



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2238

Introduced 1/11/2006, by Sen. Carol Ronen

SYNOPSIS AS INTRODUCED:

210 ILCS 5/6.5
210 ILCS 85/10.7

Amends the Ambulatory Surgical Treatment Center Act and the Hospital Licensing Act. Provides that a registered nurse licensed under the Nursing and Advanced Practice Nursing Act and qualified by training and experience in operating room nursing shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures. Provides that such a circulating nurse is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room.

LRB094 16983 DRJ 52263 b

1 AN ACT concerning regulation.

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

4 Section 5. The Ambulatory Surgical Treatment Center Act is
5 amended by changing Section 6.5 as follows:

6 (210 ILCS 5/6.5)

7 Sec. 6.5. Clinical privileges; advanced practice nurses.
8 All ambulatory surgical treatment centers (ASTC) licensed
9 under this Act shall comply with the following requirements:

10 (1) No ASTC policy, rule, regulation, or practice shall be
11 inconsistent with the provision of adequate collaboration,
12 including medical direction of licensed advanced practice
13 nurses, in accordance with Section 54.5 of the Medical Practice
14 Act of 1987.

15 (2) Operative surgical procedures shall be performed only
16 by a physician licensed to practice medicine in all its
17 branches under the Medical Practice Act of 1987, a dentist
18 licensed under the Illinois Dental Practice Act, or a
19 podiatrist licensed under the Podiatric Medical Practice Act of
20 1987, with medical staff membership and surgical clinical
21 privileges granted by the consulting committee of the ASTC. A
22 licensed physician, dentist, or podiatrist may be assisted by a
23 physician licensed to practice medicine in all its branches,
24 dentist, dental assistant, podiatrist, licensed advanced
25 practice nurse, licensed physician assistant, licensed
26 registered nurse, licensed practical nurse, surgical
27 assistant, surgical technician, or other individuals granted
28 clinical privileges to assist in surgery by the consulting
29 committee of the ASTC. Payment for services rendered by an
30 assistant in surgery who is not an ambulatory surgical
31 treatment center employee shall be paid at the appropriate
32 non-physician modifier rate if the payor would have made

1 payment had the same services been provided by a physician.

2 (2.5) A registered nurse licensed under the Nursing and
3 Advanced Practice Nursing Act and qualified by training and
4 experience in operating room nursing shall be present in the
5 operating room and function as the circulating nurse during all
6 invasive or operative procedures. For purposes of this
7 paragraph (2.5), "circulating nurse" means a registered nurse
8 who is responsible for coordinating all nursing care, patient
9 safety needs, and the needs of the surgical team in the
10 operating room during an invasive or operative procedure.

11 (3) The anesthesia service shall be under the direction of
12 a physician licensed to practice medicine in all its branches
13 who has had specialized preparation or experience in the area
14 or who has completed a residency in anesthesiology. An
15 anesthesiologist, Board certified or Board eligible, is
16 recommended. Anesthesia services may only be administered
17 pursuant to the order of a physician licensed to practice
18 medicine in all its branches, licensed dentist, or licensed
19 podiatrist.

20 (A) The individuals who, with clinical privileges
21 granted by the medical staff and ASTC, may administer
22 anesthesia services are limited to the following:

23 (i) an anesthesiologist; or

24 (ii) a physician licensed to practice medicine in
25 all its branches; or

26 (iii) a dentist with authority to administer
27 anesthesia under Section 8.1 of the Illinois Dental
28 Practice Act; or

29 (iv) a licensed certified registered nurse
30 anesthetist.

31 (B) For anesthesia services, an anesthesiologist shall
32 participate through discussion of and agreement with the
33 anesthesia plan and shall remain physically present and be
34 available on the premises during the delivery of anesthesia
35 services for diagnosis, consultation, and treatment of
36 emergency medical conditions. In the absence of 24-hour

1 availability of anesthesiologists with clinical
2 privileges, an alternate policy (requiring participation,
3 presence, and availability of a physician licensed to
4 practice medicine in all its branches) shall be developed
5 by the medical staff consulting committee in consultation
6 with the anesthesia service and included in the medical
7 staff consulting committee policies.

8 (C) A certified registered nurse anesthetist is not
9 required to possess prescriptive authority or a written
10 collaborative agreement meeting the requirements of
11 Section 15-15 of the Nursing and Advanced Practice Nursing
12 Act to provide anesthesia services ordered by a licensed
13 physician, dentist, or podiatrist. Licensed certified
14 registered nurse anesthetists are authorized to select,
15 order, and administer drugs and apply the appropriate
16 medical devices in the provision of anesthesia services
17 under the anesthesia plan agreed with by the
18 anesthesiologist or, in the absence of an available
19 anesthesiologist with clinical privileges, agreed with by
20 the operating physician, operating dentist, or operating
21 podiatrist in accordance with the medical staff consulting
22 committee policies of a licensed ambulatory surgical
23 treatment center.

