



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0086

Introduced 1/26/2005, by Sen. Susan Garrett

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.

LRB094 06895 RAS 37006 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the licensure of nurses.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Nurse
5 Licensure Compact Act.

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

10 ARTICLE I. Findings and Declaration of Purpose

11 (a) The party states find that:

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

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

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

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

27 (5) the current system of duplicative licensure for
28 nurses practicing in multiple states is cumbersome and
29 redundant to both nurses and states.

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

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

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

5 (3) facilitate the exchange of information between
6 party states in the areas of nurse regulation,
7 investigation and adverse actions;

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

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

15 ARTICLE II. Definitions

16 As used in this Compact:

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

18 (b) "Alternative program" means a voluntary,
19 non-disciplinary monitoring program approved by a nurse
20 licensing board.

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

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

28 (1) investigative information that a licensing board,
29 after a preliminary inquiry that includes notification and
30 an opportunity for the nurse to respond if required by
31 state law, has reason to believe is not groundless and, if
32 proved true, would indicate more than a minor infraction;

33 or

34 (2) investigative information that indicates that the

1 nurse represents an immediate threat to public health and
2 safety regardless of whether the nurse has been notified
3 and had an opportunity to respond.

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

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

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

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

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

26 (j) "Party state" means any state that has adopted this
27 Compact.

28 (k) "Remote state" means a party state, other than the home
29 state,

30 (1) where the patient is located at the time nursing
31 care is provided, or,

32 (2) in the case of the practice of nursing not
33 involving a patient, in such party state where the
34 recipient of nursing practice is located.

35 (l) "Remote state action" means:

36 (1) any administrative, civil, equitable or criminal

1 action permitted by a remote state's laws which are imposed
2 on a nurse by the remote state's licensing board or other
3 authority including actions against an individual's
4 multistate licensure privilege to practice in the remote
5 state, and

6 (2) cease and desist and other injunctive or equitable
7 orders issued by remote states or the licensing boards
8 thereof.

9 (m) "State" means a state, territory, or possession of the
10 United States, the District of Columbia or the Commonwealth of
11 Puerto Rico.

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

19 ARTICLE III. General Provisions and Jurisdiction

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

32 (b) Party states may, in accordance with state due process
33 laws, limit or revoke the multistate licensure privilege of any
34 nurse to practice in their state and may take any other actions

1 under their applicable state laws necessary to protect the
2 health and safety of their citizens. If a party state takes
3 such action, it shall promptly notify the administrator of the
4 coordinated licensure information system. The administrator of
5 the coordinated licensure information system shall promptly
6 notify the home state of any such actions by remote states.

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

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

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

29 ARTICLE IV. Applications for Licensure in a Party State

30 (a) Upon application for a license, the licensing board in
31 a party state shall ascertain, through the coordinated
32 licensure information system, whether the applicant has ever
33 held, or is the holder of, a license issued by any other state,
34 whether there are any restrictions on the multistate licensure

1 privilege, and whether any other adverse action by any state
2 has been taken against the license.

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

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

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

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

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

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

25 ARTICLE V. Adverse Actions

26 In addition to the General Provisions described in Article
27 III, the following provisions apply:

28 (a) The licensing board of a remote state shall promptly
29 report to the administrator of the coordinated licensure
30 information system any remote state actions including the
31 factual and legal basis for such action, if known. The
32 licensing board of a remote state shall also promptly report
33 any significant current investigative information yet to
34 result in a remote state action. The administrator of the

1 coordinated licensure information system shall promptly notify
2 the home state of any such reports.

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

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

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

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

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

34 ARTICLE VI. Additional Authorities Invested
35 in Party State Nurse Licensing Boards

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

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

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

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

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

23 ARTICLE VII. Coordinated Licensure Information System

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

31 (b) Notwithstanding any other provision of law, all party
32 states' licensing boards shall promptly report adverse
33 actions, actions against multistate licensure privileges, any

1 current significant investigative information yet to result in
2 adverse action, denials of applications, and the reasons for
3 such denials, to the coordinated licensure information system.

4 (c) Current significant investigative information shall be
5 transmitted through the coordinated licensure information
6 system only to party state licensing boards.

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

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

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

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

29 ARTICLE VIII. Compact Administration and
30 Interchange of Information

31 (a) The head of the nurse licensing board, or his/her
32 designee, of each party state shall be the administrator of
33 this Compact for his/her state.

34 (b) The Compact administrator of each party state shall

1 furnish to the Compact administrator of each other party state
2 any information and documents including, but not limited to, a
3 uniform data set of investigations, identifying information,
4 licensure data, and disclosable alternative program
5 participation information to facilitate the administration of
6 this Compact.

