



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3133

Introduced 2/23/2011, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-35

was 225 ILCS 65/15-15

Amends the Nurse Practice Act. Provides that an advanced practice nurse may, but is not required to, submit a request to the Department to eliminate the requirement of the written collaborative agreement, allowing the advanced practice nurse autonomous practice with full prescribing authority if the advance practice nurse (i) shows proof of successfully practicing under a delegated written collaborative agreement for a minimum of 2 years, (ii) shows proof of an unencumbered license, (iii) shows proof of individual malpractice insurance, (iv) agrees in writing that 20 hours of the 50-hour requirement for continuing education be in pharmacology, and (v) signs a memorandum of understanding to the Department affirming that the advance practice nurse will collaborate, consult, and refer to a physician and other colleagues in adherence to the Act and all rules governing the scope of practice for certification.

LRB097 10610 CEL 50997 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 Section 65-35 as follows:

6 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 65-35. Written collaborative agreements.

9 (a) A written collaborative agreement is required for all
10 advanced practice nurses engaged in clinical practice, except
11 for advanced practice nurses who are authorized to practice in
12 a hospital or ambulatory surgical treatment center.

13 (a-5) If an advanced practice nurse engages in clinical
14 practice outside of a hospital or ambulatory surgical treatment
15 center in which he or she is authorized to practice, the
16 advanced practice nurse must have a written collaborative
17 agreement.

18 (b) A written collaborative agreement shall describe the
19 working relationship of the advanced practice nurse with the
20 collaborating physician or podiatrist and shall authorize the
21 categories of care, treatment, or procedures to be performed by
22 the advanced practice nurse. A collaborative agreement with a
23 dentist must be in accordance with subsection (c-10) of this

1 Section. Collaboration does not require an employment
2 relationship between the collaborating physician and advanced
3 practice nurse. Collaboration means the relationship under
4 which an advanced practice nurse works with a collaborating
5 physician or podiatrist in an active clinical practice to
6 deliver health care services in accordance with (i) the
7 advanced practice nurse's training, education, and experience
8 and (ii) collaboration and consultation as documented in a
9 jointly developed written collaborative agreement.

10 The agreement shall be defined to promote the exercise of
11 professional judgment by the advanced practice nurse
12 commensurate with his or her education and experience. The
13 services to be provided by the advanced practice nurse shall be
14 services that the collaborating physician or podiatrist is
15 authorized to and generally provides to his or her patients in
16 the normal course of his or her clinical medical practice,
17 except as set forth in subsection (c-5) of this Section. The
18 agreement need not describe the exact steps that an advanced
19 practice nurse must take with respect to each specific
20 condition, disease, or symptom but must specify which
21 authorized procedures require the presence of the
22 collaborating physician or podiatrist as the procedures are
23 being performed. The collaborative relationship under an
24 agreement shall not be construed to require the personal
25 presence of a physician or podiatrist at all times at the place
26 where services are rendered. Methods of communication shall be

1 available for consultation with the collaborating physician or
2 podiatrist in person or by telecommunications in accordance
3 with established written guidelines as set forth in the written
4 agreement.

5 (c) Collaboration and consultation under all collaboration
6 agreements shall be adequate if a collaborating physician or
7 podiatrist does each of the following:

8 (1) Participates in the joint formulation and joint
9 approval of orders or guidelines with the advanced practice
10 nurse and he or she periodically reviews such orders and
11 the services provided patients under such orders in
12 accordance with accepted standards of medical practice and
13 advanced practice nursing practice.

14 (2) Meets in person with the advanced practice nurse at
15 least once a month to provide collaboration and
16 consultation. In the case of anesthesia services provided
17 by a certified registered nurse anesthetist, an
18 anesthesiologist, physician, dentist, or podiatrist must
19 participate through discussion of and agreement with the
20 anesthesia plan and remain physically present and
21 available on the premises during the delivery of anesthesia
22 services for diagnosis, consultation, and treatment of
23 emergency medical conditions.

24 (3) Is available through telecommunications for
25 consultation on medical problems, complications, or
26 emergencies or patient referral. In the case of anesthesia

1 services provided by a certified registered nurse
2 anesthetist, an anesthesiologist, physician, dentist, or
3 podiatrist must participate through discussion of and
4 agreement with the anesthesia plan and remain physically
5 present and available on the premises during the delivery
6 of anesthesia services for diagnosis, consultation, and
7 treatment of emergency medical conditions.

