



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2813

by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-35	was 225 ILCS 65/15-15
225 ILCS 65/65-43	
225 ILCS 65/65-45	was 225 ILCS 65/15-25

Amends the Nurse Practice Act. Provides that collaboration does not require an employment relationship between the collaborating physician, podiatric physician, or dentist and the advanced practice registered nurse. Provides that, in the case of anesthesia services provided by a certified registered nurse anesthetist, an anesthesiologist, a physician, a dentist, or a podiatric physician must participate through discussion of and agreement with the anesthesia plan and remain available (rather than remain physically present and available on the premises during the delivery of anesthesia services) for diagnosis, consultation, and treatment of emergency medical conditions. Makes changes concerning the written collaborative agreements between a certified registered nurse anesthetist and a dentist. Changes provisions concerning full practice authority to apply them to certified registered nurse anesthetists. Requires that during the delivery of anesthesia by a certified registered nurse anesthetists, the attestation for completion of clinical experience must be attested to by the collaborating physician or physicians, podiatrists, or dentists, and the certified registered nurse anesthetist. Makes other changes. Effective immediately.

LRB101 09669 RAB 54768 b

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 Sections 65-35, 65-43, and 65-45 as follows:

6 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 65-35. Written collaborative agreements.

9 (a) A written collaborative agreement is required for all
10 advanced practice registered nurses engaged in clinical
11 practice prior to meeting the requirements of Section 65-43,
12 except for advanced practice registered nurses who are
13 privileged to practice in a hospital, hospital affiliate, or
14 ambulatory surgical treatment center.

15 (a-5) If an advanced practice registered nurse engages in
16 clinical practice outside of a hospital, hospital affiliate, or
17 ambulatory surgical treatment center in which he or she is
18 privileged to practice, the advanced practice registered nurse
19 must have a written collaborative agreement, except as set
20 forth in Section 65-43.

21 (b) A written collaborative agreement shall describe the
22 relationship of the advanced practice registered nurse with the
23 collaborating physician and shall describe the categories of

1 care, treatment, or procedures to be provided by the advanced
2 practice registered nurse. A collaborative agreement with a
3 podiatric physician must be in accordance with subsection (c-5)
4 or (c-15) of this Section. A collaborative agreement with a
5 dentist must be in accordance with subsection (c-5) ~~(c-10)~~ of
6 this Section. ~~A collaborative agreement with a podiatric~~
7 ~~physician must be in accordance with subsection (c-5) of this~~
8 ~~Section.~~ Collaboration does not require an employment
9 relationship between the collaborating physician, podiatric
10 physician, or dentist and the advanced practice registered
11 nurse.

12 The collaborative relationship under an agreement shall
13 not be construed to require the personal presence of a
14 collaborating physician at the place where services are
15 rendered, except for the delivery of anesthesia in accordance
16 with subsection (c-5) of this Section. Methods of communication
17 shall be available for consultation with the collaborating
18 physician in person or by telecommunications or electronic
19 communications as set forth in the written agreement.

20 (b-5) Absent an employment relationship, a written
21 collaborative agreement may not (1) restrict the categories of
22 patients of an advanced practice registered nurse within the
23 scope of the advanced practice registered nurses training and
24 experience, (2) limit third party payors or government health
25 programs, such as the medical assistance program or Medicare
26 with which the advanced practice registered nurse contracts, or

1 (3) limit the geographic area or practice location of the
2 advanced practice registered nurse in this State.

3 (c) In the case of anesthesia services provided by a
4 certified registered nurse anesthetist, an anesthesiologist, a
5 physician, a dentist, or a podiatric physician must participate
6 through discussion of and agreement with the anesthesia plan
7 and remain ~~physically present and available on the premises~~
8 ~~during the delivery of anesthesia services~~ for diagnosis,
9 consultation, and treatment of emergency medical conditions.

10 (c-5) A certified registered nurse anesthetist, who
11 provides anesthesia services outside of a hospital or
12 ambulatory surgical treatment center shall enter into a written
13 collaborative agreement with an anesthesiologist or the
14 physician licensed to practice medicine in all its branches, ~~or~~
15 the podiatric physician, or the dentist who has the appropriate
16 permit under the Illinois Dental Practice Act performing the
17 procedure. Outside of a hospital or ambulatory surgical
18 treatment center, the certified registered nurse anesthetist
19 may provide only those services that the collaborating
20 podiatric physician or dentist is authorized to provide
21 pursuant to the Podiatric Medical Practice Act of 1987 or the
22 Illinois Dental Practice Act and rules adopted under those Acts
23 thereunder. A certified registered nurse anesthetist may
24 select, order, and administer medication, including controlled
25 substances, and apply appropriate medical devices for delivery
26 of anesthesia services under the anesthesia plan ~~agreed with by~~

