



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3826

Introduced 2/25/2005, by Rep. Aaron Schock - David R. Leitch -
Patricia R. Bellock - Sidney H. Mathias

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 09526 RAS 39777 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
15 by 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"
31 means:

32 (1) investigative information that a licensing board,
33 after a preliminary inquiry that includes notification and
34 an opportunity for the nurse to respond if required by

1 state law, has reason to believe is not groundless and, if
2 proved true, would indicate more than a minor infraction;
3 or

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

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

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

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

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

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

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

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

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

36 (2) in the case of the practice of nursing not

1 involving a patient, in such party state where the
2 recipient of nursing practice is located.

3 (l) "Remote state action" means

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

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

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

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

23 ARTICLE III. General Provisions and Jurisdiction

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

1 well as all other applicable state laws.

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

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

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

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

33 ARTICLE IV. Applications for Licensure in a Party State

34 (a) Upon application for a license, the licensing board in

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

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

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

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

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

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

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

29 ARTICLE V. Adverse Actions

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

32 (a) The licensing board of a remote state shall promptly
33 report to the administrator of the coordinated licensure
34 information system any remote state actions including the

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

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

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

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

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

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

1 authorization from such other party state.

2 ARTICLE VI. Additional Authorities Invested in Party State

3 Nurse Licensing Boards

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

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

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

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

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

26 ARTICLE VII. Coordinated Licensure Information System

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

1 enforcement efforts.

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

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

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

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

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

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

33 ARTICLE VIII. Compact Administration and Interchange of
34 Information

1 applicability by the licensing boards of states remaining party
2 to the Compact of any report of adverse action occurring prior
3 to the withdrawal.

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

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

13 ARTICLE XI. Construction and Severability

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

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

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

1 individual mutually agreed upon by the Compact
2 administrators of all the party states involved in the
3 dispute.

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

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

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

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

32 Section 5-25. Statutory obligations. This Compact is

1 designed to facilitate the regulation of nurses and does not
2 relieve employers from complying with statutorily imposed
3 obligations.

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

6 ARTICLE 10

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

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

15 ARTICLE I. Findings and Declaration of Purpose

16 (a) The party states find that:

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

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

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

30 (4) New practice modalities and technology make

1 compliance with individual state APRN licensure/authority
2 to practice laws difficult and complex;

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

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

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

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

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

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

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

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

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

30 ARTICLE II. Definitions

31 As used in this Compact:

32 (a) "Advanced Practice Registered Nurse" or "APRN" means
33 a Nurse Anesthetist; Nurse Practitioner; Nurse Midwife; or
34 Clinical Nurse Specialist to the extent a party state licenses

1 or grants authority to practice in that APRN role and title.

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

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

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

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

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

21 (g) "Current significant investigative information"
22 means:

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

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

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

34 (i) "Home state action" means any administrative, civil,
35 equitable or criminal action permitted by the home state's laws
36 which are imposed on an APRN by the home state's licensing

1 board or other authority including actions against an
2 individual's license/authority to practice such as:
3 revocation, suspension, probation or any other action which
4 affects an APRN's authorization to practice.

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

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

18 (l) "Party state" means any state that has adopted this
19 Compact.

20 (m) "Prescriptive authority" means the legal authority to
21 prescribe medications and devices as defined by party state
22 laws.

23 (n) "Remote state" means a party state, other than the
24 home state,

25 (1) Where the patient is located at the time APRN care
26 is provided, or,

27 (2) In the case of APRN practice not involving a
28 patient, in such party state where the recipient of APRN
29 practice is located.

30 (o) "Remote state action" means

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

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

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

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

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

17 ARTICLE III. General Provisions and Jurisdiction

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

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

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

34 (d) The APRN multistate advanced practice privilege does

1 not include prescriptive authority, and does not affect any
2 requirements imposed by states to grant to an APRN initial and
3 continuing prescriptive authority according to state practice
4 laws. However, a party state may grant prescriptive authority
5 to an individual on the basis of a multistate advanced practice
6 privilege to the extent permitted by state practice laws.

