



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3497

Introduced 2/23/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

New Act
225 ILCS 65/5-10
225 ILCS 65/5-15
225 ILCS 65/10-30

Creates the Nurse Licensure Compact Act. Allows for reciprocity of licensure of licensed practical nurses and registered nurses among the states. Provides for administration of the Compact by the Nursing Act Coordinator. Provides that the licensing board shall participate in a Compact Evaluation Initiative designed to evaluate the effectiveness and operability of the Compact. Provides that the Compact does not relieve employers from complying with statutorily imposed obligations. Provides that the Compact does not supersede existing State labor laws. Amends the Nursing and Advanced Practice Nursing Act to make changes relating to the purposes of the Compact. Provides that the Department of Financial and Professional Regulation shall adopt any rules necessary for the implementation of this Act. Creates the Advanced Practice Registered Nurse Compact Act. Provides for recognition of the licensure/authority to practice of an advanced practice registered nurse among states. Provides guidelines concerning application, adverse actions, authority of licensing boards, compact administration, and immunity. Provides that the Secretary of Financial and Professional Regulation shall serve as the compact administrator for this State and provides for the termination of Illinois' participation in the compact under specified circumstances. Effective immediately.

LRB094 09922 RAS 40180 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 ARTICLE 5

5 Section 5-1. Short title. This Article may be cited as the
6 Nurse Licensure Compact Act. In this Article any reference to
7 this Act means this Article.

8 Section 5-5. Nurse Licensure Compact. The State of
9 Illinois ratifies and approves the Nurse Licensure Compact and
10 enters into it with all other jurisdictions that legally join
11 in the compact, which is, in form, substantially as follows:

12 ARTICLE I. Findings and Declaration of Purpose

13 (a) The party states find that:

14 (1) the health and safety of the public are affected by
15 the degree of compliance with and the effectiveness of
16 enforcement activities related to state nurse licensure
17 laws;

18 (2) violations of nurse licensure and other laws
19 regulating the practice of nursing may result in injury or
20 harm to the public;

21 (3) the expanded mobility of nurses and the use of
22 advanced communication technologies as part of our
23 nation's healthcare delivery system require greater
24 coordination and cooperation among states in the areas of
25 nurse licensure and regulation;

26 (4) new practice modalities and technology make
27 compliance with individual state nurse licensure laws
28 difficult and complex;

29 (5) the current system of duplicative licensure for

1 nurses practicing in multiple states is cumbersome and
2 redundant to both nurses and states.

3 (b) The general purposes of this Compact are to:

4 (1) facilitate the states' responsibility to protect
5 the public's health and safety;

6 (2) ensure and encourage the cooperation of party
7 states in the areas of nurse licensure and regulation;

8 (3) facilitate the exchange of information between
9 party states in the areas of nurse regulation,
10 investigation and adverse actions;

11 (4) promote compliance with the laws governing the
12 practice of nursing in each jurisdiction;

13 (5) invest all party states with the authority to hold
14 a nurse accountable for meeting all state practice laws in
15 the state in which the patient is located at the time care
16 is rendered through the mutual recognition of party state
17 licenses.

18 ARTICLE II. Definitions

19 As used in this Compact:

20 (a) "Adverse Action" means a home or remote state action.

21 (b) "Alternative program" means a voluntary,
22 non-disciplinary monitoring program approved by a nurse
23 licensing board.

24 (c) "Coordinated licensure information system" means an
25 integrated process for collecting, storing, and sharing
26 information on nurse licensure and enforcement activities
27 related to nurse licensure laws, which is administered by a
28 non-profit organization composed of and controlled by state
29 nurse licensing boards.

30 (d) "Current significant investigative information" means:

31 (1) investigative information that a licensing board,
32 after a preliminary inquiry that includes notification and
33 an opportunity for the nurse to respond if required by
34 state law, has reason to believe is not groundless and, if

1 proved true, would indicate more than a minor infraction;
2 or

3 (2) investigative information that indicates that the
4 nurse represents an immediate threat to public health and
5 safety regardless of whether the nurse has been notified
6 and had an opportunity to respond.

7 (e) "Home state" means the party state which is the nurse's
8 primary state of residence.

9 (f) "Home state action" means any administrative, civil,
10 equitable or criminal action permitted by the home state's laws
11 which are imposed on a nurse by the home state's licensing
12 board or other authority including actions against an
13 individual's license such as: revocation, suspension,
14 probation or any other action which affects a nurse's
15 authorization to practice.

16 (g) "Licensing board" means a party state's regulatory body
17 responsible for issuing nurse licenses.

18 (h) "Multistate licensure privilege" means current,
19 official authority from a remote state permitting the practice
20 of nursing as either a registered nurse or a licensed
21 practical/vocational nurse in such party state. All party
22 states have the authority, in accordance with existing state
23 due process law, to take actions against the nurse's privilege
24 such as: revocation, suspension, probation or any other action
25 which affects a nurse's authorization to practice.

26 (i) "Nurse" means a registered nurse or licensed
27 practical/vocational nurse, as those terms are defined by each
28 party's state practice laws.

29 (j) "Party state" means any state that has adopted this
30 Compact.

31 (k) "Remote state" means a party state, other than the home
32 state,

33 (1) where the patient is located at the time nursing
34 care is provided, or,

35 (2) in the case of the practice of nursing not
36 involving a patient, in such party state where the

1 recipient of nursing practice is located.

2 (l) "Remote state action" means

3 (1) any administrative, civil, equitable or criminal
4 action permitted by a remote state's laws which are imposed
5 on a nurse by the remote state's licensing board or other
6 authority including actions against an individual's
7 multistate licensure privilege to practice in the remote
8 state, and

9 (2) cease and desist and other injunctive or equitable
10 orders issued by remote states or the licensing boards
11 thereof.

12 (m) "State" means a state, territory, or possession of the
13 United States, the District of Columbia or the Commonwealth of
14 Puerto Rico.

15 (n) "State practice laws" means those individual party's
16 state laws and regulations that govern the practice of nursing,
17 define the scope of nursing practice, and create the methods
18 and grounds for imposing discipline. "State practice laws" does
19 not include the initial qualifications for licensure or
20 requirements necessary to obtain and retain a license, except
21 for qualifications or requirements of the home state.

22 ARTICLE III. General Provisions and Jurisdiction

23 (a) A license to practice registered nursing issued by a
24 home state to a resident in that state will be recognized by
25 each party state as authorizing a multistate licensure
26 privilege to practice as a registered nurse in such party
27 state. A license to practice licensed practical/vocational
28 nursing issued by a home state to a resident in that state will
29 be recognized by each party state as authorizing a multistate
30 licensure privilege to practice as a licensed
31 practical/vocational nurse in such party state. In order to
32 obtain or retain a license, an applicant must meet the home
33 state's qualifications for licensure and license renewal as
34 well as all other applicable state laws.

