



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3739

Introduced 2/17/2023, by Rep. Debbie Meyers-Martin

#### SYNOPSIS AS INTRODUCED:

225 ILCS 65/50-10  
225 ILCS 65/50-75  
225 ILCS 65/60-35

was 225 ILCS 65/5-10

Amends the Nurse Practice Act. Provides that registered professional nursing practice is a scientific process founded on a professional body of knowledge; it is a learned profession based on the understanding of the human condition across the life span and environment and includes all nursing specialties and means the performance of any nursing act based upon professional knowledge, judgment, and skills acquired by means of completion of an approved professional nursing education program. Provides that registered professional nurses may delegate nursing interventions and tasks (rather than nursing interventions) to other registered professional nurses and licensed practical nurses based on a comprehensive nursing assessment. Provides that registered professional nurses may delegate tasks to unlicensed personnel based on a comprehensive nursing assessment. Provides that a registered professional nurse is prohibited from delegating work requiring nursing knowledge, assessment, judgment, inference, decision making, including medication administration, the development of a plan of care, and the evaluation of a plan of care to unlicensed non-nurse personnel. Removes provisions concerning delegation of nursing interventions and administration of medications in community-based or in-home care settings. Makes other changes. Effective July 1, 2023.

LRB103 28564 AMQ 54945 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 50-10, 50-75, and 60-35 as follows:

6 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 50-10. Definitions. Each of the following terms, when  
9 used in this Act, shall have the meaning ascribed to it in this  
10 Section, except where the context clearly indicates otherwise:

11 "Academic year" means the customary annual schedule of  
12 courses at a college, university, or approved school,  
13 customarily regarded as the school year as distinguished from  
14 the calendar year.

15 "Address of record" means the designated address recorded  
16 by the Department in the applicant's or licensee's application  
17 file or license file as maintained by the Department's  
18 licensure maintenance unit.

19 "Advanced practice registered nurse" or "APRN" means a  
20 person who has met the qualifications for a (i) certified  
21 nurse midwife (CNM); (ii) certified nurse practitioner (CNP);  
22 (iii) certified registered nurse anesthetist (CRNA); or (iv)  
23 clinical nurse specialist (CNS) and has been licensed by the

1 Department. All advanced practice registered nurses licensed  
2 and practicing in the State of Illinois shall use the title  
3 APRN and may use specialty credentials CNM, CNP, CRNA, or CNS  
4 after their name. All advanced practice registered nurses may  
5 only practice in accordance with national certification and  
6 this Act.

7 "Advisory Board" means the Illinois Nursing Workforce  
8 Center Advisory Board.

9 "Approved program of professional nursing education" and  
10 "approved program of practical nursing education" are programs  
11 of professional or practical nursing, respectively, approved  
12 by the Department under the provisions of this Act.

13 "Board" means the Board of Nursing appointed by the  
14 Secretary.

15 "Center" means the Illinois Nursing Workforce Center.

16 "Collaboration" means a process involving 2 or more health  
17 care professionals working together, each contributing one's  
18 respective area of expertise to provide more comprehensive  
19 patient care.

20 "Competence" means an expected and measurable level of  
21 performance that integrates knowledge, skills, abilities, and  
22 judgment based on established scientific knowledge and  
23 expectations for nursing practice.

24 "Comprehensive nursing assessment" means the gathering of  
25 information about the patient's physiological, psychological,  
26 sociological, and spiritual status on an ongoing basis by a

1 registered professional nurse and is the first step in  
2 implementing and guiding the nursing plan of care.

3 "Consultation" means the process whereby an advanced  
4 practice registered nurse seeks the advice or opinion of  
5 another health care professional.

6 "Credentialed" means the process of assessing and  
7 validating the qualifications of a health care professional.

8 "Dentist" means a person licensed to practice dentistry  
9 under the Illinois Dental Practice Act.

10 "Department" means the Department of Financial and  
11 Professional Regulation.

12 "Email address of record" means the designated email  
13 address recorded by the Department in the applicant's  
14 application file or the licensee's license file, as maintained  
15 by the Department's licensure maintenance unit.

16 "Focused nursing assessment" means an appraisal of an  
17 individual's status and current situation, contributing to the  
18 comprehensive nursing assessment performed by the registered  
19 professional nurse or advanced practice registered nurse or  
20 the assessment by the physician assistant, physician, dentist,  
21 podiatric physician, or other licensed health care  
22 professional, as determined by the Department, supporting  
23 ongoing data collection, and deciding who needs to be informed  
24 of the information and when to inform.

