample, and the blood sample shall be analyzed  
13 by a laboratory certified by the Department of State Police  
14 for that purpose.

15 3. The person tested may have a physician, or a  
16 qualified technician, chemist, registered nurse, or other  
17 qualified person of their own choosing administer a  
18 chemical test or tests in addition to any administered at  
19 the direction of a law enforcement officer. The failure or  
20 inability to obtain an additional test by a person shall  
21 not preclude the admission of evidence relating to the test  
22 or tests taken at the direction of a law enforcement  
23 officer.

24 4. Upon the request of the person who shall submit to a  
25 chemical test or tests at the request of a law enforcement  
26 officer, full information concerning the test or tests

1 shall be made available to the person or such person's  
2 attorney.

3 5. Alcohol concentration shall mean either grams of  
4 alcohol per 100 milliliters of blood or grams of alcohol  
5 per 210 liters of breath.

6 6. Tetrahydrocannabinol concentration means either 5  
7 nanograms or more of delta-9-tetrahydrocannabinol per  
8 milliliter of whole blood or 10 nanograms or more of  
9 delta-9-tetrahydrocannabinol per milliliter of other  
10 bodily substance.

11 (a-5) Law enforcement officials may use standardized field  
12 sobriety tests approved by the National Highway Traffic Safety  
13 Administration when conducting investigations of a violation  
14 of Section 11-501 or similar local ordinance by drivers  
15 suspected of driving under the influence of cannabis. The  
16 General Assembly finds that standardized field sobriety tests  
17 approved by the National Highway Traffic Safety Administration  
18 are divided attention tasks that are intended to determine if a  
19 person is under the influence of cannabis. The purpose of these  
20 tests is to determine the effect of the use of cannabis on a  
21 person's capacity to think and act with ordinary care and  
22 therefore operate a motor vehicle safely. Therefore, the  
23 results of these standardized field sobriety tests,  
24 appropriately administered, shall be admissible in the trial of  
25 any civil or criminal action or proceeding arising out of an  
26 arrest for a cannabis-related offense as defined in Section

1 11-501 or a similar local ordinance or proceedings under  
2 Section 2-118.1 or 2-118.2. Where a test is made the following  
3 provisions shall apply:

4 1. The person tested may have a physician, or a  
5 qualified technician, chemist, registered nurse, or other  
6 qualified person of their own choosing administer a  
7 chemical test or tests in addition to the standardized  
8 field sobriety test or tests administered at the direction  
9 of a law enforcement officer. The failure or inability to  
10 obtain an additional test by a person does not preclude the  
11 admission of evidence relating to the test or tests taken  
12 at the direction of a law enforcement officer.

13 2. Upon the request of the person who shall submit to a  
14 standardized field sobriety test or tests at the request of  
15 a law enforcement officer, full information concerning the  
16 test or tests shall be made available to the person or the  
17 person's attorney.

18 3. At the trial of any civil or criminal action or  
19 proceeding arising out of an arrest for an offense as  
20 defined in Section 11-501 or a similar local ordinance or  
21 proceedings under Section 2-118.1 or 2-118.2 in which the  
22 results of these standardized field sobriety tests are  
23 admitted, the cardholder may present and the trier of fact  
24 may consider evidence that the card holder lacked the  
25 physical capacity to perform the standardized field  
26 sobriety tests.

1           (b) Upon the trial of any civil or criminal action or  
2 proceeding arising out of acts alleged to have been committed  
3 by any person while driving or in actual physical control of a  
4 vehicle while under the influence of alcohol, the concentration  
5 of alcohol in the person's blood or breath at the time alleged  
6 as shown by analysis of the person's blood, urine, breath, or  
7 other bodily substance shall give rise to the following  
8 presumptions:

9           1. If there was at that time an alcohol concentration  
10 of 0.05 or less, it shall be presumed that the person was  
11 not under the influence of alcohol.

12           2. If there was at that time an alcohol concentration  
13 in excess of 0.05 but less than 0.08, such facts shall not  
14 give rise to any presumption that the person was or was not  
15 under the influence of alcohol, but such fact may be  
16 considered with other competent evidence in determining  
17 whether the person was under the influence of alcohol.

18           3. If there was at that time an alcohol concentration  
19 of 0.08 or more, it shall be presumed that the person was  
20 under the influence of alcohol.

21           4. The foregoing provisions of this Section shall not  
22 be construed as limiting the introduction of any other  
23 relevant evidence bearing upon the question whether the  
24 person was under the influence of alcohol.

25           (b-5) Upon the trial of any civil or criminal action or  
26 proceeding arising out of acts alleged to have been committed

1 by any person while driving or in actual physical control of a  
2 vehicle while under the influence of alcohol, other drug or  
3 drugs, intoxicating compound or compounds or any combination  
4 thereof, the concentration of cannabis in the person's whole  
5 blood or other bodily substance at the time alleged as shown by  
6 analysis of the person's blood or other bodily substance shall  
7 give rise to the following presumptions:

8 1. If there was a tetrahydrocannabinol concentration  
9 of 5 nanograms or more in whole blood or 10 nanograms or  
10 more in an other bodily substance as defined in this  
11 Section, it shall be presumed that the person was under the  
12 influence of cannabis.

13 2. If there was at that time a tetrahydrocannabinol  
14 concentration of less than 5 nanograms in whole blood or  
15 less than 10 nanograms in an other bodily substance, such  
16 facts shall not give rise to any presumption that the  
17 person was or was not under the influence of cannabis, but  
18 such fact may be considered with other competent evidence  
19 in determining whether the person was under the influence  
20 of cannabis.

21 (c) 1. If a person under arrest refuses to submit to a  
22 chemical test under the provisions of Section 11-501.1,  
23 evidence of refusal shall be admissible in any civil or  
24 criminal action or proceeding arising out of acts alleged to  
25 have been committed while the person under the influence of  
26 alcohol, other drug or drugs, or intoxicating compound or



1 compounds, or any combination thereof was driving or in actual  
2 physical control of a motor vehicle.

3 2. Notwithstanding any ability to refuse under this Code to  
4 submit to these tests or any ability to revoke the implied  
5 consent to these tests, if a law enforcement officer has  
6 probable cause to believe that a motor vehicle driven by or in  
7 actual physical control of a person under the influence of  
8 alcohol, other drug or drugs, or intoxicating compound or  
9 compounds, or any combination thereof has caused the death or  
10 personal injury to another, the law enforcement officer shall  
11 request, and that person shall submit, upon the request of a  
12 law enforcement officer, to a chemical test or tests of his or  
13 her blood, breath, other bodily substance, or urine for the  
14 purpose of determining the alcohol content thereof or the  
15 presence of any other drug or combination of both.

16 This provision does not affect the applicability of or  
17 imposition of driver's license sanctions under Section  
18 11-501.1 of this Code.

19 3. For purposes of this Section, a personal injury includes  
20 any Type A injury as indicated on the traffic accident report  
21 completed by a law enforcement officer that requires immediate  
22 professional attention in either a doctor's office or a medical  
23 facility. A Type A injury includes severe bleeding wounds,  
24 distorted extremities, and injuries that require the injured  
25 party to be carried from the scene.

26 (d) If a person refuses standardized field sobriety tests

1 under Section 11-501.9 of this Code, evidence of refusal shall  
2 be admissible in any civil or criminal action or proceeding  
3 arising out of acts committed while the person was driving or  
4 in actual physical control of a vehicle and alleged to have  
5 been impaired by the use of cannabis.

6 (e) Department of State Police compliance with the changes  
7 in this amendatory Act of the 99th General Assembly concerning  
8 testing of other bodily substances and tetrahydrocannabinol  
9 concentration by Department of State Police laboratories is  
10 subject to appropriation and until the Department of State  
11 Police adopt standards and completion validation. Any  
12 laboratories that test for the presence of cannabis or other  
13 drugs under this Article, the Snowmobile Registration and  
14 Safety Act, or the Boat Registration and Safety Act must comply  
15 with ISO/IEC 17025:2005.

16 (Source: P.A. 98-122, eff. 1-1-14; 98-973, eff. 8-15-14;  
17 98-1172, eff. 1-12-15; 99-697, eff. 7-29-16.)

18 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

19 Sec. 11-501.6. Driver involvement in personal injury or  
20 fatal motor vehicle accident; chemical test.

21 (a) Any person who drives or is in actual control of a  
22 motor vehicle upon the public highways of this State and who  
23 has been involved in a personal injury or fatal motor vehicle  
24 accident, shall be deemed to have given consent to a breath  
25 test using a portable device as approved by the Department of

1 State Police or to a chemical test or tests of blood, breath,  
2 other bodily substance, or urine for the purpose of determining  
3 the content of alcohol, other drug or drugs, or intoxicating  
4 compound or compounds of such person's blood if arrested as  
5 evidenced by the issuance of a Uniform Traffic Ticket for any  
6 violation of the Illinois Vehicle Code or a similar provision  
7 of a local ordinance, with the exception of equipment  
8 violations contained in Chapter 12 of this Code, or similar  
9 provisions of local ordinances. The test or tests shall be  
10 administered at the direction of the arresting officer. The law  
11 enforcement agency employing the officer shall designate which  
12 of the aforesaid tests shall be administered. Up to 2  
13 additional tests of urine or other bodily substance may be  
14 administered even after a blood or breath test or both has been  
15 administered. Compliance with this Section does not relieve  
16 such person from the requirements of Section 11-501.1 of this  
17 Code.

18 (b) Any person who is dead, unconscious or who is otherwise  
19 in a condition rendering such person incapable of refusal shall  
20 be deemed not to have withdrawn the consent provided by  
21 subsection (a) of this Section. In addition, if a driver of a  
22 vehicle is receiving medical treatment as a result of a motor  
23 vehicle accident, any physician licensed to practice medicine,  
24 licensed physician assistant, licensed advanced practice  
25 registered nurse, registered nurse or a phlebotomist acting  
26 under the direction of a licensed physician shall withdraw

1 blood for testing purposes to ascertain the presence of  
2 alcohol, other drug or drugs, or intoxicating compound or  
3 compounds, upon the specific request of a law enforcement  
4 officer. However, no such testing shall be performed until, in  
5 the opinion of the medical personnel on scene, the withdrawal  
6 can be made without interfering with or endangering the  
7 well-being of the patient.

8 (c) A person requested to submit to a test as provided  
9 above shall be warned by the law enforcement officer requesting  
10 the test that a refusal to submit to the test, or submission to  
11 the test resulting in an alcohol concentration of 0.08 or more,  
12 or testing discloses the presence of cannabis as listed in the  
13 Cannabis Control Act with a tetrahydrocannabinol concentration  
14 as defined in paragraph 6 of subsection (a) of Section 11-501.2  
15 of this Code, or any amount of a drug, substance, or  
16 intoxicating compound resulting from the unlawful use or  
17 consumption of a controlled substance listed in the Illinois  
18 Controlled Substances Act, an intoxicating compound listed in  
19 the Use of Intoxicating Compounds Act, or methamphetamine as  
20 listed in the Methamphetamine Control and Community Protection  
21 Act as detected in such person's blood, other bodily substance,  
22 or urine, may result in the suspension of such person's  
23 privilege to operate a motor vehicle. If the person is also a  
24 CDL holder, he or she shall be warned by the law enforcement  
25 officer requesting the test that a refusal to submit to the  
26 test, or submission to the test resulting in an alcohol

1 concentration of 0.08 or more, or any amount of a drug,  
2 substance, or intoxicating compound resulting from the  
3 unlawful use or consumption of cannabis, as covered by the  
4 Cannabis Control Act, a controlled substance listed in the  
5 Illinois Controlled Substances Act, an intoxicating compound  
6 listed in the Use of Intoxicating Compounds Act, or  
7 methamphetamine as listed in the Methamphetamine Control and  
8 Community Protection Act as detected in the person's blood,  
9 other bodily substance, or urine, may result in the  
10 disqualification of the person's privilege to operate a  
11 commercial motor vehicle, as provided in Section 6-514 of this  
12 Code. The length of the suspension shall be the same as  
13 outlined in Section 6-208.1 of this Code regarding statutory  
14 summary suspensions.

15 A person requested to submit to a test shall also  
16 acknowledge, in writing, receipt of the warning required under  
17 this Section. If the person refuses to acknowledge receipt of  
18 the warning, the law enforcement officer shall make a written  
19 notation on the warning that the person refused to sign the  
20 warning. A person's refusal to sign the warning shall not be  
21 evidence that the person was not read the warning.

22 (d) If the person refuses testing or submits to a test  
23 which discloses an alcohol concentration of 0.08 or more, the  
24 presence of cannabis as listed in the Cannabis Control Act with  
25 a tetrahydrocannabinol concentration as defined in paragraph 6  
26 of subsection (a) of Section 11-501.2 of this Code, or any

1 amount of a drug, substance, or intoxicating compound in such  
2 person's blood or urine resulting from the unlawful use or  
3 consumption of a controlled substance listed in the Illinois  
4 Controlled Substances Act, an intoxicating compound listed in  
5 the Use of Intoxicating Compounds Act, or methamphetamine as  
6 listed in the Methamphetamine Control and Community Protection  
7 Act, the law enforcement officer shall immediately submit a  
8 sworn report to the Secretary of State on a form prescribed by  
9 the Secretary, certifying that the test or tests were requested  
10 under subsection (a) and the person refused to submit to a test  
11 or tests or submitted to testing which disclosed an alcohol  
12 concentration of 0.08 or more, the presence of cannabis as  
13 listed in the Cannabis Control Act with a tetrahydrocannabinol  
14 concentration as defined in paragraph 6 of subsection (a) of  
15 Section 11-501.2 of this Code, or any amount of a drug,  
16 substance, or intoxicating compound in such person's blood,  
17 other bodily substance, or urine, resulting from the unlawful  
18 use or consumption of a controlled substance listed in the  
19 Illinois Controlled Substances Act, an intoxicating compound  
20 listed in the Use of Intoxicating Compounds Act, or  
21 methamphetamine as listed in the Methamphetamine Control and  
22 Community Protection Act. If the person is also a CDL holder  
23 and refuses testing or submits to a test which discloses an  
24 alcohol concentration of 0.08 or more, or any amount of a drug,  
25 substance, or intoxicating compound in the person's blood,  
26 other bodily substance, or urine resulting from the unlawful

1 use or consumption of cannabis listed in the Cannabis Control  
2 Act, a controlled substance listed in the Illinois Controlled  
3 Substances Act, an intoxicating compound listed in the Use of  
4 Intoxicating Compounds Act, or methamphetamine as listed in the  
5 Methamphetamine Control and Community Protection Act, the law  
6 enforcement officer shall immediately submit a sworn report to  
7 the Secretary of State on a form prescribed by the Secretary,  
8 certifying that the test or tests were requested under  
9 subsection (a) and the person refused to submit to a test or  
10 tests or submitted to testing which disclosed an alcohol  
11 concentration of 0.08 or more, or any amount of a drug,  
12 substance, or intoxicating compound in such person's blood,  
13 other bodily substance, or urine, resulting from the unlawful  
14 use or consumption of cannabis listed in the Cannabis Control  
15 Act, a controlled substance listed in the Illinois Controlled  
16 Substances Act, an intoxicating compound listed in the Use of  
17 Intoxicating Compounds Act, or methamphetamine as listed in the  
18 Methamphetamine Control and Community Protection Act.

19 Upon receipt of the sworn report of a law enforcement  
20 officer, the Secretary shall enter the suspension and  
21 disqualification to the individual's driving record and the  
22 suspension and disqualification shall be effective on the 46th  
23 day following the date notice of the suspension was given to  
24 the person.

25 The law enforcement officer submitting the sworn report  
26 shall serve immediate notice of this suspension on the person

1 and such suspension and disqualification shall be effective on  
2 the 46th day following the date notice was given.

3 In cases involving a person who is not a CDL holder where  
4 the blood alcohol concentration of 0.08 or more, or blood  
5 testing discloses the presence of cannabis as listed in the  
6 Cannabis Control Act with a tetrahydrocannabinol concentration  
7 as defined in paragraph 6 of subsection (a) of Section 11-501.2  
8 of this Code, or any amount of a drug, substance, or  
9 intoxicating compound resulting from the unlawful use or  
10 consumption of a controlled substance listed in the Illinois  
11 Controlled Substances Act, an intoxicating compound listed in  
12 the Use of Intoxicating Compounds Act, or methamphetamine as  
13 listed in the Methamphetamine Control and Community Protection  
14 Act, is established by a subsequent analysis of blood, other  
15 bodily substance, or urine collected at the time of arrest, the  
16 arresting officer shall give notice as provided in this Section  
17 or by deposit in the United States mail of such notice in an  
18 envelope with postage prepaid and addressed to such person at  
19 his or her address as shown on the Uniform Traffic Ticket and  
20 the suspension shall be effective on the 46th day following the  
21 date notice was given.

22 In cases involving a person who is a CDL holder where the  
23 blood alcohol concentration of 0.08 or more, or any amount of a  
24 drug, substance, or intoxicating compound resulting from the  
25 unlawful use or consumption of cannabis as listed in the  
26 Cannabis Control Act, a controlled substance listed in the



1 Illinois Controlled Substances Act, an intoxicating compound  
2 listed in the Use of Intoxicating Compounds Act, or  
3 methamphetamine as listed in the Methamphetamine Control and  
4 Community Protection Act, is established by a subsequent  
5 analysis of blood, other bodily substance, or urine collected  
6 at the time of arrest, the arresting officer shall give notice  
7 as provided in this Section or by deposit in the United States  
8 mail of such notice in an envelope with postage prepaid and  
9 addressed to the person at his or her address as shown on the  
10 Uniform Traffic Ticket and the suspension and disqualification  
11 shall be effective on the 46th day following the date notice  
12 was given.

13 Upon receipt of the sworn report of a law enforcement  
14 officer, the Secretary shall also give notice of the suspension  
15 and disqualification to the driver by mailing a notice of the  
16 effective date of the suspension and disqualification to the  
17 individual. However, should the sworn report be defective by  
18 not containing sufficient information or be completed in error,  
19 the notice of the suspension and disqualification shall not be  
20 mailed to the person or entered to the driving record, but  
21 rather the sworn report shall be returned to the issuing law  
22 enforcement agency.

23 (e) A driver may contest this suspension of his or her  
24 driving privileges and disqualification of his or her CDL  
25 privileges by requesting an administrative hearing with the  
26 Secretary in accordance with Section 2-118 of this Code. At the

1 conclusion of a hearing held under Section 2-118 of this Code,  
2 the Secretary may rescind, continue, or modify the orders of  
3 suspension and disqualification. If the Secretary does not  
4 rescind the orders of suspension and disqualification, a  
5 restricted driving permit may be granted by the Secretary upon  
6 application being made and good cause shown. A restricted  
7 driving permit may be granted to relieve undue hardship to  
8 allow driving for employment, educational, and medical  
9 purposes as outlined in Section 6-206 of this Code. The  
10 provisions of Section 6-206 of this Code shall apply. In  
11 accordance with 49 C.F.R. 384, the Secretary of State may not  
12 issue a restricted driving permit for the operation of a  
13 commercial motor vehicle to a person holding a CDL whose  
14 driving privileges have been suspended, revoked, cancelled, or  
15 disqualified.

16 (f) (Blank).

17 (g) For the purposes of this Section, a personal injury  
18 shall include any type A injury as indicated on the traffic  
19 accident report completed by a law enforcement officer that  
20 requires immediate professional attention in either a doctor's  
21 office or a medical facility. A type A injury shall include  
22 severely bleeding wounds, distorted extremities, and injuries  
23 that require the injured party to be carried from the scene.

24 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

25 (625 ILCS 5/11-501.8)

1           Sec. 11-501.8. Suspension of driver's license; persons  
2 under age 21.

3           (a) A person who is less than 21 years of age and who  
4 drives or is in actual physical control of a motor vehicle upon  
5 the public highways of this State shall be deemed to have given  
6 consent to a chemical test or tests of blood, breath, other  
7 bodily substance, or urine for the purpose of determining the  
8 alcohol content of the person's blood if arrested, as evidenced  
9 by the issuance of a Uniform Traffic Ticket for any violation  
10 of the Illinois Vehicle Code or a similar provision of a local  
11 ordinance, if a police officer has probable cause to believe  
12 that the driver has consumed any amount of an alcoholic  
13 beverage based upon evidence of the driver's physical condition  
14 or other first hand knowledge of the police officer. The test  
15 or tests shall be administered at the direction of the  
16 arresting officer. The law enforcement agency employing the  
17 officer shall designate which of the aforesaid tests shall be  
18 administered. Up to 2 additional tests of urine or other bodily  
19 substance may be administered even after a blood or breath test  
20 or both has been administered.

