



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

#### HB1014

Introduced 2/11/2009, by Rep. Angelo Saviano - Dan Reitz -  
Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-5	was 225 ILCS 65/15-10
225 ILCS 65/65-40	was 225 ILCS 65/15-20
225 ILCS 85/4	from Ch. 111, par. 4124
720 ILCS 570/102	from Ch. 56 1/2, par. 1102
720 ILCS 570/303.05	

Amends the Nurse Practice Act, the Pharmacy Practice Act, and the Illinois Controlled Substances Act to allow for the delegation of prescriptive authority to an advanced practice nurse by a physician licensed to practice medicine in all its branches or a licensed podiatrist for any Schedule III through V controlled substances (now, Schedule III, III-N, IV, or V controlled substances). In the Illinois Controlled Substances Act, sets forth guidelines for the prescriptive authority delegated to advanced practice nurses as it relates to certain controlled substances, including Schedule II controlled substances. In the Nurse Practice Act, provides for the licensure of a registered professional nurse as a certified registered nurse anesthetist who does not have the required graduate degree, provided that he or she meets certain other requirements. Provides for the licensure of an advanced practice nurse as a certified registered nurse anesthetist who does not have the required graduate degree, provided that he or she applies for licensure before July 1, 2018, and submits certain information to the Department required for licensure. Effective immediately.

LRB096 04500 ASK 14555 b

1 AN ACT concerning regulation.

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

4 Section 5. The Nurse Practice Act is amended by changing  
5 Sections 65-5 and 65-40 as follows:

6 (225 ILCS 65/65-5) (was 225 ILCS 65/15-10)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 65-5. Qualifications for APN licensure.

9 (a) Each applicant who successfully meets the requirements  
10 of this Section shall be entitled to licensure as an advanced  
11 practice nurse.

12 (b) An applicant for licensure to practice as an advanced  
13 practice nurse must do each of the following:

14 (1) Submit a completed application and any fees as  
15 established by the Department.

16 (2) Hold a current license to practice as a registered  
17 professional nurse under this Act.

18 (3) Have successfully completed requirements to  
19 practice as, and holds a current, national certification  
20 as, a nurse midwife, clinical nurse specialist, nurse  
21 practitioner, or certified registered nurse anesthetist  
22 from the appropriate national certifying body as  
23 determined by rule of the Department.

1           (4) Have obtained a graduate degree appropriate for  
2 national certification in a clinical advanced practice  
3 nursing specialty or a graduate degree or post-master's  
4 certificate from a graduate level program in a clinical  
5 advanced practice nursing specialty.

6           (5) Have not violated the provisions of this Act  
7 concerning the grounds for disciplinary action. The  
8 Department may take into consideration any felony  
9 conviction of the applicant, but such a conviction may not  
10 operate as an absolute bar to licensure.

11           (6) Submit to the criminal history records check  
12 required under Section 50-35 of this Act.

13           (b-5) A registered professional nurse seeking licensure as  
14 an advanced practice nurse in the category of certified  
15 registered nurse anesthetist who does not have a graduate  
16 degree as described in subsection (b) of this Section shall be  
17 qualified for licensure if that person:

18           (1) submits evidence of having successfully completed  
19 a nurse anesthesia program described in item (4) of  
20 subsection (b) of this Section prior to January 1, 1999;

21           (2) submits evidence of certification as a registered  
22 nurse anesthetist by an appropriate national certifying  
23 body; and

24           (3) has continually maintained active, up-to-date  
25 recertification status as a certified registered nurse  
26 anesthetist by an appropriate national recertifying body.

1       (b-10) The Department shall issue a certified registered  
2 nurse anesthetist license to an APN who (i) does not have a  
3 graduate degree, (ii) applies for licensure before July 1,  
4 2018, and (iii) submits all of the following to the Department:

5           (1) His or her current State registered nurse license  
6 number.

7           (2) Proof of current national certification, which  
8 includes the completion of an examination from either of  
9 the following:

10           (A) the Council on Certification of the American  
11 Association of Nurse Anesthetists; or

12           (B) the Council on Recertification of the American  
13 Association of Nurse Anesthetists.

14           (3) Proof of the successful completion of a post-basic  
15 advanced practice formal education program in the area of  
16 nurse anesthesia prior to January 1, 1999.