25 "Full practice authority" means the authority of an  
26 advanced practice registered nurse licensed in Illinois and

1 certified as a nurse practitioner, clinical nurse specialist,  
2 or nurse midwife to practice without a written collaborative  
3 agreement and:

4 (1) to be fully accountable to patients for the  
5 quality of advanced nursing care rendered;

6 (2) to be fully accountable for recognizing limits of  
7 knowledge and experience and for planning for the  
8 management of situations beyond the advanced practice  
9 registered nurse's expertise; the full practice authority  
10 for advanced practice registered nurses includes accepting  
11 referrals from, consulting with, collaborating with, or  
12 referring to other health care professionals as warranted  
13 by the needs of the patient; and

14 (3) to possess the authority to prescribe medications,  
15 including Schedule II through V controlled substances, as  
16 provided in Section 65-43.

17 "Hospital affiliate" means a corporation, partnership,  
18 joint venture, limited liability company, or similar  
19 organization, other than a hospital, that is devoted primarily  
20 to the provision, management, or support of health care  
21 services and that directly or indirectly controls, is  
22 controlled by, or is under common control of the hospital. For  
23 the purposes of this definition, "control" means having at  
24 least an equal or a majority ownership or membership interest.  
25 A hospital affiliate shall be 100% owned or controlled by any  
26 combination of hospitals, their parent corporations, or

1 physicians licensed to practice medicine in all its branches  
2 in Illinois. "Hospital affiliate" does not include a health  
3 maintenance organization regulated under the Health  
4 Maintenance Organization Act.

5 "Impaired nurse" means a nurse licensed under this Act who  
6 is unable to practice with reasonable skill and safety because  
7 of a physical or mental disability as evidenced by a written  
8 determination or written consent based on clinical evidence,  
9 including loss of motor skills, abuse of drugs or alcohol, or a  
10 psychiatric disorder, of sufficient degree to diminish his or  
11 her ability to deliver competent patient care.

12 "License-pending advanced practice registered nurse" means  
13 a registered professional nurse who has completed all  
14 requirements for licensure as an advanced practice registered  
15 nurse except the certification examination and has applied to  
16 take the next available certification exam and received a  
17 temporary permit from the Department.

18 "License-pending registered nurse" means a person who has  
19 passed the Department-approved registered nurse licensure exam  
20 and has applied for a license from the Department. A  
21 license-pending registered nurse shall use the title "RN lic  
22 pend" on all documentation related to nursing practice.

23 "Nursing intervention" means any treatment based on  
24 clinical nursing judgment or knowledge that a nurse performs.  
25 An individual or entity shall not mandate that a registered  
26 professional nurse delegate nursing interventions if the

1 registered professional nurse determines it is inappropriate  
2 to do so. A nurse shall not be subject to disciplinary or any  
3 other adverse action for refusing to delegate a nursing  
4 intervention based on patient safety.

5 "Physician" means a person licensed to practice medicine  
6 in all its branches under the Medical Practice Act of 1987.

7 "Podiatric physician" means a person licensed to practice  
8 podiatry under the Podiatric Medical Practice Act of 1987.

9 "Practical nurse" or "licensed practical nurse" means a  
10 person who is licensed as a practical nurse under this Act and  
11 practices practical nursing as defined in this Act. Only a  
12 practical nurse licensed under this Act is entitled to use the  
13 title "licensed practical nurse" and the abbreviation  
14 "L.P.N.".

15 "Practical nursing" means the performance of nursing  
16 interventions requiring the nursing knowledge, judgment, and  
17 skill acquired by means of completion of an approved practical  
18 nursing education program. Practical nursing includes  
19 assisting in the nursing process under the guidance of a  
20 registered professional nurse or an advanced practice  
21 registered nurse. The practical nurse may work under the  
22 direction of a licensed physician, dentist, podiatric  
23 physician, or other health care professional determined by the  
24 Department.

25 "Privileged" means the authorization granted by the  
26 governing body of a healthcare facility, agency, or

1 organization to provide specific patient care services within  
2 well-defined limits, based on qualifications reviewed in the  
3 credentialing process.

4 "Registered Nurse" or "Registered Professional Nurse"  
5 means a person who is licensed as a professional nurse under  
6 this Act and practices nursing as defined in this Act. Only a  
7 registered nurse licensed under this Act is entitled to use  
8 the titles "registered nurse" and "registered professional  
9 nurse" and the abbreviation, "R.N.".

