

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 Nursing Home Care Act is amended by adding
5 Section 3-220 as follows:

6 (210 ILCS 45/3-220 new)

7 Sec. 3-220. Certified medication aide program.

8 (a) Definitions. As used in this Section:

9 "Department" means the Department of Public Health.

10 "Certified medication aide" means a person who has met the
11 qualifications for certification under this Section who
12 assists with medication administration while under the
13 supervision of a registered professional nurse in a skilled
14 nursing facility.

15 "Qualified employer" means a facility licensed under this
16 Act by the Department of Public Health that meets the
17 qualifications set forth in subsection (c) of Section 3-220 of
18 this Act.

19 (b) The Department shall administer and enforce a
20 certified medication aide program, ensuring the regulation and
21 certification of medication aides. In order for a facility to
22 use certified medication aides, it must have the approval of
23 the Department.

1 (c) To be approved as a qualified facility, a facility
2 must:

3 (1) be licensed and in compliance when applying as a
4 skilled nursing facility by the Department of Public
5 Health;

6 (2) not appear on the Centers for Medicare and
7 Medicaid Services Special Focus Facility List;

8 (3) certify that the employment of a certified
9 medication aide will not replace or diminish the
10 employment of a registered nurse or licensed practical
11 nurse at the facility;

12 (4) certify that a registered nurse will be on duty
13 and present in the facility to delegate and supervise the
14 medication administration by a certified medication aide
15 during the delegation times;

16 (5) certify that, with the exception of licensed
17 health care professionals, only certified medication aides
18 will be employed in the capacity of administering
19 medication; and

20 (6) provide information regarding patient safety,
21 efficiency, and errors as determined by the Department by
22 rule.

23 Failure to submit any required report shall be grounds
24 for discipline or sanctions under this Act, the Nurse
25 Practice Act, or the Nursing Home Administrators Licensing
26 and Disciplinary Act.

1 (d) The Department shall submit a report regarding patient
2 safety, efficiency, and errors, as determined by rule, to the
3 General Assembly no later than one year after the full
4 implementation of the program.

5 (e) Nothing in this Section shall be construed as
6 preventing or restricting the practice, services, or
7 activities of:

8 (1) any person licensed in this State by any other law
9 from engaging in the profession or occupation for which
10 the person is licensed;

11 (2) any person employed as a medication aide by the
12 government of the United States, if the person practices
13 as a medication aide solely under the direction or control
14 of the organization by which the person is employed; or

15 (3) any person pursuing a course of study leading to a
16 certificate in medication aide at an accredited or
17 approved educational program if such activities and
18 services constitute a part of a supervised course of study
19 and if such person is designated by a title which clearly
20 indicates the person's status as a student or trainee.

21 (f) Nothing in this Section shall be construed to limit
22 the delegation of tasks or duties by a physician, dentist,
23 advanced practice registered nurse, or podiatric physician as
24 authorized by law.

25 (g) A certified medication aide may only practice in a
26 qualified facility.

1 (h) Certified medication aides must be supervised by and
2 receive delegation from a registered nurse that is on duty and
3 present in the facility at all times when certified medication
4 aides are administering medication.

5 (i) Certified medication aides shall not perform other
6 duties during the duration of the medication distribution.

7 (j) Certified medication aides shall not administer any
8 medication until a physician has conducted an initial
9 assessment of the resident.

10 (k) Certified medication aides shall not administer any
11 Schedule II controlled substances as set forth in the Illinois
12 Controlled Substances Act and may not administer any
13 subcutaneous, intramuscular, intradermal, or intravenous
14 medication.

15 (l) In addition to any other penalty provided by law, any
16 person who practices, offers to practice, attempts to
17 practice, or holds oneself out to practice as a medication
18 aide without being certified under this Section shall pay a
19 civil penalty to the Department in an amount determined by the
20 Department by rule.

21 (m) The Department has the authority and power to
22 investigate any and all activity under this Section that is
23 not certified.

24 (n) The civil penalty described in this Section shall be
25 paid within 60 days after the effective date of the order
26 imposing the civil penalty. The order shall constitute a

1 judgment and may be filed and execution had thereon in the same
2 manner as any judgment from any court of record.

3 (o) The Department shall authorize examinations of
4 applicants for certification under this Section at the times
5 and places it designates. The examination shall be of a
6 character to give a fair test of the qualifications of the
7 applicant to practice as a certified medication aide.

8 (p) Applicants for examination as a certified medication
9 aide shall be required to pay, either to the Department or the
10 designated testing service, a fee covering the cost of
11 providing the examination. Failure to appear for the
12 examination on the scheduled date, at the time and place
13 specified, after the applicant's application for examination
14 has been received and acknowledged by the Department or the
15 designated testing service, shall result in the forfeiture of
16 the examination fee.

17 (q) 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 pay any fees as established
21 by the Department;

22 (2) be age 18 or older;

23 (3) have a State of Illinois High School Diploma;

24 (4) demonstrate the ability to speak, read, and write
25 the English language or language of the facility, as
26 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 certification;

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

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

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

15 (10) have successfully completed a course of study
16 that is approved by the Department by rule and that
17 includes:

18 (A) a minimum of 60 hours of classroom-based
19 certified medication aide education;

20 (B) a minimum of 10 hours of simulation laboratory
21 study; and

22 (C) a minimum of 30 hours of registered
23 nurse-supervised clinical practicum with progressive
24 responsibility of patient medication assistance;

25 (11) have successfully completed the medication aide
26 certification examination or other examination authorized

1 by the Department; and

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

4 (r) The expiration date for each certification to practice
5 as a certified medication aide shall be set by rule.

6 (s) The Department may take disciplinary action against a
7 medication aide, including, but not limited to, suspension or
8 revocation of the medication aide's certification, for gross
9 negligence. Violations and enforcement shall be as otherwise
10 provided in Article III of this Act.

11 (t) Any person who is issued a certification as a
12 medication aide under the terms of this Section shall use the
13 words "certified medication aide" in connection with the
14 person's name to denote the person's certification under this
15 Section.

16 (u) To ensure transparency and the well-being of
17 residents, a facility is required to provide information about
18 medication administration via certified medication aides in
19 its admission agreements so that residents and their families
20 understand the addition of certified medication aides as
21 members of the healthcare team.

22 (v) The Department shall propose rules to implement,
23 administer, and enforce this Section within 180 days after the
24 effective date of this amendatory Act of the 103rd General
25 Assembly.