8 The agreement must contain provisions detailing notice for
9 termination or change of status involving a written
10 collaborative agreement, except when such notice is given for
11 just cause.

12 (c-5) A certified registered nurse anesthetist, who
13 provides anesthesia services outside of a hospital or
14 ambulatory surgical treatment center shall enter into a written
15 collaborative agreement with an anesthesiologist or the
16 physician licensed to practice medicine in all its branches or
17 the podiatrist performing the procedure. Outside of a hospital
18 or ambulatory surgical treatment center, the certified
19 registered nurse anesthetist may provide only those services
20 that the collaborating podiatrist is authorized to provide
21 pursuant to the Podiatric Medical Practice Act of 1987 and
22 rules adopted thereunder. A certified registered nurse
23 anesthetist may select, order, and administer medication,
24 including controlled substances, and apply appropriate medical
25 devices for delivery of anesthesia services under the
26 anesthesia plan agreed with by the anesthesiologist or the

1 operating physician or operating podiatrist.

2 (c-10) A certified registered nurse anesthetist who
3 provides anesthesia services in a dental office shall enter
4 into a written collaborative agreement with an
5 anesthesiologist or the physician licensed to practice
6 medicine in all its branches or the operating dentist
7 performing the procedure. The agreement shall describe the
8 working relationship of the certified registered nurse
9 anesthetist and dentist and shall authorize the categories of
10 care, treatment, or procedures to be performed by the certified
11 registered nurse anesthetist. In a collaborating dentist's
12 office, the certified registered nurse anesthetist may only
13 provide those services that the operating dentist with the
14 appropriate permit is authorized to provide pursuant to the
15 Illinois Dental Practice Act and rules adopted thereunder. For
16 anesthesia services, an anesthesiologist, physician, or
17 operating dentist shall participate through discussion of and
18 agreement with the anesthesia plan and shall remain physically
19 present and be available on the premises during the delivery of
20 anesthesia services for diagnosis, consultation, and treatment
21 of emergency medical conditions. A certified registered nurse
22 anesthetist may select, order, and administer medication,
23 including controlled substances, and apply appropriate medical
24 devices for delivery of anesthesia services under the
25 anesthesia plan agreed with by the operating dentist.

26 (d) A copy of the signed, written collaborative agreement

1 must be available to the Department upon request from both the
2 advanced practice nurse and the collaborating physician or
3 podiatrist.

4 (e) Nothing in this Act shall be construed to limit the
5 delegation of tasks or duties by a physician to a licensed
6 practical nurse, a registered professional nurse, or other
7 persons in accordance with Section 54.2 of the Medical Practice
8 Act of 1987.

9 (f) An advanced practice nurse shall inform each
10 collaborating physician, dentist, or podiatrist of all
11 collaborative agreements he or she has signed and provide a
12 copy of these to any collaborating physician, dentist, or
13 podiatrist upon request.

14 (g) An advanced practice nurse may, but is not required to,
15 submit a request to the Department to eliminate the requirement
16 of the written collaborative agreement, allowing the advanced
17 practice nurse autonomous practice with full prescribing
18 authority if the advance practice nurse:

19 (1) shows proof of successfully practicing under a
20 delegated written collaborative agreement or under
21 credentialing and privileging in a hospital or ambulatory
22 surgical treatment center for a minimum of 2 years;

23 (2) shows proof of an unencumbered license;

24 (3) shows proof of individual malpractice insurance;

25 (4) agrees in writing that 20 hours of the 50-hour
26 requirement for continuing education be in pharmacology;

1 and

2 (5) signs a memorandum of understanding to the
3 Department affirming that the advance practice nurse will
4 collaborate, consult, and refer to a physician and other
5 colleagues in adherence to this Act and all rules governing
6 the scope of practice for certification.

7 Notwithstanding any other provision of this Section, an
8 advanced practice nurse may be engaged in clinical practice
9 without a written collaborative agreement.

10 (Source: P.A. 95-639, eff. 10-5-07; 96-618, eff. 1-1-10.)