



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0822

Introduced 2/2/2005, by Rep. Eddie Washington

#### SYNOPSIS AS INTRODUCED:

210 ILCS 9/70  
210 ILCS 45/3-206.05 new  
225 ILCS 65/5-15

Amends the Assisted Living and Shared Housing Act, the Nursing Home Care Act, and the Nursing and Advanced Practice Nursing Act. Requires the Department of Public Health to develop and implement rules for the training, certification, and employment of certified medication technicians in nursing homes. Provides that a certified medication technician may administer medications to nursing home residents under the direction of a duly licensed Registered Nurse. Sets forth the requirements for certification of medication technicians. For purposes of the Assisted Living and Shared Housing Act, provides that a certified medication technician may administer all medications allowed under Department of Public Health rules adopted to implement the provisions of the Nursing Home Care Act concerning certified medication technicians. Provides that the Nursing and Advanced Practice Nursing Act does not prohibit delegation to a certified medication technician of the administration of medications in accordance with the provisions of the Nursing Home Care Act concerning certified medication technicians.

LRB094 07335 DRJ 37493 b

FISCAL NOTE ACT  
MAY APPLY

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 Assisted Living and Shared Housing Act is  
5 amended by changing Section 70 as follows:

6 (210 ILCS 9/70)

7 Sec. 70. Service requirements. An establishment must  
8 provide all mandatory services and may provide optional  
9 services, including medication reminders, supervision of  
10 self-administered medication and medication administration as  
11 defined by this Section and nonmedical services defined by  
12 rule, whether provided directly by the establishment or by  
13 another entity arranged for by the establishment with the  
14 consent of the resident or the resident's representative.

15 For the purposes of this Section, "medication reminders"  
16 means reminding residents to take pre-dispensed,  
17 self-administered medication, observing the resident, and  
18 documenting whether or not the resident took the medication.

19 For the purposes of this Section, "supervision of  
20 self-administered medication" means assisting the resident  
21 with self-administered medication using any combination of the  
22 following: reminding residents to take medication, reading the  
23 medication label to residents, checking the self-administered  
24 medication dosage against the label of the medication,  
25 confirming that residents have obtained and are taking the  
26 dosage as prescribed, and documenting in writing that the  
27 resident has taken (or refused to take) the medication. If  
28 residents are physically unable to open the container, the  
29 container may be opened for them. Supervision of  
30 self-administered medication shall be under the direction of a  
31 licensed health care professional.

32 For the purposes of this Section, "medication

1 administration" refers to a licensed health care professional  
2 employed by an establishment engaging in administering routine  
3 insulin and vitamin B-12 injections, oral medications, topical  
4 treatments, eye and ear drops, or nitroglycerin patches.  
5 Non-licensed staff may not administer any medication, except  
6 that a certified medication technician may administer all  
7 medications allowed under Department of Public Health rules  
8 adopted to implement Section 3-206.05 of the Nursing Home Care  
9 Act.

10 The Department shall specify by rule procedures for  
11 medication reminders, supervision of self-administered  
12 medication, and medication administration.

13 Nothing in this Act shall preclude a physician licensed to  
14 practice medicine in all its branches from providing services  
15 to any resident.

16 (Source: P.A. 91-656, eff. 1-1-01.)

17 Section 10. The Nursing Home Care Act is amended by adding  
18 Section 3-206.05 as follows:

19 (210 ILCS 45/3-206.05 new)

20 Sec. 3-206.05. Certified medication technician.

21 (a) The Department shall adopt and implement rules for the  
22 training, certification, and employment of certified  
23 medication technicians in facilities licensed under this Act.  
24 Certified medication technicians shall be allowed to  
25 administer medications to facility residents under the  
26 direction of a duly licensed Registered Nurse in accordance  
27 with rules adopted by the Department under this Section.

28 (b) Unless an individual is certified under this Section:

29 (1) The individual may not practice as a certified  
30 medication technician.

31 (2) A facility may not employ the individual as a  
32 certified medication technician.

33 (c) A certified medication technician must:

34 (1) Be a duly certified nursing assistant under this

1 Act.

2 (2) Satisfactorily complete the medication technician  
3 training program prescribed by the Department.

4 (3) Satisfactorily meet all continuing education and  
5 recertification requirements prescribed by the Department.

6 (d) The Department shall:

7 (1) Prescribe education and training programs for  
8 certified medication technicians.

9 (2) Prescribe requirements for re-certification,  
10 including continuing education and in-service  
11 requirements.

12 (3) Develop standards concerning the functions that  
13 may be performed by certified medication technicians,  
14 including standards for supervision and oversight by a  
15 licensed Registered Nurse.

16 Section 15. The Nursing and Advanced Practice Nursing Act  
17 is amended by changing Section 5-15 as follows:

18 (225 ILCS 65/5-15)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 5-15. Policy; application of Act. For the protection  
21 of life and the promotion of health, and the prevention of  
22 illness and communicable diseases, any person practicing or  
23 offering to practice professional and practical nursing in  
24 Illinois shall submit evidence that he or she is qualified to  
25 practice, and shall be licensed as provided under this Act. No  
26 person shall practice or offer to practice professional or  
27 practical nursing in Illinois or use any title, sign, card or  
28 device to indicate that such a person is practicing  
29 professional or practical nursing unless such person has been  
30 licensed under the provisions of this Act.

