

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 1. Short title. This Act may be cited as the
5 Midwifery Licensure Act.

6 Section 5. Purpose. The practice of midwifery in
7 out-of-hospital settings is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. The purpose of the Act is to
10 protect and benefit the public by setting standards for the
11 qualifications, education, training, and experience of those
12 who seek to obtain licensure and hold the title of Licensed
13 Midwife, to promote high standards of professional performance
14 for those licensed to practice midwifery in out-of-hospital
15 settings in this State, and to protect the public from
16 unprofessional conduct by persons licensed to practice
17 midwifery, as defined in this Act. This Act shall be liberally
18 construed to best carry out these purposes.

19 Section 10. Exemptions.

20 (a) This Act does not prohibit a person licensed under any
21 other Act in this State from engaging in the practice for which
22 he or she is licensed or from delegating services as provided

1 for under that other Act.

2 (b) Nothing in this Act shall be construed to prohibit or
3 require licensing under this Act, with regard to any of the
4 following:

5 (1) The gratuitous rendering of services.

6 (2) The rendering of services by a person if such
7 attendance is in accordance with the person's religious
8 faith and is rendered to persons with a similar religious
9 faith as an exercise and enjoyment of their religious
10 freedom.

11 (3) Midwifery that is included in the educational
12 programs of student midwives working under the direct
13 supervision of a preceptor approved by the North American
14 Registry of Midwives.

15 Section 15. Definitions. In this Act:

16 "American Midwifery Certification Board" or "AMCB" means
17 the national certifying body for certified nurse-midwives
18 (CNM) and certified midwives (CM) or its successor.

19 "Board" means the Illinois Midwifery Board.

20 "Certified professional midwife" means a person who has met
21 the standards for certification set by the North American
22 Registry of Midwives and has been awarded the Certified
23 Professional Midwife (CPM) credential.

24 "Department" means the Department of Financial and
25 Professional Regulation.

1 "Licensed midwife" means a person who has been granted a
2 license under this Act to engage in the practice of midwifery.

3 "National Association of Certified Professional Midwives"
4 or "NACPM" means the professional organization, or its
5 successor, that promotes the growth and development of the
6 profession of certified professional midwives.

7 "North American Registry of Midwives" or "NARM" means the
8 accredited international agency, or its successor, that has
9 established and has continued to administer certification for
10 the credentialing of certified professional midwives.

11 "Practice of midwifery" means providing the necessary
12 supervision, care, education, and advice to women during the
13 antepartum, intrapartum, and postpartum period, conducting
14 deliveries independently, and caring for the newborn, with such
15 care including without limitation preventative measures, the
16 detection of abnormal conditions in the mother and the child,
17 the procurement of medical assistance, and the execution of
18 emergency measures in the absence of medical help. "Practice of
19 midwifery" includes non-prescriptive family planning.

20 "Secretary" means the Secretary of Financial and
21 Professional Regulation.

22 Section 17. Unlicensed practice. Beginning 2 years after
23 the effective date of this Act, no person may practice, attempt
24 to practice, or hold himself or herself out to practice as a
25 licensed midwife unless he or she is licensed as a midwife

1 under this Act.

2 Section 20. Title. A licensed midwife may identify himself
3 or herself as a Licensed Midwife or a Licensed Homebirth
4 Midwife and may use the abbreviation L.M. A licensed midwife
5 who carries the CPM credential may alternately identify himself
6 or herself as a Licensed Certified Professional Midwife or
7 Licensed CPM and may use the abbreviation CPM, LM.

8 A licensed midwife who carries the CNM credential may
9 alternately identify himself or herself as a Licensed Certified
10 Nurse-Midwife or Licensed CNM and may use the abbreviation CNM,
11 LM. A licensed midwife who carries the CM credential may
12 alternately identify himself or herself as a Licensed Certified
13 Midwife or Licensed CM and may use the abbreviation CM, LM.

14 Section 25. Informed consent.

15 (a) A licensed midwife shall, at an initial consultation
16 with a client, provide a copy of the rules adopted by the
17 Department under this Act and disclose to the client orally and
18 in writing all of the following:

19 (1) The licensed midwife's experience and training.

20 (2) Whether the licensed midwife has malpractice
21 liability insurance coverage and the policy limits of any
22 such coverage.

23 (3) A written protocol for the handling of medical
24 emergencies, including transportation to a hospital,

1 particular to each client.

2 (4) A recommendation that the client obtain a physical
3 examination from an appropriately licensed provider.

4 (5) Any other information required by the Department by
5 rule.

6 (b) A copy of the informed consent document, signed and
7 dated by the client, must be kept in each client's chart.

8 Section 30. Vicarious liability. No other licensed
9 midwife, doctor of medicine, doctor of osteopathy,
10 acupuncturist, chiropractor, midwife, nurse-midwife, emergency
11 medical personnel, first responder, or hospital or agent
12 thereof shall be liable for an injury resulting from an act or
13 omission by a licensed midwife, even if he or she has consulted
14 with or accepted a referral from the licensed midwife.

15 Except as otherwise provided by law, no licensed midwife,
16 doctor of medicine, doctor of osteopathy, acupuncturist,
17 chiropractor, midwife, nurse-midwife, emergency medical
18 personnel, first responder, or hospital or agent thereof may be
19 exempt from liability for his or her own subsequent and
20 independent negligent, grossly negligent, or willful or wanton
21 acts or omissions.

22 Section 35. Advertising.

23 (a) Any person licensed under this Act may advertise the
24 availability of professional midwifery services in the public

1 media or on premises where professional services are rendered,
2 if the advertising is truthful and not misleading and is in
3 conformity with any rules adopted by the Department.

4 (b) A licensee must include in every advertisement for
5 midwifery services regulated under this Act his or her title as
6 it appears on the license or the initials authorized under this
7 Act.

8 Section 40. Powers and duties of the Department;
9 rulemaking.

10 (a) The Department shall adopt all rules necessary for the
11 implementation and administration of this Act, including rules
12 establishing criteria for licensure, professional conduct, and
13 discipline; however, the Department must consult with the Board
14 regarding rulemaking and review any responses and
15 recommendations made by the Board. Initial rules concerning the
16 licensed practice of midwifery must be adopted on or before
17 January 1, 2008.

