

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 5. The Nursing and Advanced Practice Nursing Act is
5 amended by adding Title 25 as follows:

6 (225 ILCS 65/Tit. 25 heading new)

7 TITLE 25. NURSE LICENSURE COMPACT

8 (225 ILCS 65/25-5 new)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 25-5. Nurse Licensure Compact. The State of Illinois
11 ratifies and approves the Nurse Licensure Compact and enters
12 into it with all other jurisdictions that legally join in the
13 compact. The General Assembly finds that no amendment by the
14 General Assembly to the provisions of the Compact contained in
15 this Act shall become effective and binding upon the Compact
16 and the Compact party states unless and until the Nurse
17 Licensure Compact Administrators (NLCA) enact the amendment to
18 the Articles of Organization of the NCLA. The Nurse Licensure
19 Compact is, in form, substantially as follows:

20 ARTICLE I.

21 Findings and Declaration of Purpose

22 (a) The party states find that:

23 (1) the health and safety of the public are affected by
24 the degree of compliance with and the effectiveness of
25 enforcement activities related to state nurse licensure laws;

26 (2) violations of nurse licensure and other laws
27 regulating the practice of nursing may result in injury or
28 harm to the public;

29 (3) the expanded mobility of nurses and the use of

1 advanced communication technologies as part of our
2 nation's healthcare delivery system require greater
3 coordination and cooperation among states in the areas of
4 nurse licensure and regulation;

5 (4) new practice modalities and technology make
6 compliance with individual state nurse licensure laws
7 difficult and complex;

8 (5) the current system of duplicative licensure for
9 nurses practicing in multiple states is cumbersome and
10 redundant to both nurses and states.

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

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

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

16 (3) facilitate the exchange of information between
17 party states in the areas of nurse regulation,
18 investigation and adverse actions;

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

21 (5) invest all party states with the authority to hold
22 a nurse accountable for meeting all state practice laws in
23 the state in which the patient is located at the time care
24 is rendered through the mutual recognition of party state
25 licenses.

26 ARTICLE II.

27 Definitions

28 As used in this Compact:

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

30 (b) "Alternative program" means a voluntary,
31 non-disciplinary monitoring program approved by a nurse
32 licensing board.

33 (c) "Coordinated licensure information system" means an
34 integrated process for collecting, storing, and sharing

1 information on nurse licensure and enforcement activities
2 related to nurse licensure laws, which is administered by a
3 non-profit organization composed of and controlled by state
4 nurse licensing boards.

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

6 (1) investigative information that a licensing board,
7 after a preliminary inquiry that includes notification and
8 an opportunity for the nurse to respond if required by
9 state law, has reason to believe is not groundless and, if
10 proved true, would indicate more than a minor infraction;
11 or

12 (2) investigative information that indicates that the
13 nurse represents an immediate threat to public health and
14 safety regardless of whether the nurse has been notified
15 and had an opportunity to respond.

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

18 (f) "Home state action" means any administrative, civil,
19 equitable or criminal action permitted by the home state's laws
20 which are imposed on a nurse by the home state's licensing
21 board or other authority including actions against an
22 individual's license such as: revocation, suspension,
23 probation or any other action which affects a nurse's
24 authorization to practice.

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

27 (h) "Multistate licensure privilege" means current,
28 official authority from a remote state permitting the practice
29 of nursing as either a registered nurse or a licensed
30 practical/vocational nurse in such party state. All party
31 states have the authority, in accordance with existing state
32 due process law, to take actions against the nurse's privilege
33 such as: revocation, suspension, probation or any other action
34 which affects a nurse's authorization to practice.

35 (i) "Nurse" means a registered nurse or licensed
36 practical/vocational nurse, as those terms are defined by each

1 party's state practice laws.

2 (j) "Party state" means any state that has adopted this
3 Compact.

4 (k) "Remote state" means a party state, other than the home
5 state,

6 (1) where the patient is located at the time nursing
7 care is provided, or,

8 (2) in the case of the practice of nursing not
9 involving a patient, in such party state where the
10 recipient of nursing practice is located.

11 (l) "Remote state action" means:

12 (1) any administrative, civil, equitable or criminal
13 action permitted by a remote state's laws which are imposed
14 on a nurse by the remote state's licensing board or other
15 authority including actions against an individual's
16 multistate licensure privilege to practice in the remote
17 state, and

18 (2) cease and desist and other injunctive or equitable
19 orders issued by remote states or the licensing boards
20 thereof.

21 (m) "State" means a state, territory, or possession of the
22 United States, the District of Columbia or the Commonwealth of
23 Puerto Rico.