17           (4) His or her complete work history for the 5-year  
18 period immediately preceding the date of his or her  
19 application.

20           (5) Verification of licensure as an advanced practice  
21 nurse from the state in which he or she was originally  
22 licensed, current state of licensure, and any other state  
23 in which he or she has been actively practicing as an  
24 advanced practice nurse within the 5-year period  
25 immediately preceding the date of his or her application.

26 If applicable, this verification must state:

1           (A) the time during which he or she was licensed in  
2           each state, including the date of the original issuance  
3           of each license; and

4           (B) any disciplinary action taken or pending  
5           concerning any nursing license held, currently or in  
6           the past, by the applicant.

7           (6) The required fee.

8           (c) Those applicants seeking licensure in more than one  
9           advanced practice nursing specialty need not possess multiple  
10          graduate degrees. Applicants may be eligible for licenses for  
11          multiple advanced practice nurse licensure specialties,  
12          provided that the applicant (i) has met the requirements for at  
13          least one advanced practice nursing specialty under paragraphs  
14          (3) and (5) of subsection (a) of this Section, (ii) possesses  
15          an additional graduate education that results in a certificate  
16          for another clinical advanced practice nurse specialty and that  
17          meets the requirements for the national certification from the  
18          appropriate nursing specialty, and (iii) holds a current  
19          national certification from the appropriate national  
20          certifying body for that additional advanced practice nursing  
21          specialty.

22          (d) Any person who holds a valid license as an advanced  
23          practice nurse issued under this Act as this Act existed before  
24          the effective date of this amendatory Act of the 95th General  
25          Assembly shall be subject only to the advanced practice nurse  
26          license renewal requirements of this Act as this Act exists on

1 and after the effective date of this amendatory Act of the 95th  
2 General Assembly upon the expiration of that license.

3 (Source: P.A. 94-348, eff. 7-28-05; 95-639, eff. 10-5-07.)

4 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 65-40. Prescriptive authority.

7 (a) A collaborating physician or podiatrist may, but is not  
8 required to, delegate prescriptive authority to an advanced  
9 practice nurse as part of a written collaborative agreement.  
10 This authority may, but is not required to, include  
11 prescription of, selection of, orders for, administration of,  
12 storage of, acceptance of samples of, and dispensing over the  
13 counter medications, legend drugs, medical gases, and  
14 controlled substances categorized as any Schedule III through  
15 ~~III-N, IV, or V~~ controlled substances, as defined in Article II  
16 of the Illinois Controlled Substances Act, and other  
17 preparations, including, but not limited to, botanical and  
18 herbal remedies. The collaborating physician or podiatrist  
19 must have a valid current Illinois controlled substance license  
20 and federal registration to delegate authority to prescribe  
21 delegated controlled substances.

22 (b) To prescribe controlled substances under this Section,  
23 an advanced practice nurse must obtain a mid-level practitioner  
24 controlled substance license. Medication orders shall be  
25 reviewed periodically by the collaborating physician or

1     podiatrist.

2           (c) The collaborating physician or podiatrist shall file  
3 with the Department notice of delegation of prescriptive  
4 authority and termination of such delegation, in accordance  
5 with rules of the Department. Upon receipt of this notice  
6 delegating authority to prescribe any Schedule III through  
7 ~~III-N, IV, or~~ V controlled substances, the licensed advanced  
8 practice nurse shall be eligible to register for a mid-level  
9 practitioner controlled substance license under Section 303.05  
10 of the Illinois Controlled Substances Act.

11           (d) In addition to the requirements of subsections (a),  
12 (b), and (c) of this Section, a collaborating physician may,  
13 but is not required to, delegate authority to an advanced  
14 practice nurse to prescribe any Schedule II ~~or II-N~~ controlled  
15 substances, if all of the following conditions apply:

16                 (1) No more than 5 Schedule II ~~or II-N~~ controlled  
17 substances by oral dosage may be delegated.

18                 (2) Any delegation must be controlled substances that  
19 the collaborating physician prescribes.

20                 (3) Any prescription must be limited to no more than a  
21 30-day oral dosage, with any continuation authorized only  
22 after prior approval of the collaborating physician.

23                 (4) The advanced practice nurse must discuss the  
24 condition of any patients for whom a controlled substance  
25 is prescribed monthly with the delegating physician.