18 (b) All rules adopted by the Department under this Act must
19 be consistent with standards regarding the practice of
20 midwifery established by the National Association of Certified
21 Professional Midwives or a successor organization whose
22 essential documents include without limitation subject matter
23 concerning scope of practice, standards of practice, informed
24 consent, appropriate consultation, collaboration or referral,
25 and acknowledgement of a woman's right to self determination

1 concerning her maternity care.

2 (c) Rules adopted by the Department must provide for the
3 following:

4 (1) the scope of practice and services provided
5 regarding the use of equipment, procedures, and
6 medications;

7 (2) the administration by a licensed midwife of oxygen
8 during the practice of midwifery;

9 (3) the issuance of temporary permits to practice
10 midwifery pending qualification for licensure; and

11 (4) the administration during the practice of
12 midwifery, of oxytocin (Pitocin) and Methergine solely as
13 postpartum anti-hemorrhagic agents, RhoGAM for the
14 prevention of Rh sensitization, intravenous fluids for
15 stabilization, vitamin K, eye prophylactics, and other
16 drugs or procedures in keeping with current midwifery
17 standards, as determined by the Department, and the
18 procurement of prescriptions for such medications by a
19 licensed midwife.

20 (d) The rules adopted by the Department under this Section
21 may not:

22 (1) require a licensed midwife to have a nursing or
23 nurse-midwifery degree or diploma;

24 (2) require a licensed midwife to practice midwifery
25 under the supervision of or in collaboration with another
26 healthcare provider;

1 (3) require a licensed midwife to enter into an
2 agreement, written or otherwise, with another health care
3 provider; and

4 (4) permit a licensed midwife to use forceps, a vacuum
5 extraction, or Cytotec or its generic equivalent.

6 (e) The Department shall, on a quarterly basis, issue a
7 status report to the Board of all complaints submitted to the
8 Department related to the midwifery profession.

9 (f) The Department must verify that the North American
10 Registry of Midwives meets and maintains all accreditation
11 standards set forth by the National Commission of Certifying
12 Agencies or a successor organization.

13 Section 45. Illinois Midwifery Board.

14 (a) There is created under the authority of the Department
15 the Illinois Midwifery Board, which shall consist of 7 members
16 appointed by the Secretary, 4 of whom shall be licensed
17 midwives who carry the CPM credential, except that initial
18 appointees must have at least 3 years of experience in the
19 practice of midwifery in an out-of-hospital setting, be
20 certified by the North American Registry of Midwives, and meet
21 the qualifications for licensure set forth in this Act; one of
22 whom shall be an obstetrician licensed under the Medical
23 Practice Act of 1987 who has a minimum of 2 years of experience
24 working or consulting with homebirth providers or,
25 alternately, a family practice physician licensed under the

1 Medical Practice Act of 1987 who has a minimum of 2 years of
2 experience providing homebirth services; one of whom shall be a
3 certified nurse midwife who has at least 2 years of experience
4 in providing home birth services; and one of whom shall be a
5 knowledgeable public member who has given birth with the
6 assistance of a certified professional midwife in an
7 out-of-hospital birth setting. Board members shall serve
8 4-year terms, except that in the case of initial appointments,
9 terms shall be staggered as follows: 3 members shall serve for
10 4 years, 2 members shall serve for 3 years, and 2 members shall
11 serve for 2 years. The Board shall annually elect a chairperson
12 and vice chairperson.

13 (b) Any appointment made to fill a vacancy shall be for the
14 unexpired portion of the term. Appointments to fill vacancies
15 shall be made in the same manner as original appointments. No
16 Board member may be reappointed for a term that would cause his
17 or her continuous service on the Board to exceed 9 years.

18 (c) Board membership must have reasonable representation
19 from different geographic areas of this State.

20 (d) The members of the Board shall be reimbursed for all
21 legitimate, necessary, and authorized expenses incurred in
22 attending the meetings of the Board.

23 (e) The Secretary may remove any member for cause at any
24 time prior to the expiration of his or her term.

25 (f) A majority of the Board members currently appointed
26 shall constitute a quorum. A vacancy in the membership of the

1 Board shall not impair the right of a quorum to perform all of
2 the duties of the Board.

3 (g) The Board shall provide the Department with
4 recommendations concerning the administration of this Act and
5 perform each of the following duties:

6 (1) Recommend to the Department the adoption and, from
7 time to time, the revision of any rules that may be
8 necessary to carry out the provisions of this Act,
9 including those that are designed to protect the health,
10 safety, and welfare of the public.

11 (2) Conduct hearings and disciplinary conferences on
12 disciplinary charges of licensees.

13 (3) Report to the Department, upon completion of a
14 hearing, the disciplinary actions recommended to be taken
15 against a person found in violation of this Act.

16 (4) Recommend the approval, denial of approval, and
17 withdrawal of approval of required education and
18 continuing educational programs.

19 (h) The Secretary shall give due consideration to all
20 recommendations of the Board. If the Secretary takes action
21 contrary to a recommendation of the Board, the Secretary must
22 promptly provide a written explanation of that action.

23 (i) The Board may recommend to the Secretary that one or
24 more licensed midwives be selected by the Secretary to assist
25 in any investigation under this Act. Compensation shall be
26 provided to any licensee who provides assistance under this

1 subsection (i), in an amount determined by the Secretary.

2 (j) Members of the Board shall be immune from suit in an
3 action based upon a disciplinary proceeding or other activity
4 performed in good faith as a member of the Board, except for
5 willful or wanton misconduct.

6 Section 50. Qualifications.

7 (a) A person is qualified for licensure as a midwife if
8 that person meets each of the following qualifications:

9 (1) He or she has successfully completed a program of
10 midwifery education approved by the North American
11 Registry of Midwives which includes both didactic and
12 clinical experience, the sum of which, on average, takes 3
13 to 5 years to complete.