24 (n) "State practice laws" means those individual party's
25 state laws and regulations that govern the practice of nursing,
26 define the scope of nursing practice, and create the methods
27 and grounds for imposing discipline. "State practice laws" does
28 not include the initial qualifications for licensure or
29 requirements necessary to obtain and retain a license, except
30 for qualifications or requirements of the home state.

31 ARTICLE III.

32 General Provisions and Jurisdiction

33 (a) A license to practice registered nursing issued by a
34 home state to a resident in that state will be recognized by

1 each party state as authorizing a multistate licensure
2 privilege to practice as a registered nurse in such party
3 state. A license to practice licensed practical/vocational
4 nursing issued by a home state to a resident in that state will
5 be recognized by each party state as authorizing a multistate
6 licensure privilege to practice as a licensed
7 practical/vocational nurse in such party state. In order to
8 obtain or retain a license, an applicant must meet the home
9 state's qualifications for licensure and license renewal as
10 well as all other applicable state laws.

11 (b) Party states may, in accordance with state due process
12 laws, limit or revoke the multistate licensure privilege of any
13 nurse to practice in their state and may take any other actions
14 under their applicable state laws necessary to protect the
15 health and safety of their citizens. If a party state takes
16 such action, it shall promptly notify the administrator of the
17 coordinated licensure information system. The administrator of
18 the coordinated licensure information system shall promptly
19 notify the home state of any such actions by remote states.

20 (c) Every nurse practicing in a party state must comply
21 with the state practice laws of the state in which the patient
22 is located at the time care is rendered. In addition, the
23 practice of nursing is not limited to patient care, but shall
24 include all nursing practice as defined by the state practice
25 laws of a party state. The practice of nursing will subject a
26 nurse to the jurisdiction of the nurse licensing board and the
27 courts, as well as the laws, in that party state.

28 (d) This Compact does not affect additional requirements
29 imposed by states for advanced practice registered nursing.
30 However, a multistate licensure privilege to practice
31 registered nursing granted by a party state shall be recognized
32 by other party states as a license to practice registered
33 nursing if one is required by state law as a precondition for
34 qualifying for advanced practice registered nurse
35 authorization.

36 (e) Individuals not residing in a party state shall

1 continue to be able to apply for nurse licensure as provided
2 for under the laws of each party state. However, the license
3 granted to these individuals will not be recognized as granting
4 the privilege to practice nursing in any other party state
5 unless explicitly agreed to by that party state.

6 ARTICLE IV.

7 Applications for Licensure in a Party State

8 (a) Upon application for a license, the licensing board in
9 a party state shall ascertain, through the coordinated
10 licensure information system, whether the applicant has ever
11 held, or is the holder of, a license issued by any other state,
12 whether there are any restrictions on the multistate licensure
13 privilege, and whether any other adverse action by any state
14 has been taken against the license.

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

17 (c) A nurse who intends to change primary state of
18 residence may apply for licensure in the new home state in
19 advance of such change. However, new licenses will not be
20 issued by a party state until after a nurse provides evidence
21 of change in primary state of residence satisfactory to the new
22 home state's licensing board.

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

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

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

32 (3) moving from a party state to a non-party state, the
33 license issued by the prior home state converts to an
34 individual state license, valid only in the former home

1 state, without the multistate licensure privilege to
2 practice in other party states.

3 ARTICLE V.

4 Adverse Actions

5 In addition to the General Provisions described in Article
6 III, the following provisions apply:

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

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

25 (c) A remote state may take adverse action affecting the
26 multistate licensure privilege to practice within that party
27 state. However, only the home state shall have the power to
28 impose adverse action against the license issued by the home
29 state.

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

1 action.

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

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

13 ARTICLE VI.

14 Additional Authorities Invested

15 in Party State Nurse Licensing Boards

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

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

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

34 (c) issue cease and desist orders to limit or revoke a

1 nurse's authority to practice in their state;

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

4 ARTICLE VII.

5 Coordinated Licensure Information System

6 (a) All party states shall participate in a cooperative
7 effort to create a coordinated data base of all licensed
8 registered nurses and licensed practical/vocational nurses.
9 This system will include information on the licensure and
10 disciplinary history of each nurse, as contributed by party
11 states, to assist in the coordination of nurse licensure and
12 enforcement efforts.

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

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

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

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

34 (f) Any information contributed to the coordinated

1 licensure information system that is subsequently required to
2 be expunged by the laws of the party state contributing that
3 information, shall also be expunged from the coordinated
4 licensure information system.