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

12 ARTICLE IX. Immunity

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

20 ARTICLE X. Entry into Force, Withdrawal and Amendment

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

28 (b) No withdrawal shall affect the validity or
29 applicability by the licensing boards of states remaining party
30 to the Compact of any report of adverse action occurring prior
31 to the withdrawal.

32 (c) Nothing contained in this Compact shall be construed to

1 invalidate or prevent any nurse licensure agreement or other
2 cooperative arrangement between a party state and a non-party
3 state that is made in accordance with the other provisions of
4 this Compact.

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

9 ARTICLE XI. Construction and Severability

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

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

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

34 (2) The decision of a majority of the arbitrators shall

1 be final and binding.

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

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

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

28 Section 25. Statutory obligations. This Compact is
29 designed to facilitate the regulation of nurses and does not
30 relieve employers from complying with statutorily imposed
31 obligations.

1 Section 30. State labor laws. This Compact does not
2 supersede existing State labor laws.

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

6 (225 ILCS 65/5-10)

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

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

11 (a) "Department" means the Department of Professional
12 Regulation.

13 (b) "Director" means the Director of Professional
14 Regulation.

15 (c) "Board" means the Board of Nursing appointed by the
16 Director.

17 (d) "Academic year" means the customary annual schedule of
18 courses at a college, university, or approved school,
19 customarily regarded as the school year as distinguished from
20 the calendar year.

21 (e) "Approved program of professional nursing education"
22 and "approved program of practical nursing education" are
23 programs of professional or practical nursing, respectively,
24 approved by the Department under the provisions of this Act.

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

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

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

32 (i) "Practical nurse" or "licensed practical nurse" means a
33 person who is licensed as a practical nurse under this Act or
34 holds the privilege to practice under this Act and practices

1 practical nursing as defined in paragraph (j) of this Section.
2 Only a practical nurse licensed or granted the privilege to
3 practice under this Act is entitled to use the title "licensed
4 practical nurse" and the abbreviation "L.P.N."

5 (j) "Practical nursing" means the performance of nursing
6 acts requiring the basic nursing knowledge, judgement, and
7 skill acquired by means of completion of an approved practical
8 nursing education program. Practical nursing includes
9 assisting in the nursing process as delegated by and under the
10 direction of a registered professional nurse. The practical
11 nurse may work under the direction of a licensed physician,
12 dentist, podiatrist, or other health care professional
13 determined by the Department.

14 (k) "Registered Nurse" or "Registered Professional Nurse"
15 means a person who is licensed as a professional nurse under
16 this Act or holds the privilege to practice under this Act and
17 practices nursing as defined in paragraph (l) of this Section.
18 Only a registered nurse licensed or granted the privilege to
19 practice under this Act is entitled to use the titles
20 "registered nurse" and "registered professional nurse" and the
21 abbreviation, "R.N."

22 (l) "Registered professional nursing practice" includes
23 all nursing specialities and means the performance of any
24 nursing act based upon professional knowledge, judgment, and
25 skills acquired by means of completion of an approved
26 registered professional nursing education program. A
27 registered professional nurse provides nursing care
28 emphasizing the importance of the whole and the interdependence
29 of its parts through the nursing process to individuals,
30 groups, families, or communities, that includes but is not
31 limited to: (1) the assessment of healthcare needs, nursing
32 diagnosis, planning, implementation, and nursing evaluation;
33 (2) the promotion, maintenance, and restoration of health; (3)
34 counseling, patient education, health education, and patient
35 advocacy; (4) the administration of medications and treatments
36 as prescribed by a physician licensed to practice medicine in

1 all of its branches, a licensed dentist, a licensed podiatrist,
2 or a licensed optometrist or as prescribed by a physician
3 assistant in accordance with written guidelines required under
4 the Physician Assistant Practice Act of 1987 or by an advanced
5 practice nurse in accordance with a written collaborative
6 agreement required under the Nursing and Advanced Practice
7 Nursing Act; (5) the coordination and management of the nursing
8 plan of care; (6) the delegation to and supervision of
9 individuals who assist the registered professional nurse
10 implementing the plan of care; and (7) teaching and supervision
11 of nursing students. The foregoing shall not be deemed to
12 include those acts of medical diagnosis or prescription of
13 therapeutic or corrective measures that are properly performed
14 only by physicians licensed in the State of Illinois.

15 (m) "Current nursing practice update course" means a
16 planned nursing education curriculum approved by the
17 Department consisting of activities that have educational
18 objectives, instructional methods, content or subject matter,
19 clinical practice, and evaluation methods, related to basic
20 review and updating content and specifically planned for those
21 nurses previously licensed in the United States or its
22 territories and preparing for reentry into nursing practice.