1 ~~the anesthesiologist or the operating physician or operating~~
2 ~~pediatric physician.~~

3 (c-10) (Blank). ~~A certified registered nurse anesthetist~~
4 ~~who provides anesthesia services in a dental office shall enter~~
5 ~~into a written collaborative agreement with an~~
6 ~~anesthesiologist or the physician licensed to practice~~
7 ~~medicine in all its branches or the operating dentist~~
8 ~~performing the procedure. The agreement shall describe the~~
9 ~~working relationship of the certified registered nurse~~
10 ~~anesthetist and dentist and shall authorize the categories of~~
11 ~~care, treatment, or procedures to be performed by the certified~~
12 ~~registered nurse anesthetist. In a collaborating dentist's~~
13 ~~office, the certified registered nurse anesthetist may only~~
14 ~~provide those services that the operating dentist with the~~
15 ~~appropriate permit is authorized to provide pursuant to the~~
16 ~~Illinois Dental Practice Act and rules adopted thereunder. For~~
17 ~~anesthesia services, an anesthesiologist, physician, or~~
18 ~~operating dentist shall participate through discussion of and~~
19 ~~agreement with the anesthesia plan and shall remain physically~~
20 ~~present and be available on the premises during the delivery of~~
21 ~~anesthesia services for diagnosis, consultation, and treatment~~
22 ~~of emergency medical conditions. A certified registered nurse~~
23 ~~anesthetist may select, order, and administer medication,~~
24 ~~including controlled substances, and apply appropriate medical~~
25 ~~devices for delivery of anesthesia services under the~~
26 ~~anesthesia plan agreed with by the operating dentist.~~

1 (c-15) An advanced practice registered nurse certified as a
2 nurse practitioner, clinical nurse specialist, or certified
3 nurse midwife who had a written collaborative agreement with a
4 podiatric physician immediately before the effective date of
5 Public Act 100-513 may continue in that collaborative
6 relationship or enter into a new written collaborative
7 relationship with a podiatric physician under the requirements
8 of this Section and Section 65-40, as those Sections existed
9 immediately before the amendment of those Sections by Public
10 Act 100-513 with regard to a written collaborative agreement
11 between an advanced practice registered nurse and a podiatric
12 physician.

13 (d) A copy of the signed, written collaborative agreement
14 must be available to the Department upon request from both the
15 advanced practice registered nurse and the collaborating
16 physician, dentist, or podiatric physician.

17 (e) Nothing in this Act shall be construed to limit the
18 delegation of tasks or duties by a physician to a licensed
19 practical nurse, a registered professional nurse, or other
20 persons in accordance with Section 54.2 of the Medical Practice
21 Act of 1987. Nothing in this Act shall be construed to limit
22 the method of delegation that may be authorized by any means,
23 including, but not limited to, oral, written, electronic,
24 standing orders, protocols, guidelines, or verbal orders.

25 (e-5) Nothing in this Act shall be construed to authorize
26 an advanced practice registered nurse to provide health care

1 services required by law or rule to be performed by a
2 physician, including those acts to be performed by a physician
3 in Section 3.1 of the Illinois Abortion Law of 1975.

4 (f) An advanced practice registered nurse shall inform each
5 collaborating physician, dentist, or podiatric physician of
6 all collaborative agreements he or she has signed and provide a
7 copy of these to any collaborating physician, dentist, or
8 podiatric physician upon request.

9 (g) (Blank).

10 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18;
11 100-577, eff. 1-26-18; 100-1096, eff. 8-26-18.)

12 (225 ILCS 65/65-43)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 65-43. Full practice authority.

15 (a) An Illinois-licensed advanced practice registered
16 nurse ~~certified as a nurse practitioner, nurse midwife, or~~
17 ~~clinical nurse specialist~~ shall be deemed by law to possess the
18 ability to practice without a written collaborative agreement
19 as set forth in this Section.

20 (b) An advanced practice registered nurse ~~certified as a~~
21 ~~nurse midwife, clinical nurse specialist, or nurse~~
22 ~~practitioner~~ who files with the Department a notarized
23 attestation of completion of at least 250 hours of continuing
24 education or training and at least 4,000 hours of clinical
25 experience after first attaining national certification shall

1 not require a written collaborative agreement, except as
2 specified in subsection (c). Documentation of successful
3 completion shall be provided to the Department upon request.

4 Continuing education or training hours required by
5 subsection (b) shall be in the advanced practice registered
6 nurse's area of certification as set forth by Department rule.

7 The clinical experience must be in the advanced practice
8 registered nurse's area of certification. The clinical
9 experience shall be in collaboration with a physician or
10 physicians. Completion of the clinical experience must be
11 attested to by the collaborating physician or physicians and
12 the advanced practice registered nurse. For the delivery of
13 anesthesia provided by a certified registered nurse
14 anesthetist, the attestation for completion of clinical
15 experience must be attested to by the collaborating physician
16 or physicians, podiatrists, or dentists and the certified
17 registered nurse anesthetist.