1 (b) Party states may, in accordance with state due process
2 laws, limit or revoke the multistate licensure privilege of any
3 nurse to practice in their state and may take any other actions
4 under their applicable state laws necessary to protect the
5 health and safety of their citizens. If a party state takes
6 such action, it shall promptly notify the administrator of the
7 coordinated licensure information system. The administrator of
8 the coordinated licensure information system shall promptly
9 notify the home state of any such actions by remote states.

10 (c) Every nurse practicing in a party state must comply
11 with the state practice laws of the state in which the patient
12 is located at the time care is rendered. In addition, the
13 practice of nursing is not limited to patient care, but shall
14 include all nursing practice as defined by the state practice
15 laws of a party state. The practice of nursing will subject a
16 nurse to the jurisdiction of the nurse licensing board and the
17 courts, as well as the laws, in that party state.

18 (d) This Compact does not affect additional requirements
19 imposed by states for advanced practice registered nursing.
20 However, a multistate licensure privilege to practice
21 registered nursing granted by a party state shall be recognized
22 by other party states as a license to practice registered
23 nursing if one is required by state law as a precondition for
24 qualifying for advanced practice registered nurse
25 authorization.

26 (e) Individuals not residing in a party state shall
27 continue to be able to apply for nurse licensure as provided
28 for under the laws of each party state. However, the license
29 granted to these individuals will not be recognized as granting
30 the privilege to practice nursing in any other party state
31 unless explicitly agreed to by that party state.

32 ARTICLE IV. Applications for Licensure in a Party State

33 (a) Upon application for a license, the licensing board in
34 a party state shall ascertain, through the coordinated

1 licensure information system, whether the applicant has ever
2 held, or is the holder of, a license issued by any other state,
3 whether there are any restrictions on the multistate licensure
4 privilege, and whether any other adverse action by any state
5 has been taken against the license.

6 (b) A nurse in a party state shall hold licensure in only
7 one party state at a time, issued by the home state.

8 (c) A nurse who intends to change primary state of
9 residence may apply for licensure in the new home state in
10 advance of such change. However, new licenses will not be
11 issued by a party state until after a nurse provides evidence
12 of change in primary state of residence satisfactory to the new
13 home state's licensing board.

14 (d) When a nurse changes primary state of residence by:

15 (1) moving between two party states, and obtains a
16 license from the new home state, the license from the
17 former home state is no longer valid;

18 (2) moving from a non-party state to a party state, and
19 obtains a license from the new home state, the individual
20 state license issued by the non-party state is not affected
21 and will remain in full force if so provided by the laws of
22 the non-party state;

23 (3) moving from a party state to a non-party state, the
24 license issued by the prior home state converts to an
25 individual state license, valid only in the former home
26 state, without the multistate licensure privilege to
27 practice in other party states.

28 ARTICLE V. Adverse Actions

29 In addition to the General Provisions described in Article
30 III, the following provisions apply:

31 (a) The licensing board of a remote state shall promptly
32 report to the administrator of the coordinated licensure
33 information system any remote state actions including the
34 factual and legal basis for such action, if known. The

1 licensing board of a remote state shall also promptly report
2 any significant current investigative information yet to
3 result in a remote state action. The administrator of the
4 coordinated licensure information system shall promptly notify
5 the home state of any such reports.

6 (b) The licensing board of a party state shall have the
7 authority to complete any pending investigations for a nurse
8 who changes primary state of residence during the course of
9 such investigations. It shall also have the authority to take
10 appropriate action(s), and shall promptly report the
11 conclusions of such investigations to the administrator of the
12 coordinated licensure information system. The administrator of
13 the coordinated licensure information system shall promptly
14 notify the new home state of any such actions.

15 (c) A remote state may take adverse action affecting the
16 multistate licensure privilege to practice within that party
17 state. However, only the home state shall have the power to
18 impose adverse action against the license issued by the home
19 state.

20 (d) For purposes of imposing adverse action, the licensing
21 board of the home state shall give the same priority and effect
22 to reported conduct received from a remote state as it would if
23 such conduct had occurred within the home state. In so doing,
24 it shall apply its own state laws to determine appropriate
25 action.

26 (e) The home state may take adverse action based on the
27 factual findings of the remote state, so long as each state
28 follows its own procedures for imposing such adverse action.

29 (f) Nothing in this Compact shall override a party state's
30 decision that participation in an alternative program may be
31 used in lieu of licensure action and that such participation
32 shall remain non-public if required by the party state's laws.
33 Party states must require nurses who enter any alternative
34 programs to agree not to practice in any other party state
35 during the term of the alternative program without prior
36 authorization from such other party state.

1 ARTICLE VI. Additional Authorities Invested in Party State

2 Nurse Licensing Boards

3 Notwithstanding any other powers, party state nurse
4 licensing boards shall have the authority to:

5 (a) if otherwise permitted by state law, recover from the
6 affected nurse the costs of investigations and disposition of
7 cases resulting from any adverse action taken against that
8 nurse;

9 (b) issue subpoenas for both hearings and investigations
10 which require the attendance and testimony of witnesses, and
11 the production of evidence. Subpoenas issued by a nurse
12 licensing board in a party state for the attendance and
13 testimony of witnesses, and/or the production of evidence from
14 another party state, shall be enforced in the latter state by
15 any court of competent jurisdiction, according to the practice
16 and procedure of that court applicable to subpoenas issued in
17 proceedings pending before it. The issuing authority shall pay
18 any witness fees, travel expenses, mileage and other fees
19 required by the service statutes of the state where the
20 witnesses and/or evidence are located.

21 (c) issue cease and desist orders to limit or revoke a
22 nurse's authority to practice in their state;

23 (d) promulgate uniform rules and regulations as provided
24 for in Article VIII(c).

25 ARTICLE VII. Coordinated Licensure Information System

26 (a) All party states shall participate in a cooperative
27 effort to create a coordinated data base of all licensed
28 registered nurses and licensed practical/vocational nurses.
29 This system will include information on the licensure and
30 disciplinary history of each nurse, as contributed by party
31 states, to assist in the coordination of nurse licensure and
32 enforcement efforts.

1 (b) Notwithstanding any other provision of law, all party
2 states' licensing boards shall promptly report adverse
3 actions, actions against multistate licensure privileges, any
4 current significant investigative information yet to result in
5 adverse action, denials of applications, and the reasons for
6 such denials, to the coordinated licensure information system.

7 (c) Current significant investigative information shall be
8 transmitted through the coordinated licensure information
9 system only to party state licensing boards.

10 (d) Notwithstanding any other provision of law, all party
11 states' licensing boards contributing information to the
12 coordinated licensure information system may designate
13 information that may not be shared with non-party states or
14 disclosed to other entities or individuals without the express
15 permission of the contributing state.

