

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 Medical Practice Act of 1987 is amended by
5 changing Section 54.5 as follows:

6 (225 ILCS 60/54.5)

7 (Section scheduled to be repealed on December 31, 2013)

8 Sec. 54.5. Physician delegation of authority to physician
9 assistants and advanced practice nurses.

10 (a) Physicians licensed to practice medicine in all its
11 branches may delegate care and treatment responsibilities to a
12 physician assistant under guidelines in accordance with the
13 requirements of the Physician Assistant Practice Act of 1987. A
14 physician licensed to practice medicine in all its branches may
15 enter into supervising physician agreements with no more than 5
16 physician assistants as set forth in subsection (a) of Section
17 7 of the Physician Assistant Practice Act of 1987.

18 (b) A physician licensed to practice medicine in all its
19 branches in active clinical practice may collaborate with an
20 advanced practice nurse in accordance with the requirements of
21 the Nurse Practice Act. Collaboration is for the purpose of
22 providing medical consultation, and no employment relationship
23 is required. A written collaborative agreement shall conform to

1 the requirements of Section 65-35 of the Nurse Practice Act.
2 The written collaborative agreement shall be for services the
3 collaborating physician generally provides or may provide in ~~to~~
4 his or her ~~patients in the normal course of~~ clinical medical
5 practice. A written collaborative agreement shall be adequate
6 with respect to collaboration with advanced practice nurses if
7 all of the following apply:

8 (1) The agreement is written to promote the exercise of
9 professional judgment by the advanced practice nurse
10 commensurate with his or her education and experience. The
11 agreement need not describe the exact steps that an
12 advanced practice nurse must take with respect to each
13 specific condition, disease, or symptom, but must specify
14 those procedures that require a physician's presence as the
15 procedures are being performed.

16 (2) Practice guidelines and orders are developed and
17 approved jointly by the advanced practice nurse and
18 collaborating physician, as needed, based on the practice
19 of the practitioners. Such guidelines and orders and the
20 patient services provided thereunder are periodically
21 reviewed by the collaborating physician.

22 (3) The advance practice nurse provides services the
23 collaborating physician generally provides or may provide
24 in ~~to~~ his or her ~~patients in the normal course of~~ clinical
25 medical practice, except as set forth in subsection (b-5)
26 of this Section. With respect to labor and delivery, the

1 collaborating physician must provide delivery services in
2 order to participate with a certified nurse midwife.

3 (4) The collaborating physician and advanced practice
4 nurse consult at least once a month to provide
5 collaboration and consultation.

6 (5) Methods of communication are available with the
7 collaborating physician in person or through
8 telecommunications for consultation, collaboration, and
9 referral as needed to address patient care needs.

10 (6) The agreement contains provisions detailing notice
11 for termination or change of status involving a written
12 collaborative agreement, except when such notice is given
13 for just cause.

14 (b-5) An anesthesiologist or physician licensed to
15 practice medicine in all its branches may collaborate with a
16 certified registered nurse anesthetist in accordance with
17 Section 65-35 of the Nurse Practice Act for the provision of
18 anesthesia services. With respect to the provision of
19 anesthesia services, the collaborating anesthesiologist or
20 physician shall have training and experience in the delivery of
21 anesthesia services consistent with Department rules.
22 Collaboration shall be adequate if:

23 (1) an anesthesiologist or a physician participates in
24 the joint formulation and joint approval of orders or
25 guidelines and periodically reviews such orders and the
26 services provided patients under such orders; and

1 (2) for anesthesia services, the anesthesiologist or
2 physician participates through discussion of and agreement
3 with the anesthesia plan and is physically present and
4 available on the premises during the delivery of anesthesia
5 services for diagnosis, consultation, and treatment of
6 emergency medical conditions. Anesthesia services in a
7 hospital shall be conducted in accordance with Section 10.7
8 of the Hospital Licensing Act and in an ambulatory surgical
9 treatment center in accordance with Section 6.5 of the
10 Ambulatory Surgical Treatment Center Act.

11 (b-10) The anesthesiologist or operating physician must
12 agree with the anesthesia plan prior to the delivery of
13 services.

14 (c) The supervising physician shall have access to the
15 medical records of all patients attended by a physician
16 assistant. The collaborating physician shall have access to the
17 medical records of all patients attended to by an advanced
18 practice nurse.

19 (d) (Blank).