18 (c) The scope of practice of an advanced practice
19 registered nurse with full practice authority includes:

20 (1) all matters included in subsection (c) of Section
21 65-30 of this Act;

22 (2) practicing without a written collaborative
23 agreement in all practice settings consistent with
24 national certification;

25 (3) authority to prescribe both legend drugs and
26 Schedule II through V controlled substances; this

1 authority includes prescription of, selection of, orders
2 for, administration of, storage of, acceptance of samples
3 of, and dispensing over the counter medications, legend
4 drugs, and controlled substances categorized as any
5 Schedule II through V controlled substances, as defined in
6 Article II of the Illinois Controlled Substances Act, and
7 other preparations, including, but not limited to,
8 botanical and herbal remedies;

9 (4) prescribing benzodiazepines or Schedule II
10 narcotic drugs, such as opioids, only in a consultation
11 relationship with a physician; this consultation
12 relationship shall be recorded in the Prescription
13 Monitoring Program website, pursuant to Section 316 of the
14 Illinois Controlled Substances Act, by the physician and
15 advanced practice registered nurse with full practice
16 authority and is not required to be filed with the
17 Department; the specific Schedule II narcotic drug must be
18 identified by either brand name or generic name; the
19 specific Schedule II narcotic drug, such as an opioid, may
20 be administered by oral dosage or topical or transdermal
21 application; delivery by injection or other route of
22 administration is not permitted; at least monthly, the
23 advanced practice registered nurse and the physician must
24 discuss the condition of any patients for whom a
25 benzodiazepine or opioid is prescribed; nothing in this
26 subsection shall be construed to require a prescription by

1 an advanced practice registered nurse with full practice
2 authority to require a physician name;

3 (5) authority to obtain an Illinois controlled
4 substance license and a federal Drug Enforcement
5 Administration number; and

6 (6) use of only local anesthetic, except for the
7 delivery of anesthesia services by a certified registered
8 nurse anesthetist.

9 The scope of practice of an advanced practice registered
10 nurse does not include operative surgery.

11 (d) The Department may adopt rules necessary to administer
12 this Section, including, but not limited to, requiring the
13 completion of forms and the payment of fees.

14 (e) Nothing in this Act shall be construed to authorize an
15 advanced practice registered nurse with full practice
16 authority to provide health care services required by law or
17 rule to be performed by a physician, including, but not limited
18 to, those acts to be performed by a physician in Section 3.1 of
19 the Illinois Abortion Law of 1975.

20 (Source: P.A. 100-513, eff. 1-1-18.)

21 (225 ILCS 65/65-45) (was 225 ILCS 65/15-25)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 65-45. Advanced practice registered nursing in
24 hospitals, hospital affiliates, or ambulatory surgical
25 treatment centers.

1 (a) An advanced practice registered nurse may provide
2 services in a hospital or a hospital affiliate as those terms
3 are defined in the Hospital Licensing Act or the University of
4 Illinois Hospital Act or a licensed ambulatory surgical
5 treatment center without a written collaborative agreement
6 pursuant to Section 65-35 of this Act. An advanced practice
7 registered nurse must possess clinical privileges recommended
8 by the hospital medical staff and granted by the hospital or
9 the consulting medical staff committee and ambulatory surgical
10 treatment center in order to provide services. The medical
11 staff or consulting medical staff committee shall periodically
12 review the services of all advanced practice registered nurses
13 granted clinical privileges, including any care provided in a
14 hospital affiliate. Authority may also be granted when
15 recommended by the hospital medical staff and granted by the
16 hospital or recommended by the consulting medical staff
17 committee and ambulatory surgical treatment center to
18 individual advanced practice registered nurses to select,
19 order, and administer medications, including controlled
20 substances, to provide delineated care. In a hospital, hospital
21 affiliate, or ambulatory surgical treatment center, the
22 attending physician shall determine an advanced practice
23 registered nurse's role in providing care for his or her
24 patients, except as otherwise provided in the medical staff
25 bylaws or consulting committee policies.

26 (a-2) An advanced practice registered nurse privileged to

1 order medications, including controlled substances, may
2 complete discharge prescriptions provided the prescription is
3 in the name of the advanced practice registered nurse and the
4 attending or discharging physician.

5 (a-3) Advanced practice registered nurses practicing in a
6 hospital or an ambulatory surgical treatment center are not
7 required to obtain a mid-level controlled substance license to
8 order controlled substances under Section 303.05 of the
9 Illinois Controlled Substances Act.