26           (e) Nothing in this Act shall be construed to limit the

1 delegation of tasks or duties by a physician to a licensed  
2 practical nurse, a registered professional nurse, or other  
3 persons.

4 (Source: P.A. 95-639, eff. 10-5-07.)

5 Section 10. The Pharmacy Practice Act is amended by  
6 changing Section 4 as follows:

7 (225 ILCS 85/4) (from Ch. 111, par. 4124)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 4. Exemptions. Nothing contained in any Section of  
10 this Act shall apply to, or in any manner interfere with:

11 (a) the lawful practice of any physician licensed to  
12 practice medicine in all of its branches, dentist, podiatrist,  
13 veterinarian, or therapeutically or diagnostically certified  
14 optometrist within the limits of his or her license, or prevent  
15 him or her from supplying to his or her bona fide patients such  
16 drugs, medicines, or poisons as may seem to him appropriate;

17 (b) the sale of compressed gases;

18 (c) the sale of patent or proprietary medicines and  
19 household remedies when sold in original and unbroken packages  
20 only, if such patent or proprietary medicines and household  
21 remedies be properly and adequately labeled as to content and  
22 usage and generally considered and accepted as harmless and  
23 nonpoisonous when used according to the directions on the  
24 label, and also do not contain opium or coca leaves, or any



1 compound, salt or derivative thereof, or any drug which,  
2 according to the latest editions of the following authoritative  
3 pharmaceutical treatises and standards, namely, The United  
4 States Pharmacopoeia/National Formulary (USP/NF), the United  
5 States Dispensatory, and the Accepted Dental Remedies of the  
6 Council of Dental Therapeutics of the American Dental  
7 Association or any or either of them, in use on the effective  
8 date of this Act, or according to the existing provisions of  
9 the Federal Food, Drug, and Cosmetic Act and Regulations of the  
10 Department of Health and Human Services, Food and Drug  
11 Administration, promulgated thereunder now in effect, is  
12 designated, described or considered as a narcotic, hypnotic,  
13 habit forming, dangerous, or poisonous drug;

14 (d) the sale of poultry and livestock remedies in original  
15 and unbroken packages only, labeled for poultry and livestock  
16 medication;

17 (e) the sale of poisonous substances or mixture of  
18 poisonous substances, in unbroken packages, for nonmedicinal  
19 use in the arts or industries or for insecticide purposes;  
20 provided, they are properly and adequately labeled as to  
21 content and such nonmedicinal usage, in conformity with the  
22 provisions of all applicable federal, state and local laws and  
23 regulations promulgated thereunder now in effect relating  
24 thereto and governing the same, and those which are required  
25 under such applicable laws and regulations to be labeled with  
26 the word "Poison", are also labeled with the word "Poison"

1 printed thereon in prominent type and the name of a readily  
2 obtainable antidote with directions for its administration;

3 (f) the delegation of limited prescriptive authority by a  
4 physician licensed to practice medicine in all its branches to  
5 a physician assistant under Section 7.5 of the Physician  
6 Assistant Practice Act of 1987. This delegated authority under  
7 Section 7.5 of the Physician Assistant Practice Act of 1987 may  
8 but is not required to include prescription of controlled  
9 substances, as defined in Article II of the Illinois Controlled  
10 Substances Act, in accordance with written guidelines; and

11 (g) The delegation of prescriptive authority by a physician  
12 licensed to practice medicine in all its branches or a licensed  
13 podiatrist to an advanced practice nurse in accordance with a  
14 written collaborative agreement under Sections ~~Section~~ 65-35  
15 and 65-40 of the Nurse Practice Act. ~~This authority, which is~~  
16 ~~delegated under Section 65-40 of the Nurse Practice Act, may~~  
17 ~~but is not required to include the prescription of Schedule~~  
18 ~~III, IV, or V controlled substances as defined in Article II of~~  
19 ~~the Illinois Controlled Substances Act.~~

20 (Source: P.A. 95-639, eff. 10-5-07.)

21 Section 15. The Illinois Controlled Substances Act is  
22 amended by changing Sections 102 and 303.05 as follows:

23 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

24 Sec. 102. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Addict" means any person who habitually uses any drug,  
3 chemical, substance or dangerous drug other than alcohol so as  
4 to endanger the public morals, health, safety or welfare or who  
5 is so far addicted to the use of a dangerous drug or controlled  
6 substance other than alcohol as to have lost the power of self  
7 control with reference to his addiction.

