

HB4673



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4673

by Rep. Angelo Saviano

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. Allows for the administration of anesthesia under the Acts by a podiatrist with the authority to administer anesthesia under the Podiatric Medical Practice Act of 1987. Effective immediately.

LRB095 15669 RAS 41674 b

A BILL FOR

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 and
12 consultation in accordance with Section 54.5 of the Medical
13 Practice Act of 1987.

14 (2) Operative surgical procedures shall be performed only
15 by a physician licensed to practice medicine in all its
16 branches under the Medical Practice Act of 1987, a dentist
17 licensed under the Illinois Dental Practice Act, or a
18 podiatrist licensed under the Podiatric Medical Practice Act of
19 1987, with medical staff membership and surgical clinical
20 privileges granted by the consulting committee of the ASTC. A
21 licensed physician, dentist, or podiatrist may be assisted by a
22 physician licensed to practice medicine in all its branches,
23 dentist, dental assistant, podiatrist, licensed advanced

1 practice nurse, licensed physician assistant, licensed
2 registered nurse, licensed practical nurse, surgical
3 assistant, surgical technician, or other individuals granted
4 clinical privileges to assist in surgery by the consulting
5 committee of the ASTC. Payment for services rendered by an
6 assistant in surgery who is not an ambulatory surgical
7 treatment center employee shall be paid at the appropriate
8 non-physician modifier rate if the payor would have made
9 payment had the same services been provided by a physician.

10 (2.5) A registered nurse licensed under the Nurse Practice
11 Act and qualified by training and experience in operating room
12 nursing shall be present in the operating room and function as
13 the circulating nurse during all invasive or operative
14 procedures. For purposes of this paragraph (2.5), "circulating
15 nurse" means a registered nurse who is responsible for
16 coordinating all nursing care, patient safety needs, and the
17 needs of the surgical team in the operating room during an
18 invasive or operative procedure.

19 (3) An advanced practice nurse is not required to possess
20 prescriptive authority or a written collaborative agreement
21 meeting the requirements of the Nurse Practice Act to provide
22 advanced practice nursing services in an ambulatory surgical
23 treatment center. An advanced practice nurse must possess
24 clinical privileges granted by the consulting medical staff
25 committee and ambulatory surgical treatment center in order to
26 provide services. Individual advanced practice nurses may also

1 be granted clinical privileges to order, select, and administer
2 medications, including controlled substances, to provide
3 delineated care. The attending physician must determine the
4 advance practice nurse's role in providing care for his or her
5 patients, except as otherwise provided in the consulting staff
6 policies. The consulting medical staff committee shall
7 periodically review the services of advanced practice nurses
8 granted privileges.

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

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

21 (i) an anesthesiologist; or

22 (ii) a physician licensed to practice medicine in
23 all its branches; or

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

1 (iv) a licensed certified registered nurse
2 anesthetist; ~~or-~~

3 (v) a podiatrist with the authority to administer
4 anesthesia under the Podiatric Medical Practice Act of
5 1987.

6 (B) For anesthesia services, an anesthesiologist shall
7 participate through discussion of and agreement with the
8 anesthesia plan and shall remain physically present and be
9 available on the premises during the delivery of anesthesia
10 services for diagnosis, consultation, and treatment of
11 emergency medical conditions. In the absence of 24-hour
12 availability of anesthesiologists with clinical
13 privileges, an alternate policy (requiring participation,
14 presence, and availability of a physician licensed to
15 practice medicine in all its branches) shall be developed
16 by the medical staff consulting committee in consultation
17 with the anesthesia service and included in the medical
18 staff consulting committee policies.

19 (C) A certified registered nurse anesthetist is not
20 required to possess prescriptive authority or a written
21 collaborative agreement meeting the requirements of
22 Section 65-35 of the Nurse Practice Act to provide
23 anesthesia services ordered by a licensed physician,
24 dentist, or podiatrist. Licensed certified registered
25 nurse anesthetists are authorized to select, order, and
26 administer drugs and apply the appropriate medical devices

1 in the provision of anesthesia services under the
2 anesthesia plan agreed with by the anesthesiologist or, in
3 the absence of an available anesthesiologist with clinical
4 privileges, agreed with by the operating physician,
5 operating dentist, or operating podiatrist in accordance
6 with the medical staff consulting committee policies of a
7 licensed ambulatory surgical treatment center.

