

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.)