14 (A) The didactic component of the educational
15 program required under item (1) of this Section must
16 include the procurement of knowledge, which may be
17 demonstrated in either a classroom or clinical
18 setting, of at least all of the following subject
19 matters:

20 (i) Midwifery counseling, education, and
21 communication, including childbirth education; the
22 physical and emotional process of pregnancy and
23 birth; informed consent; confidentiality; diet,
24 nutrition, and vitamins; prenatal testing and lab
25 work; female reproductive anatomy and physiology;

1 prenatal exercise; breast self-exams;
2 environmental and teratogenic hazards to
3 pregnancy; the benefits and risks of birth site
4 options; preparing for birth at home or at a birth
5 center; and an emergency care plan.

6 (ii) General healthcare skills, including
7 universal precautions and aseptic techniques;
8 recognizing and managing symptoms of shock; adult
9 and infant cardio-pulmonary resuscitation (CPR);
10 the benefits and risks of ultrasound; and the
11 appropriate use of medications in childbirth, such
12 as lidocaine or other numbing agents for repair of
13 lacerations, medical oxygen, methergine and
14 pitocin to prevent postpartum hemorrhage, eye
15 prophylaxis, RhoGAM, and vitamin K.

16 (iii) The appropriate use and care of
17 equipment, including bags and masks; bulb
18 syringes; delee suction; hemostats; lancets;
19 suturing equipment; urinary catheters; and
20 vacutainer collection tubes.

21 (iv) The appropriate evaluation of laboratory
22 records, including records related to hematocrit;
23 blood sugar; HIV; Hepatitis B and C; Rubella;
24 Syphilis; Group B Strep; Gonorrhea cultures; blood
25 type and Rh factors; Rh antibodies; Chlamydia, and
26 PAP smears.

1 (v) Maternal health assessment, including
2 health, reproductive, and family health history
3 and complete initial physical examinations to
4 identify normalcy, including examinations related
5 to the head, eyes, ears, nose, and throat; weight
6 and height; vital signs; thyroid; lymph glands;
7 breasts; reflexes; heart and lungs; abdominal
8 palpitations; kidney pain; pelvic landmarks,
9 uterus, cervix, and vagina; musculo-skeletal
10 system; and vascular system.

11 (vi) Prenatal care, including routine prenatal
12 examinations for health and well-being; signs and
13 symptoms of infection; vital signs; nutritional
14 status; blood work or lab results; urine for
15 glucose, protein, and ketones; fetal heart rate;
16 assessment of fetal growth and well-being; and
17 fetal position by palpation.

18 (vii) The recognition of and response to or
19 referral for potential complications, including
20 bleeding; hypertension; any abnormal signs in the
21 prenatal exam, including without limitation blood
22 work and growth; malpresentation; multiple
23 gestation; vaginal birth after cesarean; pre-term
24 labor; post-date pregnancy; and premature rupture
25 of membranes.

26 (viii) Labor, birth, and immediate postpartum,

1 including signs of prodromal or active labor;
2 maternal comfort measures for labor; maternal
3 vital signs; normal and abnormal labor patterns;
4 fetal lie, presentation, position, and descent;
5 effacement and dilation of the cervix; and normal,
6 spontaneous, and vaginal birth.

7 (ix) The appropriate response to abnormal
8 conditions in labor, including signs of fetal
9 distress; variations in presentation; maternal
10 exhaustion; and excessive bleeding.

11 (x) The immediate care and assessment of the
12 newborn.

13 (xi) The immediate care and assessment of the
14 mother.

15 (xii) The delivery of the placenta.

16 (xiii) The assessment and repair of the
17 perineum.

18 (xiv) Postpartum, including the daily and
19 weekly assessment of the mother and newborn;
20 breastfeeding support; the filing of birth
21 certificates; and assessing for postpartum
22 depression, uterine or breast infections, and
23 abnormal newborn jaundice and referring as
24 necessary.

25 (xv) Well baby care, including the assessment
26 of normal or abnormal newborn conditions and

1 referral, as necessary, in first six weeks, such as
2 respirations; temperature; heart rate and rhythm;
3 appropriate weight gain; appropriate size and
4 growth; reflexes; elimination patterns; feeding
5 patterns; thrush; jaundice; diaper rash; cradle
6 cap; colic; and any significant deviation from
7 normalcy.

8 (xvi) Metabolic screening for the newborn.

9 (B) The clinical component of the educational
10 process must do each of the following:

11 (i) Include prenatal, intrapartal, and
12 postpartal care as well as newborn care.

13 (ii) Be at least one year in duration.

14 (iii) Be equivalent to 1,350 clinical contact
15 hours under the direct supervision of one or more
16 preceptors approved by the North American Registry
17 of Midwives.

18 (iv) Be based upon a job analyses designed and
19 implemented in accordance with the standards set
20 by the National Commission on Certifying Agencies
21 or its successor, which identifies core topics
22 that must be mastered for the performance of
23 midwifery skills in an out-of-hospital setting.

24 (v) Require the student to receive an
25 assessment of competency as an assistant at a
26 minimum of 20 births and as the primary midwife at

1 a minimum of 75 prenatal exams, 20 initial exams,
2 20 births, 20 newborn exams, and 40 postpartum
3 exams.

4 (vi) Include certification in adult CPR and
5 infant CPR or neonatal resuscitation.

6 (vii) Document clinical experience in an
7 out-of-hospital setting.

8 (2) He or she has earned an associate's degree or 60
9 hours of college credit at an accredited institution of
10 postsecondary education.

11 (3) He or she has completed a pharmacology class
12 specific to home birth that is recommended by the Board,
13 approved and administered by the Department, and taught by
14 a licensed physician or certified nurse-midwife with at
15 least 3 years of home birth experience.

16 (4) He or she has passed an 8-hour written and
17 practical skills examination for the practice of midwifery
18 that has been developed following the standards set by the
19 National Commission for Certifying Agencies or a successor
20 organization and is administered by the North American
21 Registry of Midwives.

22 (5) He or she holds a valid CPM credential granted by
23 the North American Registry of Midwives.

24 (b) An individual who has not completed the requirements of
25 subsection (a) of this Section shall be deemed qualified for
26 licensure as a midwife if that person holds a valid CNM or CM

1 credential granted by the American Midwifery Certification
2 Board and practices midwifery in an out-of-hospital setting.