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

29 (o) "Privilege to practice" means the authorization to
30 practice as a practical nurse or a registered nurse in the
31 State under the Nurse Licensure Compact.

32 (p) "License" or "licensed" means the permission granted a
33 person to practice nursing under this Act, including the
34 privilege to practice.

35 (q) "Licensee" means a person who has been issued a license
36 to practice nursing in the state or who holds the privilege to

1 practice nursing in this State.

2 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
3 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

4 (225 ILCS 65/5-15)

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

6 Sec. 5-15. Policy; application of Act. For the protection
7 of life and the promotion of health, and the prevention of
8 illness and communicable diseases, any person practicing or
9 offering to practice professional and practical nursing in
10 Illinois shall submit evidence that he or she is qualified to
11 practice, and shall be licensed or hold the privilege to
12 practice as provided under this Act. No person shall practice
13 or offer to practice professional or practical nursing in
14 Illinois or use any title, sign, card or device to indicate
15 that such a person is practicing professional or practical
16 nursing unless such person has been licensed or holds the
17 privilege to practice under the provisions of this Act.

18 This Act does not prohibit the following:

19 (a) The practice of nursing in Federal employment in
20 the discharge of the employee's duties by a person who is
21 employed by the United States government or any bureau,
22 division or agency thereof and is a legally qualified and
23 licensed nurse of another state or territory and not in
24 conflict with Sections 10-5, 10-30, and 10-45 of this Act.

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

28 (c) The furnishing of nursing assistance in an
29 emergency.

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

34 (e) The incidental care of the sick by members of the
35 family, domestic servants or housekeepers, or care of the

1 sick where treatment is by prayer or spiritual means.

2 (f) Persons from being employed as nursing aides,
3 attendants, orderlies, and other auxiliary workers in
4 private homes, long term care facilities, nurseries,
5 hospitals or other institutions.

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

29 (h) The practice of practical nursing by one who is a
30 licensed practical nurse under the laws of another U.S.
31 jurisdiction and has applied in writing to the Department,
32 in form and substance satisfactory to the Department, for a
33 license as a licensed practical nurse and who is qualified
34 to receive such license under Section 10-30, until (1) the
35 expiration of 6 months after the filing of such written
36 application, (2) the withdrawal of such application, or (3)

1 the denial of such application by the Department.

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

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

35 (k) The practice of professional nursing that is
36 included in a program of study by one who is a registered

1 professional nurse under the laws of another state or
2 territory of the United States or foreign country,
3 territory or province and who is enrolled in a graduate
4 nursing education program or a program for the completion
5 of a baccalaureate nursing degree in this State, which
6 includes clinical supervision by faculty as determined by
7 the educational institution offering the program and the
8 health care organization where the practice of nursing
9 occurs. The educational institution will file with the
10 Department each academic term a list of the names and
11 origin of license of all professional nurses practicing
12 nursing as part of their programs under this provision.

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

16 (m) Delegation to authorized direct care staff trained
17 under Section 15.4 of the Mental Health and Developmental
18 Disabilities Administrative Act.

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

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

24 (225 ILCS 65/10-30)

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

26 Sec. 10-30. Qualifications for licensure.

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

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

32 (1) submit a completed written application, on forms
33 provided by the Department and fees as established by the
34 Department;

35 (2) for registered nurse licensure, have graduated

1 from a professional nursing education program approved by
2 the Department;

3 (2.5) for licensed practical nurse licensure, have
4 graduated ~~graduate~~ from a practical nursing education
5 program approved by the Department;

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

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

11 (5) pay, either to the Department or its designated
12 testing service, a fee covering the cost of providing the
13 examination. Failure to appear for the examination on the
14 scheduled date at the time and place specified after the
15 applicant's application for examination has been received
16 and acknowledged by the Department or the designated
17 testing service shall result in the forfeiture of the
18 examination fee.

19 If an applicant neglects, fails, or refuses to take an
20 examination or fails to pass an examination for a license under
21 this Act within 3 years after filing the application, the
22 application shall be denied. However, the applicant may make a
23 new application accompanied by the required fee and provide
24 evidence of meeting the requirements in force at the time of
25 the new application.

26 An applicant may take and successfully complete a
27 Department-approved examination in another jurisdiction.
28 However, an applicant who has never been licensed previously in
29 any jurisdiction that utilizes a Department-approved
30 examination and who has taken and failed to pass the
31 examination within 3 years after filing the application must
32 submit proof of successful completion of a
33 Department-authorized nursing education program or
34 recompletion of an approved registered nursing program or
35 licensed practical nursing program, as appropriate, prior to
36 re-application.