8 (b) "Administer" means the direct application of a  
9 controlled substance, whether by injection, inhalation,  
10 ingestion, or any other means, to the body of a patient,  
11 research subject, or animal (as defined by the Humane  
12 Euthanasia in Animal Shelters Act) by:

13 (1) a practitioner (or, in his presence, by his  
14 authorized agent),

15 (2) the patient or research subject at the lawful  
16 direction of the practitioner, or

17 (3) a euthanasia technician as defined by the Humane  
18 Euthanasia in Animal Shelters Act.

19 (c) "Agent" means an authorized person who acts on behalf  
20 of or at the direction of a manufacturer, distributor, or  
21 dispenser. It does not include a common or contract carrier,  
22 public warehouseman or employee of the carrier or warehouseman.

23 (c-1) "Anabolic Steroids" means any drug or hormonal  
24 substance, chemically and pharmacologically related to  
25 testosterone (other than estrogens, progestins, and  
26 corticosteroids) that promotes muscle growth, and includes:

- 1 (i) boldenone,
- 2 (ii) chlorotestosterone,
- 3 (iii) chostebol,
- 4 (iv) dehydrochlormethyltestosterone,
- 5 (v) dihydrotestosterone,
- 6 (vi) drostanolone,
- 7 (vii) ethylestrenol,
- 8 (viii) fluoxymesterone,
- 9 (ix) formebulone,
- 10 (x) mesterolone,
- 11 (xi) methandienone,
- 12 (xii) methandranone,
- 13 (xiii) methandriol,
- 14 (xiv) methandrostenolone,
- 15 (xv) methenolone,
- 16 (xvi) methyltestosterone,
- 17 (xvii) mibolerone,
- 18 (xviii) nandrolone,
- 19 (xix) norethandrolone,
- 20 (xx) oxandrolone,
- 21 (xxi) oxymesterone,
- 22 (xxii) oxymetholone,
- 23 (xxiii) stanolone,
- 24 (xxiv) stanozolol,
- 25 (xxv) testolactone,
- 26 (xxvi) testosterone,

1           (xxvii) trenbolone, and  
2           (xxviii) any salt, ester, or isomer of a drug or  
3           substance described or listed in this paragraph, if  
4           that salt, ester, or isomer promotes muscle growth.

5           Any person who is otherwise lawfully in possession of an  
6           anabolic steroid, or who otherwise lawfully manufactures,  
7           distributes, dispenses, delivers, or possesses with intent to  
8           deliver an anabolic steroid, which anabolic steroid is  
9           expressly intended for and lawfully allowed to be administered  
10          through implants to livestock or other nonhuman species, and  
11          which is approved by the Secretary of Health and Human Services  
12          for such administration, and which the person intends to  
13          administer or have administered through such implants, shall  
14          not be considered to be in unauthorized possession or to  
15          unlawfully manufacture, distribute, dispense, deliver, or  
16          possess with intent to deliver such anabolic steroid for  
17          purposes of this Act.

18          (d) "Administration" means the Drug Enforcement  
19          Administration, United States Department of Justice, or its  
20          successor agency.

21          (e) "Control" means to add a drug or other substance, or  
22          immediate precursor, to a Schedule under Article II of this Act  
23          whether by transfer from another Schedule or otherwise.

24          (f) "Controlled Substance" means a drug, substance, or  
25          immediate precursor in the Schedules of Article II of this Act.

26          (g) "Counterfeit substance" means a controlled substance,

1 which, or the container or labeling of which, without  
2 authorization bears the trademark, trade name, or other  
3 identifying mark, imprint, number or device, or any likeness  
4 thereof, of a manufacturer, distributor, or dispenser other  
5 than the person who in fact manufactured, distributed, or  
6 dispensed the substance.

7 (h) "Deliver" or "delivery" means the actual, constructive  
8 or attempted transfer of possession of a controlled substance,  
9 with or without consideration, whether or not there is an  
10 agency relationship.

11 (i) "Department" means the Illinois Department of Human  
12 Services (as successor to the Department of Alcoholism and  
13 Substance Abuse) or its successor agency.

14 (j) "Department of State Police" means the Department of  
15 State Police of the State of Illinois or its successor agency.

16 (k) "Department of Corrections" means the Department of  
17 Corrections of the State of Illinois or its successor agency.

