



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5051

Introduced 1/27/2022, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.33
225 ILCS 65/80-5
225 ILCS 65/80-10
225 ILCS 65/80-15
225 ILCS 65/80-45

Amends the Regulatory Sunset Act. Provides that the Nurse Practice Act is not repealed on January 1, 2023. Amends the Nurse Practice Act. Changes the name of the pilot program to the Medication Aide Program and makes the Program permanent. Removes provisions that provide that: no more than 10 skilled nursing homes shall be authorized to employ licensed medication aides; and to be approved as a qualified facility, the facility must have an overall 5-star quality rating of 3, 4, or 5 from the most recent data available on the Centers for Medicare and Medicaid Services' website. Changes references to the Department of Public Health to the Department of Healthcare and Family Services. Provides that the Department of Financial and Professional Regulation shall submit a report regarding patient safety, efficiency, and errors to the General Assembly no later than one year (instead of 6 months) after the implementation of the amendatory Act. Restricts licenses from being renewed or restored. Makes other changes. Effective immediately.

LRB102 25082 AMQ 34342 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 Regulatory Sunset Act is amended by
5 changing Section 4.33 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 ~~The Pharmacy Practice Act.~~

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing and Practice Act.

18 The Wholesale Drug Distribution Licensing Act.

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 Section 10. The Nurse Practice Act is amended by changing
21 Sections 80-5, 80-10, 80-15, and 80-45 as follows:

1 (225 ILCS 65/80-5)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 80-5. Definitions. For the purposes of this Article
4 only:

5 "Direct-care assignment" means an assignment as defined
6 for staffing requirements as direct care staff under 77 CFR
7 300.1230.

8 "Medication aide" means a person who has met the
9 qualifications for licensure under this Article who assists
10 with medication administration while under the supervision of
11 a registered professional nurse (RN) in a long-term care
12 facility.

13 "Qualified employer" means a supportive living facility
14 ~~long term care facility licensed by the Department of Public~~
15 ~~Health~~ that meets the qualifications set forth in Section
16 80-10.

17 (Source: P.A. 98-990, eff. 8-18-14.)

18 (225 ILCS 65/80-10)

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

20 Sec. 80-10. Medication Aide Program ~~Pilot program~~.

21 (a) The Department shall administer and enforce a Licensed
22 Medication Aide ~~Pilot~~ Program. The ~~program shall last for a~~
23 ~~period of 3 years, as determined by rule. During the 3-year~~
24 ~~pilot program, the~~ Department shall license and regulate
25 licensed medication aides. ~~As part of the pilot program, no~~

1 ~~more than 10 skilled nursing homes, which shall be~~
2 ~~geographically located throughout the State, shall be~~
3 ~~authorized to employ licensed medication aides, as approved by~~
4 ~~the Department.~~ The Department may consult with the Department
5 of Healthcare and Family Services ~~Public Health~~ as necessary
6 to properly administer and enforce this Article.

7 (b) To be approved as a qualified facility ~~for the~~
8 ~~duration of the pilot program~~, a facility must:

9 (1) be licensed in good standing as a supportive
10 living facility ~~skilled nursing facility~~ by the Department
11 of Healthcare and Family Services ~~Public Health~~;

12 (2) (blank); ~~have an overall Five Star Quality Rating~~
13 ~~of 3, 4, or 5 from the most recent data available on the~~
14 ~~Centers for Medicare and Medicaid Services' website~~;

15 (3) certify that the employment of a licensed
16 medication aide will not replace or diminish the
17 employment of a registered nurse or licensed practical
18 nurse at the facility;

19 (4) certify that a registered nurse will be on-duty
20 and present in the facility to delegate and supervise the
21 medication administration by a licensed medication aide at
22 all times;

23 (5) certify that, with the exception of licensed
24 health care professionals, only licensed medication aides
25 will be employed in the capacity of administering
26 medication; and

1 (6) provide information regarding patient safety,
2 efficiency, and errors as determined by the Department;
3 failure to submit any required report may be grounds for
4 discipline or sanctions under this Act, ~~the Nursing Home~~
5 ~~Administrators Licensing and Disciplinary Act, or the~~
6 ~~Nursing Home Care Act.~~

7 The Department shall submit a report regarding patient
8 safety, efficiency, and errors, as determined by rule, to the
9 General Assembly no later than one year ~~6 months~~ after
10 implementation of this amendatory Act of the 102nd General
11 Assembly ~~termination of the pilot program.~~

12 (Source: P.A. 98-990, eff. 8-18-14.)

13 (225 ILCS 65/80-15)

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

15 Sec. 80-15. Licensure requirement; exempt activities.

16 (a) No ~~On and after January 1, 2015,~~ no person shall
17 practice as a medication aide or hold himself or herself out as
18 a 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
7 approved educational program if such activities and
8 services constitute a part of a supervised course of study
9 and if 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
12 the delegation of tasks or duties by a physician, dentist,
13 advanced practice registered nurse, or podiatric physician as
14 authorized by law.

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

16 (225 ILCS 65/80-45)

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

18 Sec. 80-45. Expiration of license. The expiration date for
19 each license to practice as a licensed medication aide shall
20 be set by the rule. ~~Licenses under this Article may not be~~
21 ~~renewed or restored.~~

22 (Source: P.A. 98-990, eff. 8-18-14.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.