

HB2978



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2978

Introduced 2/23/2011, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-40

was 225 ILCS 65/15-20

Amends the Nurse Practice Act. Provides that a collaborating physician or podiatrist may, but is not required to, delegate prescriptive authority to an advanced practice nurse as part of a written collaborative agreement of Schedule II (instead of III) through V controlled substances. Effective immediately.

LRB097 09161 CEL 49296 b

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 Nurse Practice Act is amended by changing
5 Section 65-40 as follows:

6 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 65-40. Prescriptive authority.

9 (a) A collaborating physician or podiatrist may, but is not
10 required to, delegate prescriptive authority to an advanced
11 practice nurse as part of a written collaborative agreement.
12 This authority may, but is not required to, include
13 prescription of, selection of, orders for, administration of,
14 storage of, acceptance of samples of, and dispensing over the
15 counter medications, legend drugs, medical gases, and
16 controlled substances categorized as any Schedule II ~~III~~
17 through V controlled substances, as defined in Article II of
18 the Illinois Controlled Substances Act, and other
19 preparations, including, but not limited to, botanical and
20 herbal remedies. The collaborating physician or podiatrist
21 must have a valid current Illinois controlled substance license
22 and federal registration to delegate authority to prescribe
23 delegated controlled substances.

1 (b) To prescribe controlled substances under this Section,
2 an advanced practice nurse must obtain a mid-level practitioner
3 controlled substance license. Medication orders shall be
4 reviewed periodically by the collaborating physician or
5 podiatrist.

6 (c) The collaborating physician or podiatrist shall file
7 with the Department notice of delegation of prescriptive
8 authority and termination of such delegation, in accordance
9 with rules of the Department. Upon receipt of this notice
10 delegating authority to prescribe any Schedule III through V
11 controlled substances, the licensed advanced practice nurse
12 shall be eligible to register for a mid-level practitioner
13 controlled substance license under Section 303.05 of the
14 Illinois Controlled Substances Act.

15 (d) (Blank). ~~In addition to the requirements of subsections~~
16 ~~(a), (b), and (c) of this Section, a collaborating physician~~
17 ~~may, but is not required to, delegate authority to an advanced~~
18 ~~practice nurse to prescribe any Schedule II controlled~~
19 ~~substances, if all of the following conditions apply:~~

20 ~~(1) No more than 5 Schedule II controlled substances by~~
21 ~~oral dosage may be delegated.~~

22 ~~(2) Any delegation must be controlled substances that~~
23 ~~the collaborating physician prescribes.~~

24 ~~(3) Any prescription must be limited to no more than a~~
25 ~~30-day oral dosage, with any continuation authorized only~~
26 ~~after prior approval of the collaborating physician.~~

1 ~~(4) The advanced practice nurse must discuss the~~
2 ~~condition of any patients for whom a controlled substance~~
3 ~~is prescribed monthly with the delegating physician.~~

4 (e) Nothing in this Act shall be construed to limit the
5 delegation of tasks or duties by a physician to a licensed
6 practical nurse, a registered professional nurse, or other
7 persons.

8 (Source: P.A. 95-639, eff. 10-5-07; 96-189, eff. 8-10-09.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.