18 (l) "Department of Professional Regulation" means the  
19 Department of Professional Regulation of the State of Illinois  
20 or its successor agency.

21 (m) "Depressant" or "stimulant substance" means:

22 (1) a drug which contains any quantity of (i)  
23 barbituric acid or any of the salts of barbituric acid  
24 which has been designated as habit forming under section  
25 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
26 U.S.C. 352 (d)); or

1           (2) a drug which contains any quantity of (i)  
2           amphetamine or methamphetamine and any of their optical  
3           isomers; (ii) any salt of amphetamine or methamphetamine or  
4           any salt of an optical isomer of amphetamine; or (iii) any  
5           substance which the Department, after investigation, has  
6           found to be, and by rule designated as, habit forming  
7           because of its depressant or stimulant effect on the  
8           central nervous system; or

9           (3) lysergic acid diethylamide; or

10          (4) any drug which contains any quantity of a substance  
11          which the Department, after investigation, has found to  
12          have, and by rule designated as having, a potential for  
13          abuse because of its depressant or stimulant effect on the  
14          central nervous system or its hallucinogenic effect.

15          (n) (Blank).

16          (o) "Director" means the Director of the Department of  
17          State Police or the Department of Professional Regulation or  
18          his designated agents.

19          (p) "Dispense" means to deliver a controlled substance to  
20          an ultimate user or research subject by or pursuant to the  
21          lawful order of a prescriber, including the prescribing,  
22          administering, packaging, labeling, or compounding necessary  
23          to prepare the substance for that delivery.

24          (q) "Dispenser" means a practitioner who dispenses.

25          (r) "Distribute" means to deliver, other than by  
26          administering or dispensing, a controlled substance.

1 (s) "Distributor" means a person who distributes.

2 (t) "Drug" means (1) substances recognized as drugs in the  
3 official United States Pharmacopoeia, Official Homeopathic  
4 Pharmacopoeia of the United States, or official National  
5 Formulary, or any supplement to any of them; (2) substances  
6 intended for use in diagnosis, cure, mitigation, treatment, or  
7 prevention of disease in man or animals; (3) substances (other  
8 than food) intended to affect the structure of any function of  
9 the body of man or animals and (4) substances intended for use  
10 as a component of any article specified in clause (1), (2), or  
11 (3) of this subsection. It does not include devices or their  
12 components, parts, or accessories.

13 (t-5) "Euthanasia agency" means an entity certified by the  
14 Department of Professional Regulation for the purpose of animal  
15 euthanasia that holds an animal control facility license or  
16 animal shelter license under the Animal Welfare Act. A  
17 euthanasia agency is authorized to purchase, store, possess,  
18 and utilize Schedule II nonnarcotic and Schedule III  
19 nonnarcotic drugs for the sole purpose of animal euthanasia.

20 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
21 substances (nonnarcotic controlled substances) that are used  
22 by a euthanasia agency for the purpose of animal euthanasia.

23 (u) "Good faith" means the prescribing or dispensing of a  
24 controlled substance by a practitioner in the regular course of  
25 professional treatment to or for any person who is under his  
26 treatment for a pathology or condition other than that



1 individual's physical or psychological dependence upon or  
2 addiction to a controlled substance, except as provided herein:  
3 and application of the term to a pharmacist shall mean the  
4 dispensing of a controlled substance pursuant to the  
5 prescriber's order which in the professional judgment of the  
6 pharmacist is lawful. The pharmacist shall be guided by  
7 accepted professional standards including, but not limited to  
8 the following, in making the judgment:

9 (1) lack of consistency of doctor-patient  
10 relationship,

11 (2) frequency of prescriptions for same drug by one  
12 prescriber for large numbers of patients,

13 (3) quantities beyond those normally prescribed,

14 (4) unusual dosages,

15 (5) unusual geographic distances between patient,  
16 pharmacist and prescriber,

17 (6) consistent prescribing of habit-forming drugs.

18 (u-1) "Home infusion services" means services provided by a  
19 pharmacy in compounding solutions for direct administration to  
20 a patient in a private residence, long-term care facility, or  
21 hospice setting by means of parenteral, intravenous,  
22 intramuscular, subcutaneous, or intraspinal infusion.