3 Section 55. Conditional licensure. For a period of one year
4 after the effective date of this Act, the Department may issue
5 a conditional license to an applicant who submits acceptable
6 proof to the Department that he or she has practiced midwifery
7 prior to the effective date of this Act and has applied to the
8 North American Registry of Midwives for certification as a
9 certified professional midwife. A conditional license issued
10 under this Section shall automatically terminate one year after
11 the date of issue unless the applicant has, by such time,
12 successfully completed the certification examination provided
13 by the North American Registry of Midwives.

14 Section 60. Application; temporary licensure.

15 (a) Application for an original license must be made to the
16 Department in writing on forms prescribed by the Department and
17 must be accompanied by the required fee, which shall be
18 nonrefundable. The application shall require all information
19 that, in the judgment of the Department, shall enable the
20 Department to pass on the qualifications of an applicant for
21 licensure.

22 (b) Applicants for licensure under this Act have 2 years
23 after the date of application to complete the application
24 process. If the process has not been completed in 2 years, the

1 application shall be denied and the fee forfeited, and the
2 applicant must reapply and meet all requirements in effect at
3 the time of reapplication.

4 (c) Pending the issuance of a license, the Department may
5 grant an applicant a temporary license to practice midwifery as
6 a licensed midwife if the Department is satisfied that the
7 applicant holds an active, unencumbered license in good
8 standing in another jurisdiction.

9 Section 65. Social Security Number on application. In
10 addition to any other information required to be contained in
11 the application, every application for an original, renewal,
12 reinstated, or restored license under this Act shall include
13 the applicant's Social Security Number.

14 Section 70. Licensure by endorsement. Upon the payment of
15 any applicable licensure fees, the Department may issue a
16 license under this Act to an applicant licensed, registered, or
17 certified under the laws of another jurisdiction if the
18 requirements for licensure, registration, or certification in
19 that jurisdiction are, on the date of licensure, registration,
20 or certification, substantially equivalent to the requirements
21 of this Act.

22 Section 75. Continuing education.

23 (a) The Department shall adopt rules of continuing

1 education for persons licensed under this Act that require at
2 least 25 hours of continuing education and 5 hours of peer
3 review, per 3-year license renewal cycle.

4 (b) The rules shall require the licensed midwife to
5 maintain CPM certification by meeting all the requirements set
6 forth by the North American Registry of Midwives or to maintain
7 CNM or CM certification by meeting all the requirements set
8 forth by the American Midwifery Certification Board.

9 (c) Each licensee is responsible for maintaining records of
10 completion of continuing education and shall be prepared to
11 produce the records when requested by the Department.

12 (d) Continuing education requirements may be waived in
13 cases of extreme hardship, as defined by rules of the
14 Department.

15 Section 80. Inactive status.

16 (a) A licensed midwife who notifies the Department in
17 writing on forms prescribed by the Department may elect to
18 place his or her license on an inactive status and shall be
19 excused from payment of renewal fees until he or she notifies
20 the Department in writing of his or her intent to restore the
21 license.

22 (b) A licensed midwife whose license is on inactive status
23 may not practice licensed midwifery in the State of Illinois.

24 (c) A licensed midwife requesting restoration from
25 inactive status shall be required to pay the current renewal

1 fee and to restore his or her license, as provided by the
2 Department by rule.

3 (d) Any licensee who engages in the practice of midwifery
4 while his or her license is lapsed or on inactive status shall
5 be considered to be practicing without a license, which shall
6 be grounds for discipline.

7 Section 85. Renewal, reinstatement, or restoration of
8 licensure; military service.

9 (a) The expiration date and renewal period for each license
10 issued under this Act shall be set by the Department by rule.

11 (b) All renewal applicants shall provide proof of having
12 met the requirements of continuing education set forth by the
13 North American Registry of Midwives or the American Midwifery
14 Certification Board. The Department shall, by rule, provide for
15 an orderly process for the reinstatement of licenses that have
16 not been renewed due to failure to meet continuing education
17 requirements.

18 (c) Any licensed midwife who has permitted his or her
19 license to expire or who has had his or her license on inactive
20 status may have his or her license restored by making
21 application to the Department and filing proof acceptable to
22 the Department of fitness to have the license restored and by
23 paying the required fees. Proof of fitness may include evidence
24 attesting to active lawful practice in another jurisdiction.

25 (d) The Department shall determine, by an evaluation

1 program established by rule, fitness for restoration of a
2 license under this Section and shall establish procedures and
3 requirements for restoration.

4 (e) Any licensed midwife whose license expired while he or
5 she was (i) in federal service on active duty with the Armed
6 Forces of the United States or the State Militia and called
7 into service or training or (ii) in training or education under
8 the supervision of the United States preliminary to induction
9 into the military service may have his or her license restored
10 without paying any lapsed renewal fees, if, within 2 years
11 after honorable termination of service, training, or
12 education, he or she furnishes the Department with satisfactory
13 evidence to the effect that he or she has been so engaged.

14 Section 90. Roster. The Department shall maintain a roster
15 of the names and addresses of all licensees and of all persons
16 whose licenses have been suspended or revoked. This roster
17 shall be available upon written request and payment of the
18 required fee.

19 Section 95. Fees.

20 (a) The Department shall, by rule, provide for a schedule
21 of fees for the administration and enforcement of this Act,
22 including without limitation original licensure, renewal, and
23 restoration, which fees shall be nonrefundable.

24 (b) All fees collected under this Act shall be deposited

1 into the General Professions Dedicated Fund and appropriated to
2 the Department for the ordinary and contingent expenses of the
3 Department in the administration of this Act.

4 Section 100. Returned checks; fines. Any person who
5 delivers a check or other payment to the Department that is
6 returned to the Department unpaid by the financial institution
7 upon which it is drawn shall pay to the Department, in addition
8 to the amount already owed to the Department, a fine of \$50.
9 The fines imposed by this Section are in addition to any other
10 discipline provided under this Act for unlicensed practice or
11 practice on a non-renewed license. The Department shall notify
12 the person that fees and fines shall be paid to the Department
13 by certified check or money order within 30 calendar days after
14 the notification. If, after the expiration of 30 days from the
15 date of the notification, the person has failed to submit the
16 necessary remittance, the Department shall automatically
17 terminate the license or deny the application, without hearing.
18 If, after termination or denial, the person seeks a license, he
19 or she shall apply to the Department for restoration or
20 issuance of the license and pay all fees and fines due to the
21 Department. The Department may establish a fee for the
22 processing of an application for restoration of a license to
23 defray all expenses of processing the application. The
24 Secretary may waive the fines due under this Section in
25 individual cases where the Secretary finds that the fines would

1 be unreasonable or unnecessarily burdensome.