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

10 ARTICLE VIII.

11 Compact Administration and
12 Interchange of Information

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

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

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

28 ARTICLE IX.

29 Immunity

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

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

5 ARTICLE X.

6 Entry into Force, Withdrawal and Amendment

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

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

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

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

27 ARTICLE XI.

28 Construction and Severability

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

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

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

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

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

23 (225 ILCS 65/25-10 new)

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

25 Sec. 25-10. Costs of investigation and disposition of
26 cases. To facilitate cross-state enforcement efforts, the
27 General Assembly finds that it is necessary for Illinois to
28 have the power to recover from the affected nurse the costs of
29 investigations and disposition of cases resulting from adverse
30 actions taken by this State against that nurse.

31 (225 ILCS 65/25-15 new)

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

33 Sec. 25-15. Statutory obligations. This Compact is
34 designed to facilitate the regulation of nurses and does not

1 relieve employers from complying with statutorily imposed
2 obligations.

3 (225 ILCS 65/25-20 new)

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

5 Sec. 25-20. State labor laws. This Compact does not
6 supersede existing State labor laws.

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

10 (225 ILCS 65/5-10)

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

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

15 (a) "Department" means the Department of Professional
16 Regulation.

17 (b) "Director" means the Director of Professional
18 Regulation.

19 (c) "Board" means the Board of Nursing appointed by the
20 Director.

21 (d) "Academic year" means the customary annual schedule of
22 courses at a college, university, or approved school,
23 customarily regarded as the school year as distinguished from
24 the calendar year.

25 (e) "Approved program of professional nursing education"
26 and "approved program of practical nursing education" are
27 programs of professional or practical nursing, respectively,
28 approved by the Department under the provisions of this Act.

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

32 (g) "Assistant Nursing Act Coordinator" means a registered
33 professional nurse appointed by the Director to assist in

1 carrying out the administrative policies of the Department.

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

3 (i) "Practical nurse" or "licensed practical nurse" means a
4 person who is licensed as a practical nurse under this Act or
5 holds the privilege to practice under this Act and practices
6 practical nursing as defined in paragraph (j) of this Section.
7 Only a practical nurse licensed or granted the privilege to
8 practice under this Act is entitled to use the title "licensed
9 practical nurse" and the abbreviation "L.P.N.".

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

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

27 (l) "Registered professional nursing practice" includes
28 all nursing specialities and means the performance of any
29 nursing act based upon professional knowledge, judgment, and
30 skills acquired by means of completion of an approved
31 registered professional nursing education program. A
32 registered professional nurse provides nursing care
33 emphasizing the importance of the whole and the interdependence
34 of its parts through the nursing process to individuals,
35 groups, families, or communities, that includes but is not
36 limited to: (1) the assessment of healthcare needs, nursing

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

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

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

34 (o) "Privilege to practice" means the authorization to
35 practice as a practical nurse or a registered nurse in the
36 State under Title 25 of this Act.

1 (p) "License" or "licensed" means the permission granted a
2 person to practice nursing under this Act, including the
3 privilege to practice.

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

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

9 (225 ILCS 65/5-15)

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

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

23 This Act does not prohibit the following:

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

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

33 (c) The furnishing of nursing assistance in an
34 emergency.

35 (d) The practice of nursing by a nurse who holds an

1 active license in another state when providing services to
2 patients in Illinois during a bonafide emergency or in
3 immediate preparation for or during interstate transit.

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

7 (f) Persons from being employed as nursing aides,
8 attendants, orderlies, and other auxiliary workers in
9 private homes, long term care facilities, nurseries,
10 hospitals or other institutions.

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

34 (h) The practice of practical nursing by one who is a
35 licensed practical nurse under the laws of another U.S.
36 jurisdiction and has applied in writing to the Department,

1 in form and substance satisfactory to the Department, for a
2 license as a licensed practical nurse and who is qualified
3 to receive such license under Section 10-30, until (1) the
4 expiration of 6 months after the filing of such written
5 application, (2) the withdrawal of such application, or (3)
6 the denial of such application by the Department.

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

30 (j) The practice of professional nursing by one who is
31 a registered professional nurse under the laws of another
32 state, territory of the United States or country and has
33 applied in writing to the Department, in form and substance
34 satisfactory to the Department, for a license as a
35 registered professional nurse and who is qualified to
36 receive such license under Section 10-30, until (1) the

1 expiration of 6 months after the filing of such written
2 application, (2) the withdrawal of such application, or (3)
3 the denial of such application by the Department.

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

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

21 (m) Delegation to authorized direct care staff trained
22 under Section 15.4 of the Mental Health and Developmental
23 Disabilities Administrative Act.