23 (v) "Immediate precursor" means a substance:

24 (1) which the Department has found to be and by rule  
25 designated as being a principal compound used, or produced  
26 primarily for use, in the manufacture of a controlled

1 substance;

2 (2) which is an immediate chemical intermediary used or  
3 likely to be used in the manufacture of such controlled  
4 substance; and

5 (3) the control of which is necessary to prevent,  
6 curtail or limit the manufacture of such controlled  
7 substance.

8 (w) "Instructional activities" means the acts of teaching,  
9 educating or instructing by practitioners using controlled  
10 substances within educational facilities approved by the State  
11 Board of Education or its successor agency.

12 (x) "Local authorities" means a duly organized State,  
13 County or Municipal peace unit or police force.

14 (y) "Look-alike substance" means a substance, other than a  
15 controlled substance which (1) by overall dosage unit  
16 appearance, including shape, color, size, markings or lack  
17 thereof, taste, consistency, or any other identifying physical  
18 characteristic of the substance, would lead a reasonable person  
19 to believe that the substance is a controlled substance, or (2)  
20 is expressly or impliedly represented to be a controlled  
21 substance or is distributed under circumstances which would  
22 lead a reasonable person to believe that the substance is a  
23 controlled substance. For the purpose of determining whether  
24 the representations made or the circumstances of the  
25 distribution would lead a reasonable person to believe the  
26 substance to be a controlled substance under this clause (2) of

1 subsection (y), the court or other authority may consider the  
2 following factors in addition to any other factor that may be  
3 relevant:

4 (a) statements made by the owner or person in control  
5 of the substance concerning its nature, use or effect;

6 (b) statements made to the buyer or recipient that the  
7 substance may be resold for profit;

8 (c) whether the substance is packaged in a manner  
9 normally used for the illegal distribution of controlled  
10 substances;

11 (d) whether the distribution or attempted distribution  
12 included an exchange of or demand for money or other  
13 property as consideration, and whether the amount of the  
14 consideration was substantially greater than the  
15 reasonable retail market value of the substance.

16 Clause (1) of this subsection (y) shall not apply to a  
17 noncontrolled substance in its finished dosage form that was  
18 initially introduced into commerce prior to the initial  
19 introduction into commerce of a controlled substance in its  
20 finished dosage form which it may substantially resemble.

21 Nothing in this subsection (y) prohibits the dispensing or  
22 distributing of noncontrolled substances by persons authorized  
23 to dispense and distribute controlled substances under this  
24 Act, provided that such action would be deemed to be carried  
25 out in good faith under subsection (u) if the substances  
26 involved were controlled substances.

1           Nothing in this subsection (y) or in this Act prohibits the  
2 manufacture, preparation, propagation, compounding,  
3 processing, packaging, advertising or distribution of a drug or  
4 drugs by any person registered pursuant to Section 510 of the  
5 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

6           (y-1) "Mail-order pharmacy" means a pharmacy that is  
7 located in a state of the United States, other than Illinois,  
8 that delivers, dispenses or distributes, through the United  
9 States Postal Service or other common carrier, to Illinois  
10 residents, any substance which requires a prescription.

11           (z) "Manufacture" means the production, preparation,  
12 propagation, compounding, conversion or processing of a  
13 controlled substance other than methamphetamine, either  
14 directly or indirectly, by extraction from substances of  
15 natural origin, or independently by means of chemical  
16 synthesis, or by a combination of extraction and chemical  
17 synthesis, and includes any packaging or repackaging of the  
18 substance or labeling of its container, except that this term  
19 does not include:

20           (1) by an ultimate user, the preparation or compounding  
21 of a controlled substance for his own use; or

22           (2) by a practitioner, or his authorized agent under  
23 his supervision, the preparation, compounding, packaging,  
24 or labeling of a controlled substance:

25           (a) as an incident to his administering or  
26 dispensing of a controlled substance in the course of

1 his professional practice; or

2 (b) as an incident to lawful research, teaching or  
3 chemical analysis and not for sale.

4 (z-1) (Blank).