2 Section 105. Unlicensed practice; civil penalty. Any
3 person who practices, offers to practice, attempts to practice,
4 or holds himself or herself out to practice midwifery or as a
5 midwife without being licensed under this Act shall, in
6 addition to any other penalty provided by law, pay a civil
7 penalty to the Department in an amount not to exceed \$5,000 for
8 each offense, as determined by the Department. The civil
9 penalty shall be assessed by the Department after a hearing is
10 held in accordance with the provisions set forth in this Act
11 regarding the provision of a hearing for the discipline of a
12 licensee. The civil penalty shall be paid within 60 days after
13 the effective date of the order imposing the civil penalty. The
14 order shall constitute a judgment and may be filed and
15 execution had thereon in the same manner as any judgment from
16 any court of record. The Department may investigate any
17 unlicensed activity.

18 Section 110. Exemption from civil liability. Exemption
19 from civil liability for emergency care and for services
20 rendered without compensation is as provided in the Good
21 Samaritan Act.

22 Section 115. Grounds for disciplinary action. The
23 Department may refuse to issue or to renew or may revoke,

1 suspend, place on probation, reprimand or take other
2 disciplinary action as the Department may deem proper,
3 including fines not to exceed \$5,000 for each violation, with
4 regard to any licensee or license for any one or combination of
5 the following causes:

6 (1) Violations of this Act or its rules.

7 (2) Material misstatement in furnishing information to
8 the Department.

9 (3) Conviction of any crime under the laws of any U.S.
10 jurisdiction that is (i) a felony, (ii) a misdemeanor, an
11 essential element of which is dishonesty, or (iii) directly
12 related to the practice of the profession.

13 (4) Making any misrepresentation for the purpose of
14 obtaining a license.

15 (5) Professional incompetence or gross negligence.

16 (6) Gross malpractice.

17 (7) Aiding or assisting another person in violating any
18 provision of this Act or its rules.

19 (8) Failing to provide information within 60 days in
20 response to a written request made by the Department.

21 (9) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (10) Habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that results in the inability to practice with reasonable

1 judgment, skill, or safety.

2 (11) Discipline by another U.S. jurisdiction or
3 foreign nation if at least one of the grounds for the
4 discipline is the same or substantially equivalent to those
5 set forth in this Act.

6 (12) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered. This shall not be deemed to include rent or other
11 remunerations paid to an individual, partnership, or
12 corporation by a licensed midwife for the lease, rental, or
13 use of space, owned or controlled by the individual,
14 partnership, corporation, or association.

15 (13) A finding by the Department that the licensee,
16 after having his or her license placed on probationary
17 status, has violated the terms of probation.

18 (14) Abandonment of a patient without cause.

19 (15) Willfully making or filing false records or
20 reports relating to a licensee's practice, including, but
21 not limited to, false records filed with State agencies or
22 departments.

23 (16) Physical illness or mental illness, including,
24 but not limited to, deterioration through the aging process
25 or loss of motor skill that results in the inability to
26 practice the profession with reasonable judgment, skill,

1 or safety.

2 (17) Failure to provide a patient with a copy of his or
3 her record upon the written request of the patient.

4 (18) Conviction by any court of competent
5 jurisdiction, either within or without this State, of any
6 violation of any law governing the practice of licensed
7 midwifery or conviction in this or another state of any
8 crime that is a felony under the laws of this State or
9 conviction of a felony in a federal court, if the
10 Department determines, after investigation, that the
11 person has not been sufficiently rehabilitated to warrant
12 the public trust.

13 (19) A finding that licensure has been applied for or
14 obtained by fraudulent means.

15 (20) Being named as a perpetrator in an indicated
16 report by the Department of Healthcare and Family Services
17 under the Abused and Neglected Child Reporting Act and upon
18 proof by clear and convincing evidence that the licensee
19 has caused a child to be an abused child or a neglected
20 child, as defined in the Abused and Neglected Child
21 Reporting Act.

22 (21) Practicing or attempting to practice under a name
23 other than the full name shown on a license issued under
24 this Act.

25 (22) Immoral conduct in the commission of any act, such
26 as sexual abuse, sexual misconduct, or sexual

1 exploitation, related to the licensee's practice.

2 (23) Maintaining a professional relationship with any
3 person, firm, or corporation when the licensed midwife
4 knows or should know that a person, firm, or corporation is
5 violating this Act.

6 (24) Failure to provide satisfactory proof of having
7 participated in approved continuing education programs as
8 determined by the Board and approved by the Secretary.
9 Exceptions for extreme hardships are to be defined by the
10 Department by rule.

11 (b) The Department may refuse to issue or may suspend the
12 license of any person who fails to (i) file a tax return or to
13 pay the tax, penalty, or interest shown in a filed return or
14 (ii) pay any final assessment of the tax, penalty, or interest,
15 as required by any tax Act administered by the Illinois
16 Department of Revenue, until the time that the requirements of
17 that tax Act are satisfied.

18 (c) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code operates as an automatic suspension. The suspension shall
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission,
24 the issuance of an order so finding and discharging the
25 patient, and the recommendation of the Board to the Secretary
26 that the licensee be allowed to resume his or her practice.

1 (d) In enforcing this Section, the Department, upon a
2 showing of a possible violation, may compel any person licensed
3 to practice under this Act or who has applied for licensure or
4 certification pursuant to this Act to submit to a mental or
5 physical examination, or both, as required by and at the
6 expense of the Department. The examining physicians shall be
7 those specifically designated by the Department. The
8 Department may order an examining physician to present
9 testimony concerning the mental or physical examination of the
10 licensee or applicant. No information shall be excluded by
11 reason of any common law or statutory privilege relating to
12 communications between the licensee or applicant and the
13 examining physician. The person to be examined may have, at his
14 or her own expense, another physician of his or her choice
15 present during all aspects of the examination. Failure of any
16 person to submit to a mental or physical examination when
17 directed shall be grounds for suspension of a license until the
18 person submits to the examination if the Department finds,
19 after notice and hearing, that the refusal to submit to the
20 examination was without reasonable cause.

