



Sen. Sara Feigenholtz

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10300SB0774sam002

LRB103 03230 RTM 72464 a

1 AMENDMENT TO SENATE BILL 774

2 AMENDMENT NO. _____. Amend Senate Bill 774, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 1, on page 18, immediately above line 1, by inserting the
5 following:

6 "(225 ILCS 65/Art. 80 rep.)

7 Section 10. The Nurse Practice Act is amended by repealing
8 Article 80.

9 Section 15. The Illinois Public Aid Code is amended by
10 adding Section 5-5.01c as follows:

11 (305 ILCS 5/5-5.01c new)

12 Sec. 5-5.01c. Certified medication aide.

13 (a) As used in this Section:

14 "Certified medication aide" means a person who has met the
15 qualifications for certification under this Section and

1 assists with medication administration while under the
2 supervision of a registered professional nurse in a long-term
3 care facility.

4 "Department" means the Department of Healthcare and Family
5 Services.

6 "Direct-care assignment" means an assignment for staffing
7 requirements for direct care staff as that term is defined
8 under 77 Ill. Adm. Code 300.1230.

9 "Program" means the Certified Medication Aide Program.

10 "Qualified facility " means a supportive living program
11 setting approved and certified by the Department of Healthcare
12 and Family Services to participate in the supportive living
13 program under Section 5-5.01a.

14 (b) The Department shall administer and enforce a
15 Certified Medication Aide Program and regulate certified
16 medication aides. To be approved as a facility qualified to
17 participate in the program, a facility must satisfy all of the
18 following requirements:

19 (1) Be certified and in good standing as a supportive
20 living facility by the Department.

21 (2) Certify that the employment of a certified
22 medication aide will not replace or diminish the
23 employment of a registered nurse or licensed practical
24 nurse at the facility.

25 (3) Certify that a registered nurse will be on duty
26 and present in the facility to delegate and supervise the

1 administration of medication by a certified medication
2 aide at all times.

3 (4) Certify that, with the exception of licensed
4 health care professionals, only certified medication aides
5 will be employed in the capacity of administering
6 medication.

7 (5) Provide information regarding patient safety,
8 efficiency, and errors as determined by the Department.
9 Failure to submit any required report may be grounds for
10 discipline or sanctions as prescribed by the Department.
11 The Department shall submit a report regarding patient
12 safety, efficiency, and errors, as determined by rule, to
13 the General Assembly no later than 2 years after the
14 effective date of this amendatory Act of the 103rd General
15 Assembly.

16 (c) No person shall practice as a medication aide or hold
17 himself or herself out as a certified medication aide in this
18 State unless he or she is certified in accordance with this
19 Section.

20 Nothing in this Section shall be construed as preventing
21 or restricting the practice, services, or activities of:

22 (1) any person licensed in this State by any other law
23 from engaging in the profession or occupation for which he
24 or she is licensed;

25 (2) any person employed as a medication aide by the
26 government of the United States, if such person practices

1 as a medication aide solely under the direction or control
2 of the organization by which he or she is employed; or

3 (3) any person pursuing a course of study leading to a
4 certificate in medication aide at an accredited or
5 approved educational program if such activities and
6 services constitute a part of a supervised course of study
7 and if such person is designated by a title which clearly
8 indicates his or her status as a student or trainee.

9 Nothing in this Section shall be construed to limit the
10 delegation of tasks or duties by a physician, dentist,
11 advanced practice registered nurse, or podiatric physician as
12 authorized by law.

13 (d) A certified medication aide may only practice in a
14 qualified establishment. Certified medication aides must be
15 supervised by and receive delegation by a registered nurse, as
16 authorized by Section 50-75 of the Nurse Practice Act, that is
17 on duty and present in the establishment at all times.
18 Certified medication aides shall not have a direct-care
19 assignment when scheduled to work as a certified medication
20 aide, but may assist residents as needed. Certified medication
21 aides shall not administer any medication until a physician
22 has conducted an initial assessment of the resident.