5 (aa) "Narcotic drug" means any of the following, whether  
6 produced directly or indirectly by extraction from substances  
7 of natural origin, or independently by means of chemical  
8 synthesis, or by a combination of extraction and chemical  
9 synthesis:

10 (1) opium and opiate, and any salt, compound,  
11 derivative, or preparation of opium or opiate;

12 (2) any salt, compound, isomer, derivative, or  
13 preparation thereof which is chemically equivalent or  
14 identical with any of the substances referred to in clause  
15 (1), but not including the isoquinoline alkaloids of opium;

16 (3) opium poppy and poppy straw;

17 (4) coca leaves and any salts, compound, isomer, salt  
18 of an isomer, derivative, or preparation of coca leaves  
19 including cocaine or ecgonine, and any salt, compound,  
20 isomer, derivative, or preparation thereof which is  
21 chemically equivalent or identical with any of these  
22 substances, but not including decocainized coca leaves or  
23 extractions of coca leaves which do not contain cocaine or  
24 ecgonine (for the purpose of this paragraph, the term  
25 "isomer" includes optical, positional and geometric  
26 isomers).

1           (bb) "Nurse" means a registered nurse licensed under the  
2 Nurse Practice Act.

3           (cc) (Blank).

4           (dd) "Opiate" means any substance having an addiction  
5 forming or addiction sustaining liability similar to morphine  
6 or being capable of conversion into a drug having addiction  
7 forming or addiction sustaining liability.

8           (ee) "Opium poppy" means the plant of the species *Papaver*  
9 *somniferum* L., except its seeds.

10          (ff) "Parole and Pardon Board" means the Parole and Pardon  
11 Board of the State of Illinois or its successor agency.

12          (gg) "Person" means any individual, corporation,  
13 mail-order pharmacy, government or governmental subdivision or  
14 agency, business trust, estate, trust, partnership or  
15 association, or any other entity.

16          (hh) "Pharmacist" means any person who holds a license or  
17 certificate of registration as a registered pharmacist, a local  
18 registered pharmacist or a registered assistant pharmacist  
19 under the Pharmacy Practice Act.

20          (ii) "Pharmacy" means any store, ship or other place in  
21 which pharmacy is authorized to be practiced under the Pharmacy  
22 Practice Act.

23          (jj) "Poppy straw" means all parts, except the seeds, of  
24 the opium poppy, after mowing.

25          (kk) "Practitioner" means a physician licensed to practice  
26 medicine in all its branches, dentist, optometrist,

1 podiatrist, veterinarian, scientific investigator, pharmacist,  
2 physician assistant, advanced practice nurse, licensed  
3 practical nurse, registered nurse, hospital, laboratory, or  
4 pharmacy, or other person licensed, registered, or otherwise  
5 lawfully permitted by the United States or this State to  
6 distribute, dispense, conduct research with respect to,  
7 administer or use in teaching or chemical analysis, a  
8 controlled substance in the course of professional practice or  
9 research.

10 (ll) "Pre-printed prescription" means a written  
11 prescription upon which the designated drug has been indicated  
12 prior to the time of issuance.

13 (mm) "Prescriber" means a physician licensed to practice  
14 medicine in all its branches, dentist, optometrist, podiatrist  
15 or veterinarian who issues a prescription, a physician  
16 assistant who issues a prescription for a ~~Schedule III, IV, or~~  
17 ~~V~~ controlled substance in accordance with Section 303.05 and  
18 the written guidelines required under Section 7.5 of the  
19 Physician Assistant Practice Act of 1987, or an advanced  
20 practice nurse with prescriptive authority delegated under  
21 Section 65-40 of the Nurse Practice Act and in accordance with  
22 Section 303.05, a written delegation, and a written  
23 collaborative agreement under Section 65-35 of the Nurse  
24 Practice Act.

25 (nn) "Prescription" means a lawful written, facsimile, or  
26 verbal order of a physician licensed to practice medicine in

1 all its branches, dentist, podiatrist or veterinarian for any  
2 controlled substance, of an optometrist for a Schedule III, IV,  
3 or V controlled substance in accordance with Section 15.1 of  
4 the Illinois Optometric Practice Act of 1987, of a physician  
5 assistant for a ~~Schedule III, IV, or V~~ controlled substance in  
6 accordance with Section 303.05 and the written guidelines  
7 required under Section 7.5 of the Physician Assistant Practice  
8 Act of 1987, or of an advanced practice nurse with prescriptive  
9 authority delegated under Section 65-40 of the Nurse Practice  
10 Act who issues a prescription for a ~~Schedule III, IV, or V~~  
11 controlled substance in accordance with Section 303.05, a  
12 written delegation, and a written collaborative agreement  
13 under Section 65-35 of the Nurse Practice Act.