10 (a-4) An advanced practice registered nurse certified as a
11 nurse practitioner, clinical nurse specialist, or certified
12 nurse midwife meeting the requirements of Section 65-43 may be
13 privileged to complete discharge orders and prescriptions
14 under the advanced practice registered nurse's name.

15 (a-5) For anesthesia services provided by a certified
16 registered nurse anesthetist, an anesthesiologist, physician,
17 dentist, or podiatric physician shall participate through
18 discussion of and agreement with the anesthesia plan and shall
19 remain ~~physically present and be available on the premises~~
20 ~~during the delivery of anesthesia services~~ for diagnosis,
21 consultation, and treatment of emergency medical conditions,
22 unless hospital policy adopted pursuant to clause (B) of
23 subdivision (3) of Section 10.7 of the Hospital Licensing Act
24 or ambulatory surgical treatment center policy adopted
25 pursuant to clause (B) of subdivision (3) of Section 6.5 of the
26 Ambulatory Surgical Treatment Center Act provides otherwise. A

1 certified registered nurse anesthetist may select, order, and
2 administer medication for anesthesia services under the
3 anesthesia plan ~~agreed to by the anesthesiologist or the~~
4 ~~physician, in accordance with hospital alternative policy~~ or in
5 accordance with the medical staff consulting committee
6 policies of a licensed ambulatory surgical treatment center.

7 (b) An advanced practice registered nurse who provides
8 services in a hospital shall do so in accordance with Section
9 10.7 of the Hospital Licensing Act and, in an ambulatory
10 surgical treatment center, in accordance with Section 6.5 of
11 the Ambulatory Surgical Treatment Center Act. Nothing in this
12 Act shall be construed to require an advanced practice
13 registered nurse to have a collaborative agreement to practice
14 in a hospital, hospital affiliate, or ambulatory surgical
15 treatment center.

16 (c) Advanced practice registered nurses certified as nurse
17 practitioners, nurse midwives, or clinical nurse specialists
18 practicing in a hospital affiliate may be, but are not required
19 to be, privileged to prescribe Schedule II through V controlled
20 substances when such authority is recommended by the
21 appropriate physician committee of the hospital affiliate and
22 granted by the hospital affiliate. This authority may, but is
23 not required to, include prescription of, selection of, orders
24 for, administration of, storage of, acceptance of samples of,
25 and dispensing over-the-counter medications, legend drugs,
26 medical gases, and controlled substances categorized as

1 Schedule II through V controlled substances, as defined in
2 Article II of the Illinois Controlled Substances Act, and other
3 preparations, including, but not limited to, botanical and
4 herbal remedies.

5 To prescribe controlled substances under this subsection
6 (c), an advanced practice registered nurse certified as a nurse
7 practitioner, nurse midwife, or clinical nurse specialist must
8 obtain a controlled substance license. Medication orders shall
9 be reviewed periodically by the appropriate hospital affiliate
10 physicians committee or its physician designee.

11 The hospital affiliate shall file with the Department
12 notice of a grant of prescriptive authority consistent with
13 this subsection (c) and termination of such a grant of
14 authority, in accordance with rules of the Department. Upon
15 receipt of this notice of grant of authority to prescribe any
16 Schedule II through V controlled substances, the licensed
17 advanced practice registered nurse certified as a nurse
18 practitioner, nurse midwife, or clinical nurse specialist may
19 register for a mid-level practitioner controlled substance
20 license under Section 303.05 of the Illinois Controlled
21 Substances Act.

22 In addition, a hospital affiliate may, but is not required
23 to, privilege an advanced practice registered nurse certified
24 as a nurse practitioner, nurse midwife, or clinical nurse
25 specialist to prescribe any Schedule II controlled substances,
26 if all of the following conditions apply:

1 (1) specific Schedule II controlled substances by oral
2 dosage or topical or transdermal application may be
3 designated, provided that the designated Schedule II
4 controlled substances are routinely prescribed by advanced
5 practice registered nurses in their area of certification;
6 the privileging documents must identify the specific
7 Schedule II controlled substances by either brand name or
8 generic name; privileges to prescribe or dispense Schedule
9 II controlled substances to be delivered by injection or
10 other route of administration may not be granted;

11 (2) any privileges must be controlled substances
12 limited to the practice of the advanced practice registered
13 nurse;

14 (3) any prescription must be limited to no more than a
15 30-day supply;

16 (4) the advanced practice registered nurse must
17 discuss the condition of any patients for whom a controlled
18 substance is prescribed monthly with the appropriate
19 physician committee of the hospital affiliate or its
20 physician designee; and

21 (5) the advanced practice registered nurse must meet
22 the education requirements of Section 303.05 of the
23 Illinois Controlled Substances Act.

24 (d) An advanced practice registered nurse meeting the
25 requirements of Section 65-43 may be privileged to prescribe
26 controlled substances categorized as Schedule II through V in

1 accordance with Section 65-43.

2 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.