



Rep. Eddie Washington

**Filed: 4/11/2005**

09400HB0822ham001

LRB094 07335 DRJ 44826 a

1 AMENDMENT TO HOUSE BILL 822

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 822 by replacing  
3 everything after the enacting clause with the following:

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,

1 confirming that residents have obtained and are taking the  
2 dosage as prescribed, and documenting in writing that the  
3 resident has taken (or refused to take) the medication. If  
4 residents are physically unable to open the container, the  
5 container may be opened for them. Supervision of  
6 self-administered medication shall be under the direction of a  
7 licensed health care professional.

8 For the purposes of this Section, "medication  
9 administration" refers to a licensed health care professional  
10 employed by an establishment engaging in administering routine  
11 insulin and vitamin B-12 injections, oral medications, topical  
12 treatments, eye and ear drops, or nitroglycerin patches.  
13 Non-licensed staff may not administer any medication, except  
14 that a certified medication aide may administer all medications  
15 allowed under Department of Public Health rules adopted to  
16 implement Section 3-206.05 of the Nursing Home Care Act. A  
17 certified medication aide is prohibited from administering  
18 medication to a resident until the required comprehensive  
19 assessment by a physician is completed. A certified medication  
20 aide is prohibited from administering medication to a resident  
21 whose medical condition is determined to be unstable.

22 The Department shall specify by rule procedures for  
23 medication reminders, supervision of self-administered  
24 medication, and medication administration.

25 Nothing in this Act shall preclude a physician licensed to  
26 practice medicine in all its branches from providing services  
27 to any resident.

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

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

31 (210 ILCS 45/3-206.05 new)

32 Sec. 3-206.05. Certified medication aide.

1       (a) The General Assembly finds that 30 other states have  
2 had successful medication aide programs for many years.  
3 Further, the addition of certified medication aides would  
4 increase the amount of skilled nursing care available by  
5 enabling licensed nurses to devote even more time to the  
6 assessment and monitoring of patient conditions. The certified  
7 medication aide will assist a licensed nurse in the  
8 administration of routine medications.

9       (b) The Director shall appoint a Planning and Certification  
10 Committee to develop the training curriculum, certification  
11 test, certification requirements, continuing education  
12 standards, regulations, and ongoing evaluation process for  
13 medication aides. The committee shall review any reports of  
14 gross negligence on the part of any medication aide and shall  
15 monitor the overall effectiveness of the medication aide  
16 program. The committee shall be composed of one representative  
17 from a nursing association, one representative from a nursing  
18 school, one representative from the community colleges, one  
19 representative from an organization advocating for seniors,  
20 and 3 representatives from associations representing long-term  
21 care providers. The committee shall submit an annual progress  
22 report to the General Assembly beginning July 1, 2006. The  
23 report shall include a progress report on medication aide  
24 program implementation and recommendations for legislative  
25 changes necessary for program improvement.

26       (c) Based on the recommendations of the Planning and  
27 Certification Committee, the Department shall adopt and  
28 implement rules for the training, certification, and  
29 employment of certified medication aides in facilities  
30 licensed under this Act. Certified medication aides shall be  
31 allowed to administer medications to facility residents under  
32 the supervision of a duly licensed health care professional in  
33 accordance with rules adopted by the Department under this  
34 Section.

1 (d) Unless an individual is certified under this Section:

2 (1) The individual may not practice as a certified  
3 medication aide.

4 (2) A facility may not employ the individual as a  
5 certified medication aide.

6 (e) A certified medication aide must comply with all of the  
7 following:

8 (1) He or she must be a duly certified nursing  
9 assistant under this Act for at least one year.

10 (2) He or she must satisfactorily complete the  
11 medication aide training program involving at least 60  
12 hours of classroom training and 40 hours of clinical  
13 training prescribed by the Department.

14 (3) He or she must satisfactorily meet all continuing  
15 education and recertification requirements prescribed by  
16 the Department.

17 (4) He or she may not administer any schedule II  
18 controlled substances, any medication by sub-cutaneous,  
19 intramuscular, intradermal, or intravenous route, or any  
20 medications injected into a tube.

21 (5) He or she may not pass medications in a sub-acute  
22 section of a nursing home.