21           (b) A person who is dead, unconscious, or who is otherwise  
22 in a condition rendering that person incapable of refusal,  
23 shall be deemed not to have withdrawn the consent provided by  
24 paragraph (a) of this Section and the test or tests may be  
25 administered subject to the following provisions:

26           (i) Chemical analysis of the person's blood, urine,

1 breath, or other bodily substance, to be considered valid  
2 under the provisions of this Section, shall have been  
3 performed according to standards promulgated by the  
4 Department of State Police by an individual possessing a  
5 valid permit issued by that Department for this purpose.  
6 The Director of State Police is authorized to approve  
7 satisfactory techniques or methods, to ascertain the  
8 qualifications and competence of individuals to conduct  
9 analyses, to issue permits that shall be subject to  
10 termination or revocation at the direction of that  
11 Department, and to certify the accuracy of breath testing  
12 equipment. The Department of State Police shall prescribe  
13 regulations as necessary.

14 (ii) When a person submits to a blood test at the  
15 request of a law enforcement officer under the provisions  
16 of this Section, only a physician authorized to practice  
17 medicine, a licensed physician assistant, a licensed  
18 advanced practice registered nurse, a registered nurse, or  
19 other qualified person trained in venipuncture and acting  
20 under the direction of a licensed physician may withdraw  
21 blood for the purpose of determining the alcohol content  
22 therein. This limitation does not apply to the taking of  
23 breath, other bodily substance, or urine specimens.

24 (iii) The person tested may have a physician, qualified  
25 technician, chemist, registered nurse, or other qualified  
26 person of his or her own choosing administer a chemical

1 test or tests in addition to any test or tests administered  
2 at the direction of a law enforcement officer. The failure  
3 or inability to obtain an additional test by a person shall  
4 not preclude the consideration of the previously performed  
5 chemical test.

6 (iv) Upon a request of the person who submits to a  
7 chemical test or tests at the request of a law enforcement  
8 officer, full information concerning the test or tests  
9 shall be made available to the person or that person's  
10 attorney.

11 (v) Alcohol concentration means either grams of  
12 alcohol per 100 milliliters of blood or grams of alcohol  
13 per 210 liters of breath.

14 (vi) If a driver is receiving medical treatment as a  
15 result of a motor vehicle accident, a physician licensed to  
16 practice medicine, licensed physician assistant, licensed  
17 advanced practice registered nurse, registered nurse, or  
18 other qualified person trained in venipuncture and acting  
19 under the direction of a licensed physician shall withdraw  
20 blood for testing purposes to ascertain the presence of  
21 alcohol upon the specific request of a law enforcement  
22 officer. However, that testing shall not be performed  
23 until, in the opinion of the medical personnel on scene,  
24 the withdrawal can be made without interfering with or  
25 endangering the well-being of the patient.

26 (c) A person requested to submit to a test as provided

1 above shall be warned by the law enforcement officer requesting  
2 the test that a refusal to submit to the test, or submission to  
3 the test resulting in an alcohol concentration of more than  
4 0.00, may result in the loss of that person's privilege to  
5 operate a motor vehicle and may result in the disqualification  
6 of the person's privilege to operate a commercial motor  
7 vehicle, as provided in Section 6-514 of this Code, if the  
8 person is a CDL holder. The loss of driving privileges shall be  
9 imposed in accordance with Section 6-208.2 of this Code.

10 A person requested to submit to a test shall also  
11 acknowledge, in writing, receipt of the warning required under  
12 this Section. If the person refuses to acknowledge receipt of  
13 the warning, the law enforcement officer shall make a written  
14 notation on the warning that the person refused to sign the  
15 warning. A person's refusal to sign the warning shall not be  
16 evidence that the person was not read the warning.

17 (d) If the person refuses testing or submits to a test that  
18 discloses an alcohol concentration of more than 0.00, the law  
19 enforcement officer shall immediately submit a sworn report to  
20 the Secretary of State on a form prescribed by the Secretary of  
21 State, certifying that the test or tests were requested under  
22 subsection (a) and the person refused to submit to a test or  
23 tests or submitted to testing which disclosed an alcohol  
24 concentration of more than 0.00. The law enforcement officer  
25 shall submit the same sworn report when a person under the age  
26 of 21 submits to testing under Section 11-501.1 of this Code

1 and the testing discloses an alcohol concentration of more than  
2 0.00 and less than 0.08.

3       Upon receipt of the sworn report of a law enforcement  
4 officer, the Secretary of State shall enter the suspension and  
5 disqualification on the individual's driving record and the  
6 suspension and disqualification shall be effective on the 46th  
7 day following the date notice of the suspension was given to  
8 the person. If this suspension is the individual's first  
9 driver's license suspension under this Section, reports  
10 received by the Secretary of State under this Section shall,  
11 except during the time the suspension is in effect, be  
12 privileged information and for use only by the courts, police  
13 officers, prosecuting authorities, the Secretary of State, or  
14 the individual personally, unless the person is a CDL holder,  
15 is operating a commercial motor vehicle or vehicle required to  
16 be placarded for hazardous materials, in which case the  
17 suspension shall not be privileged. Reports received by the  
18 Secretary of State under this Section shall also be made  
19 available to the parent or guardian of a person under the age  
20 of 18 years that holds an instruction permit or a graduated  
21 driver's license, regardless of whether the suspension is in  
22 effect.

23       The law enforcement officer submitting the sworn report  
24 shall serve immediate notice of this suspension on the person  
25 and the suspension and disqualification shall be effective on  
26 the 46th day following the date notice was given.

1           In cases where the blood alcohol concentration of more than  
2           0.00 is established by a subsequent analysis of blood, other  
3           bodily substance, or urine, the police officer or arresting  
4           agency shall give notice as provided in this Section or by  
5           deposit in the United States mail of that notice in an envelope  
6           with postage prepaid and addressed to that person at his last  
7           known address and the loss of driving privileges shall be  
8           effective on the 46th day following the date notice was given.

9           Upon receipt of the sworn report of a law enforcement  
10          officer, the Secretary of State shall also give notice of the  
11          suspension and disqualification to the driver by mailing a  
12          notice of the effective date of the suspension and  
13          disqualification to the individual. However, should the sworn  
14          report be defective by not containing sufficient information or  
15          be completed in error, the notice of the suspension and  
16          disqualification shall not be mailed to the person or entered  
17          to the driving record, but rather the sworn report shall be  
18          returned to the issuing law enforcement agency.

19          (e) A driver may contest this suspension and  
20          disqualification by requesting an administrative hearing with  
21          the Secretary of State in accordance with Section 2-118 of this  
22          Code. An individual whose blood alcohol concentration is shown  
23          to be more than 0.00 is not subject to this Section if he or she  
24          consumed alcohol in the performance of a religious service or  
25          ceremony. An individual whose blood alcohol concentration is  
26          shown to be more than 0.00 shall not be subject to this Section



1 if the individual's blood alcohol concentration resulted only  
2 from ingestion of the prescribed or recommended dosage of  
3 medicine that contained alcohol. The petition for that hearing  
4 shall not stay or delay the effective date of the impending  
5 suspension. The scope of this hearing shall be limited to the  
6 issues of:

7 (1) whether the police officer had probable cause to  
8 believe that the person was driving or in actual physical  
9 control of a motor vehicle upon the public highways of the  
10 State and the police officer had reason to believe that the  
11 person was in violation of any provision of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance;  
13 and

14 (2) whether the person was issued a Uniform Traffic  
15 Ticket for any violation of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance; and

17 (3) whether the police officer had probable cause to  
18 believe that the driver had consumed any amount of an  
19 alcoholic beverage based upon the driver's physical  
20 actions or other first-hand knowledge of the police  
21 officer; and

22 (4) whether the person, after being advised by the  
23 officer that the privilege to operate a motor vehicle would  
24 be suspended if the person refused to submit to and  
25 complete the test or tests, did refuse to submit to or  
26 complete the test or tests to determine the person's

1 alcohol concentration; and

2 (5) whether the person, after being advised by the  
3 officer that the privileges to operate a motor vehicle  
4 would be suspended if the person submits to a chemical test  
5 or tests and the test or tests disclose an alcohol  
6 concentration of more than 0.00, did submit to and complete  
7 the test or tests that determined an alcohol concentration  
8 of more than 0.00; and

9 (6) whether the test result of an alcohol concentration  
10 of more than 0.00 was based upon the person's consumption  
11 of alcohol in the performance of a religious service or  
12 ceremony; and

13 (7) whether the test result of an alcohol concentration  
14 of more than 0.00 was based upon the person's consumption  
15 of alcohol through ingestion of the prescribed or  
16 recommended dosage of medicine.

17 At the conclusion of the hearing held under Section 2-118  
18 of this Code, the Secretary of State may rescind, continue, or  
19 modify the suspension and disqualification. If the Secretary of  
20 State does not rescind the suspension and disqualification, a  
21 restricted driving permit may be granted by the Secretary of  
22 State upon application being made and good cause shown. A  
23 restricted driving permit may be granted to relieve undue  
24 hardship by allowing driving for employment, educational, and  
25 medical purposes as outlined in item (3) of part (c) of Section  
26 6-206 of this Code. The provisions of item (3) of part (c) of

1 Section 6-206 of this Code and of subsection (f) of that  
2 Section shall apply. The Secretary of State shall promulgate  
3 rules providing for participation in an alcohol education and  
4 awareness program or activity, a drug education and awareness  
5 program or activity, or both as a condition to the issuance of  
6 a restricted driving permit for suspensions imposed under this  
7 Section.

8 (f) The results of any chemical testing performed in  
9 accordance with subsection (a) of this Section are not  
10 admissible in any civil or criminal proceeding, except that the  
11 results of the testing may be considered at a hearing held  
12 under Section 2-118 of this Code. However, the results of the  
13 testing may not be used to impose driver's license sanctions  
14 under Section 11-501.1 of this Code. A law enforcement officer  
15 may, however, pursue a statutory summary suspension or  
16 revocation of driving privileges under Section 11-501.1 of this  
17 Code if other physical evidence or first hand knowledge forms  
18 the basis of that suspension or revocation.

19 (g) This Section applies only to drivers who are under age  
20 21 at the time of the issuance of a Uniform Traffic Ticket for  
21 a violation of the Illinois Vehicle Code or a similar provision  
22 of a local ordinance, and a chemical test request is made under  
23 this Section.

24 (h) The action of the Secretary of State in suspending,  
25 revoking, cancelling, or disqualifying any license or permit  
26 shall be subject to judicial review in the Circuit Court of

1 Sangamon County or in the Circuit Court of Cook County, and the  
2 provisions of the Administrative Review Law and its rules are  
3 hereby adopted and shall apply to and govern every action for  
4 the judicial review of final acts or decisions of the Secretary  
5 of State under this Section.

6 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16.)

7 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

8 Sec. 11-1301.2. Special decals for parking; persons with  
9 disabilities.

10 (a) The Secretary of State shall provide for, by  
11 administrative rules, the design, size, color, and placement of  
12 a person with disabilities motorist decal or device and shall  
13 provide for, by administrative rules, the content and form of  
14 an application for a person with disabilities motorist decal or  
15 device, which shall be used by local authorities in the  
16 issuance thereof to a person with temporary disabilities,  
17 provided that the decal or device is valid for no more than 90  
18 days, subject to renewal for like periods based upon continued  
19 disability, and further provided that the decal or device  
20 clearly sets forth the date that the decal or device expires.  
21 The application shall include the requirement of an Illinois  
22 Identification Card number or a State of Illinois driver's  
23 license number. This decal or device may be used by the  
24 authorized holder to designate and identify a vehicle not owned  
25 or displaying a registration plate as provided in Sections

1 3-609 and 3-616 of this Act to designate when the vehicle is  
2 being used to transport said person or persons with  
3 disabilities, and thus is entitled to enjoy all the privileges  
4 that would be afforded a person with disabilities licensed  
5 vehicle. Person with disabilities decals or devices issued and  
6 displayed pursuant to this Section shall be recognized and  
7 honored by all local authorities regardless of which local  
8 authority issued such decal or device.

9 The decal or device shall be issued only upon a showing by  
10 adequate documentation that the person for whose benefit the  
11 decal or device is to be used has a disability as defined in  
12 Section 1-159.1 of this Code and the disability is temporary.

13 (b) The local governing authorities shall be responsible  
14 for the provision of such decal or device, its issuance and  
15 designated placement within the vehicle. The cost of such decal  
16 or device shall be at the discretion of such local governing  
17 authority.

18 (c) The Secretary of State may, pursuant to Section  
19 3-616(c), issue a person with disabilities parking decal or  
20 device to a person with disabilities as defined by Section  
21 1-159.1. Any person with disabilities parking decal or device  
22 issued by the Secretary of State shall be registered to that  
23 person with disabilities in the form to be prescribed by the  
24 Secretary of State. The person with disabilities parking decal  
25 or device shall not display that person's address. One  
26 additional decal or device may be issued to an applicant upon

1 his or her written request and with the approval of the  
2 Secretary of State. The written request must include a  
3 justification of the need for the additional decal or device.

4 (c-5) Beginning January 1, 2014, the Secretary shall  
5 provide by administrative rule for the issuance of a separate  
6 and distinct parking decal or device for persons with  
7 disabilities as defined by Section 1-159.1 of this Code and who  
8 meet the qualifications under this subsection. The authorized  
9 holder of a decal or device issued under this subsection (c-5)  
10 shall be exempt from the payment of fees generated by parking  
11 in a metered space, a parking area subject to paragraph (10) of  
12 subsection (a) of Section 11-209 of this Code, or a publicly  
13 owned parking area.

14 The Secretary shall issue a meter-exempt decal or device to  
15 a person with disabilities who: (i) has been issued  
16 registration plates under subsection (a) of Section 3-609 or  
17 Section 3-616 of this Code or a special decal or device under  
18 this Section, (ii) holds a valid Illinois driver's license, and  
19 (iii) is unable to do one or more of the following:

20 (1) manage, manipulate, or insert coins, or obtain  
21 tickets or tokens in parking meters or ticket machines in  
22 parking lots, due to the lack of fine motor control of both  
23 hands;

24 (2) reach above his or her head to a height of 42  
25 inches from the ground, due to a lack of finger, hand, or  
26 upper extremity strength or mobility;

1           (3) approach a parking meter due to his or her use of a  
2 wheelchair or other device for mobility; or

3           (4) walk more than 20 feet due to an orthopedic,  
4 neurological, cardiovascular, or lung condition in which  
5 the degree of debilitation is so severe that it almost  
6 completely impedes the ability to walk.

7           The application for a meter-exempt parking decal or device  
8 shall contain a statement certified by a licensed physician,  
9 physician assistant, or advanced practice registered nurse  
10 attesting to the permanent nature of the applicant's condition  
11 and verifying that the applicant meets the physical  
12 qualifications specified in this subsection (c-5).

13           Notwithstanding the requirements of this subsection (c-5),  
14 the Secretary shall issue a meter-exempt decal or device to a  
15 person who has been issued registration plates under Section  
16 3-616 of this Code or a special decal or device under this  
17 Section, if the applicant is the parent or guardian of a person  
18 with disabilities who is under 18 years of age and incapable of  
19 driving.

20           (d) Replacement decals or devices may be issued for lost,  
21 stolen, or destroyed decals upon application and payment of a  
22 \$10 fee. The replacement fee may be waived for individuals that  
23 have claimed and received a grant under the Senior Citizens and  
24 Persons with Disabilities Property Tax Relief Act.

25           (e) A person classified as a veteran under subsection (e)  
26 of Section 6-106 of this Code that has been issued a decal or

1 device under this Section shall not be required to submit  
2 evidence of disability in order to renew that decal or device  
3 if, at the time of initial application, he or she submitted  
4 evidence from his or her physician or the Department of  
5 Veterans' Affairs that the disability is of a permanent nature.  
6 However, the Secretary shall take reasonable steps to ensure  
7 the veteran still resides in this State at the time of the  
8 renewal. These steps may include requiring the veteran to  
9 provide additional documentation or to appear at a Secretary of  
10 State facility. To identify veterans who are eligible for this  
11 exemption, the Secretary shall compare the list of the persons  
12 who have been issued a decal or device to the list of persons  
13 who have been issued a vehicle registration plate for veterans  
14 with disabilities under Section 3-609 of this Code, or who are  
15 identified as a veteran on their driver's license under Section  
16 6-110 of this Code or on their identification card under  
17 Section 4 of the Illinois Identification Card Act.

18 (Source: P.A. 98-463, eff. 8-16-13; 98-577, eff. 1-1-14;  
19 98-879, eff. 1-1-15; 99-143, eff. 7-27-15.)

20 (625 ILCS 5/11-1301.5)

21 Sec. 11-1301.5. Fictitious or unlawfully altered  
22 disability license plate or parking decal or device.

23 (a) As used in this Section:

24 "Fictitious disability license plate or parking decal or  
25 device" means any issued disability license plate or parking



1 decal or device, or any license plate issued to a veteran with  
2 a disability under Section 3-609 of this Code, that has been  
3 issued by the Secretary of State or an authorized unit of local  
4 government that was issued based upon false information  
5 contained on the required application.

6 "False information" means any incorrect or inaccurate  
7 information concerning the name, date of birth, social security  
8 number, driver's license number, physician certification, or  
9 any other information required on the Persons with Disabilities  
10 Certification for Plate or Parking Placard, on the Application  
11 for Replacement Disability Parking Placard, or on the  
12 application for license plates issued to veterans with  
13 disabilities under Section 3-609 of this Code, that falsifies  
14 the content of the application.

15 "Unlawfully altered disability license plate or parking  
16 permit or device" means any disability license plate or parking  
17 permit or device, or any license plate issued to a veteran with  
18 a disability under Section 3-609 of this Code, issued by the  
19 Secretary of State or an authorized unit of local government  
20 that has been physically altered or changed in such manner that  
21 false information appears on the license plate or parking decal  
22 or device.

23 "Authorized holder" means an individual issued a  
24 disability license plate under Section 3-616 of this Code or an  
25 individual issued a parking decal or device under Section  
26 11-1301.2 of this Code, or an individual issued a license plate

1 for veterans with disabilities under Section 3-609 of this  
2 Code.

3 (b) It is a violation of this Section for any person:

4 (1) to knowingly possess any fictitious or unlawfully  
5 altered disability license plate or parking decal or  
6 device;

7 (2) to knowingly issue or assist in the issuance of, by  
8 the Secretary of State or unit of local government, any  
9 fictitious disability license plate or parking decal or  
10 device;

11 (3) to knowingly alter any disability license plate or  
12 parking decal or device;

13 (4) to knowingly manufacture, possess, transfer, or  
14 provide any documentation used in the application process  
15 whether real or fictitious, for the purpose of obtaining a  
16 fictitious disability license plate or parking decal or  
17 device;

18 (5) to knowingly provide any false information to the  
19 Secretary of State or a unit of local government in order  
20 to obtain a disability license plate or parking decal or  
21 device;

22 (6) to knowingly transfer a disability license plate or  
23 parking decal or device for the purpose of exercising the  
24 privileges granted to an authorized holder of a disability  
25 license plate or parking decal or device under this Code in  
26 the absence of the authorized holder; or

1           (7) who is a physician, physician assistant, or  
2 advanced practice registered nurse to knowingly falsify a  
3 certification that a person is a person with disabilities  
4 as defined by Section 1-159.1 of this Code.

5           (c) Sentence.

6           (1) Any person convicted of a violation of paragraph  
7 (1), (2), (3), (4), (5), or (7) of subsection (b) of this  
8 Section shall be guilty of a Class A misdemeanor and fined  
9 not less than \$1,000 for a first offense and shall be  
10 guilty of a Class 4 felony and fined not less than \$2,000  
11 for a second or subsequent offense. Any person convicted of  
12 a violation of subdivision (b) (6) of this Section is guilty  
13 of a Class A misdemeanor and shall be fined not less than  
14 \$1,000 for a first offense and not less than \$2,000 for a  
15 second or subsequent offense. The circuit clerk shall  
16 distribute one-half of any fine imposed on any person who  
17 is found guilty of or pleads guilty to violating this  
18 Section, including any person placed on court supervision  
19 for violating this Section, to the law enforcement agency  
20 that issued the citation or made the arrest. If more than  
21 one law enforcement agency is responsible for issuing the  
22 citation or making the arrest, one-half of the fine imposed  
23 shall be shared equally.

24           (2) Any person who commits a violation of this Section  
25 or a similar provision of a local ordinance may have his or  
26 her driving privileges suspended or revoked by the

1 Secretary of State for a period of time determined by the  
2 Secretary of State. The Secretary of State may suspend or  
3 revoke the parking decal or device or the disability  
4 license plate of any person who commits a violation of this  
5 Section.