24 (Source: P.A. 93-352, eff. 1-1-04.)

25 Section 10. The Hospital Licensing Act is amended by
26 changing Section 10.7 as follows:

27 (210 ILCS 85/10.7)

28 Sec. 10.7. Clinical privileges; advanced practice nurses.
29 All hospitals licensed under this Act shall comply with the
30 following requirements:

31 (1) No hospital policy, rule, regulation, or practice shall
32 be inconsistent with the provision of adequate collaboration,
33 including medical direction of licensed advanced practice
34 nurses, in accordance with Section 54.5 of the Medical Practice

1 Act of 1987.

2 (2) Operative surgical procedures shall be performed only
3 by a physician licensed to practice medicine in all its
4 branches under the Medical Practice Act of 1987, a dentist
5 licensed under the Illinois Dental Practice Act, or a
6 podiatrist licensed under the Podiatric Medical Practice Act of
7 1987, with medical staff membership and surgical clinical
8 privileges granted at the hospital. A licensed physician,
9 dentist, or podiatrist may be assisted by a physician licensed
10 to practice medicine in all its branches, dentist, dental
11 assistant, podiatrist, licensed advanced practice nurse,
12 licensed physician assistant, licensed registered nurse,
13 licensed practical nurse, surgical assistant, surgical
14 technician, or other individuals granted clinical privileges
15 to assist in surgery at the hospital. Payment for services
16 rendered by an assistant in surgery who is not a hospital
17 employee shall be paid at the appropriate non-physician
18 modifier rate if the payor would have made payment had the same
19 services been provided by a physician.

20 (2.5) A registered nurse licensed under the Nursing and
21 Advanced Practice Nursing Act and qualified by training and
22 experience in operating room nursing shall be present in the
23 operating room and function as the circulating nurse during all
24 invasive or operative procedures. For purposes of this
25 paragraph (2.5), "circulating nurse" means a registered nurse
26 who is responsible for coordinating all nursing care, patient
27 safety needs, and the needs of the surgical team in the
28 operating room during an invasive or operative procedure.

29 (3) The anesthesia service shall be under the direction of
30 a physician licensed to practice medicine in all its branches
31 who has had specialized preparation or experience in the area
32 or who has completed a residency in anesthesiology. An
33 anesthesiologist, Board certified or Board eligible, is
34 recommended. Anesthesia services may only be administered
35 pursuant to the order of a physician licensed to practice
36 medicine in all its branches, licensed dentist, or licensed

1 podiatrist.

2 (A) The individuals who, with clinical privileges
3 granted at the hospital, may administer anesthesia
4 services are limited to the following:

5 (i) an anesthesiologist; or

6 (ii) a physician licensed to practice medicine in
7 all its branches; or

8 (iii) a dentist with authority to administer
9 anesthesia under Section 8.1 of the Illinois Dental
10 Practice Act; or

11 (iv) a licensed certified registered nurse
12 anesthetist.

13 (B) For anesthesia services, an anesthesiologist shall
14 participate through discussion of and agreement with the
15 anesthesia plan and shall remain physically present and be
16 available on the premises during the delivery of anesthesia
17 services for diagnosis, consultation, and treatment of
18 emergency medical conditions. In the absence of 24-hour
19 availability of anesthesiologists with medical staff
20 privileges, an alternate policy (requiring participation,
21 presence, and availability of a physician licensed to
22 practice medicine in all its branches) shall be developed
23 by the medical staff and licensed hospital in consultation
24 with the anesthesia service.

25 (C) A certified registered nurse anesthetist is not
26 required to possess prescriptive authority or a written
27 collaborative agreement meeting the requirements of
28 Section 15-15 of the Nursing and Advanced Practice Nursing
29 Act to provide anesthesia services ordered by a licensed
30 physician, dentist, or podiatrist. Licensed certified
31 registered nurse anesthetists are authorized to select,
32 order, and administer drugs and apply the appropriate
33 medical devices in the provision of anesthesia services
34 under the anesthesia plan agreed with by the
35 anesthesiologist or, in the absence of an available
36 anesthesiologist with clinical privileges, agreed with by

1 the operating physician, operating dentist, or operating
2 podiatrist in accordance with the hospital's alternative
3 policy.

4 (Source: P.A. 93-352, eff. 1-1-04.)