10 "Registered professional nursing practice" means a  
11 scientific process founded on a professional body of knowledge  
12 that includes, but is not limited to, the protection,  
13 promotion, and optimization of health and abilities,  
14 prevention of illness and injury, development and  
15 implementation of the nursing plan of care, facilitation of  
16 nursing interventions to alleviate suffering, care  
17 coordination, and advocacy in the care of individuals,  
18 families, groups, communities, and populations. "Registered  
19 professional nursing practice" does not include the act of  
20 medical diagnosis or prescription of medical therapeutic or  
21 corrective measures. Registered professional nursing practice  
22 is a scientific process founded on a professional body of  
23 knowledge. It is a learned profession based on the  
24 understanding of the human condition across the life span and  
25 environment and includes all nursing specialties and means the  
26 performance of any nursing act based upon professional



1 knowledge, judgment, and skills acquired by means of  
2 completion of an approved professional nursing education  
3 program. A registered professional nurse provides holistic  
4 nursing care through the nursing process to individuals,  
5 groups, families, or communities, that includes, but is not  
6 limited to: (i) the assessment of health care needs, nursing  
7 diagnosis, planning, implementation, and nursing evaluation;  
8 (ii) the promotion, maintenance, and restoration of health;  
9 (iii) counseling, patient education, health education, and  
10 patient advocacy; (iv) the administration of medications and  
11 treatments as prescribed by a physician licensed to practice  
12 medicine in all of its branches, a licensed dentist, a  
13 licensed podiatric physician, or a licensed optometrist or as  
14 prescribed by a physician assistant or by an advanced practice  
15 nurse; (v) the coordination and management of the nursing plan  
16 of care; (vi) the delegation to and supervision of individuals  
17 who assist the registered professional nurse implementing the  
18 plan of care; and (vii) teaching nursing students.

19 "Professional assistance program for nurses" means a  
20 professional assistance program that meets criteria  
21 established by the Board of Nursing and approved by the  
22 Secretary, which provides a non-disciplinary treatment  
23 approach for nurses licensed under this Act whose ability to  
24 practice is compromised by alcohol or chemical substance  
25 addiction.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 "Unencumbered license" means a license issued in good  
3 standing.

4 "Written collaborative agreement" means a written  
5 agreement between an advanced practice registered nurse and a  
6 collaborating physician, dentist, or podiatric physician  
7 pursuant to Section 65-35.

8 (Source: P.A. 99-173, eff. 7-29-15; 99-330, eff. 1-1-16;  
9 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; revised 2-28-22.)

10 (225 ILCS 65/50-75)

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

12 Sec. 50-75. Nursing delegation by a registered  
13 professional nurse.

14 (a) For the purposes of this Section:

15 "Delegation" means transferring to a specific individual  
16 the authority to perform a specific nursing intervention or  
17 task in a specific situation.

18 "Predictability of outcomes" means that a registered  
19 professional nurse or advanced practice registered nurse has  
20 determined that the patient's or individual's clinical status  
21 is stable and expected to improve or the patient's or  
22 individual's deteriorating condition is expected to follow a  
23 known or expected course.

24 "Stability" means a registered professional nurse or  
25 advanced practice registered nurse has determined that the

1 individual's clinical status and nursing care needs are  
2 consistent.

3 "Task" means work not requiring nursing knowledge,  
4 judgment, or decision making, as defined by the Department by  
5 rule.

6 (b) This Section authorizes a registered professional  
7 nurse to:

8 (1) delegate nursing interventions and tasks to other  
9 registered professional nurses and, licensed practical  
10 nurses based on the comprehensive nursing assessment that  
11 includes, but is not limited to:

12 (A) the stability and condition of the patient;

13 (B) the potential for harm;

14 (C) the complexity of the nursing intervention or  
15 task to be delegated;

16 (D) the predictability of outcomes; and

17 (E) the competency of the individual to whom the  
18 nursing intervention or task is delegated;

19 (2) delegate tasks to, ~~and other~~ unlicensed personnel  
20 based on the comprehensive nursing assessment that  
21 includes, but is not limited to:

22 (A) the stability and condition of the patient;

23 (B) the potential for harm;

24 (C) the complexity of the task ~~nursing~~  
25 ~~intervention~~ to be delegated;

26 (D) the predictability of outcomes; and

1 (E) competency of the individual to whom the task  
2 ~~nursing intervention~~ is delegated;

3 (3) ~~(2)~~ delegate medication administration to other  
4 licensed nurses; or

5 ~~(3) in community based or in home care settings,~~  
6 ~~delegate the administration of medication (limited to oral~~  
7 ~~or subcutaneous dosage and topical or transdermal~~  
8 ~~application) to unlicensed personnel, if all the~~  
9 ~~conditions for delegation set forth in this Section are~~  
10 ~~met;~~

11 (4) refuse to delegate, stop, or rescind a previously  
12 authorized delegation. ~~;~~ or