6 (3) Any police officer may seize the parking decal or  
7 device from any person who commits a violation of this  
8 Section. Any police officer may seize the disability  
9 license plate upon authorization from the Secretary of  
10 State. Any police officer may request that the Secretary of  
11 State revoke the parking decal or device or the disability  
12 license plate of any person who commits a violation of this  
13 Section.

14 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

15 Section 310. The Boat Registration and Safety Act is  
16 amended by changing Section 5-16c as follows:

17 (625 ILCS 45/5-16c)

18 Sec. 5-16c. Operator involvement in personal injury or  
19 fatal boating accident; chemical tests.

20 (a) Any person who operates or is in actual physical  
21 control of a motorboat within this State and who has been  
22 involved in a personal injury or fatal boating accident shall  
23 be deemed to have given consent to a breath test using a  
24 portable device as approved by the Department of State Police

1 or to a chemical test or tests of blood, breath, other bodily  
2 substance, or urine for the purpose of determining the content  
3 of alcohol, other drug or drugs, or intoxicating compound or  
4 compounds of the person's blood if arrested as evidenced by the  
5 issuance of a uniform citation for a violation of the Boat  
6 Registration and Safety Act or a similar provision of a local  
7 ordinance, with the exception of equipment violations  
8 contained in Article IV of this Act or similar provisions of  
9 local ordinances. The test or tests shall be administered at  
10 the direction of the arresting officer. The law enforcement  
11 agency employing the officer shall designate which of the  
12 aforesaid tests shall be administered. Up to 2 additional tests  
13 of urine or other bodily substance may be administered even  
14 after a blood or breath test or both has been administered.  
15 Compliance with this Section does not relieve the person from  
16 the requirements of any other Section of this Act.

17 (b) Any person who is dead, unconscious, or who is  
18 otherwise in a condition rendering that person incapable of  
19 refusal shall be deemed not to have withdrawn the consent  
20 provided by subsection (a) of this Section. In addition, if an  
21 operator of a motorboat is receiving medical treatment as a  
22 result of a boating accident, any physician licensed to  
23 practice medicine, licensed physician assistant, licensed  
24 advanced practice registered nurse, registered nurse, or a  
25 phlebotomist acting under the direction of a licensed physician  
26 shall withdraw blood for testing purposes to ascertain the

1 presence of alcohol, other drug or drugs, or intoxicating  
2 compound or compounds, upon the specific request of a law  
3 enforcement officer. However, this testing shall not be  
4 performed until, in the opinion of the medical personnel on  
5 scene, the withdrawal can be made without interfering with or  
6 endangering the well-being of the patient.

7 (c) A person who is a CDL holder requested to submit to a  
8 test under subsection (a) of this Section shall be warned by  
9 the law enforcement officer requesting the test that a refusal  
10 to submit to the test, or submission to the test resulting in  
11 an alcohol concentration of 0.08 or more, or any amount of a  
12 drug, substance, or intoxicating compound resulting from the  
13 unlawful use or consumption of cannabis listed in the Cannabis  
14 Control Act, a controlled substance listed in the Illinois  
15 Controlled Substances Act, an intoxicating compound listed in  
16 the Use of Intoxicating Compounds Act, or methamphetamine as  
17 listed in the Methamphetamine Control and Community Protection  
18 Act as detected in the person's blood, other bodily substance,  
19 or urine, may result in the suspension of the person's  
20 privilege to operate a motor vehicle and may result in the  
21 disqualification of the person's privilege to operate a  
22 commercial motor vehicle, as provided in Section 6-514 of the  
23 Illinois Vehicle Code. A person who is not a CDL holder  
24 requested to submit to a test under subsection (a) of this  
25 Section shall be warned by the law enforcement officer  
26 requesting the test that a refusal to submit to the test, or

1 submission to the test resulting in an alcohol concentration of  
2 0.08 or more, a tetrahydrocannabinol concentration in the  
3 person's whole blood or other bodily substance as defined in  
4 paragraph 6 of subsection (a) of Section 11-501.2 of the  
5 Illinois Vehicle Code, or any amount of a drug, substance, or  
6 intoxicating compound resulting from the unlawful use or  
7 consumption of a controlled substance listed in the Illinois  
8 Controlled Substances Act, an intoxicating compound listed in  
9 the Use of Intoxicating Compounds Act, or methamphetamine as  
10 listed in the Methamphetamine Control and Community Protection  
11 Act as detected in the person's blood, other bodily substance,  
12 or urine, may result in the suspension of the person's  
13 privilege to operate a motor vehicle. The length of the  
14 suspension shall be the same as outlined in Section 6-208.1 of  
15 the Illinois Vehicle Code regarding statutory summary  
16 suspensions.

17 (d) If the person is a CDL holder and refuses testing or  
18 submits to a test which discloses an alcohol concentration of  
19 0.08 or more, or any amount of a drug, substance, or  
20 intoxicating compound in the person's blood, other bodily  
21 substance, or urine resulting from the unlawful use or  
22 consumption of cannabis listed in the Cannabis Control Act, a  
23 controlled substance listed in the Illinois Controlled  
24 Substances Act, an intoxicating compound listed in the Use of  
25 Intoxicating Compounds Act, or methamphetamine as listed in the  
26 Methamphetamine Control and Community Protection Act, the law

1 enforcement officer shall immediately submit a sworn report to  
2 the Secretary of State on a form prescribed by the Secretary of  
3 State, certifying that the test or tests were requested under  
4 subsection (a) of this Section and the person refused to submit  
5 to a test or tests or submitted to testing which disclosed an  
6 alcohol concentration of 0.08 or more, or any amount of a drug,  
7 substance, or intoxicating compound in the person's blood,  
8 other bodily substance, or urine, resulting from the unlawful  
9 use or consumption of cannabis listed in the Cannabis Control  
10 Act, a controlled substance listed in the Illinois Controlled  
11 Substances Act, an intoxicating compound listed in the Use of  
12 Intoxicating Compounds Act, or methamphetamine as listed in the  
13 Methamphetamine Control and Community Protection Act. If the  
14 person is not a CDL holder and refuses testing or submits to a  
15 test which discloses an alcohol concentration of 0.08 or more,  
16 a tetrahydrocannabinol concentration in the person's whole  
17 blood or other bodily substance as defined in paragraph 6 of  
18 subsection (a) of Section 11-501.2 of the Illinois Vehicle  
19 Code, or any amount of a drug, substance, or intoxicating  
20 compound in the person's blood, other bodily substance, or  
21 urine resulting from the unlawful use or consumption of a  
22 controlled substance listed in the Illinois Controlled  
23 Substances Act, an intoxicating compound listed in the Use of  
24 Intoxicating Compounds Act, or methamphetamine as listed in the  
25 Methamphetamine Control and Community Protection Act, the law  
26 enforcement officer shall immediately submit a sworn report to



1 the Secretary of State on a form prescribed by the Secretary of  
2 State, certifying that the test or tests were requested under  
3 subsection (a) of this Section and the person refused to submit  
4 to a test or tests or submitted to testing which disclosed an  
5 alcohol concentration of 0.08 or more, a tetrahydrocannabinol  
6 concentration in the person's whole blood or other bodily  
7 substance as defined in paragraph 6 of subsection (a) of  
8 Section 11-501.2 of the Illinois Vehicle Code, or any amount of  
9 a drug, substance, or intoxicating compound in the person's  
10 blood or urine, resulting from the unlawful use or consumption  
11 of a controlled substance listed in the Illinois Controlled  
12 Substances Act, an intoxicating compound listed in the Use of  
13 Intoxicating Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act.

15 Upon receipt of the sworn report of a law enforcement  
16 officer, the Secretary of State shall enter the suspension and  
17 disqualification to the person's driving record and the  
18 suspension and disqualification shall be effective on the 46th  
19 day following the date notice of the suspension was given to  
20 the person.

21 The law enforcement officer submitting the sworn report  
22 shall serve immediate notice of this suspension on the person  
23 and this suspension and disqualification shall be effective on  
24 the 46th day following the date notice was given.

25 In cases involving a person who is a CDL holder where the  
26 blood alcohol concentration of 0.08 or more, or any amount of a

1 drug, substance, or intoxicating compound resulting from the  
2 unlawful use or consumption of cannabis listed in the Cannabis  
3 Control Act, a controlled substance listed in the Illinois  
4 Controlled Substances Act, an intoxicating compound listed in  
5 the Use of Intoxicating Compounds Act, or methamphetamine as  
6 listed in the Methamphetamine Control and Community Protection  
7 Act, is established by a subsequent analysis of blood, other  
8 bodily substance, or urine collected at the time of arrest, the  
9 arresting officer shall give notice as provided in this Section  
10 or by deposit in the United States mail of this notice in an  
11 envelope with postage prepaid and addressed to the person at  
12 his or her address as shown on the uniform citation and the  
13 suspension and disqualification shall be effective on the 46th  
14 day following the date notice was given. In cases involving a  
15 person who is not a CDL holder where the blood alcohol  
16 concentration of 0.08 or more, a tetrahydrocannabinol  
17 concentration in the person's whole blood or other bodily  
18 substance as defined in paragraph 6 of subsection (a) of  
19 Section 11-501.2 of the Illinois Vehicle Code, or any amount of  
20 a drug, substance, or intoxicating compound resulting from the  
21 unlawful use or consumption of a controlled substance listed in  
22 the Illinois Controlled Substances Act, an intoxicating  
23 compound listed in the Use of Intoxicating Compounds Act, or  
24 methamphetamine as listed in the Methamphetamine Control and  
25 Community Protection Act, is established by a subsequent  
26 analysis of blood, other bodily substance, or urine collected

1 at the time of arrest, the arresting officer shall give notice  
2 as provided in this Section or by deposit in the United States  
3 mail of this notice in an envelope with postage prepaid and  
4 addressed to the person at his or her address as shown on the  
5 uniform citation and the suspension shall be effective on the  
6 46th day following the date notice was given.

7 Upon receipt of the sworn report of a law enforcement  
8 officer, the Secretary of State shall also give notice of the  
9 suspension and disqualification to the person by mailing a  
10 notice of the effective date of the suspension and  
11 disqualification to the person. However, should the sworn  
12 report be defective by not containing sufficient information or  
13 be completed in error, the notice of the suspension and  
14 disqualification shall not be mailed to the person or entered  
15 to the driving record, but rather the sworn report shall be  
16 returned to the issuing law enforcement agency.

17 (e) A person may contest this suspension of his or her  
18 driving privileges and disqualification of his or her CDL  
19 privileges by requesting an administrative hearing with the  
20 Secretary of State in accordance with Section 2-118 of the  
21 Illinois Vehicle Code. At the conclusion of a hearing held  
22 under Section 2-118 of the Illinois Vehicle Code, the Secretary  
23 of State may rescind, continue, or modify the orders of  
24 suspension and disqualification. If the Secretary of State does  
25 not rescind the orders of suspension and disqualification, a  
26 restricted driving permit may be granted by the Secretary of

1 State upon application being made and good cause shown. A  
2 restricted driving permit may be granted to relieve undue  
3 hardship to allow driving for employment, educational, and  
4 medical purposes as outlined in Section 6-206 of the Illinois  
5 Vehicle Code. The provisions of Section 6-206 of the Illinois  
6 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the  
7 Secretary of State may not issue a restricted driving permit  
8 for the operation of a commercial motor vehicle to a person  
9 holding a CDL whose driving privileges have been suspended,  
10 revoked, cancelled, or disqualified.

11 (f) For the purposes of this Section, a personal injury  
12 shall include any type A injury as indicated on the accident  
13 report completed by a law enforcement officer that requires  
14 immediate professional attention in a doctor's office or a  
15 medical facility. A type A injury shall include severely  
16 bleeding wounds, distorted extremities, and injuries that  
17 require the injured party to be carried from the scene.

18 (Source: P.A. 98-103, eff. 1-1-14; 99-697, eff. 7-29-16.)

19 Section 315. The Criminal Code of 2012 is amended by  
20 changing Section 9-1 as follows:

21 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

22 Sec. 9-1. First degree Murder - Death penalties -  
23 Exceptions - Separate Hearings - Proof - Findings - Appellate  
24 procedures - Reversals.

1           (a) A person who kills an individual without lawful  
2 justification commits first degree murder if, in performing the  
3 acts which cause the death:

4           (1) he either intends to kill or do great bodily harm  
5 to that individual or another, or knows that such acts will  
6 cause death to that individual or another; or

7           (2) he knows that such acts create a strong probability  
8 of death or great bodily harm to that individual or  
9 another; or

10           (3) he is attempting or committing a forcible felony  
11 other than second degree murder.

12           (b) Aggravating Factors. A defendant who at the time of the  
13 commission of the offense has attained the age of 18 or more  
14 and who has been found guilty of first degree murder may be  
15 sentenced to death if:

16           (1) the murdered individual was a peace officer or  
17 fireman killed in the course of performing his official  
18 duties, to prevent the performance of his official duties,  
19 or in retaliation for performing his official duties, and  
20 the defendant knew or should have known that the murdered  
21 individual was a peace officer or fireman; or

22           (2) the murdered individual was an employee of an  
23 institution or facility of the Department of Corrections,  
24 or any similar local correctional agency, killed in the  
25 course of performing his official duties, to prevent the  
26 performance of his official duties, or in retaliation for

1 performing his official duties, or the murdered individual  
2 was an inmate at such institution or facility and was  
3 killed on the grounds thereof, or the murdered individual  
4 was otherwise present in such institution or facility with  
5 the knowledge and approval of the chief administrative  
6 officer thereof; or

7 (3) the defendant has been convicted of murdering two  
8 or more individuals under subsection (a) of this Section or  
9 under any law of the United States or of any state which is  
10 substantially similar to subsection (a) of this Section  
11 regardless of whether the deaths occurred as the result of  
12 the same act or of several related or unrelated acts so  
13 long as the deaths were the result of either an intent to  
14 kill more than one person or of separate acts which the  
15 defendant knew would cause death or create a strong  
16 probability of death or great bodily harm to the murdered  
17 individual or another; or

18 (4) the murdered individual was killed as a result of  
19 the hijacking of an airplane, train, ship, bus or other  
20 public conveyance; or

21 (5) the defendant committed the murder pursuant to a  
22 contract, agreement or understanding by which he was to  
23 receive money or anything of value in return for committing  
24 the murder or procured another to commit the murder for  
25 money or anything of value; or

26 (6) the murdered individual was killed in the course of

1 another felony if:

2 (a) the murdered individual:

3 (i) was actually killed by the defendant, or

4 (ii) received physical injuries personally  
5 inflicted by the defendant substantially  
6 contemporaneously with physical injuries caused by  
7 one or more persons for whose conduct the defendant  
8 is legally accountable under Section 5-2 of this  
9 Code, and the physical injuries inflicted by  
10 either the defendant or the other person or persons  
11 for whose conduct he is legally accountable caused  
12 the death of the murdered individual; and

13 (b) in performing the acts which caused the death  
14 of the murdered individual or which resulted in  
15 physical injuries personally inflicted by the  
16 defendant on the murdered individual under the  
17 circumstances of subdivision (ii) of subparagraph (a)  
18 of paragraph (6) of subsection (b) of this Section, the  
19 defendant acted with the intent to kill the murdered  
20 individual or with the knowledge that his acts created  
21 a strong probability of death or great bodily harm to  
22 the murdered individual or another; and

23 (c) the other felony was an inherently violent  
24 crime or the attempt to commit an inherently violent  
25 crime. In this subparagraph (c), "inherently violent  
26 crime" includes, but is not limited to, armed robbery,

1 robbery, predatory criminal sexual assault of a child,  
2 aggravated criminal sexual assault, aggravated  
3 kidnapping, aggravated vehicular hijacking, aggravated  
4 arson, aggravated stalking, residential burglary, and  
5 home invasion; or

6 (7) the murdered individual was under 12 years of age  
7 and the death resulted from exceptionally brutal or heinous  
8 behavior indicative of wanton cruelty; or

9 (8) the defendant committed the murder with intent to  
10 prevent the murdered individual from testifying or  
11 participating in any criminal investigation or prosecution  
12 or giving material assistance to the State in any  
13 investigation or prosecution, either against the defendant  
14 or another; or the defendant committed the murder because  
15 the murdered individual was a witness in any prosecution or  
16 gave material assistance to the State in any investigation  
17 or prosecution, either against the defendant or another;  
18 for purposes of this paragraph (8), "participating in any  
19 criminal investigation or prosecution" is intended to  
20 include those appearing in the proceedings in any capacity  
21 such as trial judges, prosecutors, defense attorneys,  
22 investigators, witnesses, or jurors; or

23 (9) the defendant, while committing an offense  
24 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
25 407 or 407.1 or subsection (b) of Section 404 of the  
26 Illinois Controlled Substances Act, or while engaged in a



1 conspiracy or solicitation to commit such offense,  
2 intentionally killed an individual or counseled,  
3 commanded, induced, procured or caused the intentional  
4 killing of the murdered individual; or

5 (10) the defendant was incarcerated in an institution  
6 or facility of the Department of Corrections at the time of  
7 the murder, and while committing an offense punishable as a  
8 felony under Illinois law, or while engaged in a conspiracy  
9 or solicitation to commit such offense, intentionally  
10 killed an individual or counseled, commanded, induced,  
11 procured or caused the intentional killing of the murdered  
12 individual; or

13 (11) the murder was committed in a cold, calculated and  
14 premeditated manner pursuant to a preconceived plan,  
15 scheme or design to take a human life by unlawful means,  
16 and the conduct of the defendant created a reasonable  
17 expectation that the death of a human being would result  
18 therefrom; or

19 (12) the murdered individual was an emergency medical  
20 technician - ambulance, emergency medical technician -  
21 intermediate, emergency medical technician - paramedic,  
22 ambulance driver, or other medical assistance or first aid  
23 personnel, employed by a municipality or other  
24 governmental unit, killed in the course of performing his  
25 official duties, to prevent the performance of his official  
26 duties, or in retaliation for performing his official

1 duties, and the defendant knew or should have known that  
2 the murdered individual was an emergency medical  
3 technician - ambulance, emergency medical technician -  
4 intermediate, emergency medical technician - paramedic,  
5 ambulance driver, or other medical assistance or first aid  
6 personnel; or

7 (13) the defendant was a principal administrator,  
8 organizer, or leader of a calculated criminal drug  
9 conspiracy consisting of a hierarchical position of  
10 authority superior to that of all other members of the  
11 conspiracy, and the defendant counseled, commanded,  
12 induced, procured, or caused the intentional killing of the  
13 murdered person; or

14 (14) the murder was intentional and involved the  
15 infliction of torture. For the purpose of this Section  
16 torture means the infliction of or subjection to extreme  
17 physical pain, motivated by an intent to increase or  
18 prolong the pain, suffering or agony of the victim; or

19 (15) the murder was committed as a result of the  
20 intentional discharge of a firearm by the defendant from a  
21 motor vehicle and the victim was not present within the  
22 motor vehicle; or

23 (16) the murdered individual was 60 years of age or  
24 older and the death resulted from exceptionally brutal or  
25 heinous behavior indicative of wanton cruelty; or

26 (17) the murdered individual was a person with a

1           disability and the defendant knew or should have known that  
2           the murdered individual was a person with a disability. For  
3           purposes of this paragraph (17), "person with a disability"  
4           means a person who suffers from a permanent physical or  
5           mental impairment resulting from disease, an injury, a  
6           functional disorder, or a congenital condition that  
7           renders the person incapable of adequately providing for  
8           his or her own health or personal care; or

9           (18) the murder was committed by reason of any person's  
10          activity as a community policing volunteer or to prevent  
11          any person from engaging in activity as a community  
12          policing volunteer; or

13          (19) the murdered individual was subject to an order of  
14          protection and the murder was committed by a person against  
15          whom the same order of protection was issued under the  
16          Illinois Domestic Violence Act of 1986; or

17          (20) the murdered individual was known by the defendant  
18          to be a teacher or other person employed in any school and  
19          the teacher or other employee is upon the grounds of a  
20          school or grounds adjacent to a school, or is in any part  
21          of a building used for school purposes; or

22          (21) the murder was committed by the defendant in  
23          connection with or as a result of the offense of terrorism  
24          as defined in Section 29D-14.9 of this Code.

25          (b-5) Aggravating Factor; Natural Life Imprisonment. A  
26          defendant who has been found guilty of first degree murder and

1 who at the time of the commission of the offense had attained  
2 the age of 18 years or more may be sentenced to natural life  
3 imprisonment if (i) the murdered individual was a physician,  
4 physician assistant, psychologist, nurse, or advanced practice  
5 registered nurse, (ii) the defendant knew or should have known  
6 that the murdered individual was a physician, physician  
7 assistant, psychologist, nurse, or advanced practice  
8 registered nurse, and (iii) the murdered individual was killed  
9 in the course of acting in his or her capacity as a physician,  
10 physician assistant, psychologist, nurse, or advanced practice  
11 registered nurse, or to prevent him or her from acting in that  
12 capacity, or in retaliation for his or her acting in that  
13 capacity.

