



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2009

Introduced 2/9/2023, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

225 ILCS 65/Art. 85 heading new
225 ILCS 65/85-5 new
225 ILCS 65/85-10 new
225 ILCS 65/85-15 new
225 ILCS 65/85-20 new
225 ILCS 65/85-25 new
225 ILCS 65/85-30 new
225 ILCS 65/85-35 new
225 ILCS 65/85-40 new
225 ILCS 65/85-45 new
225 ILCS 65/85-50 new
225 ILCS 65/85-55 new
225 ILCS 65/85-60 new

Creates the Medication Aide Program Article in the Nurse Practice Act. Provides that the Department of Financial and Professional Regulation shall administer and enforce a licensed medication aide program and shall license and regulate licensed medication aides. Provides standards for an applicant to qualify as a qualified employer. Includes provisions concerning: licensure requirements; exempt activities; scope of practice; unlicensed practice; violations and civil penalties; applications for original licensure; examinations; licensure by examination; expiration of a license; and titles. Provides that licenses issued under the Article are subject to the Administration and Enforcement Article of the Act, including provisions concerning grounds for disciplinary action. Provides that the Department shall file rules to administer the Medication Aide Program Article within 90 days of the effective date of the amendatory Act. Effective immediately.

LRB103 28270 AMQ 54649 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 adding
5 Article 85 as follows:

6 (225 ILCS 65/Art. 85 heading new)

7 ARTICLE 85. MEDICATION AIDE PROGRAM

8 (225 ILCS 65/85-5 new)

9 Sec. 85-5. Definitions. For the purposes of this Article
10 only:

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

13 "Direct-care assignment" means an assignment as defined
14 for staffing requirements as direct care staff under 77 CFR
15 300.1230.

16 "Medication aide" means a person who has met the
17 qualifications for licensure under this Article who assists
18 with medication administration while under the supervision of
19 a registered professional nurse in a long-term care facility.

20 "Qualified employer" means an assisted living or shared
21 housing establishment licensed by the Department of Public
22 Health and supportive living program providers certified by

1 the Department of Healthcare and Family Services.

2 (225 ILCS 65/85-10 new)

3 Sec. 85-10. Medication aide program.

4 (a) The Department shall administer and enforce a licensed
5 medication aide program and shall license and regulate
6 licensed medication aides. The Department may consult with the
7 Department of Healthcare and Family Services and the
8 Department of Public Health as necessary to properly
9 administer and enforce this Article.

10 (b) To be approved as a qualified employer, a facility
11 must:

12 (1) be certified in good standing as a supportive
13 living program provider by the Department of Healthcare
14 and Family Services or be licensed in good standing as an
15 assisted living establishment or shared housing
16 establishment with the Department of Public Health;

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

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

25 (4) certify that, with the exception of licensed

1 health care professionals, only licensed medication aides
2 will be employed in the capacity of administering
3 medication; and

4 (5) provide information regarding patient safety,
5 efficiency, and errors as determined by the Department.

6 Failure to submit any required report may be grounds for
7 discipline or sanctions under this Act.

8 (c) The Department shall submit a report regarding patient
9 safety, efficiency, and errors, as determined by rule, to the
10 General Assembly no later than 2 years after implementation of
11 this Article.

12 (225 ILCS 65/85-15 new)

13 Sec. 85-15. Licensure requirement; exempt activities.

14 (a) No person shall practice as a medication aide or hold
15 oneself out as a licensed medication aide in this State unless
16 the medication aide is licensed under this Article.

17 (b) Nothing in this Article shall be construed as
18 preventing or restricting the practice, services, or
19 activities of:

20 (1) any person licensed in this State by any other law
21 from engaging in the profession or occupation for which
22 the person is licensed;

23 (2) any person employed as a medication aide by the
24 government of the United States if such person practices
25 as a medication aide solely under the direction or control

1 of the organization by which the person is employed; or

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

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

12 (225 ILCS 65/85-20 new)

13 Sec. 85-20. Scope of practice.

14 (a) A licensed medication aide may only practice for a
15 qualified employer.

16 (b) A licensed medication aide must be supervised by and
17 receive delegation by a registered nurse that is on-duty and
18 present in the facility at all times.

19 (c) A licensed medication aide shall not have a
20 direct-care assignment when scheduled to work as a licensed
21 medication aide but may assist residents as needed.

22 (d) A licensed medication aide shall not administer any
23 medication until a physician has conducted an initial
24 assessment of the resident.