14 (oo) "Production" or "produce" means manufacture,  
15 planting, cultivating, growing, or harvesting of a controlled  
16 substance other than methamphetamine.

17 (pp) "Registrant" means every person who is required to  
18 register under Section 302 of this Act.

19 (qq) "Registry number" means the number assigned to each  
20 person authorized to handle controlled substances under the  
21 laws of the United States and of this State.

22 (rr) "State" includes the State of Illinois and any state,  
23 district, commonwealth, territory, insular possession thereof,  
24 and any area subject to the legal authority of the United  
25 States of America.

26 (ss) "Ultimate user" means a person who lawfully possesses



1 a controlled substance for his own use or for the use of a  
2 member of his household or for administering to an animal owned  
3 by him or by a member of his household.

4 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;  
5 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; 95-876, eff.  
6 8-21-08.)

7 (720 ILCS 570/303.05)

8 Sec. 303.05. Mid-level practitioner registration.

9 (a) The Department of Professional Regulation shall  
10 register licensed physician assistants and licensed advanced  
11 practice nurses to prescribe and dispense ~~Schedule III, IV, or~~  
12 ~~V~~ controlled substances under Section 303 and euthanasia  
13 agencies to purchase, store, or administer animal euthanasia  
14 drugs under the following circumstances:

15 (1) with respect to physician assistants ~~or advanced~~  
16 ~~practice nurses,~~

17 (A) the physician assistant ~~or advanced practice~~  
18 ~~nurse~~ has been delegated ~~prescriptive~~ authority to  
19 prescribe any Schedule III through V controlled  
20 substances by a physician licensed to practice  
21 medicine in all its branches in accordance with Section  
22 7.5 of the Physician Assistant Practice Act of 1987 ~~or~~  
23 ~~Section 65-40 of the Nurse Practice Act;~~ and

24 (B) the physician assistant ~~or advanced practice~~  
25 ~~nurse~~ has completed the appropriate application forms

1 and has paid the required fees as set by rule; ~~or~~

2 (2) with respect to advanced practice nurses,

3 (A) the advanced practice nurse has been delegated  
4 authority to prescribe any Schedule III through V  
5 controlled substances by a physician licensed to  
6 practice medicine in all its branches or a podiatrist  
7 in accordance with Section 65-40 of the Nurse Practice  
8 Act. The advanced practice nurse has completed the  
9 appropriate application forms and has paid the  
10 required fees as set by rule; or

11 (B) the advanced practice nurse has been delegated  
12 authority by a collaborating physician licensed to  
13 practice medicine in all its branches to prescribe or  
14 dispense Schedule II controlled substances through a  
15 written delegation of authority and under the  
16 following conditions:

17 (i) no more than 5 Schedule II controlled  
18 substances by oral dosage may be delegated;

19 (ii) any delegation must be of controlled  
20 substances prescribed by the collaborating  
21 physician;

22 (iii) all prescriptions must be limited to no  
23 more than a 30-day oral dosage, with any  
24 continuation authorized only after prior approval  
25 of the collaborating physician;

26 (iv) the advanced practice nurse must discuss

1           the condition of any patients for whom a controlled  
2           substance is prescribed monthly with the  
3           delegating physician; and

4                   (v) the advanced practice nurse must have  
5                   completed the appropriate application forms and  
6                   paid the required fees as set by rule; or

7           (3) ~~(2)~~ with respect to animal euthanasia agencies, the

8           euthanasia agency has obtained a license from the

9           Department of Professional Regulation and obtained a

10          registration number from the Department.

11          (b) The mid-level practitioner shall only be licensed to

12          prescribe those schedules of controlled substances for which a

13          licensed physician or licensed podiatrist has delegated

14          prescriptive authority, except that an animal ~~a~~ euthanasia

15          agency does not have any prescriptive authority. A physician

16          assistant and an advanced practice nurse are prohibited from

17          prescribing medications and controlled substances not set

18          forth in the required written delegation of authority.

19          (c) Upon completion of all registration requirements,

20          physician assistants, advanced practice nurses, and animal

21          euthanasia agencies shall be issued a mid-level practitioner

22          controlled substances license for Illinois.

23          (Source: P.A. 95-639, eff. 10-5-07.)

24          Section 99. Effective date. This Act takes effect upon

25          becoming law.