14 (c) Consideration of factors in Aggravation and  
15 Mitigation.

16 The court shall consider, or shall instruct the jury to  
17 consider any aggravating and any mitigating factors which are  
18 relevant to the imposition of the death penalty. Aggravating  
19 factors may include but need not be limited to those factors  
20 set forth in subsection (b). Mitigating factors may include but  
21 need not be limited to the following:

22 (1) the defendant has no significant history of prior  
23 criminal activity;

24 (2) the murder was committed while the defendant was  
25 under the influence of extreme mental or emotional  
26 disturbance, although not such as to constitute a defense

1 to prosecution;

2 (3) the murdered individual was a participant in the  
3 defendant's homicidal conduct or consented to the  
4 homicidal act;

5 (4) the defendant acted under the compulsion of threat  
6 or menace of the imminent infliction of death or great  
7 bodily harm;

8 (5) the defendant was not personally present during  
9 commission of the act or acts causing death;

10 (6) the defendant's background includes a history of  
11 extreme emotional or physical abuse;

12 (7) the defendant suffers from a reduced mental  
13 capacity.

14 (d) Separate sentencing hearing.

15 Where requested by the State, the court shall conduct a  
16 separate sentencing proceeding to determine the existence of  
17 factors set forth in subsection (b) and to consider any  
18 aggravating or mitigating factors as indicated in subsection  
19 (c). The proceeding shall be conducted:

20 (1) before the jury that determined the defendant's  
21 guilt; or

22 (2) before a jury impanelled for the purpose of the  
23 proceeding if:

24 A. the defendant was convicted upon a plea of  
25 guilty; or

26 B. the defendant was convicted after a trial before

1 the court sitting without a jury; or

2 C. the court for good cause shown discharges the  
3 jury that determined the defendant's guilt; or

4 (3) before the court alone if the defendant waives a  
5 jury for the separate proceeding.

6 (e) Evidence and Argument.

7 During the proceeding any information relevant to any of  
8 the factors set forth in subsection (b) may be presented by  
9 either the State or the defendant under the rules governing the  
10 admission of evidence at criminal trials. Any information  
11 relevant to any additional aggravating factors or any  
12 mitigating factors indicated in subsection (c) may be presented  
13 by the State or defendant regardless of its admissibility under  
14 the rules governing the admission of evidence at criminal  
15 trials. The State and the defendant shall be given fair  
16 opportunity to rebut any information received at the hearing.

17 (f) Proof.

18 The burden of proof of establishing the existence of any of  
19 the factors set forth in subsection (b) is on the State and  
20 shall not be satisfied unless established beyond a reasonable  
21 doubt.

22 (g) Procedure - Jury.

23 If at the separate sentencing proceeding the jury finds  
24 that none of the factors set forth in subsection (b) exists,  
25 the court shall sentence the defendant to a term of  
26 imprisonment under Chapter V of the Unified Code of

1 Corrections. If there is a unanimous finding by the jury that  
2 one or more of the factors set forth in subsection (b) exist,  
3 the jury shall consider aggravating and mitigating factors as  
4 instructed by the court and shall determine whether the  
5 sentence of death shall be imposed. If the jury determines  
6 unanimously, after weighing the factors in aggravation and  
7 mitigation, that death is the appropriate sentence, the court  
8 shall sentence the defendant to death. If the court does not  
9 concur with the jury determination that death is the  
10 appropriate sentence, the court shall set forth reasons in  
11 writing including what facts or circumstances the court relied  
12 upon, along with any relevant documents, that compelled the  
13 court to non-concur with the sentence. This document and any  
14 attachments shall be part of the record for appellate review.  
15 The court shall be bound by the jury's sentencing  
16 determination.

17 If after weighing the factors in aggravation and  
18 mitigation, one or more jurors determines that death is not the  
19 appropriate sentence, the court shall sentence the defendant to  
20 a term of imprisonment under Chapter V of the Unified Code of  
21 Corrections.

22 (h) Procedure - No Jury.

23 In a proceeding before the court alone, if the court finds  
24 that none of the factors found in subsection (b) exists, the  
25 court shall sentence the defendant to a term of imprisonment  
26 under Chapter V of the Unified Code of Corrections.

1           If the Court determines that one or more of the factors set  
2 forth in subsection (b) exists, the Court shall consider any  
3 aggravating and mitigating factors as indicated in subsection  
4 (c). If the Court determines, after weighing the factors in  
5 aggravation and mitigation, that death is the appropriate  
6 sentence, the Court shall sentence the defendant to death.

7           If the court finds that death is not the appropriate  
8 sentence, the court shall sentence the defendant to a term of  
9 imprisonment under Chapter V of the Unified Code of  
10 Corrections.

11           (h-5) Decertification as a capital case.

12           In a case in which the defendant has been found guilty of  
13 first degree murder by a judge or jury, or a case on remand for  
14 resentencing, and the State seeks the death penalty as an  
15 appropriate sentence, on the court's own motion or the written  
16 motion of the defendant, the court may decertify the case as a  
17 death penalty case if the court finds that the only evidence  
18 supporting the defendant's conviction is the uncorroborated  
19 testimony of an informant witness, as defined in Section 115-21  
20 of the Code of Criminal Procedure of 1963, concerning the  
21 confession or admission of the defendant or that the sole  
22 evidence against the defendant is a single eyewitness or single  
23 accomplice without any other corroborating evidence. If the  
24 court decertifies the case as a capital case under either of  
25 the grounds set forth above, the court shall issue a written  
26 finding. The State may pursue its right to appeal the



1 decertification pursuant to Supreme Court Rule 604(a)(1). If  
2 the court does not decertify the case as a capital case, the  
3 matter shall proceed to the eligibility phase of the sentencing  
4 hearing.

5 (i) Appellate Procedure.

6 The conviction and sentence of death shall be subject to  
7 automatic review by the Supreme Court. Such review shall be in  
8 accordance with rules promulgated by the Supreme Court. The  
9 Illinois Supreme Court may overturn the death sentence, and  
10 order the imposition of imprisonment under Chapter V of the  
11 Unified Code of Corrections if the court finds that the death  
12 sentence is fundamentally unjust as applied to the particular  
13 case. If the Illinois Supreme Court finds that the death  
14 sentence is fundamentally unjust as applied to the particular  
15 case, independent of any procedural grounds for relief, the  
16 Illinois Supreme Court shall issue a written opinion explaining  
17 this finding.

18 (j) Disposition of reversed death sentence.

19 In the event that the death penalty in this Act is held to  
20 be unconstitutional by the Supreme Court of the United States  
21 or of the State of Illinois, any person convicted of first  
22 degree murder shall be sentenced by the court to a term of  
23 imprisonment under Chapter V of the Unified Code of  
24 Corrections.

25 In the event that any death sentence pursuant to the  
26 sentencing provisions of this Section is declared

1 unconstitutional by the Supreme Court of the United States or  
2 of the State of Illinois, the court having jurisdiction over a  
3 person previously sentenced to death shall cause the defendant  
4 to be brought before the court, and the court shall sentence  
5 the defendant to a term of imprisonment under Chapter V of the  
6 Unified Code of Corrections.

7 (k) Guidelines for seeking the death penalty.

8 The Attorney General and State's Attorneys Association  
9 shall consult on voluntary guidelines for procedures governing  
10 whether or not to seek the death penalty. The guidelines do not  
11 have the force of law and are only advisory in nature.

12 (Source: P.A. 99-143, eff. 7-27-15.)

13 Section 320. The Illinois Controlled Substances Act is  
14 amended by changing Sections 102, 302, 303.05, 313, and 320 as  
15 follows:

16 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

17 Sec. 102. Definitions. As used in this Act, unless the  
18 context otherwise requires:

19 (a) "Addict" means any person who habitually uses any drug,  
20 chemical, substance or dangerous drug other than alcohol so as  
21 to endanger the public morals, health, safety or welfare or who  
22 is so far addicted to the use of a dangerous drug or controlled  
23 substance other than alcohol as to have lost the power of self  
24 control with reference to his or her addiction.

1 (b) "Administer" means the direct application of a  
2 controlled substance, whether by injection, inhalation,  
3 ingestion, or any other means, to the body of a patient,  
4 research subject, or animal (as defined by the Humane  
5 Euthanasia in Animal Shelters Act) by:

6 (1) a practitioner (or, in his or her presence, by his  
7 or her authorized agent),

8 (2) the patient or research subject pursuant to an  
9 order, or

10 (3) a euthanasia technician as defined by the Humane  
11 Euthanasia in Animal Shelters Act.

12 (c) "Agent" means an authorized person who acts on behalf  
13 of or at the direction of a manufacturer, distributor,  
14 dispenser, prescriber, or practitioner. It does not include a  
15 common or contract carrier, public warehouseman or employee of  
16 the carrier or warehouseman.

17 (c-1) "Anabolic Steroids" means any drug or hormonal  
18 substance, chemically and pharmacologically related to  
19 testosterone (other than estrogens, progestins,  
20 corticosteroids, and dehydroepiandrosterone), and includes:

21 (i) 3[beta],17-dihydroxy-5a-androstane,

22 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

23 (iii) 5[alpha]-androstan-3,17-dione,

24 (iv) 1-androstenediol (3[beta],

25 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

26 (v) 1-androstenediol (3[alpha],

1           17[beta]-dihydroxy-5[alpha]-androst-1-ene),  
2           (vi) 4-androstenediol  
3           (3[beta],17[beta]-dihydroxy-androst-4-ene),  
4           (vii) 5-androstenediol  
5           (3[beta],17[beta]-dihydroxy-androst-5-ene),  
6           (viii) 1-androstenedione  
7           ([5alpha]-androst-1-en-3,17-dione),  
8           (ix) 4-androstenedione  
9           (androst-4-en-3,17-dione),  
10          (x) 5-androstenedione  
11          (androst-5-en-3,17-dione),  
12          (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-  
13          hydroxyandrost-4-en-3-one),  
14          (xii) boldenone (17[beta]-hydroxyandrost-  
15          1,4,-diene-3-one),  
16          (xiii) boldione (androsta-1,4-  
17          diene-3,17-dione),  
18          (xiv) calusterone (7[beta],17[alpha]-dimethyl-17  
19          [beta]-hydroxyandrost-4-en-3-one),  
20          (xv) clostebol (4-chloro-17[beta]-  
21          hydroxyandrost-4-en-3-one),  
22          (xvi) dehydrochloromethyltestosterone (4-chloro-  
23          17[beta]-hydroxy-17[alpha]-methyl-  
24          androst-1,4-dien-3-one),  
25          (xvii) desoxymethyltestosterone  
26          (17[alpha]-methyl-5[alpha]

1           -androst-2-en-17[beta]-ol) (a.k.a., madol),  
2           (xviii) [delta]1-dihydrotestosterone (a.k.a.  
3           '1-testosterone') (17[beta]-hydroxy-  
4           5[alpha]-androst-1-en-3-one),  
5           (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
6           androstan-3-one),  
7           (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
8           5[alpha]-androstan-3-one),  
9           (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
10           hydroxyestr-4-ene),  
11           (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
12           1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
13           (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
14           17[beta]-dihydroxyandrost-1,4-dien-3-one),  
15           (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
16           hydroxyandrostan[2,3-c]-furazan),  
17           (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one)  
18           (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
19           androst-4-en-3-one),  
20           (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
21           dihydroxy-estr-4-en-3-one),  
22           (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
23           hydroxy-5-androstan-3-one),  
24           (xxix) mesterolone (1amethyl-17[beta]-hydroxy-  
25           [5a]-androstan-3-one),  
26           (xxx) methandienone (17[alpha]-methyl-17[beta]-

1 hydroxyandrost-1,4-dien-3-one),  
2 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
3 dihydroxyandrost-5-ene),  
4 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-  
5 5[alpha]-androst-1-en-3-one),  
6 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-  
7 dihydroxy-5a-androstane),  
8 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
9 -5a-androstane),  
10 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-  
11 dihydroxyandrost-4-ene),  
12 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
13 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
14 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-  
15 hydroxyestra-4,9(10)-dien-3-one),  
16 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-  
17 hydroxyestra-4,9-11-trien-3-one),  
18 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-  
19 hydroxyandrost-4-en-3-one),  
20 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
21 hydroxyestr-4-en-3-one),  
22 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
23 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
24 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
25 1-testosterone'),  
26 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),

- 1 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
2 dihydroxyestr-4-ene),  
3 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
4 dihydroxyestr-4-ene),  
5 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
6 dihydroxyestr-5-ene),  
7 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
8 dihydroxyestr-5-ene),  
9 (xlvii) 19-nor-4,9(10)-androstadienedione  
10 (estra-4,9(10)-diene-3,17-dione),  
11 (xlviii) 19-nor-4-androstenedione (estr-4-  
12 en-3,17-dione),  
13 (xlix) 19-nor-5-androstenedione (estr-5-  
14 en-3,17-dione),  
15 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
16 hydroxygon-4-en-3-one),  
17 (li) norclostebol (4-chloro-17[beta]-  
18 hydroxyestr-4-en-3-one),  
19 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
20 hydroxyestr-4-en-3-one),  
21 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
22 hydroxyestr-4-en-3-one),  
23 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
24 2-oxa-5[alpha]-androstan-3-one),  
25 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
26 dihydroxyandrost-4-en-3-one),

- 1 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
2 17[beta]-hydroxy-(5[alpha]-androstan-3-one),  
3 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
4 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
5 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
6 (5[alpha]-androst-1-en-3-one),  
7 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
8 secoandrosta-1,4-dien-17-oic  
9 acid lactone),  
10 (lx) testosterone (17[beta]-hydroxyandrost-  
11 4-en-3-one),  
12 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
13 diethyl-17[beta]-hydroxygon-  
14 4,9,11-trien-3-one),  
15 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
16 11-trien-3-one).

17 Any person who is otherwise lawfully in possession of an  
18 anabolic steroid, or who otherwise lawfully manufactures,  
19 distributes, dispenses, delivers, or possesses with intent to  
20 deliver an anabolic steroid, which anabolic steroid is  
21 expressly intended for and lawfully allowed to be administered  
22 through implants to livestock or other nonhuman species, and  
23 which is approved by the Secretary of Health and Human Services  
24 for such administration, and which the person intends to  
25 administer or have administered through such implants, shall  
26 not be considered to be in unauthorized possession or to



1 unlawfully manufacture, distribute, dispense, deliver, or  
2 possess with intent to deliver such anabolic steroid for  
3 purposes of this Act.

4 (d) "Administration" means the Drug Enforcement  
5 Administration, United States Department of Justice, or its  
6 successor agency.

7 (d-5) "Clinical Director, Prescription Monitoring Program"  
8 means a Department of Human Services administrative employee  
9 licensed to either prescribe or dispense controlled substances  
10 who shall run the clinical aspects of the Department of Human  
11 Services Prescription Monitoring Program and its Prescription  
12 Information Library.

13 (d-10) "Compounding" means the preparation and mixing of  
14 components, excluding flavorings, (1) as the result of a  
15 prescriber's prescription drug order or initiative based on the  
16 prescriber-patient-pharmacist relationship in the course of  
17 professional practice or (2) for the purpose of, or incident  
18 to, research, teaching, or chemical analysis and not for sale  
19 or dispensing. "Compounding" includes the preparation of drugs  
20 or devices in anticipation of receiving prescription drug  
21 orders based on routine, regularly observed dispensing  
22 patterns. Commercially available products may be compounded  
23 for dispensing to individual patients only if both of the  
24 following conditions are met: (i) the commercial product is not  
25 reasonably available from normal distribution channels in a  
26 timely manner to meet the patient's needs and (ii) the

1 prescribing practitioner has requested that the drug be  
2 compounded.

3 (e) "Control" means to add a drug or other substance, or  
4 immediate precursor, to a Schedule whether by transfer from  
5 another Schedule or otherwise.

6 (f) "Controlled Substance" means (i) a drug, substance,  
7 immediate precursor, or synthetic drug in the Schedules of  
8 Article II of this Act or (ii) a drug or other substance, or  
9 immediate precursor, designated as a controlled substance by  
10 the Department through administrative rule. The term does not  
11 include distilled spirits, wine, malt beverages, or tobacco, as  
12 those terms are defined or used in the Liquor Control Act of  
13 1934 and the Tobacco Products Tax Act of 1995.

14 (f-5) "Controlled substance analog" means a substance:

15 (1) the chemical structure of which is substantially  
16 similar to the chemical structure of a controlled substance  
17 in Schedule I or II;

18 (2) which has a stimulant, depressant, or  
19 hallucinogenic effect on the central nervous system that is  
20 substantially similar to or greater than the stimulant,  
21 depressant, or hallucinogenic effect on the central  
22 nervous system of a controlled substance in Schedule I or  
23 II; or

24 (3) with respect to a particular person, which such  
25 person represents or intends to have a stimulant,  
26 depressant, or hallucinogenic effect on the central

1 nervous system that is substantially similar to or greater  
2 than the stimulant, depressant, or hallucinogenic effect  
3 on the central nervous system of a controlled substance in  
4 Schedule I or II.

5 (g) "Counterfeit substance" means a controlled substance,  
6 which, or the container or labeling of which, without  
7 authorization bears the trademark, trade name, or other  
8 identifying mark, imprint, number or device, or any likeness  
9 thereof, of a manufacturer, distributor, or dispenser other  
10 than the person who in fact manufactured, distributed, or  
11 dispensed the substance.

12 (h) "Deliver" or "delivery" means the actual, constructive  
13 or attempted transfer of possession of a controlled substance,  
14 with or without consideration, whether or not there is an  
15 agency relationship.

16 (i) "Department" means the Illinois Department of Human  
17 Services (as successor to the Department of Alcoholism and  
18 Substance Abuse) or its successor agency.

19 (j) (Blank).

20 (k) "Department of Corrections" means the Department of  
21 Corrections of the State of Illinois or its successor agency.

22 (l) "Department of Financial and Professional Regulation"  
23 means the Department of Financial and Professional Regulation  
24 of the State of Illinois or its successor agency.

25 (m) "Depressant" means any drug that (i) causes an overall  
26 depression of central nervous system functions, (ii) causes

1 impaired consciousness and awareness, and (iii) can be  
2 habit-forming or lead to a substance abuse problem, including  
3 but not limited to alcohol, cannabis and its active principles  
4 and their analogs, benzodiazepines and their analogs,  
5 barbiturates and their analogs, opioids (natural and  
6 synthetic) and their analogs, and chloral hydrate and similar  
7 sedative hypnotics.

8 (n) (Blank).

9 (o) "Director" means the Director of the Illinois State  
10 Police or his or her designated agents.

11 (p) "Dispense" means to deliver a controlled substance to  
12 an ultimate user or research subject by or pursuant to the  
13 lawful order of a prescriber, including the prescribing,  
14 administering, packaging, labeling, or compounding necessary  
15 to prepare the substance for that delivery.

16 (q) "Dispenser" means a practitioner who dispenses.

17 (r) "Distribute" means to deliver, other than by  
18 administering or dispensing, a controlled substance.

19 (s) "Distributor" means a person who distributes.

20 (t) "Drug" means (1) substances recognized as drugs in the  
21 official United States Pharmacopoeia, Official Homeopathic  
22 Pharmacopoeia of the United States, or official National  
23 Formulary, or any supplement to any of them; (2) substances  
24 intended for use in diagnosis, cure, mitigation, treatment, or  
25 prevention of disease in man or animals; (3) substances (other  
26 than food) intended to affect the structure of any function of

1 the body of man or animals and (4) substances intended for use  
2 as a component of any article specified in clause (1), (2), or  
3 (3) of this subsection. It does not include devices or their  
4 components, parts, or accessories.

5 (t-3) "Electronic health record" or "EHR" means an  
6 electronic record of health-related information on an  
7 individual that is created, gathered, managed, and consulted by  
8 authorized health care clinicians and staff.

9 (t-5) "Euthanasia agency" means an entity certified by the  
10 Department of Financial and Professional Regulation for the  
11 purpose of animal euthanasia that holds an animal control  
12 facility license or animal shelter license under the Animal  
13 Welfare Act. A euthanasia agency is authorized to purchase,  
14 store, possess, and utilize Schedule II nonnarcotic and  
15 Schedule III nonnarcotic drugs for the sole purpose of animal  
16 euthanasia.

17 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
18 substances (nonnarcotic controlled substances) that are used  
19 by a euthanasia agency for the purpose of animal euthanasia.