13 ~~(5) in community based or in home care settings,~~  
14 ~~delegate, guide, and evaluate the implementation of~~  
15 ~~nursing interventions as a component of patient care~~  
16 ~~coordination after completion of the comprehensive patient~~  
17 ~~assessment based on analysis of the comprehensive nursing~~  
18 ~~assessment data; care coordination in in home care and~~  
19 ~~school settings may occur in person, by telecommunication,~~  
20 ~~or by electronic communication.~~

21 (c) This Section prohibits the following:

22 (1) An individual or entity from mandating that a  
23 registered professional nurse delegate nursing  
24 interventions if the registered professional nurse  
25 determines it is inappropriate to do so. Nurses shall not  
26 be subject to disciplinary or any other adverse action for

1 refusing to delegate a nursing intervention based on  
2 patient safety.

3 (2) The delegation of medication administration to  
4 unlicensed personnel in any institutional or long-term  
5 facility, including, but not limited to, those facilities  
6 licensed by the Hospital Licensing Act, the University of  
7 Illinois Hospital Act, State-operated mental health  
8 hospitals, or State-operated developmental centers, ~~except~~  
9 ~~as authorized under Article 80 of this Act or otherwise~~  
10 ~~specifically authorized by law.~~

11 (2.5) A registered professional nurse from delegating  
12 work requiring nursing knowledge, assessment, judgment,  
13 inference, decision making, including medication  
14 administration, the development of a plan of care, and  
15 evaluation of a plan of care to unlicensed non-nurse  
16 personnel.

17 (3) A registered professional nurse from delegating  
18 nursing judgment, the comprehensive patient assessment,  
19 the development of a plan of care, and the evaluation of  
20 care to licensed or unlicensed personnel.

21 (4) A licensed practical nurse ~~or unlicensed personnel~~  
22 who has been delegated a nursing intervention or task from  
23 re-delegating a nursing intervention or task.

24 (5) Unlicensed personnel who have been delegated tasks  
25 from re-delegating the tasks

26 (d) A registered professional nurse may delegate tasks to

1 other licensed and unlicensed persons.

2 (Source: P.A. 100-513, eff. 1-1-18; 100-1160, eff. 6-1-19.)

3 (225 ILCS 65/60-35)

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

5 Sec. 60-35. RN scope of practice. The RN scope of nursing  
6 practice is the protection, promotion, and optimization of  
7 health and abilities, the prevention of illness and injury,  
8 the development and implementation of the nursing plan of  
9 care, the facilitation of nursing interventions to alleviate  
10 suffering, care coordination, and advocacy in the care of  
11 individuals, families, groups, communities, and populations.  
12 Practice as a registered professional nurse means this full  
13 scope of nursing, with or without compensation, that  
14 incorporates caring for all patients in all settings, through  
15 nursing standards of practice and professional performance for  
16 coordination of care, and may include, but is not limited to,  
17 all of the following:

18 (1) Collecting pertinent data and information relative  
19 to the patient's health or the situation on an ongoing  
20 basis through the comprehensive nursing assessment.

21 (2) Analyzing comprehensive nursing assessment data to  
22 determine actual or potential diagnoses, problems, and  
23 issues.

24 (3) Identifying expected outcomes for a plan  
25 individualized to the patient or the situation that

1 prescribes strategies to attain expected, measurable  
2 outcomes.

3 (4) Implementing the identified plan, coordinating  
4 care delivery, employing strategies to promote healthy and  
5 safe environments, and administering or delegating  
6 medication administration according to Section 50-75 of  
7 this Act.

8 (5) Evaluating patient progress toward attainment of  
9 goals and outcomes.

10 (6) Delegating nursing interventions and tasks to  
11 licensed nurses to implement the plan of care.

12 (6.5) Delegating tasks to unlicensed personnel to  
13 implement the plan of care.

14 (7) Providing health education and counseling.

15 (7.5) Advocating for the patient.

16 (8) Practicing ethically according to the American  
17 Nurses Association Code of Ethics.

18 (9) Practicing in a manner that recognizes cultural  
19 diversity.

20 (10) Communicating effectively in all areas of  
21 practice.

22 (11) Collaborating with patients and other key  
23 stakeholders in the conduct of nursing practice.

24 (12) Participating in continuous professional  
25 development.

26 (13) Teaching the theory and practice of nursing to

1 student nurses.

2 (14) Leading within the professional practice setting  
3 and the profession.

4 (15) Contributing to quality nursing practice.

5 (16) Integrating evidence and research findings into  
6 practice.

7 (17) Utilizing appropriate resources to plan, provide,  
8 and sustain evidence-based nursing services that are safe  
9 and effective.

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

11 Section 99. Effective date. This Act takes effect July 1,  
12 2023.