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

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

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

30 ARTICLE IV. Applications for APRN Licensure/Authority to
31 Practice in a Party State

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

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

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

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

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

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

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

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

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

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

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

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

1 ARTICLE V. Adverse Reactions

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

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

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

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

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

33 (e) The home state may take adverse action based on the
34 factual findings of the remote state, so long as each state

1 follows its own procedures for imposing such adverse action.

2 (f) Nothing in this Compact shall override a party state's
3 decision that participation in an alternative program may be
4 used in lieu of adverse action and that such participation
5 shall remain non-public if required by the party state's laws.
6 Party states must require APRNs who enter any alternative
7 programs to agree not to practice in any other party state
8 during the term of the alternative program without prior
9 authorization from such other party state.

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

18 ARTICLE VI. Additional Authorities Invested in Party State
19 Licensing Boards

20 Notwithstanding any other powers, party state licensing
21 boards shall have the authority to:

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

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

1 any witness fees, travel expenses, mileage and other fees
2 required by the service statutes of the state where the
3 witnesses and/or evidence are located;

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

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

9 ARTICLE VII. Coordinated Licensure Information System

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

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

24 (c) Current significant investigative information shall
25 be transmitted through the coordinated licensure information
26 system only to party state licensing boards.

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

33 (e) Any personally identifiable information obtained by a
34 party states' licensing board from the coordinated licensure

1 information system may not be shared with non-party states or
2 disclosed to other entities or individuals except to the extent
3 permitted by the laws of the party state contributing the
4 information.

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

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

15 ARTICLE VIII. Compact Administration and Interchange of
16 Information

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

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

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

32 ARTICLE IX. Immunity

1 No party state or the officers or employees or agents of a
2 party state's licensing board who acts in accordance with the
3 provisions of this Compact shall be liable on account of any
4 act or omission in good faith while engaged in the performance
5 of their duties under this Compact. Good faith in this article
6 shall not include willful misconduct, gross negligence, or
7 recklessness.

8 ARTICLE X. Entry into Force, Withdrawal and Amendment

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

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

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

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

29 ARTICLE XI. Construction and Severability

30 (a) This Compact shall be liberally construed so as to
31 effectuate the purposes thereof. The provisions of this Compact
32 shall be severable and if any phrase, clause, sentence or

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

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

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

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

24 Section 10-10. Compact administrator; expenses.

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

30 (b) The Secretary shall terminate Illinois' participation
31 in the compact if the APRN Uniform Licensure/Authority to
32 Practice Requirements are substantially changed after the
33 effective date of this Act. A substantial change is anything
34 that significantly alters the individual professional
35 qualifications for participation in the compact such as no

1 longer requiring either certification by a national
2 accreditation body in the APRN's specialty appropriate to
3 educational preparation or completion of a graduate level APRN
4 educational program accredited by a national accreditation
5 body. If the Secretary terminates Illinois' participation in
6 the compact, then the Secretary shall provide all APRNs
7 practicing in Illinois under the compact at the time 60 days
8 written notice of the termination.

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

16 ARTICLE 90

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

20 (225 ILCS 65/5-10)

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

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

25 (a) "Department" means the Department of Professional
26 Regulation.

27 (b) "Director" means the Director of Professional
28 Regulation.

29 (c) "Board" means the Board of Nursing appointed by the
30 Director.

31 (d) "Academic year" means the customary annual schedule
32 of courses at a college, university, or approved school,
33 customarily regarded as the school year as distinguished from

1 the calendar year.

2 (e) "Approved program of professional nursing education"
3 and "approved program of practical nursing education" are
4 programs of professional or practical nursing, respectively,
5 approved by the Department under the provisions of this Act.

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

9 (g) "Assistant Nursing Act Coordinator" means a
10 registered professional nurse appointed by the Director to
11 assist in carrying out the administrative policies of the
12 Department.

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

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

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

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

1 abbreviation, "R.N."

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

31 (m) "Current nursing practice update course" means a
32 planned nursing education curriculum approved by the
33 Department consisting of activities that have educational
34 objectives, instructional methods, content or subject matter,
35 clinical practice, and evaluation methods, related to basic
36 review and updating content and specifically planned for those

1 nurses previously licensed in the United States or its
2 territories and preparing for reentry into nursing practice.