20 (u) "Good faith" means the prescribing or dispensing of a  
21 controlled substance by a practitioner in the regular course of  
22 professional treatment to or for any person who is under his or  
23 her treatment for a pathology or condition other than that  
24 individual's physical or psychological dependence upon or  
25 addiction to a controlled substance, except as provided herein:  
26 and application of the term to a pharmacist shall mean the

1 dispensing of a controlled substance pursuant to the  
2 prescriber's order which in the professional judgment of the  
3 pharmacist is lawful. The pharmacist shall be guided by  
4 accepted professional standards including, but not limited to  
5 the following, in making the judgment:

6 (1) lack of consistency of prescriber-patient  
7 relationship,

8 (2) frequency of prescriptions for same drug by one  
9 prescriber for large numbers of patients,

10 (3) quantities beyond those normally prescribed,

11 (4) unusual dosages (recognizing that there may be  
12 clinical circumstances where more or less than the usual  
13 dose may be used legitimately),

14 (5) unusual geographic distances between patient,  
15 pharmacist and prescriber,

16 (6) consistent prescribing of habit-forming drugs.

17 (u-0.5) "Hallucinogen" means a drug that causes markedly  
18 altered sensory perception leading to hallucinations of any  
19 type.

20 (u-1) "Home infusion services" means services provided by a  
21 pharmacy in compounding solutions for direct administration to  
22 a patient in a private residence, long-term care facility, or  
23 hospice setting by means of parenteral, intravenous,  
24 intramuscular, subcutaneous, or intraspinal infusion.

25 (u-5) "Illinois State Police" means the State Police of the  
26 State of Illinois, or its successor agency.

1 (v) "Immediate precursor" means a substance:

2 (1) which the Department has found to be and by rule  
3 designated as being a principal compound used, or produced  
4 primarily for use, in the manufacture of a controlled  
5 substance;

6 (2) which is an immediate chemical intermediary used or  
7 likely to be used in the manufacture of such controlled  
8 substance; and

9 (3) the control of which is necessary to prevent,  
10 curtail or limit the manufacture of such controlled  
11 substance.

12 (w) "Instructional activities" means the acts of teaching,  
13 educating or instructing by practitioners using controlled  
14 substances within educational facilities approved by the State  
15 Board of Education or its successor agency.

16 (x) "Local authorities" means a duly organized State,  
17 County or Municipal peace unit or police force.

18 (y) "Look-alike substance" means a substance, other than a  
19 controlled substance which (1) by overall dosage unit  
20 appearance, including shape, color, size, markings or lack  
21 thereof, taste, consistency, or any other identifying physical  
22 characteristic of the substance, would lead a reasonable person  
23 to believe that the substance is a controlled substance, or (2)  
24 is expressly or impliedly represented to be a controlled  
25 substance or is distributed under circumstances which would  
26 lead a reasonable person to believe that the substance is a

1 controlled substance. For the purpose of determining whether  
2 the representations made or the circumstances of the  
3 distribution would lead a reasonable person to believe the  
4 substance to be a controlled substance under this clause (2) of  
5 subsection (y), the court or other authority may consider the  
6 following factors in addition to any other factor that may be  
7 relevant:

8 (a) statements made by the owner or person in control  
9 of the substance concerning its nature, use or effect;

10 (b) statements made to the buyer or recipient that the  
11 substance may be resold for profit;

12 (c) whether the substance is packaged in a manner  
13 normally used for the illegal distribution of controlled  
14 substances;

15 (d) whether the distribution or attempted distribution  
16 included an exchange of or demand for money or other  
17 property as consideration, and whether the amount of the  
18 consideration was substantially greater than the  
19 reasonable retail market value of the substance.

20 Clause (1) of this subsection (y) shall not apply to a  
21 noncontrolled substance in its finished dosage form that was  
22 initially introduced into commerce prior to the initial  
23 introduction into commerce of a controlled substance in its  
24 finished dosage form which it may substantially resemble.

25 Nothing in this subsection (y) prohibits the dispensing or  
26 distributing of noncontrolled substances by persons authorized



1 to dispense and distribute controlled substances under this  
2 Act, provided that such action would be deemed to be carried  
3 out in good faith under subsection (u) if the substances  
4 involved were controlled substances.

5 Nothing in this subsection (y) or in this Act prohibits the  
6 manufacture, preparation, propagation, compounding,  
7 processing, packaging, advertising or distribution of a drug or  
8 drugs by any person registered pursuant to Section 510 of the  
9 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

10 (y-1) "Mail-order pharmacy" means a pharmacy that is  
11 located in a state of the United States that delivers,  
12 dispenses or distributes, through the United States Postal  
13 Service or other common carrier, to Illinois residents, any  
14 substance which requires a prescription.

15 (z) "Manufacture" means the production, preparation,  
16 propagation, compounding, conversion or processing of a  
17 controlled substance other than methamphetamine, either  
18 directly or indirectly, by extraction from substances of  
19 natural origin, or independently by means of chemical  
20 synthesis, or by a combination of extraction and chemical  
21 synthesis, and includes any packaging or repackaging of the  
22 substance or labeling of its container, except that this term  
23 does not include:

24 (1) by an ultimate user, the preparation or compounding  
25 of a controlled substance for his or her own use; or

26 (2) by a practitioner, or his or her authorized agent

1 under his or her supervision, the preparation,  
2 compounding, packaging, or labeling of a controlled  
3 substance:

4 (a) as an incident to his or her administering or  
5 dispensing of a controlled substance in the course of  
6 his or her professional practice; or

7 (b) as an incident to lawful research, teaching or  
8 chemical analysis and not for sale.

9 (z-1) (Blank).

10 (z-5) "Medication shopping" means the conduct prohibited  
11 under subsection (a) of Section 314.5 of this Act.

12 (z-10) "Mid-level practitioner" means (i) a physician  
13 assistant who has been delegated authority to prescribe through  
14 a written delegation of authority by a physician licensed to  
15 practice medicine in all of its branches, in accordance with  
16 Section 7.5 of the Physician Assistant Practice Act of 1987,  
17 (ii) an advanced practice registered nurse who has been  
18 delegated authority to prescribe through a written delegation  
19 of authority by a physician licensed to practice medicine in  
20 all of its branches or by a podiatric physician, in accordance  
21 with Section 65-40 of the Nurse Practice Act, (iii) an advanced  
22 practice registered nurse certified as a nurse practitioner,  
23 nurse midwife, or clinical nurse specialist who has been  
24 granted authority to prescribe by a hospital affiliate in  
25 accordance with Section 65-45 of the Nurse Practice Act, (iv)  
26 an animal euthanasia agency, or (v) a prescribing psychologist.

1 (aa) "Narcotic drug" means any of the following, whether  
2 produced directly or indirectly by extraction from substances  
3 of vegetable origin, or independently by means of chemical  
4 synthesis, or by a combination of extraction and chemical  
5 synthesis:

6 (1) opium, opiates, derivatives of opium and opiates,  
7 including their isomers, esters, ethers, salts, and salts  
8 of isomers, esters, and ethers, whenever the existence of  
9 such isomers, esters, ethers, and salts is possible within  
10 the specific chemical designation; however the term  
11 "narcotic drug" does not include the isoquinoline  
12 alkaloids of opium;

13 (2) (blank);

14 (3) opium poppy and poppy straw;

15 (4) coca leaves, except coca leaves and extracts of  
16 coca leaves from which substantially all of the cocaine and  
17 ecgonine, and their isomers, derivatives and salts, have  
18 been removed;

19 (5) cocaine, its salts, optical and geometric isomers,  
20 and salts of isomers;

21 (6) ecgonine, its derivatives, their salts, isomers,  
22 and salts of isomers;

23 (7) any compound, mixture, or preparation which  
24 contains any quantity of any of the substances referred to  
25 in subparagraphs (1) through (6).

26 (bb) "Nurse" means a registered nurse licensed under the

1 Nurse Practice Act.

2 (cc) (Blank).

3 (dd) "Opiate" means any substance having an addiction  
4 forming or addiction sustaining liability similar to morphine  
5 or being capable of conversion into a drug having addiction  
6 forming or addiction sustaining liability.

7 (ee) "Opium poppy" means the plant of the species *Papaver*  
8 *somniferum* L., except its seeds.

9 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
10 solution or other liquid form of medication intended for  
11 administration by mouth, but the term does not include a form  
12 of medication intended for buccal, sublingual, or transmucosal  
13 administration.

14 (ff) "Parole and Pardon Board" means the Parole and Pardon  
15 Board of the State of Illinois or its successor agency.

16 (gg) "Person" means any individual, corporation,  
17 mail-order pharmacy, government or governmental subdivision or  
18 agency, business trust, estate, trust, partnership or  
19 association, or any other entity.

20 (hh) "Pharmacist" means any person who holds a license or  
21 certificate of registration as a registered pharmacist, a local  
22 registered pharmacist or a registered assistant pharmacist  
23 under the Pharmacy Practice Act.

24 (ii) "Pharmacy" means any store, ship or other place in  
25 which pharmacy is authorized to be practiced under the Pharmacy  
26 Practice Act.

1           (ii-5) "Pharmacy shopping" means the conduct prohibited  
2 under subsection (b) of Section 314.5 of this Act.

3           (ii-10) "Physician" (except when the context otherwise  
4 requires) means a person licensed to practice medicine in all  
5 of its branches.

6           (jj) "Poppy straw" means all parts, except the seeds, of  
7 the opium poppy, after mowing.

8           (kk) "Practitioner" means a physician licensed to practice  
9 medicine in all its branches, dentist, optometrist, podiatric  
10 physician, veterinarian, scientific investigator, pharmacist,  
11 physician assistant, advanced practice registered nurse,  
12 licensed practical nurse, registered nurse, hospital,  
13 laboratory, or pharmacy, or other person licensed, registered,  
14 or otherwise lawfully permitted by the United States or this  
15 State to distribute, dispense, conduct research with respect  
16 to, administer or use in teaching or chemical analysis, a  
17 controlled substance in the course of professional practice or  
18 research.

19           (ll) "Pre-printed prescription" means a written  
20 prescription upon which the designated drug has been indicated  
21 prior to the time of issuance; the term does not mean a written  
22 prescription that is individually generated by machine or  
23 computer in the prescriber's office.

24           (mm) "Prescriber" means a physician licensed to practice  
25 medicine in all its branches, dentist, optometrist,  
26 prescribing psychologist licensed under Section 4.2 of the

1 Clinical Psychologist Licensing Act with prescriptive  
2 authority delegated under Section 4.3 of the Clinical  
3 Psychologist Licensing Act, podiatric physician, or  
4 veterinarian who issues a prescription, a physician assistant  
5 who issues a prescription for a controlled substance in  
6 accordance with Section 303.05, a written delegation, and a  
7 written supervision agreement required under Section 7.5 of the  
8 Physician Assistant Practice Act of 1987, an advanced practice  
9 registered nurse with prescriptive authority delegated under  
10 Section 65-40 of the Nurse Practice Act and in accordance with  
11 Section 303.05, a written delegation, and a written  
12 collaborative agreement under Section 65-35 of the Nurse  
13 Practice Act, or an advanced practice registered nurse  
14 certified as a nurse practitioner, nurse midwife, or clinical  
15 nurse specialist who has been granted authority to prescribe by  
16 a hospital affiliate in accordance with Section 65-45 of the  
17 Nurse Practice Act and in accordance with Section 303.05.

18 (nn) "Prescription" means a written, facsimile, or oral  
19 order, or an electronic order that complies with applicable  
20 federal requirements, of a physician licensed to practice  
21 medicine in all its branches, dentist, podiatric physician or  
22 veterinarian for any controlled substance, of an optometrist in  
23 accordance with Section 15.1 of the Illinois Optometric  
24 Practice Act of 1987, of a prescribing psychologist licensed  
25 under Section 4.2 of the Clinical Psychologist Licensing Act  
26 with prescriptive authority delegated under Section 4.3 of the

1 Clinical Psychologist Licensing Act, of a physician assistant  
2 for a controlled substance in accordance with Section 303.05, a  
3 written delegation, and a written supervision agreement  
4 required under Section 7.5 of the Physician Assistant Practice  
5 Act of 1987, of an advanced practice registered nurse with  
6 prescriptive authority delegated under Section 65-40 of the  
7 Nurse Practice Act who issues a prescription for a controlled  
8 substance in accordance with Section 303.05, a written  
9 delegation, and a written collaborative agreement under  
10 Section 65-35 of the Nurse Practice Act, or of an advanced  
11 practice registered nurse certified as a nurse practitioner,  
12 nurse midwife, or clinical nurse specialist who has been  
13 granted authority to prescribe by a hospital affiliate in  
14 accordance with Section 65-45 of the Nurse Practice Act and in  
15 accordance with Section 303.05 when required by law.

16 (nn-5) "Prescription Information Library" (PIL) means an  
17 electronic library that contains reported controlled substance  
18 data.

19 (nn-10) "Prescription Monitoring Program" (PMP) means the  
20 entity that collects, tracks, and stores reported data on  
21 controlled substances and select drugs pursuant to Section 316.

22 (oo) "Production" or "produce" means manufacture,  
23 planting, cultivating, growing, or harvesting of a controlled  
24 substance other than methamphetamine.

25 (pp) "Registrant" means every person who is required to  
26 register under Section 302 of this Act.

1 (qq) "Registry number" means the number assigned to each  
2 person authorized to handle controlled substances under the  
3 laws of the United States and of this State.

4 (qq-5) "Secretary" means, as the context requires, either  
5 the Secretary of the Department or the Secretary of the  
6 Department of Financial and Professional Regulation, and the  
7 Secretary's designated agents.

8 (rr) "State" includes the State of Illinois and any state,  
9 district, commonwealth, territory, insular possession thereof,  
10 and any area subject to the legal authority of the United  
11 States of America.

12 (rr-5) "Stimulant" means any drug that (i) causes an  
13 overall excitation of central nervous system functions, (ii)  
14 causes impaired consciousness and awareness, and (iii) can be  
15 habit-forming or lead to a substance abuse problem, including  
16 but not limited to amphetamines and their analogs,  
17 methylphenidate and its analogs, cocaine, and phencyclidine  
18 and its analogs.

19 (ss) "Ultimate user" means a person who lawfully possesses  
20 a controlled substance for his or her own use or for the use of  
21 a member of his or her household or for administering to an  
22 animal owned by him or her or by a member of his or her  
23 household.

24 (Source: P.A. 98-214, eff. 8-9-13; 98-668, eff. 6-25-14;  
25 98-756, eff. 7-16-14; 98-1111, eff. 8-26-14; 99-78, eff.  
26 7-20-15; 99-173, eff. 7-29-15; 99-371, eff. 1-1-16; 99-480,



1 eff. 9-9-15; 99-642, eff. 7-28-16.)

2 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

3 Sec. 302. (a) Every person who manufactures, distributes,  
4 or dispenses any controlled substances; engages in chemical  
5 analysis, research, or instructional activities which utilize  
6 controlled substances; purchases, stores, or administers  
7 euthanasia drugs, within this State; provides canine odor  
8 detection services; proposes to engage in the manufacture,  
9 distribution, or dispensing of any controlled substance;  
10 proposes to engage in chemical analysis, research, or  
11 instructional activities which utilize controlled substances;  
12 proposes to engage in purchasing, storing, or administering  
13 euthanasia drugs; or proposes to provide canine odor detection  
14 services within this State, must obtain a registration issued  
15 by the Department of Financial and Professional Regulation in  
16 accordance with its rules. The rules shall include, but not be  
17 limited to, setting the expiration date and renewal period for  
18 each registration under this Act. The Department, any facility  
19 or service licensed by the Department, and any veterinary  
20 hospital or clinic operated by a veterinarian or veterinarians  
21 licensed under the Veterinary Medicine and Surgery Practice Act  
22 of 2004 or maintained by a State-supported or publicly funded  
23 university or college shall be exempt from the regulation  
24 requirements of this Section; however, such exemption shall not  
25 operate to bar the University of Illinois from requesting, nor

1 the Department of Financial and Professional Regulation from  
2 issuing, a registration to the University of Illinois  
3 Veterinary Teaching Hospital under this Act. Neither a request  
4 for such registration nor the issuance of such registration to  
5 the University of Illinois shall operate to otherwise waive or  
6 modify the exemption provided in this subsection (a).

7 (b) Persons registered by the Department of Financial and  
8 Professional Regulation under this Act to manufacture,  
9 distribute, or dispense controlled substances, engage in  
10 chemical analysis, research, or instructional activities which  
11 utilize controlled substances, purchase, store, or administer  
12 euthanasia drugs, or provide canine odor detection services,  
13 may possess, manufacture, distribute, engage in chemical  
14 analysis, research, or instructional activities which utilize  
15 controlled substances, dispense those substances, or purchase,  
16 store, or administer euthanasia drugs, or provide canine odor  
17 detection services to the extent authorized by their  
18 registration and in conformity with the other provisions of  
19 this Article.

20 (c) The following persons need not register and may  
21 lawfully possess controlled substances under this Act:

22 (1) an agent or employee of any registered  
23 manufacturer, distributor, or dispenser of any controlled  
24 substance if he or she is acting in the usual course of his  
25 or her employer's lawful business or employment;

26 (2) a common or contract carrier or warehouseman, or an

1 agent or employee thereof, whose possession of any  
2 controlled substance is in the usual lawful course of such  
3 business or employment;

4 (3) an ultimate user or a person in possession of a  
5 controlled substance prescribed for the ultimate user  
6 under a lawful prescription of a practitioner, including an  
7 advanced practice registered nurse, practical nurse, or  
8 registered nurse licensed under the Nurse Practice Act, or  
9 a physician assistant licensed under the Physician  
10 Assistant Practice Act of 1987, who provides hospice  
11 services to a hospice patient or who provides home health  
12 services to a person, or a person in possession of any  
13 controlled substance pursuant to a lawful prescription of a  
14 practitioner or in lawful possession of a Schedule V  
15 substance. In this Section, "home health services" has the  
16 meaning ascribed to it in the Home Health, Home Services,  
17 and Home Nursing Agency Licensing Act; and "hospice  
18 patient" and "hospice services" have the meanings ascribed  
19 to them in the Hospice Program Licensing Act;

20 (4) officers and employees of this State or of the  
21 United States while acting in the lawful course of their  
22 official duties which requires possession of controlled  
23 substances;

24 (5) a registered pharmacist who is employed in, or the  
25 owner of, a pharmacy licensed under this Act and the  
26 Federal Controlled Substances Act, at the licensed

1 location, or if he or she is acting in the usual course of  
2 his or her lawful profession, business, or employment;

3 (6) a holder of a temporary license issued under  
4 Section 17 of the Medical Practice Act of 1987 practicing  
5 within the scope of that license and in compliance with the  
6 rules adopted under this Act. In addition to possessing  
7 controlled substances, a temporary license holder may  
8 order, administer, and prescribe controlled substances  
9 when acting within the scope of his or her license and in  
10 compliance with the rules adopted under this Act.

11 (d) A separate registration is required at each place of  
12 business or professional practice where the applicant  
13 manufactures, distributes, or dispenses controlled substances,  
14 or purchases, stores, or administers euthanasia drugs. Persons  
15 are required to obtain a separate registration for each place  
16 of business or professional practice where controlled  
17 substances are located or stored. A separate registration is  
18 not required for every location at which a controlled substance  
19 may be prescribed.

20 (e) The Department of Financial and Professional  
21 Regulation or the Illinois State Police may inspect the  
22 controlled premises, as defined in Section 502 of this Act, of  
23 a registrant or applicant for registration in accordance with  
24 this Act and the rules promulgated hereunder and with regard to  
25 persons licensed by the Department, in accordance with  
26 subsection (bb) of Section 30-5 of the Alcoholism and Other

1 Drug Abuse and Dependency Act and the rules and regulations  
2 promulgated thereunder.

3 (Source: P.A. 99-163, eff. 1-1-16; 99-247, eff. 8-3-15; 99-642,  
4 eff. 7-28-16.)