1 An applicant shall have one year from the date of
2 notification of successful completion of the examination to
3 apply to the Department for a license. If an applicant fails to
4 apply within one year, the applicant shall be required to again
5 take and pass the examination unless licensed in another
6 jurisdiction of the United States within one year of passing
7 the examination.

8 (c) An applicant for licensure by endorsement who is a
9 registered professional nurse or a licensed practical nurse
10 licensed by examination under the laws of another state or
11 territory of the United States or a foreign country,
12 jurisdiction, territory, or province shall:

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

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

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

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

25 (4) have passed the examination authorized by the
26 Department;

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

28 (d) All applicants for registered nurse licensure pursuant
29 to item (2) of subsection (b) and item (2) of subsection (c) of
30 this Section who are graduates of nursing educational programs
31 in a country other than the United States or its territories
32 must submit to the Department certification of successful
33 completion of the Commission of Graduates of Foreign Nursing
34 Schools (CGFNS) examination. An applicant who is unable to
35 provide appropriate documentation to satisfy CGFNS of her or
36 his educational qualifications for the CGFNS examination shall

1 be required to pass an examination to test competency in the
2 English language, which shall be prescribed by the Department,
3 if the applicant is determined by the Board to be educationally
4 prepared in nursing. The Board shall make appropriate inquiry
5 into the reasons for any adverse determination by CGFNS before
6 making its own decision.

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

13 (1) successful passage of the licensure examination
14 authorized by the Department;

15 (2) holds an active, unencumbered license in another
16 state; and

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

19 (e) (Blank).

20 (f) Pending the issuance of a license under subsection (c)
21 of this Section, the Department may grant an applicant a
22 temporary license to practice nursing as a registered nurse or
23 as a licensed practical nurse if the Department is satisfied
24 that the applicant holds an active, unencumbered license in
25 good standing in another jurisdiction. If the applicant holds
26 more than one current active license, or one or more active
27 temporary licenses from other jurisdictions, the Department
28 shall not issue a temporary license until it is satisfied that
29 each current active license held by the applicant is
30 unencumbered. The temporary license, which shall be issued no
31 later than 14 working days following receipt by the Department
32 of an application for the temporary license, shall be granted
33 upon the submission of the following to the Department:

34 (1) a signed and completed application for licensure
35 under subsection (a) of this Section as a registered nurse
36 or a licensed practical nurse;

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

5 (3) a signed and completed application for a temporary
6 license; and

7 (4) the required temporary license fee.

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

12 (1) the applicant has been convicted of a crime under
13 the laws of a jurisdiction of the United States: (i) which
14 is a felony; or (ii) which is a misdemeanor directly
15 related to the practice of the profession, within the last
16 5 years;

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

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

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

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

30 (1) it determines that the applicant has been convicted
31 of a crime under the law of any jurisdiction of the United
32 States that is (i) a felony or (ii) a misdemeanor directly
33 related to the practice of the profession, within the last
34 5 years;

35 (2) it determines that within the last 5 years the
36 applicant has had a license or permit related to the

1 practice of nursing revoked, suspended, or placed on
2 probation by another jurisdiction, if at least one of the
3 grounds for revoking, suspending, or placing on probation
4 is the same or substantially equivalent to grounds in
5 Illinois; or

6 (3) it determines that it intends to deny licensure by
7 endorsement.

8 A temporary license shall expire 6 months from the date of
9 issuance. Further renewal may be granted by the Department in
10 hardship cases, as defined by rule and upon approval of the
11 Director. However, a temporary license shall automatically
12 expire upon issuance of the Illinois license or upon
13 notification that the Department intends to deny licensure,
14 whichever occurs first.

15 (i) Applicants have 3 years from the date of application to
16 complete the application process. If the process has not been
17 completed within 3 years from the date of application, the
18 application shall be denied, the fee forfeited, and the
19 applicant must reapply and meet the requirements in effect at
20 the time of reapplication.

21 (j) A practical nurse licensed by a party state under the
22 Nurse Licensure Compact is granted the privilege to practice
23 practical nursing in this State. A registered nurse licensed by
24 a party state under the Nurse Licensure Compact is granted the
25 privilege to practice registered nursing in this State. A
26 practical nurse or registered nurse who has been granted the
27 privilege to practice nursing in this State under this
28 subsection, shall notify the Department, prior to commencing
29 employment in this State as a practical or registered nurse, of
30 the identity and location of the nurse's prospective employer.
31 A practical nurse or registered nurse who has been granted the
32 privilege to practice nursing in this State under this
33 subsection is subject to the criminal background check required
34 under Section 5-23 of this Act, provided that the practical or
35 registered nurse may exercise her privilege to practice pending
36 completion of the criminal background check.

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