

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 licensed under the Podiatric
4 Medical Practice Act of 1987.

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

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

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

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

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

10 (210 ILCS 85/10.7)

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

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

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

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

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

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

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

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

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

24 (i) an anesthesiologist; or

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

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

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

6 (v) a podiatrist licensed under the Podiatric
7 Medical Practice Act of 1987.

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

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

1 administer drugs and apply the appropriate medical devices
2 in the provision of anesthesia services under the
3 anesthesia plan agreed with by the anesthesiologist or, in
4 the absence of an available anesthesiologist with clinical
5 privileges, agreed with by the operating physician,
6 operating dentist, or operating podiatrist in accordance
7 with the hospital's alternative policy.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.