25 (e) A licensed medication aide shall not administer any

1 Schedule II controlled substances as set forth in the Illinois
2 Controlled Substances Act and may not administer any
3 subcutaneous, intramuscular, intradermal, or intravenous
4 medication.

5 (225 ILCS 65/85-25 new)

6 Sec. 85-25. Unlicensed practice; violation; civil penalty.

7 (a) In addition to any other penalty provided by law, any
8 person who practices, offers to practice, attempts to
9 practice, or holds oneself out to practice as a medication
10 aide without being licensed under this Act shall, in addition
11 to any other penalty provided by law, pay a civil penalty to
12 the Department in an amount not to exceed \$10,000 for each
13 offense, as determined by the Department. The civil penalty
14 shall be assessed by the Department after a hearing is held in
15 accordance with the provisions set forth in this Act regarding
16 the provision of a hearing for the discipline of a licensee.

17 (b) The Department has the authority and power to
18 investigate any and all unlicensed activity.

19 (c) The civil penalty shall be paid within 60 days after
20 the effective date of the order imposing the civil penalty.
21 The order shall constitute a judgment and may be filed and
22 execution had thereon in the same manner as any judgment from
23 any court of record.

24 (225 ILCS 65/85-30 new)

1 Sec. 85-30. Applications for original licensure.
2 Applications for original licensure shall be made to the
3 Department in writing on forms prescribed by the Department
4 and shall be accompanied by the required fee, which shall not
5 be returnable. The application shall require such information
6 as, in the judgment of the Department, will enable the
7 Department to pass on the qualifications of the applicant for
8 licensure. Applicants have 3 years after the date of
9 application to complete the application process. If the
10 process has not been completed within 3 years, the application
11 shall be denied, the fee forfeited, and the applicant must
12 reapply and meet the requirements in effect at the time of
13 reapplication.

14 (225 ILCS 65/85-35 new)

15 Sec. 85-35. Examinations. The Department shall authorize
16 examinations of applicants for a license under this Article at
17 the times and place as it may designate. The examination shall
18 be of a character to give a fair test of the qualifications of
19 the applicant to practice as a medication aide.

20 Applicants for examination as a medication aide shall be
21 required to pay, either to the Department or the designated
22 testing service, a fee covering the cost of providing the
23 examination. Failure to appear for the examination on the
24 scheduled date, at the time and place specified, after the
25 applicant's application for examination has been received and

1 acknowledged by the Department or the designated testing
2 service, shall result in the forfeiture of the examination
3 fee.

4 If an applicant fails to pass an examination for licensure
5 under this Act within 3 years after filing the applicant's
6 application, the application shall be denied. The applicant
7 may thereafter make a new application accompanied by the
8 required fee; however, the applicant shall meet all
9 requirements in effect at the time of subsequent application
10 before obtaining licensure. The Department may employ
11 consultants for the purposes of preparing and conducting
12 examinations.

13 (225 ILCS 65/85-40 new)

14 Sec. 85-40. Licensure by examination. An applicant for
15 licensure by examination to practice as a licensed medication
16 aide must:

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

20 (2) be age 18 or older;

21 (3) have a high school diploma or a high school
22 equivalency certificate;

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

25 (5) demonstrate competency in math, as determined by

1 rule;

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

6 (7) submit to the criminal history records background
7 check required under Section 50-35;

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

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

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

21 (11) have successfully completed the medication aide
22 certification examination or other examination authorized
23 by the Department; and

24 (12) submit proof of employment by a qualifying
25 facility.

1 (225 ILCS 65/85-45 new)

2 Sec. 85-45. Expiration of license. The expiration date for
3 each license to practice as a licensed medication aide shall
4 be set by the rule.

5 (225 ILCS 65/85-50 new)

6 Sec. 85-50. Administration and enforcement. Licenses
7 issued under this Article are subject to Article 70, including
8 grounds for disciplinary action under Section 70-5.

9 (225 ILCS 65/85-55 new)

10 Sec. 85-55. Title. Any person who is issued a license as a
11 medication aide under the terms of this Act shall use the words
12 "licensed medication aide" in connection with the licensee's
13 name to denote the licensee's licensure under this Act.

14 (225 ILCS 65/85-60 new)

15 Sec. 85-60. Rules. The Department shall file rules to
16 administer this Article within 90 days of the effective date
17 of this amendatory Act of the 103rd General Assembly.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.