5 (720 ILCS 570/303.05)

6 Sec. 303.05. Mid-level practitioner registration.

7 (a) The Department of Financial and Professional  
8 Regulation shall register licensed physician assistants,  
9 licensed advanced practice registered nurses, and prescribing  
10 psychologists licensed under Section 4.2 of the Clinical  
11 Psychologist Licensing Act to prescribe and dispense  
12 controlled substances under Section 303 and euthanasia  
13 agencies to purchase, store, or administer animal euthanasia  
14 drugs under the following circumstances:

15 (1) with respect to physician assistants,

16 (A) the physician assistant has been delegated  
17 written authority to prescribe any Schedule III  
18 through V controlled substances by a physician  
19 licensed to practice medicine in all its branches in  
20 accordance with Section 7.5 of the Physician Assistant  
21 Practice Act of 1987; and the physician assistant has  
22 completed the appropriate application forms and has  
23 paid the required fees as set by rule; or

24 (B) the physician assistant has been delegated  
25 authority by a supervising physician licensed to

1 practice medicine in all its branches to prescribe or  
2 dispense Schedule II controlled substances through a  
3 written delegation of authority and under the  
4 following conditions:

5 (i) Specific Schedule II controlled substances  
6 by oral dosage or topical or transdermal  
7 application may be delegated, provided that the  
8 delegated Schedule II controlled substances are  
9 routinely prescribed by the supervising physician.  
10 This delegation must identify the specific  
11 Schedule II controlled substances by either brand  
12 name or generic name. Schedule II controlled  
13 substances to be delivered by injection or other  
14 route of administration may not be delegated;

15 (ii) any delegation must be of controlled  
16 substances prescribed by the supervising  
17 physician;

18 (iii) all prescriptions must be limited to no  
19 more than a 30-day supply, with any continuation  
20 authorized only after prior approval of the  
21 supervising physician;

22 (iv) the physician assistant must discuss the  
23 condition of any patients for whom a controlled  
24 substance is prescribed monthly with the  
25 delegating physician;

26 (v) the physician assistant must have

1 completed the appropriate application forms and  
2 paid the required fees as set by rule;

3 (vi) the physician assistant must provide  
4 evidence of satisfactory completion of 45 contact  
5 hours in pharmacology from any physician assistant  
6 program accredited by the Accreditation Review  
7 Commission on Education for the Physician  
8 Assistant (ARC-PA), or its predecessor agency, for  
9 any new license issued with Schedule II authority  
10 after the effective date of this amendatory Act of  
11 the 97th General Assembly; and

12 (vii) the physician assistant must annually  
13 complete at least 5 hours of continuing education  
14 in pharmacology;

15 (2) with respect to advanced practice registered  
16 nurses,

17 (A) the advanced practice registered nurse has  
18 been delegated authority to prescribe any Schedule III  
19 through V controlled substances by a collaborating  
20 physician licensed to practice medicine in all its  
21 branches or a collaborating podiatric physician in  
22 accordance with Section 65-40 of the Nurse Practice  
23 Act. The advanced practice registered nurse has  
24 completed the appropriate application forms and has  
25 paid the required fees as set by rule; or

26 (B) the advanced practice registered nurse has

1           been delegated authority by a collaborating physician  
2           licensed to practice medicine in all its branches or  
3           collaborating podiatric physician to prescribe or  
4           dispense Schedule II controlled substances through a  
5           written delegation of authority and under the  
6           following conditions:

7                   (i) specific Schedule II controlled substances  
8                   by oral dosage or topical or transdermal  
9                   application may be delegated, provided that the  
10                   delegated Schedule II controlled substances are  
11                   routinely prescribed by the collaborating  
12                   physician or podiatric physician. This delegation  
13                   must identify the specific Schedule II controlled  
14                   substances by either brand name or generic name.  
15                   Schedule II controlled substances to be delivered  
16                   by injection or other route of administration may  
17                   not be delegated;

18                   (ii) any delegation must be of controlled  
19                   substances prescribed by the collaborating  
20                   physician or podiatric physician;

21                   (iii) all prescriptions must be limited to no  
22                   more than a 30-day supply, with any continuation  
23                   authorized only after prior approval of the  
24                   collaborating physician or podiatric physician;

25                   (iv) the advanced practice registered nurse  
26                   must discuss the condition of any patients for whom



1 a controlled substance is prescribed monthly with  
2 the delegating physician or podiatric physician or  
3 in the course of review as required by Section  
4 65-40 of the Nurse Practice Act;

5 (v) the advanced practice registered nurse  
6 must have completed the appropriate application  
7 forms and paid the required fees as set by rule;

8 (vi) the advanced practice registered nurse  
9 must provide evidence of satisfactory completion  
10 of at least 45 graduate contact hours in  
11 pharmacology for any new license issued with  
12 Schedule II authority after the effective date of  
13 this amendatory Act of the 97th General Assembly;  
14 and

15 (vii) the advanced practice registered nurse  
16 must annually complete 5 hours of continuing  
17 education in pharmacology;

18 (2.5) with respect to advanced practice registered  
19 nurses certified as nurse practitioners, nurse midwives,  
20 or clinical nurse specialists practicing in a hospital  
21 affiliate,

22 (A) the advanced practice registered nurse  
23 certified as a nurse practitioner, nurse midwife, or  
24 clinical nurse specialist has been granted authority  
25 to prescribe any Schedule II through V controlled  
26 substances by the hospital affiliate upon the

1 recommendation of the appropriate physician committee  
2 of the hospital affiliate in accordance with Section  
3 65-45 of the Nurse Practice Act, has completed the  
4 appropriate application forms, and has paid the  
5 required fees as set by rule; and

6 (B) an advanced practice registered nurse  
7 certified as a nurse practitioner, nurse midwife, or  
8 clinical nurse specialist has been granted authority  
9 to prescribe any Schedule II controlled substances by  
10 the hospital affiliate upon the recommendation of the  
11 appropriate physician committee of the hospital  
12 affiliate, then the following conditions must be met:

13 (i) specific Schedule II controlled substances  
14 by oral dosage or topical or transdermal  
15 application may be designated, provided that the  
16 designated Schedule II controlled substances are  
17 routinely prescribed by advanced practice  
18 registered nurses in their area of certification;  
19 this grant of authority must identify the specific  
20 Schedule II controlled substances by either brand  
21 name or generic name; authority to prescribe or  
22 dispense Schedule II controlled substances to be  
23 delivered by injection or other route of  
24 administration may not be granted;

25 (ii) any grant of authority must be controlled  
26 substances limited to the practice of the advanced

1 practice registered nurse;

2 (iii) any prescription must be limited to no  
3 more than a 30-day supply;

4 (iv) the advanced practice registered nurse  
5 must discuss the condition of any patients for whom  
6 a controlled substance is prescribed monthly with  
7 the appropriate physician committee of the  
8 hospital affiliate or its physician designee; and

9 (v) the advanced practice registered nurse  
10 must meet the education requirements of this  
11 Section;

12 (3) with respect to animal euthanasia agencies, the  
13 euthanasia agency has obtained a license from the  
14 Department of Financial and Professional Regulation and  
15 obtained a registration number from the Department; or

16 (4) with respect to prescribing psychologists, the  
17 prescribing psychologist has been delegated authority to  
18 prescribe any nonnarcotic Schedule III through V  
19 controlled substances by a collaborating physician  
20 licensed to practice medicine in all its branches in  
21 accordance with Section 4.3 of the Clinical Psychologist  
22 Licensing Act, and the prescribing psychologist has  
23 completed the appropriate application forms and has paid  
24 the required fees as set by rule.

25 (b) The mid-level practitioner shall only be licensed to  
26 prescribe those schedules of controlled substances for which a

1 licensed physician or licensed podiatric physician has  
2 delegated prescriptive authority, except that an animal  
3 euthanasia agency does not have any prescriptive authority. A  
4 physician assistant and an advanced practice registered nurse  
5 are prohibited from prescribing medications and controlled  
6 substances not set forth in the required written delegation of  
7 authority.

8 (c) Upon completion of all registration requirements,  
9 physician assistants, advanced practice registered nurses, and  
10 animal euthanasia agencies may be issued a mid-level  
11 practitioner controlled substances license for Illinois.

12 (d) A collaborating physician or podiatric physician may,  
13 but is not required to, delegate prescriptive authority to an  
14 advanced practice registered nurse as part of a written  
15 collaborative agreement, and the delegation of prescriptive  
16 authority shall conform to the requirements of Section 65-40 of  
17 the Nurse Practice Act.

18 (e) A supervising physician may, but is not required to,  
19 delegate prescriptive authority to a physician assistant as  
20 part of a written supervision agreement, and the delegation of  
21 prescriptive authority shall conform to the requirements of  
22 Section 7.5 of the Physician Assistant Practice Act of 1987.

23 (f) Nothing in this Section shall be construed to prohibit  
24 generic substitution.

25 (Source: P.A. 98-214, eff. 8-9-13; 98-668, eff. 6-25-14;  
26 99-173, eff. 7-29-15.)

1 (720 ILCS 570/313) (from Ch. 56 1/2, par. 1313)

2 Sec. 313. (a) Controlled substances which are lawfully  
3 administered in hospitals or institutions licensed under the  
4 Hospital Licensing Act shall be exempt from the requirements of  
5 Sections 312 and 316, except that the prescription for the  
6 controlled substance shall be in writing on the patient's  
7 record, signed by the prescriber, and dated, and shall state  
8 the name and quantity of controlled substances ordered and the  
9 quantity actually administered. The records of such  
10 prescriptions shall be maintained for two years and shall be  
11 available for inspection by officers and employees of the  
12 Illinois State Police and the Department of Financial and  
13 Professional Regulation.

14 The exemption under this subsection (a) does not apply to a  
15 prescription (including an outpatient prescription from an  
16 emergency department or outpatient clinic) for more than a  
17 72-hour supply of a discharge medication to be consumed outside  
18 of the hospital or institution.

19 (b) Controlled substances that can lawfully be  
20 administered or dispensed directly to a patient in a long-term  
21 care facility licensed by the Department of Public Health as a  
22 skilled nursing facility, intermediate care facility, or  
23 long-term care facility for residents under 22 years of age,  
24 are exempt from the requirements of Section 312 except that a  
25 prescription for a Schedule II controlled substance must be

1 either a prescription signed by the prescriber or a  
2 prescription transmitted by the prescriber or prescriber's  
3 agent to the dispensing pharmacy by facsimile. The facsimile  
4 serves as the original prescription and must be maintained for  
5 2 years from the date of issue in the same manner as a written  
6 prescription signed by the prescriber.

7 (c) A prescription that is generated for a Schedule II  
8 controlled substance to be compounded for direct  
9 administration to a patient in a private residence, long-term  
10 care facility, or hospice program may be transmitted by  
11 facsimile by the prescriber or the prescriber's agent to the  
12 pharmacy providing the home infusion services. The facsimile  
13 serves as the original prescription for purposes of this  
14 paragraph (c) and it shall be maintained in the same manner as  
15 the original prescription.

16 (c-1) A prescription generated for a Schedule II controlled  
17 substance for a patient residing in a hospice certified by  
18 Medicare under Title XVIII of the Social Security Act or  
19 licensed by the State may be transmitted by the practitioner or  
20 the practitioner's agent to the dispensing pharmacy by  
21 facsimile or electronically as provided in Section 311.5. The  
22 practitioner or practitioner's agent must note on the  
23 prescription that the patient is a hospice patient. The  
24 facsimile or electronic record serves as the original  
25 prescription for purposes of this paragraph (c-1) and it shall  
26 be maintained in the same manner as the original prescription.

1           (d) Controlled substances which are lawfully administered  
2 and/or dispensed in drug abuse treatment programs licensed by  
3 the Department shall be exempt from the requirements of  
4 Sections 312 and 316, except that the prescription for such  
5 controlled substances shall be issued and authenticated on  
6 official prescription logs prepared and maintained in  
7 accordance with 77 Ill. Adm. Code 2060: Alcoholism and  
8 Substance Abuse Treatment and Intervention Licenses, and in  
9 compliance with other applicable State and federal laws. The  
10 Department-licensed drug treatment program shall report  
11 applicable prescriptions via electronic record keeping  
12 software approved by the Department. This software must be  
13 compatible with the specifications of the Department. Drug  
14 abuse treatment programs shall report to the Department  
15 methadone prescriptions or medications dispensed through the  
16 use of Department-approved File Transfer Protocols (FTPs).  
17 Methadone prescription records must be maintained in  
18 accordance with the applicable requirements as set forth by the  
19 Department in accordance with 77 Ill. Adm. Code 2060:  
20 Alcoholism and Substance Abuse Treatment and Intervention  
21 Licenses, and in compliance with other applicable State and  
22 federal laws.

23           (e) Nothing in this Act shall be construed to limit the  
24 authority of a hospital pursuant to Section 65-45 of the Nurse  
25 Practice Act to grant hospital clinical privileges to an  
26 individual advanced practice registered nurse to select, order

1 or administer medications, including controlled substances to  
2 provide services within a hospital. Nothing in this Act shall  
3 be construed to limit the authority of an ambulatory surgical  
4 treatment center pursuant to Section 65-45 of the Nurse  
5 Practice Act to grant ambulatory surgical treatment center  
6 clinical privileges to an individual advanced practice  
7 registered nurse to select, order or administer medications,  
8 including controlled substances to provide services within an  
9 ambulatory surgical treatment center.

10 (Source: P.A. 97-334, eff. 1-1-12.)

11 (720 ILCS 570/320)

12 Sec. 320. Advisory committee.

13 (a) There is created a Prescription Monitoring Program  
14 Advisory Committee to assist the Department of Human Services  
15 in implementing the Prescription Monitoring Program created by  
16 this Article and to advise the Department on the professional  
17 performance of prescribers and dispensers and other matters  
18 germane to the advisory committee's field of competence.

19 (b) The Clinical Director of the Prescription Monitoring  
20 Program shall appoint members to serve on the advisory  
21 committee. The advisory committee shall be composed of  
22 prescribers and dispensers as follows: 4 physicians licensed to  
23 practice medicine in all its branches; one advanced practice  
24 registered nurse; one physician assistant; one optometrist;  
25 one dentist; one podiatric physician; and 3 pharmacists. The



1 Clinical Director of the Prescription Monitoring Program may  
2 appoint a representative of an organization representing a  
3 profession required to be appointed. The Clinical Director of  
4 the Prescription Monitoring Program shall serve as the chair of  
5 the committee.

6 (c) The advisory committee may appoint its other officers  
7 as it deems appropriate.

8 (d) The members of the advisory committee shall receive no  
9 compensation for their services as members of the advisory  
10 committee but may be reimbursed for their actual expenses  
11 incurred in serving on the advisory committee.

12 (e) The advisory committee shall:

13 (1) provide a uniform approach to reviewing this Act in  
14 order to determine whether changes should be recommended to  
15 the General Assembly;

16 (2) review current drug schedules in order to manage  
17 changes to the administrative rules pertaining to the  
18 utilization of this Act;

19 (3) review the following: current clinical guidelines  
20 developed by health care professional organizations on the  
21 prescribing of opioids or other controlled substances;  
22 accredited continuing education programs related to  
23 prescribing and dispensing; programs or information  
24 developed by health care professional organizations that  
25 may be used to assess patients or help ensure compliance  
26 with prescriptions; updates from the Food and Drug

1 Administration, the Centers for Disease Control and  
2 Prevention, and other public and private organizations  
3 which are relevant to prescribing and dispensing; relevant  
4 medical studies; and other publications which involve the  
5 prescription of controlled substances;

6 (4) make recommendations for inclusion of these  
7 materials or other studies which may be effective resources  
8 for prescribers and dispensers on the Internet website of  
9 the inquiry system established under Section 318;

10 (5) on at least a quarterly basis, review the content  
11 of the Internet website of the inquiry system established  
12 pursuant to Section 318 to ensure this Internet website has  
13 the most current available information;

14 (6) on at least a quarterly basis, review opportunities  
15 for federal grants and other forms of funding to support  
16 projects which will increase the number of pilot programs  
17 which integrate the inquiry system with electronic health  
18 records; and

19 (7) on at least a quarterly basis, review communication  
20 to be sent to all registered users of the inquiry system  
21 established pursuant to Section 318, including  
22 recommendations for relevant accredited continuing  
23 education and information regarding prescribing and  
24 dispensing.

25 (f) The Clinical Director of the Prescription Monitoring  
26 Program shall select 5 members, 3 physicians and 2 pharmacists,

1 of the Prescription Monitoring Program Advisory Committee to  
2 serve as members of the peer review subcommittee. The purpose  
3 of the peer review subcommittee is to advise the Program on  
4 matters germane to the advisory committee's field of  
5 competence, establish a formal peer review of professional  
6 performance of prescribers and dispensers, and develop  
7 communications to transmit to prescribers and dispensers. The  
8 deliberations, information, and communications of the peer  
9 review subcommittee are privileged and confidential and shall  
10 not be disclosed in any manner except in accordance with  
11 current law.

12 (1) The peer review subcommittee shall periodically  
13 review the data contained within the prescription  
14 monitoring program to identify those prescribers or  
15 dispensers who may be prescribing or dispensing outside the  
16 currently accepted standards in the course of their  
17 professional practice.

18 (2) The peer review subcommittee may identify  
19 prescribers or dispensers who may be prescribing outside  
20 the currently accepted medical standards in the course of  
21 their professional practice and send the identified  
22 prescriber or dispenser a request for information  
23 regarding their prescribing or dispensing practices. This  
24 request for information shall be sent via certified mail,  
25 return receipt requested. A prescriber or dispenser shall  
26 have 30 days to respond to the request for information.

1           (3) The peer review subcommittee shall refer a  
2           prescriber or a dispenser to the Department of Financial  
3           and Professional Regulation in the following situations:

4                   (i) if a prescriber or dispenser does not respond  
5                   to three successive requests for information;

6                   (ii) in the opinion of a majority of members of the  
7                   peer review subcommittee, the prescriber or dispenser  
8                   does not have a satisfactory explanation for the  
9                   practices identified by the peer review subcommittee  
10                  in its request for information; or

11                  (iii) following communications with the peer  
12                  review subcommittee, the prescriber or dispenser does  
13                  not sufficiently rectify the practices identified in  
14                  the request for information in the opinion of a  
15                  majority of the members of the peer review  
16                  subcommittee.

17           (4) The Department of Financial and Professional  
18           Regulation may initiate an investigation and discipline in  
19           accordance with current laws and rules for any prescriber  
20           or dispenser referred by the peer review subcommittee.

21           (5) The peer review subcommittee shall prepare an  
22           annual report starting on July 1, 2017. This report shall  
23           contain the following information: the number of times the  
24           peer review subcommittee was convened; the number of  
25           prescribers or dispensers who were reviewed by the peer  
26           review committee; the number of requests for information

1 sent out by the peer review subcommittee; and the number of  
2 prescribers or dispensers referred to the Department of  
3 Financial and Professional Regulation. The annual report  
4 shall be delivered electronically to the Department and to  
5 the General Assembly. The report prepared by the peer  
6 review subcommittee shall not identify any prescriber,  
7 dispenser, or patient.

8 (Source: P.A. 99-480, eff. 9-9-15.)

9 Section 325. The Code of Civil Procedure is amended by  
10 changing Section 8-2001 as follows:

11 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

12 Sec. 8-2001. Examination of health care records.

13 (a) In this Section:

14 "Health care facility" or "facility" means a public or  
15 private hospital, ambulatory surgical treatment center,  
16 nursing home, independent practice association, or physician  
17 hospital organization, or any other entity where health care  
18 services are provided to any person. The term does not include  
19 a health care practitioner.

20 "Health care practitioner" means any health care  
21 practitioner, including a physician, dentist, podiatric  
22 physician, advanced practice registered nurse, physician  
23 assistant, clinical psychologist, or clinical social worker.  
24 The term includes a medical office, health care clinic, health

1 department, group practice, and any other organizational  
2 structure for a licensed professional to provide health care  
3 services. The term does not include a health care facility.

4 (b) Every private and public health care facility shall,  
5 upon the request of any patient who has been treated in such  
6 health care facility, or any person, entity, or organization  
7 presenting a valid authorization for the release of records  
8 signed by the patient or the patient's legally authorized  
9 representative, or as authorized by Section 8-2001.5, permit  
10 the patient, his or her health care practitioner, authorized  
11 attorney, or any person, entity, or organization presenting a  
12 valid authorization for the release of records signed by the  
13 patient or the patient's legally authorized representative to  
14 examine the health care facility patient care records,  
15 including but not limited to the history, bedside notes,  
16 charts, pictures and plates, kept in connection with the  
17 treatment of such patient, and permit copies of such records to  
18 be made by him or her or his or her health care practitioner or  
19 authorized attorney.

20 (c) Every health care practitioner shall, upon the request  
21 of any patient who has been treated by the health care  
22 practitioner, or any person, entity, or organization  
23 presenting a valid authorization for the release of records  
24 signed by the patient or the patient's legally authorized  
25 representative, permit the patient and the patient's health  
26 care practitioner or authorized attorney, or any person,

1 entity, or organization presenting a valid authorization for  
2 the release of records signed by the patient or the patient's  
3 legally authorized representative, to examine and copy the  
4 patient's records, including but not limited to those relating  
5 to the diagnosis, treatment, prognosis, history, charts,  
6 pictures and plates, kept in connection with the treatment of  
7 such patient.