20 (e) A physician shall not be liable for the acts or
21 omissions of a physician assistant or advanced practice nurse
22 solely on the basis of having signed a supervision agreement or
23 guidelines or a collaborative agreement, an order, a standing
24 medical order, a standing delegation order, or other order or
25 guideline authorizing a physician assistant or advanced
26 practice nurse to perform acts, unless the physician has reason

1 to believe the physician assistant or advanced practice nurse
2 lacked the competency to perform the act or acts or commits
3 willful and wanton misconduct.

4 (f) A collaborating physician may, but is not required to,
5 delegate prescriptive authority to an advanced practice nurse
6 as part of a written collaborative agreement, and the
7 delegation of prescriptive authority shall conform to the
8 requirements of Section 65-40 of the Nurse Practice Act.

9 (g) A supervising physician may, but is not required to,
10 delegate prescriptive authority to a physician assistant as
11 part of a written supervision agreement, and the delegation of
12 prescriptive authority shall conform to the requirements of
13 Section 7.5 of the Physician Assistant Practice Act of 1987.

14 (h) For the purposes of this Section, "generally provides
15 or may provide in his or her clinical medical practice" means
16 categories of care or treatment, not specific tasks or duties,
17 that the physician provides individually or through delegation
18 to other persons so that the physician has the experience and
19 ability to provide collaboration and consultation. This
20 definition shall not be construed to prohibit an advanced
21 practice nurse from providing primary health treatment or care
22 within the scope of his or her training and experience,
23 including, but not limited to, health screenings, patient
24 histories, physical examinations, women's health examinations,
25 or school physicals that may be provided as part of the routine
26 practice of an advanced practice nurse or on a volunteer basis.

1 (Source: P.A. 96-618, eff. 1-1-10; 97-358, eff. 8-12-11;
2 97-1071, eff. 8-24-12.)

3 Section 10. The Nurse Practice Act is amended by changing
4 Section 65-35 as follows:

5 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)
6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 65-35. Written collaborative agreements.

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

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

17 (b) A written collaborative agreement shall describe the
18 working relationship of the advanced practice nurse with the
19 collaborating physician or podiatrist and shall authorize the
20 categories of care, treatment, or procedures to be performed by
21 the advanced practice nurse. A collaborative agreement with a
22 dentist must be in accordance with subsection (c-10) of this
23 Section. Collaboration does not require an employment
24 relationship between the collaborating physician and advanced

1 practice nurse. ~~Absent an employment relationship, an~~
2 ~~agreement may not restrict the categories of patients or~~
3 ~~third party payment sources accepted by the advanced practice~~
4 ~~nurse.~~ Collaboration means the relationship under which an
5 advanced practice nurse works with a collaborating physician or
6 podiatrist in an active clinical practice to deliver health
7 care services in accordance with (i) the advanced practice
8 nurse's training, education, and experience and (ii)
9 collaboration and consultation as documented in a jointly
10 developed written collaborative agreement.

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

1 the place where services are rendered. Methods of communication
2 shall be available for consultation with the collaborating
3 physician or podiatrist in person or by telecommunications in
4 accordance with established written guidelines as set forth in
5 the written agreement.

6 (b-5) Absent an employment relationship, a written
7 collaborative agreement may not (1) restrict the categories of
8 patients of an advanced practice nurse within the scope of the
9 advanced practice nurses training and experience, (2) limit
10 third party payors or government health programs, such as the
11 medical assistance program or Medicare with which the advanced
12 practice nurse contracts, or (3) limit the geographic area or
13 practice location of the advanced practice nurse in this State.

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

17 (1) Participates in the joint formulation and joint
18 approval of orders or guidelines with the advanced practice
19 nurse and he or she periodically reviews such orders and
20 the services provided patients under such orders in
21 accordance with accepted standards of medical practice or
22 podiatric practice and advanced practice nursing practice.

23 (2) Provides collaboration and consultation with the
24 advanced practice nurse at least once a month. In the case
25 of anesthesia services provided by a certified registered
26 nurse anesthetist, an anesthesiologist, physician,

1 dentist, or podiatrist must participate through discussion
2 of and agreement with the anesthesia plan and remain
3 physically present and available on the premises during the
4 delivery of anesthesia services for diagnosis,
5 consultation, and treatment of emergency medical
6 conditions.

7 (3) Is available through telecommunications for
8 consultation on medical problems, complications, or
9 emergencies or patient referral. In the case of anesthesia
10 services provided by a certified registered nurse
11 anesthetist, an anesthesiologist, physician, dentist, or
12 podiatrist must participate through discussion of and
13 agreement with the anesthesia plan and remain physically
14 present and available on the premises during the delivery
15 of anesthesia services for diagnosis, consultation, and
16 treatment of emergency medical conditions.