23 Certified medication aides shall not administer any
24 Schedule II controlled substances as set forth in the Illinois
25 Controlled Substances Act and may not administer any
26 subcutaneous, intramuscular, intradermal, or intravenous

1 medication.

2 (e) In addition to any other penalty provided by law, any
3 person who practices, offers to practice, attempts to
4 practice, or holds oneself out to practice as a medication
5 aide without being certified in accordance with this Section
6 shall, in addition to any other penalty provided by law, pay a
7 civil penalty to the Department in an amount as determined by
8 the Department. The Department has the authority and power to
9 investigate any and all uncertified activity. The civil
10 penalty shall be paid within 60 days after the date of the
11 order imposing the civil penalty. The order shall constitute a
12 judgment and may be filed and execution had thereon in the same
13 manner as any judgment from any court of record.

14 (f) Applications for original certification shall be made
15 to the Department in writing on forms prescribed by the
16 Department and shall be accompanied by the required fee, which
17 shall not be returnable. The application shall require such
18 information that, in the judgment of the Department, enables
19 the Department to pass on the qualifications of the applicant
20 for certification.

21 (g) The Department shall authorize examinations of
22 applicants for a certificate under this Section at the times
23 and places as it may designate. The examination shall be of a
24 character to give a fair test of the qualifications of the
25 applicant to practice as a medication aide. Applicants for
26 examination as a medication aide shall be required to pay,

1 either to the Department or the designated testing service, a
2 fee covering the cost of providing the examination. Failure to
3 appear for the examination on the scheduled date, at the time
4 and place specified, after the applicant's application for
5 examination has been received and acknowledged by the
6 Department or the designated testing service, shall result in
7 the forfeiture of the examination fee. If an applicant fails
8 to pass an examination for certification in accordance with
9 this Section within 3 years after filing his or her
10 application, the application shall be denied. The applicant
11 may thereafter make a new application accompanied by the
12 required fee; however, the applicant shall meet all
13 requirements in effect at the time of subsequent application
14 before obtaining certification. The Department may employ
15 consultants for the purposes of preparing and conducting
16 examinations.

17 (h) An applicant for certification by examination to
18 practice as a certified medication aide must:

19 (1) submit a completed written application on forms
20 provided by the Department and fees as established by the
21 Department;

22 (2) be age 18 or older;

23 (3) have a high school diploma or a high school
24 equivalency certificate;

25 (4) demonstrate the ability to speak, read, and write
26 the English language, as determined by rule;

1 (5) demonstrate competency in math, as determined by
2 rule;

3 (6) be currently certified in good standing as a
4 certified nursing assistant and provide proof of 2,000
5 hours of practice as a certified nursing assistant within
6 3 years before application for a certificate under this
7 Section;

8 (7) submit to the criminal history records check
9 required under Section 46 of the Health Care Worker
10 Background Check Act;

11 (8) have not engaged in conduct or behavior determined
12 to be grounds for discipline under this Act;

13 (9) be currently certified to perform cardiopulmonary
14 resuscitation by the American Heart Association or
15 American Red Cross;

16 (10) have successfully completed a course of study
17 approved by the Department as defined by rule; to be
18 approved, the program must include a minimum of 60 hours
19 of classroom-based medication aide education, a minimum of
20 10 hours of simulation laboratory study, and a minimum of
21 30 hours of registered nurse-supervised clinical practicum
22 with progressive responsibility of patient medication
23 assistance;

24 (11) have successfully completed the Medication Aide
25 Certification Examination or other examination authorized
26 by the Department; and

1 (12) submit proof of employment by a qualifying
2 facility.

3 (i) The expiration date for each certification to practice
4 as a certified medication aide shall be set by the rule.
5 Enforcement and violations shall be subject to those within
6 this Act.

7 (j) No person shall use the title "certified medication
8 aide" unless he or she holds a valid certificate issued by the
9 Department in accordance with this Section.

10 (k) The Department shall adopt rules to implement the
11 provisions of this Section within 180 days after the effective
12 date of this amendatory Act of the 103rd General Assembly."