8 (d) A request for copies of the records shall be in writing  
9 and shall be delivered to the administrator or manager of such  
10 health care facility or to the health care practitioner. The  
11 person (including patients, health care practitioners and  
12 attorneys) requesting copies of records shall reimburse the  
13 facility or the health care practitioner at the time of such  
14 copying for all reasonable expenses, including the costs of  
15 independent copy service companies, incurred in connection  
16 with such copying not to exceed a \$20 handling charge for  
17 processing the request and the actual postage or shipping  
18 charge, if any, plus: (1) for paper copies 75 cents per page  
19 for the first through 25th pages, 50 cents per page for the  
20 26th through 50th pages, and 25 cents per page for all pages in  
21 excess of 50 (except that the charge shall not exceed \$1.25 per  
22 page for any copies made from microfiche or microfilm; records  
23 retrieved from scanning, digital imaging, electronic  
24 information or other digital format do not qualify as  
25 microfiche or microfilm retrieval for purposes of calculating  
26 charges); and (2) for electronic records, retrieved from a

1 scanning, digital imaging, electronic information or other  
2 digital format in an electronic document, a charge of 50% of  
3 the per page charge for paper copies under subdivision (d)(1).  
4 This per page charge includes the cost of each CD Rom, DVD, or  
5 other storage media. Records already maintained in an  
6 electronic or digital format shall be provided in an electronic  
7 format when so requested. If the records system does not allow  
8 for the creation or transmission of an electronic or digital  
9 record, then the facility or practitioner shall inform the  
10 requester in writing of the reason the records can not be  
11 provided electronically. The written explanation may be  
12 included with the production of paper copies, if the requester  
13 chooses to order paper copies. These rates shall be  
14 automatically adjusted as set forth in Section 8-2006. The  
15 facility or health care practitioner may, however, charge for  
16 the reasonable cost of all duplication of record material or  
17 information that cannot routinely be copied or duplicated on a  
18 standard commercial photocopy machine such as x-ray films or  
19 pictures.

20 (d-5) The handling fee shall not be collected from the  
21 patient or the patient's personal representative who obtains  
22 copies of records under Section 8-2001.5.

23 (e) The requirements of this Section shall be satisfied  
24 within 30 days of the receipt of a written request by a patient  
25 or by his or her legally authorized representative, health care  
26 practitioner, authorized attorney, or any person, entity, or



1 organization presenting a valid authorization for the release  
2 of records signed by the patient or the patient's legally  
3 authorized representative. If the facility or health care  
4 practitioner needs more time to comply with the request, then  
5 within 30 days after receiving the request, the facility or  
6 health care practitioner must provide the requesting party with  
7 a written statement of the reasons for the delay and the date  
8 by which the requested information will be provided. In any  
9 event, the facility or health care practitioner must provide  
10 the requested information no later than 60 days after receiving  
11 the request.

12 (f) A health care facility or health care practitioner must  
13 provide the public with at least 30 days prior notice of the  
14 closure of the facility or the health care practitioner's  
15 practice. The notice must include an explanation of how copies  
16 of the facility's records may be accessed by patients. The  
17 notice may be given by publication in a newspaper of general  
18 circulation in the area in which the health care facility or  
19 health care practitioner is located.

20 (g) Failure to comply with the time limit requirement of  
21 this Section shall subject the denying party to expenses and  
22 reasonable attorneys' fees incurred in connection with any  
23 court ordered enforcement of the provisions of this Section.

24 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12;  
25 98-214, eff. 8-9-13; 98-756, eff. 7-16-14.)

1 Section 330. The Good Samaritan Act is amended by changing  
2 Sections 30, 34, and 68 as follows:

3 (745 ILCS 49/30)

4 Sec. 30. Free medical clinic; exemption from civil  
5 liability for services performed without compensation.

6 (a) A person licensed under the Medical Practice Act of  
7 1987, a person licensed to practice the treatment of human  
8 ailments in any other state or territory of the United States,  
9 or a health care professional, including but not limited to an  
10 advanced practice registered nurse, physician assistant,  
11 nurse, pharmacist, physical therapist, podiatric physician, or  
12 social worker licensed in this State or any other state or  
13 territory of the United States, who, in good faith, provides  
14 medical treatment, diagnosis, or advice as a part of the  
15 services of an established free medical clinic providing care  
16 to medically indigent patients which is limited to care that  
17 does not require the services of a licensed hospital or  
18 ambulatory surgical treatment center and who receives no fee or  
19 compensation from that source shall not be liable for civil  
20 damages as a result of his or her acts or omissions in  
21 providing that medical treatment, except for willful or wanton  
22 misconduct.

23 (b) For purposes of this Section, a "free medical clinic"  
24 is:

25 (1) an organized community based program providing

1 medical care without charge to individuals unable to pay  
2 for it, at which the care provided does not include the use  
3 of general anesthesia or require an overnight stay in a  
4 health-care facility; or

5 (2) a program organized by a certified local health  
6 department pursuant to Part 600 of Title 77 of the Illinois  
7 Administrative Code, utilizing health professional members  
8 of the Volunteer Medical Reserve Corps (the federal  
9 organization under 42 U.S.C. 300hh-15) providing medical  
10 care without charge to individuals unable to pay for it, at  
11 which the care provided does not include an overnight stay  
12 in a health-care facility.

13 (c) The provisions of subsection (a) of this Section do not  
14 apply to a particular case unless the free medical clinic has  
15 posted in a conspicuous place on its premises an explanation of  
16 the exemption from civil liability provided herein.

17 (d) The immunity from civil damages provided under  
18 subsection (a) also applies to physicians, hospitals, and other  
19 health care providers that provide further medical treatment,  
20 diagnosis, or advice to a patient upon referral from an  
21 established free medical clinic without fee or compensation.

22 (e) Nothing in this Section prohibits a free medical clinic  
23 from accepting voluntary contributions for medical services  
24 provided to a patient who has acknowledged his or her ability  
25 and willingness to pay a portion of the value of the medical  
26 services provided.

1 Any voluntary contribution collected for providing care at  
2 a free medical clinic shall be used only to pay overhead  
3 expenses of operating the clinic. No portion of any moneys  
4 collected shall be used to provide a fee or other compensation  
5 to any person licensed under Medical Practice Act of 1987.

6 (f) The changes to this Section made by this amendatory Act  
7 of the 99th General Assembly apply only to causes of action  
8 accruing on or after the effective date of this amendatory Act  
9 of the 99th General Assembly.

10 (Source: P.A. 98-214, eff. 8-9-13; 99-42, eff. 1-1-16.)

11 (745 ILCS 49/34)

12 Sec. 34. Advanced practice registered nurse; exemption  
13 from civil liability for emergency care. A person licensed as  
14 an advanced practice registered nurse under the Nurse Practice  
15 Act who in good faith provides emergency care without fee to a  
16 person shall not be liable for civil damages as a result of his  
17 or her acts or omissions, except for willful or wanton  
18 misconduct on the part of the person in providing the care.

19 (Source: P.A. 95-639, eff. 10-5-07.)

20 (745 ILCS 49/68)

21 Sec. 68. Disaster Relief Volunteers. Any firefighter,  
22 licensed emergency medical technician (EMT) as defined by  
23 Section 3.50 of the Emergency Medical Services (EMS) Systems  
24 Act, physician, dentist, podiatric physician, optometrist,

1 pharmacist, advanced practice registered nurse, physician  
2 assistant, or nurse who in good faith and without fee or  
3 compensation provides health care services as a disaster relief  
4 volunteer shall not, as a result of his or her acts or  
5 omissions, except willful and wanton misconduct on the part of  
6 the person, in providing health care services, be liable to a  
7 person to whom the health care services are provided for civil  
8 damages. This immunity applies to health care services that are  
9 provided without fee or compensation during or within 10 days  
10 following the end of a disaster or catastrophic event.

11 The immunity provided in this Section only applies to a  
12 disaster relief volunteer who provides health care services in  
13 relief of an earthquake, hurricane, tornado, nuclear attack,  
14 terrorist attack, epidemic, or pandemic without fee or  
15 compensation for providing the volunteer health care services.

16 The provisions of this Section shall not apply to any  
17 health care facility as defined in Section 8-2001 of the Code  
18 of Civil Procedure or to any practitioner, who is not a  
19 disaster relief volunteer, providing health care services in a  
20 hospital or health care facility.

21 (Source: P.A. 98-214, eff. 8-9-13.)

22 Section 335. The Health Care Surrogate Act is amended by  
23 changing Section 65 as follows:

24 (755 ILCS 40/65)

1           Sec. 65. Department of Public Health Uniform POLST form.

2           (a) An individual of sound mind and having reached the age  
3 of majority or having obtained the status of an emancipated  
4 person pursuant to the Emancipation of Minors Act may execute a  
5 document (consistent with the Department of Public Health  
6 Uniform POLST form described in Section 2310-600 of the  
7 Department of Public Health Powers and Duties Law of the Civil  
8 Administrative Code of Illinois) directing that resuscitating  
9 efforts shall not be implemented. Such a document may also be  
10 executed by an attending health care practitioner. If more than  
11 one practitioner shares that responsibility, any of the  
12 attending health care practitioners may act under this Section.  
13 Notwithstanding the existence of a do-not-resuscitate (DNR)  
14 order or Department of Public Health Uniform POLST form,  
15 appropriate organ donation treatment may be applied or  
16 continued temporarily in the event of the patient's death, in  
17 accordance with subsection (g) of Section 20 of this Act, if  
18 the patient is an organ donor.

19           (a-5) Execution of a Department of Public Health Uniform  
20 POLST form is voluntary; no person can be required to execute  
21 either form. A person who has executed a Department of Public  
22 Health Uniform POLST form should review the form annually and  
23 when the person's condition changes.

24           (b) Consent to a Department of Public Health Uniform POLST  
25 form may be obtained from the individual, or from another  
26 person at the individual's direction, or from the individual's

1 legal guardian, agent under a power of attorney for health  
2 care, or surrogate decision maker, and witnessed by one  
3 individual 18 years of age or older, who attests that the  
4 individual, other person, guardian, agent, or surrogate (1) has  
5 had an opportunity to read the form; and (2) has signed the  
6 form or acknowledged his or her signature or mark on the form  
7 in the witness's presence.

8 (b-5) As used in this Section, "attending health care  
9 practitioner" means an individual who (1) is an Illinois  
10 licensed physician, advanced practice registered nurse,  
11 physician assistant, or licensed resident after completion of  
12 one year in a program; (2) is selected by or assigned to the  
13 patient; and (3) has primary responsibility for treatment and  
14 care of the patient. "POLST" means practitioner orders for  
15 life-sustaining treatments.

16 (c) Nothing in this Section shall be construed to affect  
17 the ability of an individual to include instructions in an  
18 advance directive, such as a power of attorney for health care.  
19 The uniform form may, but need not, be in the form adopted by  
20 the Department of Public Health pursuant to Section 2310-600 of  
21 the Department of Public Health Powers and Duties Law (20 ILCS  
22 2310/2310-600).

23 (d) A health care professional or health care provider may  
24 presume, in the absence of knowledge to the contrary, that a  
25 completed Department of Public Health Uniform POLST form, or a  
26 copy of that form or a previous version of the uniform form, is

1 valid. A health care professional or health care provider, or  
2 an employee of a health care professional or health care  
3 provider, who in good faith complies with a cardiopulmonary  
4 resuscitation (CPR) or life-sustaining treatment order,  
5 Department of Public Health Uniform POLST form, or a previous  
6 version of the uniform form made in accordance with this Act is  
7 not, as a result of that compliance, subject to any criminal or  
8 civil liability, except for willful and wanton misconduct, and  
9 may not be found to have committed an act of unprofessional  
10 conduct.

11 (e) Nothing in this Section or this amendatory Act of the  
12 94th General Assembly or this amendatory Act of the 98th  
13 General Assembly shall be construed to affect the ability of a  
14 physician or other practitioner to make a do-not-resuscitate  
15 order.

16 (Source: P.A. 98-1110, eff. 8-26-14; 99-319, eff. 1-1-16.)

17 Section 340. The Illinois Power of Attorney Act is amended  
18 by changing Sections 4-5.1 and 4-10 as follows:

19 (755 ILCS 45/4-5.1)

20 Sec. 4-5.1. Limitations on who may witness health care  
21 agencies.

22 (a) Every health care agency shall bear the signature of a  
23 witness to the signing of the agency. No witness may be under  
24 18 years of age. None of the following licensed professionals



1 providing services to the principal may serve as a witness to  
2 the signing of a health care agency:

3 (1) the attending physician, advanced practice  
4 registered nurse, physician assistant, dentist, podiatric  
5 physician, optometrist, or psychologist of the principal,  
6 or a relative of the physician, advanced practice  
7 registered nurse, physician assistant, dentist, podiatric  
8 physician, optometrist, or psychologist;

9 (2) an owner, operator, or relative of an owner or  
10 operator of a health care facility in which the principal  
11 is a patient or resident;

12 (3) a parent, sibling, or descendant, or the spouse of  
13 a parent, sibling, or descendant, of either the principal  
14 or any agent or successor agent, regardless of whether the  
15 relationship is by blood, marriage, or adoption;

16 (4) an agent or successor agent for health care.

17 (b) The prohibition on the operator of a health care  
18 facility from serving as a witness shall extend to directors  
19 and executive officers of an operator that is a corporate  
20 entity but not other employees of the operator such as, but not  
21 limited to, non-owner chaplains or social workers, nurses, and  
22 other employees.

23 (Source: P.A. 98-1113, eff. 1-1-15; 99-328, eff. 1-1-16.)

24 (755 ILCS 45/4-10) (from Ch. 110 1/2, par. 804-10)

25 Sec. 4-10. Statutory short form power of attorney for

1 health care.

2 (a) The form prescribed in this Section (sometimes also  
3 referred to in this Act as the "statutory health care power")  
4 may be used to grant an agent powers with respect to the  
5 principal's own health care; but the statutory health care  
6 power is not intended to be exclusive nor to cover delegation  
7 of a parent's power to control the health care of a minor  
8 child, and no provision of this Article shall be construed to  
9 invalidate or bar use by the principal of any other or  
10 different form of power of attorney for health care.  
11 Nonstatutory health care powers must be executed by the  
12 principal, designate the agent and the agent's powers, and  
13 comply with the limitations in Section 4-5 of this Article, but  
14 they need not be witnessed or conform in any other respect to  
15 the statutory health care power.

16 No specific format is required for the statutory health  
17 care power of attorney other than the notice must precede the  
18 form. The statutory health care power may be included in or  
19 combined with any other form of power of attorney governing  
20 property or other matters.

21 (b) The Illinois Statutory Short Form Power of Attorney for  
22 Health Care shall be substantially as follows:

23 NOTICE TO THE INDIVIDUAL SIGNING

24 THE POWER OF ATTORNEY FOR HEALTH CARE

25 No one can predict when a serious illness or accident might

1 occur. When it does, you may need someone else to speak or make  
2 health care decisions for you. If you plan now, you can  
3 increase the chances that the medical treatment you get will be  
4 the treatment you want.

5 In Illinois, you can choose someone to be your "health care  
6 agent". Your agent is the person you trust to make health care  
7 decisions for you if you are unable or do not want to make them  
8 yourself. These decisions should be based on your personal  
9 values and wishes.

10 It is important to put your choice of agent in writing. The  
11 written form is often called an "advance directive". You may  
12 use this form or another form, as long as it meets the legal  
13 requirements of Illinois. There are many written and on-line  
14 resources to guide you and your loved ones in having a  
15 conversation about these issues. You may find it helpful to  
16 look at these resources while thinking about and discussing  
17 your advance directive.

18 WHAT ARE THE THINGS I WANT MY

19 HEALTH CARE AGENT TO KNOW?

20 The selection of your agent should be considered carefully,  
21 as your agent will have the ultimate decision making authority  
22 once this document goes into effect, in most instances after  
23 you are no longer able to make your own decisions. While the  
24 goal is for your agent to make decisions in keeping with your  
25 preferences and in the majority of circumstances that is what

1 happens, please know that the law does allow your agent to make  
2 decisions to direct or refuse health care interventions or  
3 withdraw treatment. Your agent will need to think about  
4 conversations you have had, your personality, and how you  
5 handled important health care issues in the past. Therefore, it  
6 is important to talk with your agent and your family about such  
7 things as:

8 (i) What is most important to you in your life?

9 (ii) How important is it to you to avoid pain and  
10 suffering?

11 (iii) If you had to choose, is it more important to you  
12 to live as long as possible, or to avoid prolonged  
13 suffering or disability?

14 (iv) Would you rather be at home or in a hospital for  
15 the last days or weeks of your life?

16 (v) Do you have religious, spiritual, or cultural  
17 beliefs that you want your agent and others to consider?

18 (vi) Do you wish to make a significant contribution to  
19 medical science after your death through organ or whole  
20 body donation?

21 (vii) Do you have an existing advanced directive, such  
22 as a living will, that contains your specific wishes about  
23 health care that is only delaying your death? If you have  
24 another advance directive, make sure to discuss with your  
25 agent the directive and the treatment decisions contained  
26 within that outline your preferences. Make sure that your

1 agent agrees to honor the wishes expressed in your advance  
2 directive.

3 WHAT KIND OF DECISIONS CAN MY AGENT MAKE?

4 If there is ever a period of time when your physician  
5 determines that you cannot make your own health care decisions,  
6 or if you do not want to make your own decisions, some of the  
7 decisions your agent could make are to:

8 (i) talk with physicians and other health care  
9 providers about your condition.

10 (ii) see medical records and approve who else can see  
11 them.

12 (iii) give permission for medical tests, medicines,  
13 surgery, or other treatments.

14 (iv) choose where you receive care and which physicians  
15 and others provide it.

16 (v) decide to accept, withdraw, or decline treatments  
17 designed to keep you alive if you are near death or not  
18 likely to recover. You may choose to include guidelines  
19 and/or restrictions to your agent's authority.

20 (vi) agree or decline to donate your organs or your  
21 whole body if you have not already made this decision  
22 yourself. This could include donation for transplant,  
23 research, and/or education. You should let your agent know  
24 whether you are registered as a donor in the First Person  
25 Consent registry maintained by the Illinois Secretary of

1 State or whether you have agreed to donate your whole body  
2 for medical research and/or education.

3 (vii) decide what to do with your remains after you  
4 have died, if you have not already made plans.

5 (viii) talk with your other loved ones to help come to  
6 a decision (but your designated agent will have the final  
7 say over your other loved ones).

8 Your agent is not automatically responsible for your health  
9 care expenses.

10 WHOM SHOULD I CHOOSE TO BE MY HEALTH CARE AGENT?

11 You can pick a family member, but you do not have to. Your  
12 agent will have the responsibility to make medical treatment  
13 decisions, even if other people close to you might urge a  
14 different decision. The selection of your agent should be done  
15 carefully, as he or she will have ultimate decision-making  
16 authority for your treatment decisions once you are no longer  
17 able to voice your preferences. Choose a family member, friend,  
18 or other person who:

19 (i) is at least 18 years old;

20 (ii) knows you well;

21 (iii) you trust to do what is best for you and is  
22 willing to carry out your wishes, even if he or she may not  
23 agree with your wishes;

24 (iv) would be comfortable talking with and questioning  
25 your physicians and other health care providers;

1 (v) would not be too upset to carry out your wishes if  
2 you became very sick; and

3 (vi) can be there for you when you need it and is  
4 willing to accept this important role.

5 WHAT IF MY AGENT IS NOT AVAILABLE OR IS  
6 UNWILLING TO MAKE DECISIONS FOR ME?

7 If the person who is your first choice is unable to carry  
8 out this role, then the second agent you chose will make the  
9 decisions; if your second agent is not available, then the  
10 third agent you chose will make the decisions. The second and  
11 third agents are called your successor agents and they function  
12 as back-up agents to your first choice agent and may act only  
13 one at a time and in the order you list them.

14 WHAT WILL HAPPEN IF I DO NOT  
15 CHOOSE A HEALTH CARE AGENT?

16 If you become unable to make your own health care decisions  
17 and have not named an agent in writing, your physician and  
18 other health care providers will ask a family member, friend,  
19 or guardian to make decisions for you. In Illinois, a law  
20 directs which of these individuals will be consulted. In that  
21 law, each of these individuals is called a "surrogate".

22 There are reasons why you may want to name an agent rather  
23 than rely on a surrogate:

24 (i) The person or people listed by this law may not be

1 who you would want to make decisions for you.

2 (ii) Some family members or friends might not be able  
3 or willing to make decisions as you would want them to.

4 (iii) Family members and friends may disagree with one  
5 another about the best decisions.

6 (iv) Under some circumstances, a surrogate may not be  
7 able to make the same kinds of decisions that an agent can  
8 make.