16 (e) Any personally identifiable information obtained by a
17 party states' licensing board from the coordinated licensure
18 information system may not be shared with non-party states or
19 disclosed to other entities or individuals except to the extent
20 permitted by the laws of the party state contributing the
21 information.

22 (f) Any information contributed to the coordinated
23 licensure information system that is subsequently required to
24 be expunged by the laws of the party state contributing that
25 information, shall also be expunged from the coordinated
26 licensure information system.

27 (g) The Compact administrators, acting jointly with each
28 other and in consultation with the administrator of the
29 coordinated licensure information system, shall formulate
30 necessary and proper procedures for the identification,
31 collection and exchange of information under this Compact.

32 ARTICLE VIII. Compact Administration and Interchange of
33 Information

34 (a) The head of the nurse licensing board, or his/her

1 designee, of each party state shall be the administrator of
2 this Compact for his/her state.

3 (b) The Compact administrator of each party state shall
4 furnish to the Compact administrator of each other party state
5 any information and documents including, but not limited to, a
6 uniform data set of investigations, identifying information,
7 licensure data, and disclosable alternative program
8 participation information to facilitate the administration of
9 this Compact.

10 (c) Compact administrators shall have the authority to
11 develop uniform rules to facilitate and coordinate
12 implementation of this Compact. These uniform rules shall be
13 adopted by party states, under the authority invested under
14 Article VI (d).

15 ARTICLE IX. Immunity

16 No party state or the officers or employees or agents of a
17 party state's nurse licensing board who acts in accordance with
18 the provisions of this Compact shall be liable on account of
19 any act or omission in good faith while engaged in the
20 performance of their duties under this Compact. Good faith in
21 this article shall not include willful misconduct, gross
22 negligence, or recklessness.

23 ARTICLE X. Entry into Force, Withdrawal and Amendment

24 (a) This Compact shall enter into force and become
25 effective as to any state when it has been enacted into the
26 laws of that state. Any party state may withdraw from this
27 Compact by enacting a statute repealing the same, but no such
28 withdrawal shall take effect until six months after the
29 withdrawing state has given notice of the withdrawal to the
30 executive heads of all other party states.

31 (b) No withdrawal shall affect the validity or
32 applicability by the licensing boards of states remaining party

1 to the Compact of any report of adverse action occurring prior
2 to the withdrawal.

3 (c) Nothing contained in this Compact shall be construed to
4 invalidate or prevent any nurse licensure agreement or other
5 cooperative arrangement between a party state and a non-party
6 state that is made in accordance with the other provisions of
7 this Compact.

8 (d) This Compact may be amended by the party states. No
9 amendment to this Compact shall become effective and binding
10 upon the party states unless and until it is enacted into the
11 laws of all party states.

12 ARTICLE XI. Construction and Severability

13 (a) This Compact shall be liberally construed so as to
14 effectuate the purposes thereof. The provisions of this Compact
15 shall be severable and if any phrase, clause, sentence or
16 provision of this Compact is declared to be contrary to the
17 constitution of any party state or of the United States or the
18 applicability thereof to any government, agency, person or
19 circumstance is held invalid, the validity of the remainder of
20 this Compact and the applicability thereof to any government,
21 agency, person or circumstance shall not be affected thereby.
22 If this Compact shall be held contrary to the constitution of
23 any state party thereto, the Compact shall remain in full force
24 and effect as to the remaining party states and in full force
25 and effect as to the party state affected as to all severable
26 matters.

27 (b) In the event party states find a need for settling
28 disputes arising under this Compact:

29 (1) The party states may submit the issues in dispute
30 to an arbitration panel which will be comprised of an
31 individual appointed by the Compact administrator in the
32 home state; an individual appointed by the Compact
33 administrator in the remote state(s) involved; and an
34 individual mutually agreed upon by the Compact

1 administrators of all the party states involved in the
2 dispute.

3 (2) The decision of a majority of the arbitrators shall
4 be final and binding.

5 Section 5-10. Compact administrator. The head of the nurse
6 licensing board as used to define the compact administrator in
7 Article VIII(a) of the Compact shall mean the Nursing Act
8 Coordinator as defined under Section 10-15 of the Nursing and
9 Advanced Practice Nursing Act.

10 Section 5-15. Compact Evaluation Initiative. Upon the
11 effective date of this Compact, the licensing board shall
12 participate in a Compact Evaluation Initiative designed to
13 evaluate the effectiveness and operability of the Compact. Such
14 Compact Evaluation Initiative shall be conducted by an outside
15 researcher. A component of the Evaluation shall include a
16 remote state identification system through which nurses shall
17 designate those remote states in which the nurse is practicing.
18 A nurse's practice information in such identification system
19 shall be updated upon issuance and renewal of the nurse
20 license. The Evaluation shall continue until the year 2005,
21 after which time a report shall be produced for comment by the
22 participating licensing boards and shall be submitted to the
23 General Assembly in the form of a Nurse Licensure Compact
24 evaluation report.

25 Section 5-20. Costs of investigation and disposition of
26 cases. To facilitate cross-state enforcement efforts, the
27 General Assembly finds that it is necessary for Illinois to
28 have the power to recover from the affected nurse the costs of
29 investigations and disposition of cases resulting from adverse
30 actions taken by this State against that nurse.

31 Section 5-25. Statutory obligations. This Compact is
32 designed to facilitate the regulation of nurses and does not

1 relieve employers from complying with statutorily imposed
2 obligations.

3 Section 5-30. State labor laws. This Compact does not
4 supersede existing State labor laws.

5 ARTICLE 10

6 Section 10-1. Short title. This Article may be cited as the
7 Advanced Practice Registered Nurse Compact Act. In this
8 Article, any reference to this Act means this Article.

9 Section 10-5. Ratification and approval of compact. The
10 advanced practice registered nurse compact is hereby enacted
11 into law and entered into on behalf of this State with any
12 state that legally joins therein in substantially the following
13 form:

14 ARTICLE I. Findings and Declaration of Purpose

15 (a) The party states find that:

16 (1) The health and safety of the public are affected by
17 the degree of compliance with APRN licensure/authority to
18 practice requirements and the effectiveness of enforcement
19 activities related to state APRN licensure/authority to
20 practice laws;

21 (2) Violations of APRN licensure/authority to practice
22 and other laws regulating the practice of nursing may
23 result in injury or harm to the public;

24 (3) The expanded mobility of APRNs and the use of
25 advanced communication technologies as part of our
26 nation's health care delivery system require greater
27 coordination and cooperation among states in the areas of
28 APRN licensure/authority to practice and regulation;

29 (4) New practice modalities and technology make
30 compliance with individual state APRN licensure/authority

1 to practice laws difficult and complex;

2 (5) The current system of duplicative APRN
3 licensure/authority to practice for APRNs practicing in
4 multiple states is cumbersome and redundant to both APRNs
5 and states;

6 (6) Uniformity of APRN requirements throughout the
7 states promotes public safety and public health benefits;
8 and

9 (7) Access to APRN services increases the public's
10 access to health care, particularly in rural and
11 underserved areas.