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

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

29 (225 ILCS 65/10-30)

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

31 Sec. 10-30. Qualifications for licensure.

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

35 (b) An applicant for licensure by examination to practice

1 as a registered nurse or licensed practical nurse shall:

2 (1) submit a completed written application, on forms
3 provided by the Department and fees as established by the
4 Department;

5 (2) for registered nurse licensure, have graduated
6 from a professional nursing education program approved by
7 the Department;

8 (2.5) for licensed practical nurse licensure, have
9 graduated ~~graduate~~ from a practical nursing education
10 program approved by the Department;

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

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

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

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

31 An applicant may take and successfully complete a
32 Department-approved examination in another jurisdiction.
33 However, an applicant who has never been licensed previously in
34 any jurisdiction that utilizes a Department-approved
35 examination and who has taken and failed to pass the
36 examination within 3 years after filing the application must

1 submit proof of successful completion of a
2 Department-authorized nursing education program or
3 recompletion of an approved registered nursing program or
4 licensed practical nursing program, as appropriate, prior to
5 re-application.

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

13 (c) An applicant for licensure by endorsement who is a
14 registered professional nurse or a licensed practical nurse
15 licensed by examination under the laws of another state or
16 territory of the United States or a foreign country,
17 jurisdiction, territory, or province shall:

18 (1) submit a completed written application, on forms
19 supplied by the Department, and fees as established by the
20 Department;

21 (2) for registered nurse licensure, have graduated
22 from a professional nursing education program approved by
23 the Department;

24 (2.5) for licensed practical nurse licensure, have
25 graduated from a practical nursing education program
26 approved by the Department;

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

30 (4) have passed the examination authorized by the
31 Department;

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

33 (d) All applicants for registered nurse licensure pursuant
34 to item (2) of subsection (b) and item (2) of subsection (c) of
35 this Section who are graduates of nursing educational programs
36 in a country other than the United States or its territories

1 must submit to the Department certification of successful
2 completion of the Commission of Graduates of Foreign Nursing
3 Schools (CGFNS) examination. An applicant who is unable to
4 provide appropriate documentation to satisfy CGFNS of her or
5 his educational qualifications for the CGFNS examination shall
6 be required to pass an examination to test competency in the
7 English language, which shall be prescribed by the Department,
8 if the applicant is determined by the Board to be educationally
9 prepared in nursing. The Board shall make appropriate inquiry
10 into the reasons for any adverse determination by CGFNS before
11 making its own decision.

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

18 (1) successful passage of the licensure examination
19 authorized by the Department;

20 (2) holds an active, unencumbered license in another
21 state; and

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

24 (e) (Blank).

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

1 of an application for the temporary license, shall be granted
2 upon the submission of the following to the Department:

3 (1) a signed and completed application for licensure
4 under subsection (a) of this Section as a registered nurse
5 or a licensed practical nurse;

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

10 (3) a signed and completed application for a temporary
11 license; and

12 (4) the required temporary license fee.

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

17 (1) the applicant has been convicted of a crime under
18 the laws of a jurisdiction of the United States: (i) which
19 is a felony; or (ii) which is a misdemeanor directly
20 related to the practice of the profession, within the last
21 5 years;

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

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

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

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

35 (1) it determines that the applicant has been convicted
36 of a crime under the law of any jurisdiction of the United

1 States that is (i) a felony or (ii) a misdemeanor directly
2 related to the practice of the profession, within the last
3 5 years;

4 (2) it determines that within the last 5 years the
5 applicant has had a license or permit related to the
6 practice of nursing revoked, suspended, or placed on
7 probation by another jurisdiction, if at least one of the
8 grounds for revoking, suspending, or placing on probation
9 is the same or substantially equivalent to grounds in
10 Illinois; or

11 (3) it determines that it intends to deny licensure by
12 endorsement.

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

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

26 (j) A practical nurse licensed by a party state under the
27 Nurse Licensure Compact under Title 25 of this Act is granted
28 the privilege to practice practical nursing in this State. A
29 registered nurse licensed by a party state under the Nurse
30 Licensure Compact under Title 25 of this Act is granted the
31 privilege to practice registered nursing in this State. A
32 practical nurse or registered nurse who has been granted the
33 privilege to practice nursing in this State under this
34 subsection (j) may be required to notify the Department, prior
35 to commencing employment in this State as a practical or
36 registered nurse, of the identity and location of the nurse's

1 prospective employer.

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

4 Section 99. Effective date. This Act takes effect January
5 1, 2006.