9 WHAT IF THERE IS NO ONE AVAILABLE

10 WHOM I TRUST TO BE MY AGENT?

11 In this situation, it is especially important to talk to  
12 your physician and other health care providers and create  
13 written guidance about what you want or do not want, in case  
14 you are ever critically ill and cannot express your own wishes.  
15 You can complete a living will. You can also write your wishes  
16 down and/or discuss them with your physician or other health  
17 care provider and ask him or her to write it down in your  
18 chart. You might also want to use written or on-line resources  
19 to guide you through this process.

20 WHAT DO I DO WITH THIS FORM ONCE I COMPLETE IT?

21 Follow these instructions after you have completed the  
22 form:

23 (i) Sign the form in front of a witness. See the form  
24 for a list of who can and cannot witness it.



- 1           (ii) Ask the witness to sign it, too.
- 2           (iii) There is no need to have the form notarized.
- 3           (iv) Give a copy to your agent and to each of your  
4 successor agents.
- 5           (v) Give another copy to your physician.
- 6           (vi) Take a copy with you when you go to the hospital.
- 7           (vii) Show it to your family and friends and others who  
8 care for you.

9                                   WHAT IF I CHANGE MY MIND?

10           You may change your mind at any time. If you do, tell  
11 someone who is at least 18 years old that you have changed your  
12 mind, and/or destroy your document and any copies. If you wish,  
13 fill out a new form and make sure everyone you gave the old  
14 form to has a copy of the new one, including, but not limited  
15 to, your agents and your physicians.

16                                   WHAT IF I DO NOT WANT TO USE THIS FORM?

17           In the event you do not want to use the Illinois statutory  
18 form provided here, any document you complete must be executed  
19 by you, designate an agent who is over 18 years of age and not  
20 prohibited from serving as your agent, and state the agent's  
21 powers, but it need not be witnessed or conform in any other  
22 respect to the statutory health care power.

23           If you have questions about the use of any form, you may  
24 want to consult your physician, other health care provider,

1 and/or an attorney.

2 MY POWER OF ATTORNEY FOR HEALTH CARE

3 THIS POWER OF ATTORNEY REVOKES ALL PREVIOUS POWERS OF ATTORNEY  
4 FOR HEALTH CARE. (You must sign this form and a witness must  
5 also sign it before it is valid)

6 My name (Print your full name): .....

7 My address: .....

8 I WANT THE FOLLOWING PERSON TO BE MY HEALTH CARE AGENT

9 (an agent is your personal representative under state and  
10 federal law):

11 (Agent name) .....

12 (Agent address) .....

13 (Agent phone number) .....

14 (Please check box if applicable) .... If a guardian of my  
15 person is to be appointed, I nominate the agent acting under  
16 this power of attorney as guardian.

17 SUCCESSOR HEALTH CARE AGENT(S) (optional):

18 If the agent I selected is unable or does not want to make  
19 health care decisions for me, then I request the person(s) I  
20 name below to be my successor health care agent(s). Only one

1 person at a time can serve as my agent (add another page if you  
2 want to add more successor agent names):

3 .....  
4 (Successor agent #1 name, address and phone number)

5 .....  
6 (Successor agent #2 name, address and phone number)

7 MY AGENT CAN MAKE HEALTH CARE DECISIONS FOR ME, INCLUDING:

8 (i) Deciding to accept, withdraw or decline treatment  
9 for any physical or mental condition of mine, including  
10 life-and-death decisions.

11 (ii) Agreeing to admit me to or discharge me from any  
12 hospital, home, or other institution, including a mental  
13 health facility.

14 (iii) Having complete access to my medical and mental  
15 health records, and sharing them with others as needed,  
16 including after I die.

17 (iv) Carrying out the plans I have already made, or, if  
18 I have not done so, making decisions about my body or  
19 remains, including organ, tissue or whole body donation,  
20 autopsy, cremation, and burial.

21 The above grant of power is intended to be as broad as  
22 possible so that my agent will have the authority to make any  
23 decision I could make to obtain or terminate any type of health  
24 care, including withdrawal of nutrition and hydration and other  
25 life-sustaining measures.

1 I AUTHORIZE MY AGENT TO (please check any one box):

2 .... Make decisions for me only when I cannot make them for  
3 myself. The physician(s) taking care of me will determine  
4 when I lack this ability.

5 (If no box is checked, then the box above shall be  
6 implemented.) OR

7 .... Make decisions for me only when I cannot make them for  
8 myself. The physician(s) taking care of me will determine  
9 when I lack this ability. Starting now, for the purpose of  
10 assisting me with my health care plans and decisions, my  
11 agent shall have complete access to my medical and mental  
12 health records, the authority to share them with others as  
13 needed, and the complete ability to communicate with my  
14 personal physician(s) and other health care providers,  
15 including the ability to require an opinion of my physician  
16 as to whether I lack the ability to make decisions for  
17 myself. OR

18 .... Make decisions for me starting now and continuing  
19 after I am no longer able to make them for myself. While I  
20 am still able to make my own decisions, I can still do so  
21 if I want to.

22 The subject of life-sustaining treatment is of particular  
23 importance. Life-sustaining treatments may include tube  
24 feedings or fluids through a tube, breathing machines, and CPR.

1 In general, in making decisions concerning life-sustaining  
2 treatment, your agent is instructed to consider the relief of  
3 suffering, the quality as well as the possible extension of  
4 your life, and your previously expressed wishes. Your agent  
5 will weigh the burdens versus benefits of proposed treatments  
6 in making decisions on your behalf.

7 Additional statements concerning the withholding or  
8 removal of life-sustaining treatment are described below.  
9 These can serve as a guide for your agent when making decisions  
10 for you. Ask your physician or health care provider if you have  
11 any questions about these statements.

12 SELECT ONLY ONE STATEMENT BELOW THAT BEST EXPRESSES YOUR WISHES  
13 (optional):

14 .... The quality of my life is more important than the  
15 length of my life. If I am unconscious and my attending  
16 physician believes, in accordance with reasonable medical  
17 standards, that I will not wake up or recover my ability to  
18 think, communicate with my family and friends, and  
19 experience my surroundings, I do not want treatments to  
20 prolong my life or delay my death, but I do want treatment  
21 or care to make me comfortable and to relieve me of pain.

22 .... Staying alive is more important to me, no matter how  
23 sick I am, how much I am suffering, the cost of the  
24 procedures, or how unlikely my chances for recovery are. I  
25 want my life to be prolonged to the greatest extent

1 possible in accordance with reasonable medical standards.

2 SPECIFIC LIMITATIONS TO MY AGENT'S DECISION-MAKING AUTHORITY:

3 The above grant of power is intended to be as broad as  
4 possible so that your agent will have the authority to make any  
5 decision you could make to obtain or terminate any type of  
6 health care. If you wish to limit the scope of your agent's  
7 powers or prescribe special rules or limit the power to  
8 authorize autopsy or dispose of remains, you may do so  
9 specifically in this form.

10 .....

11 .....

12 My signature:.....

13 Today's date:.....

14 HAVE YOUR WITNESS AGREE TO WHAT IS WRITTEN BELOW, AND THEN  
15 COMPLETE THE SIGNATURE PORTION:

16 I am at least 18 years old. (check one of the options  
17 below):

18 .... I saw the principal sign this document, or

19 .... the principal told me that the signature or mark on  
20 the principal signature line is his or hers.

21 I am not the agent or successor agent(s) named in this  
22 document. I am not related to the principal, the agent, or the  
23 successor agent(s) by blood, marriage, or adoption. I am not

1 the principal's physician, advanced practice registered nurse,  
 2 dentist, podiatric physician, optometrist, psychologist, or a  
 3 relative of one of those individuals. I am not an owner or  
 4 operator (or the relative of an owner or operator) of the  
 5 health care facility where the principal is a patient or  
 6 resident.

7 Witness printed name: .....

8 Witness address: .....

9 Witness signature: .....

10 Today's date: .....

11 (c) The statutory short form power of attorney for health  
 12 care (the "statutory health care power") authorizes the agent  
 13 to make any and all health care decisions on behalf of the  
 14 principal which the principal could make if present and under  
 15 no disability, subject to any limitations on the granted powers  
 16 that appear on the face of the form, to be exercised in such  
 17 manner as the agent deems consistent with the intent and  
 18 desires of the principal. The agent will be under no duty to  
 19 exercise granted powers or to assume control of or  
 20 responsibility for the principal's health care; but when  
 21 granted powers are exercised, the agent will be required to use  
 22 due care to act for the benefit of the principal in accordance  
 23 with the terms of the statutory health care power and will be  
 24 liable for negligent exercise. The agent may act in person or  
 25 through others reasonably employed by the agent for that

1 purpose but may not delegate authority to make health care  
2 decisions. The agent may sign and deliver all instruments,  
3 negotiate and enter into all agreements and do all other acts  
4 reasonably necessary to implement the exercise of the powers  
5 granted to the agent. Without limiting the generality of the  
6 foregoing, the statutory health care power shall include the  
7 following powers, subject to any limitations appearing on the  
8 face of the form:

9 (1) The agent is authorized to give consent to and  
10 authorize or refuse, or to withhold or withdraw consent to,  
11 any and all types of medical care, treatment or procedures  
12 relating to the physical or mental health of the principal,  
13 including any medication program, surgical procedures,  
14 life-sustaining treatment or provision of food and fluids  
15 for the principal.

16 (2) The agent is authorized to admit the principal to  
17 or discharge the principal from any and all types of  
18 hospitals, institutions, homes, residential or nursing  
19 facilities, treatment centers and other health care  
20 institutions providing personal care or treatment for any  
21 type of physical or mental condition. The agent shall have  
22 the same right to visit the principal in the hospital or  
23 other institution as is granted to a spouse or adult child  
24 of the principal, any rule of the institution to the  
25 contrary notwithstanding.

26 (3) The agent is authorized to contract for any and all



1 types of health care services and facilities in the name of  
2 and on behalf of the principal and to bind the principal to  
3 pay for all such services and facilities, and to have and  
4 exercise those powers over the principal's property as are  
5 authorized under the statutory property power, to the  
6 extent the agent deems necessary to pay health care costs;  
7 and the agent shall not be personally liable for any  
8 services or care contracted for on behalf of the principal.

9 (4) At the principal's expense and subject to  
10 reasonable rules of the health care provider to prevent  
11 disruption of the principal's health care, the agent shall  
12 have the same right the principal has to examine and copy  
13 and consent to disclosure of all the principal's medical  
14 records that the agent deems relevant to the exercise of  
15 the agent's powers, whether the records relate to mental  
16 health or any other medical condition and whether they are  
17 in the possession of or maintained by any physician,  
18 psychiatrist, psychologist, therapist, hospital, nursing  
19 home or other health care provider. The authority under  
20 this paragraph (4) applies to any information governed by  
21 the Health Insurance Portability and Accountability Act of  
22 1996 ("HIPAA") and regulations thereunder. The agent  
23 serves as the principal's personal representative, as that  
24 term is defined under HIPAA and regulations thereunder.

25 (5) The agent is authorized: to direct that an autopsy  
26 be made pursuant to Section 2 of "An Act in relation to

1 autopsy of dead bodies", approved August 13, 1965,  
2 including all amendments; to make a disposition of any part  
3 or all of the principal's body pursuant to the Illinois  
4 Anatomical Gift Act, as now or hereafter amended; and to  
5 direct the disposition of the principal's remains.

6 (6) At any time during which there is no executor or  
7 administrator appointed for the principal's estate, the  
8 agent is authorized to continue to pursue an application or  
9 appeal for government benefits if those benefits were  
10 applied for during the life of the principal.

11 (d) A physician may determine that the principal is unable  
12 to make health care decisions for himself or herself only if  
13 the principal lacks decisional capacity, as that term is  
14 defined in Section 10 of the Health Care Surrogate Act.

15 (e) If the principal names the agent as a guardian on the  
16 statutory short form, and if a court decides that the  
17 appointment of a guardian will serve the principal's best  
18 interests and welfare, the court shall appoint the agent to  
19 serve without bond or security.

20 (Source: P.A. 98-1113, eff. 1-1-15; 99-328, eff. 1-1-16.)

21 Section 995. No acceleration or delay. Where this Act makes  
22 changes in a statute that is represented in this Act by text  
23 that is not yet or no longer in effect (for example, a Section  
24 represented by multiple versions), the use of that text does  
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.

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2	Statutes amended in order of appearance	
3	5 ILCS 80/4.28	
4	5 ILCS 80/4.38 new	
5	5 ILCS 375/6.11A	
6	10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
7	10 ILCS 5/19-13	from Ch. 46, par. 19-13
8	15 ILCS 335/4	from Ch. 124, par. 24
9	20 ILCS 301/5-23	
10	20 ILCS 405/405-105	was 20 ILCS 405/64.1
11	20 ILCS 1340/20	
12	20 ILCS 1705/5.1	from Ch. 91 1/2, par. 100-5.1
13	20 ILCS 1705/14	from Ch. 91 1/2, par. 100-14
14	20 ILCS 1705/15.4	
15	20 ILCS 2105/2105-17	
16	20 ILCS 2305/7	from Ch. 111 1/2, par. 22.05
17	20 ILCS 2305/8.2	
18	20 ILCS 2310/2310-145	
19	20 ILCS 2310/2310-397	was 20 ILCS 2310/55.90
20	20 ILCS 2310/2310-410	was 20 ILCS 2310/55.42
21	20 ILCS 2310/2310-600	
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6	65 ILCS 5/10-1-38.1	from Ch. 24, par. 10-1-38.1
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22	210 ILCS 50/3.10	
23	210 ILCS 50/3.117	
24	210 ILCS 55/2.05	from Ch. 111 1/2, par. 2802.05
25	210 ILCS 55/2.11	
26	210 ILCS 62/25	

1	210 ILCS 85/6.14g	
2	210 ILCS 85/6.23a	
3	210 ILCS 85/6.25	
4	210 ILCS 85/10	from Ch. 111 1/2, par. 151
5	210 ILCS 85/10.7	
6	210 ILCS 85/10.8	
7	210 ILCS 85/10.9	
8	215 ILCS 5/356g.5	
9	225 ILCS 25/4	from Ch. 111, par. 2304
10	225 ILCS 25/8.1	from Ch. 111, par. 2308.1
11	225 ILCS 47/15	
12	225 ILCS 60/8.1	
13	225 ILCS 60/22	from Ch. 111, par. 4400-22
14	225 ILCS 60/54.2	
15	225 ILCS 60/54.5	
16	225 ILCS 65/50-10	was 225 ILCS 65/5-10
17	225 ILCS 65/50-13 new	
18	225 ILCS 65/50-15	was 225 ILCS 65/5-15
19	225 ILCS 65/50-20	was 225 ILCS 65/5-20
20	225 ILCS 65/50-26 new	
21	225 ILCS 65/50-50	was 225 ILCS 65/10-5
22	225 ILCS 65/50-55	was 225 ILCS 65/10-10
23	225 ILCS 65/50-60	was 225 ILCS 65/10-15
24	225 ILCS 65/50-65	was 225 ILCS 65/10-25
25	225 ILCS 65/50-70	was 225 ILCS 65/10-35
26	225 ILCS 65/50-75	

1	225 ILCS 65/55-10	was 225 ILCS 65/10-30
2	225 ILCS 65/55-11 new	
3	225 ILCS 65/55-20	
4	225 ILCS 65/55-30	
5	225 ILCS 65/60-5	
6	225 ILCS 65/60-10	
7	225 ILCS 65/60-11 new	
8	225 ILCS 65/60-25	
9	225 ILCS 65/Art. 65	
10	heading	
11	225 ILCS 65/65-5	was 225 ILCS 65/15-10
12	225 ILCS 65/65-10	was 225 ILCS 65/15-13
13	225 ILCS 65/65-15	
14	225 ILCS 65/65-20	
15	225 ILCS 65/65-25	
16	225 ILCS 65/65-30	
17	225 ILCS 65/65-35	was 225 ILCS 65/15-15
18	225 ILCS 65/65-35.1	
19	225 ILCS 65/65-40	was 225 ILCS 65/15-20
20	225 ILCS 65/65-45	was 225 ILCS 65/15-25
21	225 ILCS 65/65-50	was 225 ILCS 65/15-30
22	225 ILCS 65/65-55	was 225 ILCS 65/15-40
23	225 ILCS 65/65-65	was 225 ILCS 65/15-55
24	225 ILCS 65/70-5	was 225 ILCS 65/10-45
25	225 ILCS 65/70-10	was 225 ILCS 65/10-50
26	225 ILCS 65/70-20	was 225 ILCS 65/20-13

1	225 ILCS 65/70-35	was 225 ILCS 65/20-31
2	225 ILCS 65/70-40	was 225 ILCS 65/20-32
3	225 ILCS 65/70-50	was 225 ILCS 65/20-40
4	225 ILCS 65/70-60	was 225 ILCS 65/20-55
5	225 ILCS 65/70-75	was 225 ILCS 65/20-75
6	225 ILCS 65/70-80	was 225 ILCS 65/20-80
7	225 ILCS 65/70-81 new	
8	225 ILCS 65/70-85	was 225 ILCS 65/20-85
9	225 ILCS 65/70-100	was 225 ILCS 65/20-100
10	225 ILCS 65/70-103 new	
11	225 ILCS 65/70-140	was 225 ILCS 65/20-140
12	225 ILCS 65/70-145	was 225 ILCS 65/20-145
13	225 ILCS 65/70-160	was 225 ILCS 65/20-160
14	225 ILCS 65/Art. 75	
15	heading	
16	225 ILCS 65/75-10	was 225 ILCS 65/17-10
17	225 ILCS 65/75-15	was 225 ILCS 65/17-15
18	225 ILCS 65/75-20	was 225 ILCS 65/17-20
19	225 ILCS 65/80-15	
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21	225 ILCS 65/60-15 rep.	
22	225 ILCS 65/70-30 rep.	
23	225 ILCS 65/70-65 rep.	
24	225 ILCS 65/70-105 rep.	
25	225 ILCS 65/70-110 rep.	
26	225 ILCS 65/70-115 rep.	



1 225 ILCS 65/75-5 rep.  
2 225 ILCS 75/3.1  
3 225 ILCS 75/19 from Ch. 111, par. 3719  
4 225 ILCS 84/15  
5 225 ILCS 84/57  
6 225 ILCS 85/3  
7 225 ILCS 85/4 from Ch. 111, par. 4124  
8 225 ILCS 85/16b  
9 225 ILCS 90/1 from Ch. 111, par. 4251  
10 225 ILCS 90/17 from Ch. 111, par. 4267  
11 225 ILCS 100/20.5  
12 225 ILCS 106/10  
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16 225 ILCS 130/40  
17 225 ILCS 135/90  
18 225 ILCS 135/95  
19 305 ILCS 5/5-8 from Ch. 23, par. 5-8  
20 305 ILCS 5/12-4.37  
21 320 ILCS 42/35  
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23 405 ILCS 90/10  
24 405 ILCS 95/10  
25 410 ILCS 27/5  
26 410 ILCS 45/6.2 from Ch. 111 1/2, par. 1306.2

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3	410 ILCS 70/2.2	
4	410 ILCS 70/5	from Ch. 111 1/2, par. 87-5
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7	410 ILCS 210/1	from Ch. 111, par. 4501
8	410 ILCS 210/1.5	
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10	410 ILCS 210/3	from Ch. 111, par. 4503
11	410 ILCS 210/5	from Ch. 111, par. 4505
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14	410 ILCS 225/6	from Ch. 111 1/2, par. 7026
15	410 ILCS 305/3	from Ch. 111 1/2, par. 7303
16	410 ILCS 325/3	from Ch. 111 1/2, par. 7403
17	410 ILCS 325/4	from Ch. 111 1/2, par. 7404
18	410 ILCS 325/5.5	from Ch. 111 1/2, par. 7405.5
19	410 ILCS 335/5	
20	410 ILCS 513/10	
21	410 ILCS 642/10	
22	420 ILCS 40/5	from Ch. 111 1/2, par. 210-5
23	420 ILCS 40/6	from Ch. 111 1/2, par. 210-6
24	625 ILCS 5/1-159.1	from Ch. 95 1/2, par. 1-159.1
25	625 ILCS 5/3-609	from Ch. 95 1/2, par. 3-609
26	625 ILCS 5/3-616	from Ch. 95 1/2, par. 3-616

1	625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
2	625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
3	625 ILCS 5/6-106.1a	
4	625 ILCS 5/6-901	from Ch. 95 1/2, par. 6-901
5	625 ILCS 5/11-501.01	
6	625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
7	625 ILCS 5/11-501.6	from Ch. 95 1/2, par. 11-501.6
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9	625 ILCS 5/11-1301.2	from Ch. 95 1/2, par. 11-1301.2
10	625 ILCS 5/11-1301.5	
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12	720 ILCS 5/9-1	from Ch. 38, par. 9-1
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