12 (b) The general purposes of this Compact are to:

13 (1) Facilitate the states' responsibilities to protect
14 the public's health and safety;

15 (2) Ensure and encourage the cooperation of party
16 states in the areas of APRN licensure/authority to practice
17 and regulation including promotion of uniform licensure
18 requirements;

19 (3) Facilitate the exchange of information between
20 party states in the areas of APRN regulation, investigation
21 and adverse actions;

22 (4) Promote compliance with the laws governing APRN
23 practice in each jurisdiction; and

24 (5) Invest all party states with the authority to hold
25 an APRN accountable for meeting all state practice laws in
26 the state in which the patient is located at the time care
27 is rendered through the mutual recognition of party state
28 licenses.

29 ARTICLE II. Definitions

30 As used in this Compact:

31 (a) "Advanced Practice Registered Nurse" or "APRN" means a
32 Nurse Anesthetist; Nurse Practitioner; Nurse Midwife; or
33 Clinical Nurse Specialist to the extent a party state licenses
34 or grants authority to practice in that APRN role and title.

1 (b) "Adverse Action" means a home or remote state
2 disciplinary action.

3 (c) "Alternative program" means a voluntary,
4 non-disciplinary monitoring program approved by a licensing
5 board.

6 (d) "APRN Licensure/Authority to Practice" means the
7 regulatory mechanism used by a party state to grant legal
8 authority to practice as an APRN.

9 (e) "APRN Uniform Licensure/Authority to Practice
10 Requirements" means those agreed upon minimum uniform
11 licensure, education and examination requirements adopted by
12 licensing boards for the recognized APRN role and title.

13 (f) "Coordinated licensure information system" means an
14 integrated process for collecting, storing and sharing
15 information on APRN licensure/authority to practice and
16 enforcement activities related to APRN licensure/authority to
17 practice laws, which is administered by a non-profit
18 organization composed of and controlled by state licensing
19 boards.

20 (g) "Current significant investigative information" means:

21 (1) Investigative information that a licensing board,
22 after a preliminary inquiry that includes notification and
23 an opportunity for the APRN to respond if required by state
24 law, has reason to believe is not groundless and, if proved
25 true, would indicate more than a minor infraction; or

26 (2) Investigative information that indicates that the
27 APRN represents an immediate threat to public health and
28 safety regardless of whether the APRN has been notified and
29 had an opportunity to respond.

30 (h) "Home state" means the party state that is the APRN's
31 primary state of residence.

32 (i) "Home state action" means any administrative, civil,
33 equitable or criminal action permitted by the home state's laws
34 which are imposed on an APRN by the home state's licensing
35 board or other authority including actions against an
36 individual's license/authority to practice such as:

1 revocation, suspension, probation or any other action which
2 affects an APRN's authorization to practice.

3 (j) "Licensing board" means a party state's regulatory body
4 responsible for issuing APRN licensure/authority to practice.

5 (k) "Multistate advanced practice privilege" means
6 current, authority from a remote state permitting an APRN to
7 practice in that state in the same role and title as the APRN
8 is licensed/authorized to practice in the home state to the
9 extent that the remote state laws recognize such APRN role and
10 title. A remote state has the authority, in accordance with
11 existing state due process laws, to take actions against the
12 APRN's privilege, including revocation, suspension, probation,
13 or any other action that affects an APRN's multistate privilege
14 to practice.

15 (l) "Party state" means any state that has adopted this
16 Compact.

17 (m) "Prescriptive authority" means the legal authority to
18 prescribe medications and devices as defined by party state
19 laws.

20 (n) "Remote state" means a party state, other than the home
21 state,

22 (1) Where the patient is located at the time APRN care
23 is provided, or,

24 (2) In the case of APRN practice not involving a
25 patient, in such party state where the recipient of APRN
26 practice is located.

27 (o) "Remote state action" means

28 (1) Any administrative, civil, equitable or criminal
29 action permitted by a remote state's laws which are imposed
30 on an APRN by the remote state's licensing board or other
31 authority including actions against an individual's
32 multistate advanced practice privilege in the remote
33 state, and

34 (2) Cease and desist and other injunctive or equitable
35 orders issued by remote states or the licensing boards
36 thereof.

1 (p) "State" means a state, territory, or possession of the
2 United States.

3 (q) "State practice laws" means a party state's laws and
4 regulations that govern APRN practice, define the scope of
5 advanced nursing practice including prescriptive authority,
6 and create the methods and grounds for imposing discipline.
7 State practice laws do not include the requirements necessary
8 to obtain and retain APRN licensure/authority to practice as an
9 APRN, except for qualifications or requirements of the home
10 state.

11 (r) "Unencumbered" means that a state has no current
12 disciplinary action against an APRN's license/authority to
13 practice.

14 ARTICLE III. General Provisions and Jurisdiction

15 (a) All party states shall participate in the Nurse
16 Licensure Compact for registered nurses and licensed
17 practical/vocational nurses in order to enter into the APRN
18 Compact.

19 (b) No state shall enter the APRN Compact until the state
20 adopts, at a minimum, the APRN Uniform Licensure/Authority to
21 Practice Requirements for each APRN role and title recognized
22 by the state seeking to enter the APRN Compact.

23 (c) APRN Licensure/Authority to practice issued by a home
24 state to a resident in that state will be recognized by each
25 party state as authorizing a multistate advanced practice
26 privilege to the extent that the role and title are recognized
27 by each party state. To obtain or retain APRN
28 licensure/authority to practice as an APRN, an applicant must
29 meet the home state's qualifications for authority or renewal
30 of authority as well as all other applicable state laws.

31 (d) The APRN multistate advanced practice privilege does
32 not include prescriptive authority, and does not affect any
33 requirements imposed by states to grant to an APRN initial and
34 continuing prescriptive authority according to state practice

1 laws. However, a party state may grant prescriptive authority
2 to an individual on the basis of a multistate advanced practice
3 privilege to the extent permitted by state practice laws.

4 (e) A party state may, in accordance with state due process
5 laws, limit or revoke the multistate advanced practice
6 privilege in the party state and may take any other necessary
7 actions under the party state's applicable laws to protect the
8 health and safety of the party state's citizens. If a party
9 state takes action, the party state shall promptly notify the
10 administrator of the coordinated licensure information system.
11 The administrator of the coordinated licensure information
12 system shall promptly notify the home state of any such actions
13 by remote states.