21 If the Department finds an individual unable to practice
22 because of the reasons set forth in this subsection (d), the
23 Department may require that individual to submit to care,
24 counseling, or treatment by physicians approved or designated
25 by the Department, as a condition, term, or restriction for
26 continued, reinstated, or renewed licensure to practice or, in

1 lieu of care, counseling, or treatment, the Department may file
2 a complaint to immediately suspend, revoke, or otherwise
3 discipline the license of the individual. Any person whose
4 license was granted, reinstated, renewed, disciplined, or
5 supervised subject to such terms, conditions, or restrictions
6 and who fails to comply with such terms, conditions, or
7 restrictions shall be referred to the Secretary for a
8 determination as to whether or not the person shall have his or
9 her license suspended immediately, pending a hearing by the
10 Department.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 15 days after
14 the suspension and completed without appreciable delay. The
15 Department may review the person's record of treatment and
16 counseling regarding the impairment, to the extent permitted by
17 applicable federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 A person licensed under this Act and affected under this
20 subsection (d) shall be afforded an opportunity to demonstrate
21 to the Department that he or she can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of his or her license.

24 Section 120. Failure to pay restitution. The Department,
25 without further process or hearing, shall suspend the license

1 or other authorization to practice of any person issued under
2 this Act who has been certified by court order as not having
3 paid restitution to a person under Section 8A-3.5 of the
4 Illinois Public Aid Code or under Section 46-1 of the Criminal
5 Code of 1961. A person whose license or other authorization to
6 practice is suspended under this Section is prohibited from
7 practicing until restitution is made in full.

8 Section 125. Injunction; cease and desist order.

9 (a) If a person violates any provision of this Act, the
10 Secretary may, in the name of the People of the State of
11 Illinois, through the Attorney General or the State's Attorney
12 of any county in which the action is brought, petition for an
13 order enjoining the violation or enforcing compliance with this
14 Act. Upon the filing of a verified petition in court, the court
15 may issue a temporary restraining order, without notice or
16 bond, and may preliminarily and permanently enjoin the
17 violation. If it is established that the person has violated or
18 is violating the injunction, the court may punish the offender
19 for contempt of court. Proceedings under this Section shall be
20 in addition to, and not in lieu of, all other remedies and
21 penalties provided by this Act.

22 (b) If any person practices as a licensed midwife or holds
23 himself or herself out as a licensed midwife without being
24 licensed under the provisions of this Act, then any licensed
25 midwife, any interested party, or any person injured thereby

1 may, in addition to the Secretary, petition for relief as
2 provided in subsection (a) of this Section.

3 (c) Whenever, in the opinion of the Department, any person
4 violates any provision of this Act, the Department may issue a
5 rule to show cause why an order to cease and desist should not
6 be entered against that person. The rule shall clearly set
7 forth the grounds relied upon by the Department and shall
8 provide a period of 7 days after the date of the rule to file an
9 answer to the satisfaction of the Department. Failure to answer
10 to the satisfaction of the Department shall cause an order to
11 cease and desist to be issued immediately.

12 Section 130. Violation; criminal penalty.

13 (a) Whoever knowingly practices or offers to practice
14 midwifery in this State without being licensed for that purpose
15 or exempt under this Act shall be guilty of a Class A
16 misdemeanor and, for each subsequent conviction, shall be
17 guilty of a Class 4 felony.

18 (b) Any person who is found to have violated any other
19 provision of this Act is guilty of a Class A misdemeanor.

20 (c) Notwithstanding any other provision of this Act, all
21 criminal fines, moneys, or other property collected or received
22 by the Department under this Section or any other State or
23 federal statute, including, but not limited to, property
24 forfeited to the Department under Section 505 of the Illinois
25 Controlled Substances Act or Section 85 of the Methamphetamine

1 Control and Community Protection Act, shall be deposited into
2 the Professional Regulation Evidence Fund.

3 Section 135. Investigation; notice; hearing. The
4 Department may investigate the actions of any applicant or of
5 any person or persons holding or claiming to hold a license
6 under this Act. Before refusing to issue or to renew or taking
7 any disciplinary action regarding a license, the Department
8 shall, at least 30 days prior to the date set for the hearing,
9 notify in writing the applicant or licensee of the nature of
10 any charges and that a hearing shall be held on a date
11 designated. The Department shall direct the applicant or
12 licensee to file a written answer with the Board under oath
13 within 20 days after the service of the notice and inform the
14 applicant or licensee that failure to file an answer shall
15 result in default being taken against the applicant or licensee
16 and that the license may be suspended, revoked, or placed on
17 probationary status or that other disciplinary action may be
18 taken, including limiting the scope, nature, or extent of
19 practice, as the Secretary may deem proper. Written notice may
20 be served by personal delivery or certified or registered mail
21 to the respondent at the address of his or her last
22 notification to the Department. If the person fails to file an
23 answer after receiving notice, his or her license may, in the
24 discretion of the Department, be suspended, revoked, or placed
25 on probationary status, or the Department may take any

1 disciplinary action deemed proper, including limiting the
2 scope, nature, or extent of the person's practice or the
3 imposition of a fine, without a hearing, if the act or acts
4 charged constitute sufficient grounds for such action under
5 this Act. At the time and place fixed in the notice, the Board
6 shall proceed to hear the charges and the parties or their
7 counsel shall be accorded ample opportunity to present such
8 statements, testimony, evidence, and argument as may be
9 pertinent to the charges or to their defense. The Board may
10 continue a hearing from time to time.

11 Section 140. Formal hearing; preservation of record. The
12 Department, at its expense, shall preserve a record of all
13 proceedings at the formal hearing of any case. The notice of
14 hearing, complaint, and all other documents in the nature of
15 pleadings and written motions filed in the proceedings, the
16 transcript of testimony, the report of the Board or hearing
17 officer, and order of the Department shall be the record of the
18 proceeding. The Department shall furnish a transcript of the
19 record to any person interested in the hearing upon payment of
20 the fee required under Section 2105-115 of the Department of
21 Professional Regulation Law.