23 (6) He or she is prohibited from administering  
24 medication to a resident of a long-term care facility until  
25 the initial comprehensive assessment is completed and  
26 reviewed by a licensed health care professional.

27 (7) He or she is prohibited from administering  
28 medication to a resident whose comprehensive assessment  
29 indicated an unstable medical condition.

30 (f) A facility must comply with the following staffing  
31 requirements:

32 (1) Only a certified medication aide may be employed in  
33 the capacity of a medication aide.

34 (2) A certified medication aide may not be assigned

1 other duties when employed in the capacity of a medication  
2 aide.

3 (3) A certified medication aide may not be used to  
4 achieve minimum staffing requirements under this Act.

5 (g) The Department shall do all of the following:

6 (1) Prescribe education and training programs for  
7 certified medication aides.

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

11 (3) Develop standards concerning the functions that  
12 may be performed by certified medication aides, including  
13 standards for oversight by a licensed healthcare  
14 professional.

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

17 (225 ILCS 65/5-15)

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

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

30 This Act does not prohibit the following:

31 (a) The practice of nursing in Federal employment in  
32 the discharge of the employee's duties by a person who is

1 employed by the United States government or any bureau,  
2 division or agency thereof and is a legally qualified and  
3 licensed nurse of another state or territory and not in  
4 conflict with Sections 10-5, 10-30, and 10-45 of this Act.

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

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

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

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

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

21 (g) The practice of practical nursing by one who has  
22 applied in writing to the Department in form and substance  
23 satisfactory to the Department, for a license as a licensed  
24 practical nurse and who has complied with all the  
25 provisions under Section 10-30, except the passing of an  
26 examination to be eligible to receive such license, until:  
27 the decision of the Department that the applicant has  
28 failed to pass the next available examination authorized by  
29 the Department or has failed, without an approved excuse,  
30 to take the next available examination authorized by the  
31 Department or until the withdrawal of the application, but  
32 not to exceed 3 months. An applicant practicing practical  
33 nursing under this Section who passes the examination,  
34 however, may continue to practice under this Section until

1 such time as he or she receives his or her license to  
2 practice or until the Department notifies him or her that  
3 the license has been denied. No applicant for licensure  
4 practicing under the provisions of this paragraph shall  
5 practice practical nursing except under the direct  
6 supervision of a registered professional nurse licensed  
7 under this Act or a licensed physician, dentist or  
8 podiatrist. In no instance shall any such applicant  
9 practice or be employed in any supervisory capacity.

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

19 (i) The practice of professional nursing by one who has  
20 applied in writing to the Department in form and substance  
21 satisfactory to the Department for a license as a  
22 registered professional nurse and has complied with all the  
23 provisions under Section 10-30 except the passing of an  
24 examination to be eligible to receive such license, until  
25 the decision of the Department that the applicant has  
26 failed to pass the next available examination authorized by  
27 the Department or has failed, without an approved excuse,  
28 to take the next available examination authorized by the  
29 Department or until the withdrawal of the application, but  
30 not to exceed 3 months. An applicant practicing  
31 professional nursing under this Section who passes the  
32 examination, however, may continue to practice under this  
33 Section until such time as he or she receives his or her  
34 license to practice or until the Department notifies him or

1 her that the license has been denied. No applicant for  
2 licensure practicing under the provisions of this  
3 paragraph shall practice professional nursing except under  
4 the direct supervision of a registered professional nurse  
5 licensed under this Act. In no instance shall any such  
6 applicant practice or be employed in any supervisory  
7 capacity.

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

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

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



1 (m) Delegation to authorized direct care staff trained  
2 under Section 15.4 of the Mental Health and Developmental  
3 Disabilities Administrative Act.

4 (n) Administration of medications by a certified  
5 medication aide certified under Section 3-206.05 of the  
6 Nursing Home Care Act. Any nurse providing supervision to a  
7 certified medication aide is not liable under this Act for  
8 the actions of the medication aide.

9 An applicant for license practicing under the exceptions  
10 set forth in subparagraphs (g), (h), (i), and (j) of this  
11 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.  
12 Pend. respectively and no other.

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