14 (f) An APRN practicing in a party state must comply with
15 the state practice laws of the state in which the patient is
16 located at the time care is provided. The APRN practice
17 includes patient care and all advanced nursing practice defined
18 by the party state's practice laws. The APRN practice will
19 subject an APRN to the jurisdiction of the licensing board, the
20 courts, and the laws of the party state.

21 (g) Individuals not residing in a party state may apply for
22 APRN licensure/authority to practice as an APRN under the laws
23 of a party state. However, the authority to practice granted to
24 these individuals will not be recognized as granting the
25 privilege to practice as an APRN in any other party state
26 unless explicitly agreed to by that party state.

27 ARTICLE IV. Applications for APRN Licensure/Authority to
28 Practice in a Party State

29 (a) Once an application for APRN licensure/authority to
30 practice is submitted, a party state shall ascertain, through
31 the Coordinated Licensure Information System, whether:

32 (1) The applicant has held or is the holder of a
33 nursing license/authority to practice issued by another
34 state;

1 (2) The applicant has had a history of previous
2 disciplinary action by any state;

3 (3) An encumbrance exists on any license/authority to
4 practice; and

5 (4) Any other adverse action by any other state has
6 been taken against a license/authority to practice.

7 This information may be used in approving or denying an
8 application for APRN licensure/authority to practice.

9 (b) An APRN in a party state shall hold APRN
10 licensure/authority to practice in only one party state at a
11 time, issued by the home state.

12 (c) An APRN who intends to change primary state of
13 residence may apply for APRN licensure/authority to practice in
14 the new home state in advance of such change. However, new
15 licensure/authority to practice will not be issued by a party
16 state until after an APRN provides evidence of change in
17 primary state of residence satisfactory to the new home state's
18 licensing board.

19 (d) When an APRN changes primary state of residence by:

20 (1) Moving between two party states, and obtains APRN
21 licensure/authority to practice from the new home state,
22 the APRN licensure/authority to practice from the former
23 home state is no longer valid;

24 (2) Moving from a non-party state to a party state, and
25 obtains APRN licensure/authority to practice from the new
26 home state, the individual state license issued by the
27 nonparty state is not affected and will remain in full
28 force if so provided by the laws of the non-party state;

29 (3) Moving from a party state to a non-party state, the
30 APRN licensure/authority to practice issued by the prior
31 home state converts to an individual state license, valid
32 only in the former home state, without the multistate
33 licensure privilege to practice in other party states.

1 In addition to the General Provisions described in Article
2 III, the following provisions apply:

3 (a) The licensing board of a remote state shall promptly
4 report to the administrator of the coordinated licensure
5 information system any remote state actions including the
6 factual and legal basis for such action, if known. The
7 licensing board of a remote state shall also promptly report
8 any significant current investigative information yet to
9 result in a remote state action. The administrator of the
10 coordinated licensure information system shall promptly notify
11 the home state of any such reports.

12 (b) The licensing board of a party state shall have the
13 authority to complete any pending investigations for an APRN
14 who changes primary state of residence during the course of
15 such investigations. It shall also have the authority to take
16 appropriate action(s), and shall promptly report the
17 conclusions of such investigations to the administrator of the
18 coordinated licensure information system. The administrator of
19 the coordinated licensure information system shall promptly
20 notify the new home state of any such actions.

21 (c) A remote state may take adverse action affecting the
22 multistate advanced practice privilege to practice within that
23 party state. However, only the home state shall have the power
24 to impose adverse action against the APRN licensure/authority
25 to practice issued by the home state.

26 (d) For purposes of imposing adverse action, the licensing
27 board of the home state shall give the same priority and effect
28 to reported conduct received from a remote state as it would if
29 such conduct had occurred within the home state. In so doing,
30 it shall apply its own state laws to determine appropriate
31 action.

32 (e) The home state may take adverse action based on the
33 factual findings of the remote state, so long as each state
34 follows its own procedures for imposing such adverse action.

35 (f) Nothing in this Compact shall override a party state's
36 decision that participation in an alternative program may be

1 used in lieu of adverse action and that such participation
2 shall remain non-public if required by the party state's laws.
3 Party states must require APRNs who enter any alternative
4 programs to agree not to practice in any other party state
5 during the term of the alternative program without prior
6 authorization from such other party state.

7 (g) All home state licensing board disciplinary orders,
8 agreed or otherwise, which limit the scope of the APRN's
9 practice or require monitoring of the APRN as a condition of
10 the order shall include the requirements that the APRN will
11 limit her or his practice to the home state during the pendency
12 of the order. This requirement may allow the APRN to practice
13 in other party states with prior written authorization from
14 both the home state and party state licensing boards.

15 ARTICLE VI. Additional Authorities Invested in Party State
16 Licensing Boards

17 Notwithstanding any other powers, party state licensing
18 boards shall have the authority to:

19 (a) If otherwise permitted by state law, recover from the
20 affected APRN the costs of investigations and disposition of
21 cases resulting from any adverse action taken against that
22 APRN;

23 (b) Issue subpoenas for both hearings and investigations,
24 which require the attendance and testimony of witnesses, and
25 the production of evidence. Subpoenas issued by a licensing
26 board in a party state for the attendance and testimony of
27 witnesses, and/or the production of evidence from another party
28 state, shall be enforced in the latter state by any court of
29 competent jurisdiction, according to the practice and
30 procedure of that court applicable to subpoenas issued in
31 proceedings pending before it. The issuing authority shall pay
32 any witness fees, travel expenses, mileage and other fees
33 required by the service statutes of the state where the
34 witnesses and/or evidence are located;

1 (c) Issue cease and desist orders to limit or revoke an
2 APRN's privilege or licensure/authority to practice in their
3 state; and

4 (d) Promulgate uniform rules and regulations as provided
5 for in Article VIII(c).

6 ARTICLE VII. Coordinated Licensure Information System

7 (a) All party states shall participate in a cooperative
8 effort to create a coordinated database of all APRNs. This
9 system will include information on the APRN
10 licensure/authority to practice and disciplinary history of
11 each APRN, as contributed by party states, to assist in the
12 coordination of APRN licensure/authority to practice and
13 enforcement efforts.

14 (b) Notwithstanding any other provision of law, all party
15 states' licensing boards shall promptly report adverse
16 actions, actions against multistate advanced practice
17 privileges, any current significant investigative information
18 yet to result in adverse action, denials of applications, and
19 the reasons for such denials, to the coordinated licensure
20 information system.

21 (c) Current significant investigative information shall be
22 transmitted through the coordinated licensure information
23 system only to party state licensing boards.

24 (d) Notwithstanding any other provision of law, all party
25 states' licensing boards contributing information to the
26 coordinated licensure information system may designate
27 information that may not be shared with non-party states or
28 disclosed to other entities or individuals without the express
29 permission of the contributing state.