22 Section 145. Witnesses; production of documents; contempt.
23 Any circuit court may upon application of the Department or its
24 designee or of the applicant or licensee against whom

1 proceedings under Section 115 of this Act are pending, enter an
2 order requiring the attendance of witnesses and their testimony
3 and the production of documents, papers, files, books, and
4 records in connection with any hearing or investigation. The
5 court may compel obedience to its order by proceedings for
6 contempt.

7 Section 150. Subpoena; oaths. The Department shall have the
8 power to subpoena and bring before it any person in this State
9 and to take testimony either orally or by deposition or both
10 with the same fees and mileage and in the same manner as
11 prescribed in civil cases in circuit courts of this State. The
12 Secretary, the designated hearing officer, and every member of
13 the Board has the power to administer oaths to witnesses at any
14 hearing that the Department is authorized to conduct and any
15 other oaths authorized in any Act administered by the
16 Department. Any circuit court may, upon application of the
17 Department or its designee or upon application of the person
18 against whom proceedings under this Act are pending, enter an
19 order requiring the attendance of witnesses and their
20 testimony, and the production of documents, papers, files,
21 books, and records in connection with any hearing or
22 investigation. The court may compel obedience to its order by
23 proceedings for contempt.

24 Section 155. Findings of fact, conclusions of law, and

1 recommendations. At the conclusion of the hearing the Board
2 shall present to the Secretary a written report of its findings
3 of fact, conclusions of law, and recommendations. The report
4 shall contain a finding as to whether or not the accused person
5 violated this Act or failed to comply with the conditions
6 required under this Act. The Board shall specify the nature of
7 the violation or failure to comply and shall make its
8 recommendations to the Secretary.

9 The report of findings of fact, conclusions of law, and
10 recommendations of the Board shall be the basis for the
11 Department's order. If the Secretary disagrees in any regard
12 with the report of the Board, the Secretary may issue an order
13 in contravention of the report. The finding is not admissible
14 in evidence against the person in a criminal prosecution
15 brought for the violation of this Act, but the hearing and
16 findings are not a bar to a criminal prosecution brought for
17 the violation of this Act.

18 Section 160. Hearing officer. The Secretary may appoint any
19 attorney duly licensed to practice law in the State of Illinois
20 to serve as the hearing officer in any action for departmental
21 refusal to issue, renew, or license an applicant or for
22 disciplinary action against a licensee. The hearing officer
23 shall have full authority to conduct the hearing. The hearing
24 officer shall report his or her findings of fact, conclusions
25 of law, and recommendations to the Board and the Secretary. The

1 Board shall have 60 calendar days after receipt of the report
2 to review the report of the hearing officer and present its
3 findings of fact, conclusions of law, and recommendations to
4 the Secretary. If the Board fails to present its report within
5 the 60-day period, the Secretary may issue an order based on
6 the report of the hearing officer. If the Secretary disagrees
7 with the recommendation of the Board or the hearing officer, he
8 or she may issue an order in contravention of that
9 recommendation.

10 Section 165. Service of report; motion for rehearing. In
11 any case involving the discipline of a license, a copy of the
12 Board's report shall be served upon the respondent by the
13 Department, either personally or as provided in this Act for
14 the service of the notice of hearing. Within 20 days after the
15 service, the respondent may present to the Department a motion
16 in writing for a rehearing that shall specify the particular
17 grounds for rehearing. If no motion for rehearing is filed,
18 then upon the expiration of the time specified for filing a
19 motion, or if a motion for rehearing is denied, then upon the
20 denial, the Secretary may enter an order in accordance with
21 this Act. If the respondent orders from the reporting service
22 and pays for a transcript of the record within the time for
23 filing a motion for rehearing, the 20-day period within which
24 the motion may be filed shall commence upon the delivery of the
25 transcript to the respondent.

1 Section 170. Rehearing. Whenever the Secretary is
2 satisfied that substantial justice has not been done in the
3 revocation, suspension, or refusal to issue or renew a license,
4 the Secretary may order a rehearing by the same or another
5 hearing officer or by the Board.

6 Section 175. Prima facie proof. An order or a certified
7 copy thereof, over the seal of the Department and purporting to
8 be signed by the Secretary, shall be prima facie proof of the
9 following:

10 (1) that the signature is the genuine signature of the
11 Secretary;

12 (2) that such Secretary is duly appointed and
13 qualified; and

14 (3) that the Board and its members are qualified to
15 act.

16 Section 180. Restoration of license. At any time after the
17 suspension or revocation of any license, the Department may
18 restore the license to the accused person, unless after an
19 investigation and a hearing the Department determines that
20 restoration is not in the public interest.

21 Section 185. Surrender of license. Upon the revocation or
22 suspension of any license, the licensee shall immediately

1 surrender the license to the Department. If the licensee fails
2 to do so, the Department shall have the right to seize the
3 license.

4 Section 190. Summary suspension. The Secretary may
5 summarily suspend the license of a licensee under this Act
6 without a hearing, simultaneously with the institution of
7 proceedings for a hearing provided for in this Act, if the
8 Secretary finds that evidence in his or her possession
9 indicates that continuation in practice would constitute an
10 imminent danger to the public. In the event that the Secretary
11 summarily suspends a license without a hearing, a hearing by
12 the Department must be held within 30 days after the suspension
13 has occurred.

14 Section 195. Certificate of record. The Department shall
15 not be required to certify any record to the court or file any
16 answer in court or otherwise appear in any court in a judicial
17 review proceeding, unless there is filed in the court, with the
18 complaint, a receipt from the Department acknowledging payment
19 of the costs of furnishing and certifying the record. Failure
20 on the part of the plaintiff to file a receipt in court shall
21 be grounds for dismissal of the action.

22 Section 200. Administrative Review Law. All final
23 administrative decisions of the Department are subject to

1 judicial review under the Administrative Review Law and its
2 rules. The term "administrative decision" is defined as in
3 Section 3-101 of the Code of Civil Procedure.

