



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3524

Introduced 2/9/2024, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-220 new

Amends the Nursing Home Care Act. Creates the Certified Medication Aide Program within the Department of Public Health. Provides that the Department shall implement and enforce a Certified Medication Aide Program. Sets forth requirements for a facility to be designated as a qualified facility within the Program. Describes exempt activities. Sets forth the scope of practice for a certified medication aide. Provides for a civil penalty in an amount not to exceed \$10,000, to be paid within 60 days after the effective date of the order imposing the civil penalty, for uncertified practice as a certified medication aide. Provides that the Department shall authorize examinations of applicants for certification at the times and places it may designate. Provides for examination fees to be paid by applicants for certification. Sets forth requirements for an applicant to be certified under the Program. Provides that a person certified under the Program shall use the words "certified medication aide" in connection with the person's name to denote the person's certification under the Program. Authorizes the Department to adopt rules to administer, implement, and enforce the Program.

LRB103 37608 CES 67734 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 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 "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 skilled nursing facility
16 licensed by the Department of Public Health that meets the
17 qualifications set forth in Section 80-10 of the Nurse
18 Practice 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.

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

26 (d) The Department shall submit a report regarding patient

1 safety, efficiency, and errors, as determined by rule, to the
2 General Assembly no later than 1 year after the full
3 implementation of the program.

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

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

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

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

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

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

26 (h) Certified medication aides must be supervised by and

1 receive delegation from a registered nurse that is on duty and
2 present in the facility at all times when certified medication
3 aides are administering medication.

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

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

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

14 (l) In addition to any other penalty provided by law, any
15 person who practices, offers to practice, attempts to
16 practice, or holds oneself out to practice as a medication
17 aide without being certified under this Section shall, in
18 addition to any other penalty provided by law, pay a civil
19 penalty to the Department in an amount not to exceed \$10,000
20 for each offense as determined by the Department.

21 (m) The Department has the authority and power to
22 investigate any and all uncertified activity.

23 (n) The civil penalty shall be paid within 60 days after
24 the effective date of the order imposing the civil penalty.
25 The order shall constitute a judgment and may be filed and
26 execution had thereon in the same manner as any judgment from

1 any court of record.

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

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

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

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

21 (2) be age 18 or older;

22 (3) have a high school diploma or a General Education
23 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 approved by the Department as defined by rule; to be
17 approved, the program must include:

18 (A) a minimum of 60 hours of classroom-based
19 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 the rule.

6 (s) Violations and enforcement shall be as otherwise
7 provided in this Act.

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

13 (u) The Department shall adopt rules to implement,
14 administer, and enforce this Section within 90 days after the
15 effective date of this amendatory Act of the 103rd General
16 Assembly.