30 (e) Any personally identifiable information obtained by a
31 party states' licensing board from the coordinated licensure
32 information system may not be shared with non-party states or
33 disclosed to other entities or individuals except to the extent
34 permitted by the laws of the party state contributing the

1 information.

2 (f) Any information contributed to the coordinated
3 licensure information system that is subsequently required to
4 be expunged by the laws of the party state contributing that
5 information, shall also be expunged from the coordinated
6 licensure information system.

7 (g) The Compact administrators, acting jointly with each
8 other and in consultation with the administrator of the
9 coordinated licensure information system, shall formulate
10 necessary and proper procedures for the identification,
11 collection and exchange of information under this Compact.

12 ARTICLE VIII. Compact Administration and Interchange of
13 Information

14 (a) The head of the licensing board, or his/her designee,
15 of each party state shall be the administrator of this Compact
16 for his/her state.

17 (b) The Compact administrator of each party state shall
18 furnish to the Compact administrator of each other party state
19 any information and documents including, but not limited to, a
20 uniform data set of investigations, identifying information,
21 licensure data, and disclosable alternative program
22 participation information to facilitate the administration of
23 this Compact.

24 (c) Compact administrators shall have the authority to
25 develop uniform rules to facilitate and coordinate
26 implementation of this Compact. These uniform rules shall be
27 adopted by party states, under the authority invested under
28 Article VI (d).

29 ARTICLE IX. Immunity

30 No party state or the officers or employees or agents of a
31 party state's licensing board who acts in accordance with the
32 provisions of this Compact shall be liable on account of any

1 act or omission in good faith while engaged in the performance
2 of their duties under this Compact. Good faith in this article
3 shall not include willful misconduct, gross negligence, or
4 recklessness.

5 ARTICLE X. Entry into Force, Withdrawal and Amendment

6 (a) This Compact shall enter into force and become
7 effective as to any state when it has been enacted into the
8 laws of that state. Any party state may withdraw from this
9 Compact by enacting a statute repealing the same, but no such
10 withdrawal shall take effect until six months after the
11 withdrawing state has given notice of the withdrawal to the
12 executive heads of all other party states.

13 (b) No withdrawal shall affect the validity or
14 applicability by the licensing boards of states remaining party
15 to the Compact of any report of adverse action occurring prior
16 to the withdrawal.

17 (c) Nothing contained in this Compact shall be construed to
18 invalidate or prevent any APRN licensure/authority to practice
19 agreement or other cooperative arrangement between a party
20 state and a non-party state that is made in accordance with the
21 other provisions of this Compact.

22 (d) This Compact may be amended by the party states. No
23 amendment to this Compact shall become effective and binding
24 upon the party states unless and until it is enacted into the
25 laws of all party states.

26 ARTICLE XI. Construction and Severability

27 (a) This Compact shall be liberally construed so as to
28 effectuate the purposes thereof. The provisions of this Compact
29 shall be severable and if any phrase, clause, sentence or
30 provision of this Compact is declared to be contrary to the
31 constitution of any party state or of the United States or the
32 applicability thereof to any government, agency, person or

1 circumstance is held invalid, the validity of the remainder of
2 this Compact and the applicability thereof to any government,
3 agency, person or circumstance shall not be affected thereby.
4 If this Compact shall be held contrary to the constitution of
5 any state party thereto, the Compact shall remain in full force
6 and effect as to the remaining party states and in full force
7 and effect as to the party state affected as to all severable
8 matters.

9 (b) In the event party states find a need for settling
10 disputes arising under this Compact:

11 (1) The party states may submit the issues in dispute
12 to an arbitration panel which will be comprised of an
13 individual appointed by the Compact administrator in the
14 home state; an individual appointed by the Compact
15 administrator in the remote state(s) involved; and an
16 individual mutually agreed upon by the Compact
17 administrators of all the party states involved in the
18 dispute.

19 (2) The decision of a majority of the arbitrators shall
20 be final and binding.

21 Section 10-10. Compact administrator; expenses.

22 (a) The Secretary of Financial and Professional Regulation
23 shall serve as the compact administrator for this State and any
24 expenses he or she incurs in so serving shall be paid from the
25 appropriation for the ordinary and contingent expenses of the
26 Department of Financial and Professional Regulation.

27 (b) The Secretary shall terminate Illinois' participation
28 in the compact if the APRN Uniform Licensure/Authority to
29 Practice Requirements are substantially changed after the
30 effective date of this Act. A substantial change is anything
31 that significantly alters the individual professional
32 qualifications for participation in the compact such as no
33 longer requiring either certification by a national
34 accreditation body in the APRN's specialty appropriate to
35 educational preparation or completion of a graduate level APRN

1 educational program accredited by a national accreditation
2 body. If the Secretary terminates Illinois' participation in
3 the compact, then the Secretary shall provide all APRNs
4 practicing in Illinois under the compact at the time 60 days
5 written notice of the termination.

6 (c) All APRNs practicing in Illinois under the compact at
7 the time of registration with the Department of Financial and
8 Professional Regulation shall be required to sign a notarized
9 statement of understanding and agreement to practice within the
10 scope of practice requirements for advanced practice nurses in
11 Illinois under the Nursing and Advanced Practice Nursing Act.
12 The Department shall prepare the form to be used.

13 ARTICLE 90

14 Section 90-5. The Nursing and Advanced Practice Nursing Act
15 is amended by changing Sections 5-10, 5-15, and 10-30 as
16 follows:

17 (225 ILCS 65/5-10)

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

19 Sec. 5-10. Definitions. Each of the following terms, when
20 used in this Act, shall have the meaning ascribed to it in this
21 Section, except where the context clearly indicates otherwise:

22 (a) "Department" means the Department of Professional
23 Regulation.

24 (b) "Director" means the Director of Professional
25 Regulation.

26 (c) "Board" means the Board of Nursing appointed by the
27 Director.

28 (d) "Academic year" means the customary annual schedule of
29 courses at a college, university, or approved school,
30 customarily regarded as the school year as distinguished from
31 the calendar year.

32 (e) "Approved program of professional nursing education"
33 and "approved program of practical nursing education" are

1 programs of professional or practical nursing, respectively,
2 approved by the Department under the provisions of this Act.

3 (f) "Nursing Act Coordinator" means a registered
4 professional nurse appointed by the Director to carry out the
5 administrative policies of the Department.

6 (g) "Assistant Nursing Act Coordinator" means a registered
7 professional nurse appointed by the Director to assist in
8 carrying out the administrative policies of the Department.

9 (h) "Registered" is the equivalent of "licensed".