3 (n) "Professional assistance program for nurses" means a
4 professional assistance program that meets criteria
5 established by the Board of Nursing and approved by the
6 Director, which provides a non-disciplinary treatment approach
7 for nurses licensed under this Act whose ability to practice is
8 compromised by alcohol or chemical substance addiction.

9 (o) "Privilege to practice" means the authorization to
10 practice as a practical nurse or a registered nurse in the
11 State under the Nurse Licensure Compact.

12 (p) "License" or "licensed" means the permission granted
13 a person to practice nursing under this Act, including the
14 privilege to practice.

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

18 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
19 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

20 (225 ILCS 65/5-15)

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

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

34 This Act does not prohibit the following:

35 (a) The practice of nursing in Federal employment in

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

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

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

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

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

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

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

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

9 (h) The practice of practical nursing by one who is a
10 licensed practical nurse under the laws of another U.S.
11 jurisdiction and has applied in writing to the Department,
12 in form and substance satisfactory to the Department, for a
13 license as a licensed practical nurse and who is qualified
14 to 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 (i) The practice of professional 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
21 registered professional nurse and 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
30 professional nursing under this Section who passes the
31 examination, however, may continue to practice under this
32 Section until such time as he or she receives his or her
33 license to practice or until the Department notifies him or
34 her that the license has been denied. No applicant for
35 licensure practicing under the provisions of this
36 paragraph shall practice professional nursing except under

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

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

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

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

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

35 An applicant for license practicing under the exceptions
36 set forth in subparagraphs (g), (h), (i), and (j) of this

1 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.
2 Pend. respectively and no other.

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

4 (225 ILCS 65/10-30)

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

6 Sec. 10-30. Qualifications for licensure.

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

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

12 (1) submit a completed written application, on forms
13 provided by the Department and fees as established by the
14 Department;

15 (2) for registered nurse licensure, have graduated
16 from a professional nursing education program approved by
17 the Department;

18 (2.5) for licensed practical nurse licensure, have
19 graduated ~~graduate~~ from a practical nursing education
20 program approved by the Department;

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

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

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

34 If an applicant neglects, fails, or refuses to take an
35 examination or fails to pass an examination for a license under

1 this Act within 3 years after filing the application, the
2 application shall be denied. However, the applicant may make a
3 new application accompanied by the required fee and provide
4 evidence of meeting the requirements in force at the time of
5 the new application.

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

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

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

29 (1) submit a completed written application, on forms
30 supplied by the Department, and fees as established by the
31 Department;

32 (2) for registered nurse licensure, have graduated
33 from a professional nursing education program approved by
34 the Department;

35 (2.5) for licensed practical nurse licensure, have
36 graduated from a practical nursing education program

1 approved by the Department;

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

5 (4) have passed the examination authorized by the
6 Department;

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

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

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

29 (1) successful passage of the licensure examination
30 authorized by the Department;

31 (2) holds an active, unencumbered license in another
32 state; and

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

35 (e) (Blank).

36 (f) Pending the issuance of a license under subsection (c)

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

14 (1) a signed and completed application for licensure
15 under subsection (a) of this Section as a registered nurse
16 or a licensed practical nurse;

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

21 (3) a signed and completed application for a temporary
22 license; and

23 (4) the required temporary license fee.

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

28 (1) the applicant has been convicted of a crime under
29 the laws of a jurisdiction of the United States: (i) which
30 is a felony; or (ii) which is a misdemeanor directly
31 related to the practice of the profession, within the last
32 5 years;

33 (2) within the last 5 years the applicant has had a
34 license or permit related to the practice of nursing
35 revoked, suspended, or placed on probation by another
36 jurisdiction, if at least one of the grounds for revoking,

1 suspending, or placing on probation is the same or
2 substantially equivalent to grounds in Illinois; or

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

4 For purposes of this Section, an "unencumbered license"
5 means a license against which no disciplinary action has been
6 taken or is pending and for which all fees and charges are paid
7 and current.

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

10 (1) it determines that the applicant has been convicted
11 of a crime under the law of any jurisdiction of the United
12 States that is (i) a felony or (ii) a misdemeanor directly
13 related to the practice of the profession, within the last
14 5 years;

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

22 (3) it determines that it intends to deny licensure by
23 endorsement.

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

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