31 This Act does not prohibit the following:

32 (a) The practice of nursing in Federal employment in  
33 the discharge of the employee's duties by a person who is  
34 employed by the United States government or any bureau,

1 division or agency thereof and is a legally qualified and  
2 licensed nurse of another state or territory and not in  
3 conflict with Sections 10-5, 10-30, and 10-45 of this Act.

4 (b) Nursing that is included in their program of study  
5 by students enrolled in programs of nursing or in current  
6 nurse practice update courses approved by the Department.

7 (c) The furnishing of nursing assistance in an  
8 emergency.

9 (d) The practice of nursing by a nurse who holds an  
10 active license in another state when providing services to  
11 patients in Illinois during a bonafide emergency or in  
12 immediate preparation for or during interstate transit.

13 (e) The incidental care of the sick by members of the  
14 family, domestic servants or housekeepers, or care of the  
15 sick where treatment is by prayer or spiritual means.

16 (f) Persons from being employed as nursing aides,  
17 attendants, orderlies, and other auxiliary workers in  
18 private homes, long term care facilities, nurseries,  
19 hospitals or other institutions.

20 (g) The practice of practical nursing by one who has  
21 applied in writing to the Department in form and substance  
22 satisfactory to the Department, for a license as a licensed  
23 practical nurse and who has complied with all the  
24 provisions under Section 10-30, except the passing of an  
25 examination to be eligible to receive such license, until:  
26 the decision of the Department that the applicant has  
27 failed to pass the next available examination authorized by  
28 the Department or has failed, without an approved excuse,  
29 to take the next available examination authorized by the  
30 Department or until the withdrawal of the application, but  
31 not to exceed 3 months. An applicant practicing practical  
32 nursing under this Section who passes the examination,  
33 however, may continue to practice under this Section until  
34 such time as he or she receives his or her license to  
35 practice or until the Department notifies him or her that  
36 the license has been denied. No applicant for licensure

1 practicing under the provisions of this paragraph shall  
2 practice practical nursing except under the direct  
3 supervision of a registered professional nurse licensed  
4 under this Act or a licensed physician, dentist or  
5 podiatrist. In no instance shall any such applicant  
6 practice or be employed in any supervisory capacity.

7 (h) The practice of practical nursing by one who is a  
8 licensed practical nurse under the laws of another U.S.  
9 jurisdiction and has applied in writing to the Department,  
10 in form and substance satisfactory to the Department, for a  
11 license as a licensed practical nurse and who is qualified  
12 to receive such license under Section 10-30, until (1) the  
13 expiration of 6 months after the filing of such written  
14 application, (2) the withdrawal of such application, or (3)  
15 the denial of such application by the Department.

16 (i) The practice of professional nursing by one who has  
17 applied in writing to the Department in form and substance  
18 satisfactory to the Department for a license as a  
19 registered professional nurse and has complied with all the  
20 provisions under Section 10-30 except the passing of an  
21 examination to be eligible to receive such license, until  
22 the decision of the Department that the applicant has  
23 failed to pass the next available examination authorized by  
24 the Department or has failed, without an approved excuse,  
25 to take the next available examination authorized by the  
26 Department or until the withdrawal of the application, but  
27 not to exceed 3 months. An applicant practicing  
28 professional nursing under this Section who passes the  
29 examination, however, may continue to practice under this  
30 Section until such time as he or she receives his or her  
31 license to practice or until the Department notifies him or  
32 her that the license has been denied. No applicant for  
33 licensure practicing under the provisions of this  
34 paragraph shall practice professional nursing except under  
35 the direct supervision of a registered professional nurse  
36 licensed under this Act. In no instance shall any such

1 applicant practice or be employed in any supervisory  
2 capacity.

3 (j) The practice of professional nursing by one who is  
4 a registered professional nurse under the laws of another  
5 state, territory of the United States or country and has  
6 applied in writing to the Department, in form and substance  
7 satisfactory to the Department, for a license as a  
8 registered professional nurse and who is qualified to  
9 receive such license under Section 10-30, until (1) the  
10 expiration of 6 months after the filing of such written  
11 application, (2) the withdrawal of such application, or (3)  
12 the denial of such application by the Department.

13 (k) The practice of professional nursing that is  
14 included in a program of study by one who is a registered  
15 professional nurse under the laws of another state or  
16 territory of the United States or foreign country,  
17 territory or province and who is enrolled in a graduate  
18 nursing education program or a program for the completion  
19 of a baccalaureate nursing degree in this State, which  
20 includes clinical supervision by faculty as determined by  
21 the educational institution offering the program and the  
22 health care organization where the practice of nursing  
23 occurs. The educational institution will file with the  
24 Department each academic term a list of the names and  
25 origin of license of all professional nurses practicing  
26 nursing as part of their programs under this provision.

27 (l) Any person licensed in this State under any other  
28 Act from engaging in the practice for which she or he is  
29 licensed.

30 (m) Delegation to authorized direct care staff trained  
31 under Section 15.4 of the Mental Health and Developmental  
32 Disabilities Administrative Act.

33 (n) Delegation of administration of medications to a  
34 certified medication technician certified under Section  
35 3-206.05 of the Nursing Home Care Act.

36 An applicant for license practicing under the exceptions

1 set forth in subparagraphs (g), (h), (i), and (j) of this  
2 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.  
3 Pend. respectively and no other.

4 (Source: P.A. 93-265, eff. 7-22-03.)