10 (i) "Practical nurse" or "licensed practical nurse" means a
11 person who is licensed as a practical nurse under this Act or
12 holds the privilege to practice under this Act and practices
13 practical nursing as defined in paragraph (j) of this Section.
14 Only a practical nurse licensed or granted the privilege to
15 practice under this Act is entitled to use the title "licensed
16 practical nurse" and the abbreviation "L.P.N.".

17 (j) "Practical nursing" means the performance of nursing
18 acts requiring the basic nursing knowledge, judgement, and
19 skill acquired by means of completion of an approved practical
20 nursing education program. Practical nursing includes
21 assisting in the nursing process as delegated by and under the
22 direction of a registered professional nurse. The practical
23 nurse may work under the direction of a licensed physician,
24 dentist, podiatrist, or other health care professional
25 determined by the Department.

26 (k) "Registered Nurse" or "Registered Professional Nurse"
27 means a person who is licensed as a professional nurse under
28 this Act or holds the privilege to practice under this Act and
29 practices nursing as defined in paragraph (l) of this Section.
30 Only a registered nurse licensed or granted the privilege to
31 practice under this Act is entitled to use the titles
32 "registered nurse" and "registered professional nurse" and the
33 abbreviation, "R.N.".

34 (l) "Registered professional nursing practice" includes
35 all nursing specialities and means the performance of any
36 nursing act based upon professional knowledge, judgment, and

1 skills acquired by means of completion of an approved
2 registered professional nursing education program. A
3 registered professional nurse provides nursing care
4 emphasizing the importance of the whole and the interdependence
5 of its parts through the nursing process to individuals,
6 groups, families, or communities, that includes but is not
7 limited to: (1) the assessment of healthcare needs, nursing
8 diagnosis, planning, implementation, and nursing evaluation;
9 (2) the promotion, maintenance, and restoration of health; (3)
10 counseling, patient education, health education, and patient
11 advocacy; (4) the administration of medications and treatments
12 as prescribed by a physician licensed to practice medicine in
13 all of its branches, a licensed dentist, a licensed podiatrist,
14 or a licensed optometrist or as prescribed by a physician
15 assistant in accordance with written guidelines required under
16 the Physician Assistant Practice Act of 1987 or by an advanced
17 practice nurse in accordance with a written collaborative
18 agreement required under the Nursing and Advanced Practice
19 Nursing Act; (5) the coordination and management of the nursing
20 plan of care; (6) the delegation to and supervision of
21 individuals who assist the registered professional nurse
22 implementing the plan of care; and (7) teaching and supervision
23 of nursing students. The foregoing shall not be deemed to
24 include those acts of medical diagnosis or prescription of
25 therapeutic or corrective measures that are properly performed
26 only by physicians licensed in the State of Illinois.

27 (m) "Current nursing practice update course" means a
28 planned nursing education curriculum approved by the
29 Department consisting of activities that have educational
30 objectives, instructional methods, content or subject matter,
31 clinical practice, and evaluation methods, related to basic
32 review and updating content and specifically planned for those
33 nurses previously licensed in the United States or its
34 territories and preparing for reentry into nursing practice.

35 (n) "Professional assistance program for nurses" means a
36 professional assistance program that meets criteria

1 established by the Board of Nursing and approved by the
2 Director, which provides a non-disciplinary treatment approach
3 for nurses licensed under this Act whose ability to practice is
4 compromised by alcohol or chemical substance addiction.

5 (o) "Privilege to practice" means the authorization to
6 practice as a practical nurse or a registered nurse in the
7 State under the Nurse Licensure Compact.

8 (p) "License" or "licensed" means the permission granted a
9 person to practice nursing under this Act, including the
10 privilege to practice.

11 (q) "Licensee" means a person who has been issued a license
12 to practice nursing in the state or who holds the privilege to
13 practice nursing in this State.

14 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
15 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

16 (225 ILCS 65/5-15)

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

18 Sec. 5-15. Policy; application of Act. For the protection
19 of life and the promotion of health, and the prevention of
20 illness and communicable diseases, any person practicing or
21 offering to practice professional and practical nursing in
22 Illinois shall submit evidence that he or she is qualified to
23 practice, and shall be licensed or hold the privilege to
24 practice as provided under this Act. No person shall practice
25 or offer to practice professional or practical nursing in
26 Illinois or use any title, sign, card or device to indicate
27 that such a person is practicing professional or practical
28 nursing unless such person has been licensed or holds the
29 privilege to practice 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
33 employed by the United States government or any bureau,
34 division or agency thereof and is a legally qualified and
35 licensed nurse of another state or territory and not in

1 conflict with Sections 10-5, 10-30, and 10-45 of this Act.

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

5 (c) The furnishing of nursing assistance in an
6 emergency.

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

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

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

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

1 supervision of a registered professional nurse licensed
2 under this Act or a licensed physician, dentist or
3 podiatrist. In no instance shall any such applicant
4 practice or be employed in any supervisory capacity.

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

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

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

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

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

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

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

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

1 (225 ILCS 65/10-30)

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

3 Sec. 10-30. Qualifications for licensure.

4 (a) Each applicant who successfully meets the requirements
5 of this Section shall be entitled to licensure as a Registered
6 Nurse or Licensed Practical Nurse, whichever is applicable.

7 (b) An applicant for licensure by examination to practice
8 as a registered nurse or licensed practical nurse shall:

9 (1) submit a completed written application, on forms
10 provided by the Department and fees as established by the
11 Department;

12 (2) for registered nurse licensure, have graduated
13 from a professional nursing education program approved by
14 the Department;

15 (2.5) for licensed practical nurse licensure, have
16 graduated ~~graduate~~ from a practical nursing education
17 program approved by the Department;

18 (3) have not violated the provisions of Section 10-45
19 of this Act. The Department may take into consideration any
20 felony conviction of the applicant, but such a conviction
21 shall not operate as an absolute bar to licensure;

22 (4) meet all other requirements as established by rule;

23 (5) pay, either to the Department or its designated
24 testing service, a fee covering the cost of providing the
25 examination. Failure to appear for the examination on the
26 scheduled date at the time and place specified after the
27 applicant's application for examination has been received
28 and acknowledged by the Department or the designated
29 testing service shall result in the forfeiture of the
30 examination fee.

31 If an applicant neglects, fails, or refuses to take an
32 examination or fails to pass an examination for a license under
33 this Act within 3 years after filing the application, the
34 application shall be denied. However, the applicant may make a
35 new application accompanied by the required fee and provide
36 evidence of meeting the requirements in force at the time of

1 the new application.

2 An applicant may take and successfully complete a
3 Department-approved examination in another jurisdiction.
4 However, an applicant who has never been licensed previously in
5 any jurisdiction that utilizes a Department-approved
6 examination and who has taken and failed to pass the
7 examination within 3 years after filing the application must
8 submit proof of successful completion of a
9 Department-authorized nursing education program or
10 recompletion of an approved registered nursing program or
11 licensed practical nursing program, as appropriate, prior to
12 re-application.