17 The agreement must contain provisions detailing notice for
18 termination or change of status involving a written
19 collaborative agreement, except when such notice is given for
20 just cause.

21 (c-5) A certified registered nurse anesthetist, who
22 provides anesthesia services outside of a hospital or
23 ambulatory surgical treatment center shall enter into a written
24 collaborative agreement with an anesthesiologist or the
25 physician licensed to practice medicine in all its branches or
26 the podiatrist performing the procedure. Outside of a hospital

1 or ambulatory surgical treatment center, the certified
2 registered nurse anesthetist may provide only those services
3 that the collaborating podiatrist is authorized to provide
4 pursuant to the Podiatric Medical Practice Act of 1987 and
5 rules adopted thereunder. A certified registered nurse
6 anesthetist may select, order, and administer medication,
7 including controlled substances, and apply appropriate medical
8 devices for delivery of anesthesia services under the
9 anesthesia plan agreed with by the anesthesiologist or the
10 operating physician or operating podiatrist.

11 (c-10) A certified registered nurse anesthetist who
12 provides anesthesia services in a dental office shall enter
13 into a written collaborative agreement with an
14 anesthesiologist or the physician licensed to practice
15 medicine in all its branches or the operating dentist
16 performing the procedure. The agreement shall describe the
17 working relationship of the certified registered nurse
18 anesthetist and dentist and shall authorize the categories of
19 care, treatment, or procedures to be performed by the certified
20 registered nurse anesthetist. In a collaborating dentist's
21 office, the certified registered nurse anesthetist may only
22 provide those services that the operating dentist with the
23 appropriate permit is authorized to provide pursuant to the
24 Illinois Dental Practice Act and rules adopted thereunder. For
25 anesthesia services, an anesthesiologist, physician, or
26 operating dentist shall participate through discussion of and

1 agreement with the anesthesia plan and shall remain physically
2 present and be available on the premises during the delivery of
3 anesthesia services for diagnosis, consultation, and treatment
4 of emergency medical conditions. A certified registered nurse
5 anesthetist may select, order, and administer medication,
6 including controlled substances, and apply appropriate medical
7 devices for delivery of anesthesia services under the
8 anesthesia plan agreed with by the operating dentist.

9 (d) A copy of the signed, written collaborative agreement
10 must be available to the Department upon request from both the
11 advanced practice nurse and the collaborating physician or
12 podiatrist.

13 (e) Nothing in this Act shall be construed to limit the
14 delegation of tasks or duties by a physician to a licensed
15 practical nurse, a registered professional nurse, or other
16 persons in accordance with Section 54.2 of the Medical Practice
17 Act of 1987. Nothing in this Act shall be construed to limit
18 the method of delegation that may be authorized by any means,
19 including, but not limited to, oral, written, electronic,
20 standing orders, protocols, guidelines, or verbal orders.

21 (f) An advanced practice nurse shall inform each
22 collaborating physician, dentist, or podiatrist of all
23 collaborative agreements he or she has signed and provide a
24 copy of these to any collaborating physician, dentist, or
25 podiatrist upon request.

26 (g) For the purposes of this Act, "generally provides or

1 ~~may provide in to his or her patients in the normal course of~~
2 his or her clinical medical practice" means categories of care
3 or treatment services, not specific tasks or duties, the
4 physician ~~or podiatrist routinely~~ provides individually or
5 through delegation to other persons so that the physician ~~or~~
6 ~~podiatrist~~ has the experience and ability to provide
7 collaboration and consultation. This definition shall not be
8 construed to prohibit an advanced practice nurse from providing
9 primary health treatment or care within the scope of his or her
10 training and experience, including, but not limited to, health
11 screenings, patient histories, physical examinations, women's
12 health examinations, or school physicals that may be provided
13 as part of the routine practice of an advanced practice nurse
14 or on a volunteer basis.

15 For the purposes of this Act, "generally provides to his or
16 her patients in the normal course of his or her clinical
17 podiatric practice" means services, not specific tasks or
18 duties, that the podiatrist routinely provides individually or
19 through delegation to other persons so that the podiatrist has
20 the experience and ability to provide collaboration and
21 consultation.

22 (Source: P.A. 96-618, eff. 1-1-10; 97-358, eff. 8-12-11.)