8 (Source: P.A. 94-915, eff. 1-1-07; 95-639, eff. 10-5-07.)

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

11 (210 ILCS 85/10.7)

12 Sec. 10.7. Clinical privileges; advanced practice nurses.
13 All hospitals licensed under this Act shall comply with the
14 following requirements:

15 (1) No hospital policy, rule, regulation, or practice shall
16 be inconsistent with the provision of adequate collaboration
17 and consultation in accordance with Section 54.5 of the Medical
18 Practice Act of 1987.

19 (2) Operative surgical procedures shall be performed only
20 by a physician licensed to practice medicine in all its
21 branches under the Medical Practice Act of 1987, a dentist
22 licensed under the Illinois Dental Practice Act, or a
23 podiatrist licensed under the Podiatric Medical Practice Act of
24 1987, with medical staff membership and surgical clinical

1 privileges granted at the hospital. A licensed physician,
2 dentist, or podiatrist may be assisted by a physician licensed
3 to practice medicine in all its branches, dentist, dental
4 assistant, podiatrist, licensed advanced practice nurse,
5 licensed physician assistant, licensed registered nurse,
6 licensed practical nurse, surgical assistant, surgical
7 technician, or other individuals granted clinical privileges
8 to assist in surgery at the hospital. Payment for services
9 rendered by an assistant in surgery who is not a hospital
10 employee shall be paid at the appropriate non-physician
11 modifier rate if the payor would have made payment had the same
12 services been provided by a physician.

13 (2.5) A registered nurse licensed under the Nurse Practice
14 Act and qualified by training and experience in operating room
15 nursing shall be present in the operating room and function as
16 the circulating nurse during all invasive or operative
17 procedures. For purposes of this paragraph (2.5), "circulating
18 nurse" means a registered nurse who is responsible for
19 coordinating all nursing care, patient safety needs, and the
20 needs of the surgical team in the operating room during an
21 invasive or operative procedure.

22 (3) An advanced practice nurse is not required to possess
23 prescriptive authority or a written collaborative agreement
24 meeting the requirements of the Nurse Practice Act to provide
25 advanced practice nursing services in a hospital. An advanced
26 practice nurse must possess clinical privileges recommended by

1 the medical staff and granted by the hospital in order to
2 provide services. Individual advanced practice nurses may also
3 be granted clinical privileges to order, select, and administer
4 medications, including controlled substances, to provide
5 delineated care. The attending physician must determine the
6 advance practice nurse's role in providing care for his or her
7 patients, except as otherwise provided in medical staff bylaws.
8 The medical staff shall periodically review the services of
9 advanced practice nurses granted privileges. This review shall
10 be conducted in accordance with item (2) of subsection (a) of
11 Section 10.8 of this Act for advanced practice nurses employed
12 by the hospital.

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

22 (A) The individuals who, with clinical privileges
23 granted at the hospital, may administer anesthesia
24 services are limited to the following:

25 (i) an anesthesiologist; or

26 (ii) a physician licensed to practice medicine in

1 all its branches; or

2 (iii) a dentist with authority to administer
3 anesthesia under Section 8.1 of the Illinois Dental
4 Practice Act; ~~or~~

5 (iv) a licensed certified registered nurse
6 anesthetist; ~~or~~

7 (v) a podiatrist with the authority to administer
8 anesthesia under the Podiatric Medical Practice Act of
9 1987.

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

22 (C) A certified registered nurse anesthetist is not
23 required to possess prescriptive authority or a written
24 collaborative agreement meeting the requirements of
25 Section 65-35 of the Nurse Practice Act to provide
26 anesthesia services ordered by a licensed physician,

1 dentist, or podiatrist. Licensed certified registered
2 nurse anesthetists are authorized to select, order, and
3 administer drugs and apply the appropriate medical devices
4 in the provision of anesthesia services under the
5 anesthesia plan agreed with by the anesthesiologist or, in
6 the absence of an available anesthesiologist with clinical
7 privileges, agreed with by the operating physician,
8 operating dentist, or operating podiatrist in accordance
9 with the hospital's alternative policy.

10 (Source: P.A. 94-915, eff. 1-1-07; 95-639, eff. 10-5-07.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.