13 An applicant shall have one year from the date of
14 notification of successful completion of the examination to
15 apply to the Department for a license. If an applicant fails to
16 apply within one year, the applicant shall be required to again
17 take and pass the examination unless licensed in another
18 jurisdiction of the United States within one year of passing
19 the examination.

20 (c) An applicant for licensure by endorsement who is a
21 registered professional nurse or a licensed practical nurse
22 licensed by examination under the laws of another state or
23 territory of the United States or a foreign country,
24 jurisdiction, territory, or province shall:

25 (1) submit a completed written application, on forms
26 supplied by the Department, and fees as established by the
27 Department;

28 (2) for registered nurse licensure, have graduated
29 from a professional nursing education program approved by
30 the Department;

31 (2.5) for licensed practical nurse licensure, have
32 graduated from a practical nursing education program
33 approved by the Department;

34 (3) submit verification of licensure status directly
35 from the United States jurisdiction of licensure, if
36 applicable, as defined by rule;

1 (4) have passed the examination authorized by the
2 Department;

3 (5) meet all other requirements as established by rule.

4 (d) All applicants for registered nurse licensure pursuant
5 to item (2) of subsection (b) and item (2) of subsection (c) of
6 this Section who are graduates of nursing educational programs
7 in a country other than the United States or its territories
8 must submit to the Department certification of successful
9 completion of the Commission of Graduates of Foreign Nursing
10 Schools (CGFNS) examination. An applicant who is unable to
11 provide appropriate documentation to satisfy CGFNS of her or
12 his educational qualifications for the CGFNS examination shall
13 be required to pass an examination to test competency in the
14 English language, which shall be prescribed by the Department,
15 if the applicant is determined by the Board to be educationally
16 prepared in nursing. The Board shall make appropriate inquiry
17 into the reasons for any adverse determination by CGFNS before
18 making its own decision.

19 An applicant licensed in another state or territory who is
20 applying for licensure and has received her or his education in
21 a country other than the United States or its territories shall
22 be exempt from the completion of the Commission of Graduates of
23 Foreign Nursing Schools (CGFNS) examination if the applicant
24 meets all of the following requirements:

25 (1) successful passage of the licensure examination
26 authorized by the Department;

27 (2) holds an active, unencumbered license in another
28 state; and

29 (3) has been actively practicing for a minimum of 2
30 years in another state.

31 (e) (Blank).

32 (f) Pending the issuance of a license under subsection (c)
33 of this Section, the Department may grant an applicant a
34 temporary license to practice nursing as a registered nurse or
35 as a licensed practical nurse if the Department is satisfied
36 that the applicant holds an active, unencumbered license in

1 good standing in another jurisdiction. If the applicant holds
2 more than one current active license, or one or more active
3 temporary licenses from other jurisdictions, the Department
4 shall not issue a temporary license until it is satisfied that
5 each current active license held by the applicant is
6 unencumbered. The temporary license, which shall be issued no
7 later than 14 working days following receipt by the Department
8 of an application for the temporary license, shall be granted
9 upon the submission of the following to the Department:

10 (1) a signed and completed application for licensure
11 under subsection (a) of this Section as a registered nurse
12 or a licensed practical nurse;

13 (2) proof of a current, active license in at least one
14 other jurisdiction and proof that each current active
15 license or temporary license held by the applicant within
16 the last 5 years is unencumbered;

17 (3) a signed and completed application for a temporary
18 license; and

19 (4) the required temporary license fee.

20 (g) The Department may refuse to issue an applicant a
21 temporary license authorized pursuant to this Section if,
22 within 14 working days following its receipt of an application
23 for a temporary license, the Department determines that:

24 (1) the applicant has been convicted of a crime under
25 the laws of a jurisdiction of the United States: (i) which
26 is a felony; or (ii) which is a misdemeanor directly
27 related to the practice of the profession, within the last
28 5 years;

29 (2) within the last 5 years the applicant has had a
30 license or permit related to the practice of nursing
31 revoked, suspended, or placed on probation by another
32 jurisdiction, if at least one of the grounds for revoking,
33 suspending, or placing on probation is the same or
34 substantially equivalent to grounds in Illinois; or

35 (3) it intends to deny licensure by endorsement.

36 For purposes of this Section, an "unencumbered license"

1 means a license against which no disciplinary action has been
2 taken or is pending and for which all fees and charges are paid
3 and current.

4 (h) The Department may revoke a temporary license issued
5 pursuant to this Section if:

6 (1) it determines that the applicant has been convicted
7 of a crime under the law of any jurisdiction of the United
8 States that is (i) a felony or (ii) a misdemeanor directly
9 related to the practice of the profession, within the last
10 5 years;

11 (2) it determines that within the last 5 years the
12 applicant has had a license or permit related to the
13 practice of nursing revoked, suspended, or placed on
14 probation by another jurisdiction, if at least one of the
15 grounds for revoking, suspending, or placing on probation
16 is the same or substantially equivalent to grounds in
17 Illinois; or

18 (3) it determines that it intends to deny licensure by
19 endorsement.

20 A temporary license shall expire 6 months from the date of
21 issuance. Further renewal may be granted by the Department in
22 hardship cases, as defined by rule and upon approval of the
23 Director. However, a temporary license shall automatically
24 expire upon issuance of the Illinois license or upon
25 notification that the Department intends to deny licensure,
26 whichever occurs first.

27 (i) Applicants have 3 years from the date of application to
28 complete the application process. If the process has not been
29 completed within 3 years from the date of application, the
30 application shall be denied, the fee forfeited, and the
31 applicant must reapply and meet the requirements in effect at
32 the time of reapplication.

33 (j) A practical nurse licensed by a party state under the
34 Nurse Licensure Compact is granted the privilege to practice
35 practical nursing in this State. A registered nurse licensed by
36 a party state under the Nurse Licensure Compact is granted the

1 privilege to practice registered nursing in this State. A
2 practical nurse or registered nurse who has been granted the
3 privilege to practice nursing in this State under this
4 subsection, shall notify the Department, prior to commencing
5 employment in this State as a practical or registered nurse, of
6 the identity and location of the nurse's prospective employer.
7 A practical nurse or registered nurse who has been granted the
8 privilege to practice nursing in this State under this
9 subsection is subject to the schedule of fees authorized under
10 Section 20-35 and the criminal background check required under
11 Section 5-23 of this Act, provided that the practical or
12 registered nurse may exercise her privilege to practice pending
13 completion of the criminal background check.

14 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02;
15 revised 2-17-03.)

16 ARTICLE 99

17 Section 99-5. Effective date. This Act takes effect upon
18 becoming law.