4 Section 205. Illinois Administrative Procedure Act. The
5 Illinois Administrative Procedure Act is hereby expressly
6 adopted and incorporated in this Act as if all of the
7 provisions of such Act were included in this Act, except that
8 the provision of subsection (d) of Section 10-65 of the
9 Illinois Administrative Procedure Act that provides that at
10 hearings the licensee has the right to show compliance with all
11 lawful requirements for retention, continuation, or renewal of
12 the license is specifically excluded. For purposes of this Act,
13 the notice required under Section 10-25 of the Illinois
14 Administrative Procedure Act is deemed sufficient when mailed
15 to the last known address of a party.

16 Section 210. Home rule. Pursuant to paragraph (h) of
17 Section 6 of Article VII of the Illinois Constitution of 1970,
18 the power to regulate and issue licenses for the practice of
19 midwifery shall, except as may otherwise be provided within and
20 pursuant to the provisions of this Act, be exercised by the
21 State and may not be exercised by any unit of local government,
22 including home rule units.

23 Section 215. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

2 Section 900. The Regulatory Sunset Act is amended by adding
3 Section 4.28 as follows:

4 (5 ILCS 80/4.28 new)

5 Sec. 4.28. Act repealed on January 1, 2018. The following
6 Act is repealed on January 1, 2018:

7 The Midwifery Licensure Act.

8 Section 905. The Medical Practice Act of 1987 is amended by
9 changing Section 4 as follows:

10 (225 ILCS 60/4) (from Ch. 111, par. 4400-4)

11 (Section scheduled to be repealed on December 31, 2008)

12 Sec. 4. Exemptions.

13 (a) This Act does not apply to the following:

14 (1) persons lawfully carrying on their particular
15 profession or business under any valid existing regulatory
16 Act of this State, including without limitation persons
17 engaged in the practice of midwifery who are licensed under
18 the Midwifery Licensure Act;

19 (2) persons rendering gratuitous services in cases of
20 emergency; or

21 (3) persons treating human ailments by prayer or
22 spiritual means as an exercise or enjoyment of religious

1 freedom.

2 (b) (Blank).

3 (Source: P.A. 93-379, eff. 7-24-03.)

4 Section 910. The Nursing and Advanced Practice Nursing Act
5 is amended by changing Section 5-15 as follows:

6 (225 ILCS 65/5-15)

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

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

19 This Act does not prohibit the following:

20 (a) The practice of nursing in Federal employment in
21 the discharge of the employee's duties by a person who is
22 employed by the United States government or any bureau,
23 division or agency thereof and is a legally qualified and
24 licensed nurse of another state or territory and not in

1 conflict with Sections 10-5, 10-30, and 10-45 of this Act.

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

5 (c) The furnishing of nursing assistance in an
6 emergency.

7 (d) The practice of nursing by a nurse who holds an
8 active license in another state when providing services to
9 patients in Illinois during a bonafide emergency or in
10 immediate preparation for or during interstate transit.

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

14 (f) Persons from being employed as nursing aides,
15 attendants, orderlies, and other auxiliary workers in
16 private homes, long term care facilities, nurseries,
17 hospitals or other institutions.

18 (g) The practice of practical nursing by one who has
19 applied in writing to the Department in form and substance
20 satisfactory to the Department, for a license as a licensed
21 practical nurse and who has complied with all the
22 provisions under Section 10-30, except the passing of an
23 examination to be eligible to receive such license, until:
24 the decision of the Department that the applicant has
25 failed to pass the next available examination authorized by
26 the Department or has failed, without an approved excuse,

1 to take the next available examination authorized by the
2 Department or until the withdrawal of the application, but
3 not to exceed 3 months. An applicant practicing practical
4 nursing under this Section who passes the examination,
5 however, may continue to practice under this Section until
6 such time as he or she receives his or her license to
7 practice or until the Department notifies him or her that
8 the license has been denied. No applicant for licensure
9 practicing under the provisions of this paragraph shall
10 practice practical nursing except under the direct
11 supervision of a registered professional nurse licensed
12 under this Act or a licensed physician, dentist or
13 podiatrist. In no instance shall any such applicant
14 practice or be employed in any supervisory capacity.

15 (h) The practice of practical nursing by one who is a
16 licensed practical nurse under the laws of another U.S.
17 jurisdiction and has applied in writing to the Department,
18 in form and substance satisfactory to the Department, for a
19 license as a licensed practical nurse and who is qualified
20 to receive such license under Section 10-30, until (1) the
21 expiration of 6 months after the filing of such written
22 application, (2) the withdrawal of such application, or (3)
23 the denial of such application by the Department.

24 (i) The practice of professional nursing by one who has
25 applied in writing to the Department in form and substance
26 satisfactory to the Department for a license as a

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

21 (j) The practice of professional nursing by one who is
22 a registered professional nurse under the laws of another
23 state, territory of the United States or country and has
24 applied in writing to the Department, in form and substance
25 satisfactory to the Department, for a license as a
26 registered professional nurse and who is qualified to

1 receive such license under Section 10-30, until (1) the
2 expiration of 6 months after the filing of such written
3 application, (2) the withdrawal of such application, or (3)
4 the denial of such application by the Department.

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

19 (l) Any person licensed in this State under any other
20 Act from engaging in the practice for which she or he is
21 licensed, including without limitation any person engaged
22 in the practice of midwifery who is licensed under the
23 Midwifery Licensure Act.

24 (m) Delegation to authorized direct care staff trained
25 under Section 15.4 of the Mental Health and Developmental
26 Disabilities Administrative Act.

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

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

6 Section 915. The Good Samaritan Act is amended by adding
7 Section 41 as follows:

8 (745 ILCS 49/41 new)

9 Sec. 41. Midwives; exemption from civil liability for
10 emergency care or services rendered without compensation. Any
11 person licensed as a midwife under the Midwifery Licensure Act
12 who in good faith provides emergency care without fee or
13 renders midwifery services without fee to a person shall not,
14 as a result of her or his acts or omissions, except for willful
15 or wanton misconduct on the part of the person, in providing
16 the care, be liable for civil damages.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.