

HB5337



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5337

by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

225 ILCS 65/50-10
225 ILCS 95/4

was 225 ILCS 65/5-10
from Ch. 111, par. 4604

Amends the Nurse Practice Act and Physician Assistant Practice Act of 1987. Defines "hospital affiliate" in both Acts.

LRB098 16916 ZMM 51991 b

A BILL FOR

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 50-10 as follows:

6 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 50-10. Definitions. Each of the following terms, when
9 used in this Act, shall have the meaning ascribed to it in this
10 Section, except where the context clearly indicates otherwise:

11 "Academic year" means the customary annual schedule of
12 courses at a college, university, or approved school,
13 customarily regarded as the school year as distinguished from
14 the calendar year.

15 "Advanced practice nurse" or "APN" means a person who has
16 met the qualifications for a (i) certified nurse midwife (CNM);
17 (ii) certified nurse practitioner (CNP); (iii) certified
18 registered nurse anesthetist (CRNA); or (iv) clinical nurse
19 specialist (CNS) and has been licensed by the Department. All
20 advanced practice nurses licensed and practicing in the State
21 of Illinois shall use the title APN and may use specialty
22 credentials after their name.

23 "Approved program of professional nursing education" and

1 "approved program of practical nursing education" are programs
2 of professional or practical nursing, respectively, approved
3 by the Department under the provisions of this Act.

4 "Board" means the Board of Nursing appointed by the
5 Secretary.

6 "Collaboration" means a process involving 2 or more health
7 care professionals working together, each contributing one's
8 respective area of expertise to provide more comprehensive
9 patient care.

10 "Consultation" means the process whereby an advanced
11 practice nurse seeks the advice or opinion of another health
12 care professional.

13 "Credentialed" means the process of assessing and
14 validating the qualifications of a health care professional.

15 "Current nursing practice update course" means a planned
16 nursing education curriculum approved by the Department
17 consisting of activities that have educational objectives,
18 instructional methods, content or subject matter, clinical
19 practice, and evaluation methods, related to basic review and
20 updating content and specifically planned for those nurses
21 previously licensed in the United States or its territories and
22 preparing for reentry into nursing practice.

23 "Dentist" means a person licensed to practice dentistry
24 under the Illinois Dental Practice Act.

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

1 "Hospital affiliate" means a corporation, partnership,
2 joint venture, limited liability company, or similar
3 organization, other than a hospital, that is devoted primarily
4 to the provision, management, or support of health care
5 services and that directly or indirectly controls, is
6 controlled by, or is under common control of the hospital. For
7 the purposes of this definition, "control" means having at
8 least an equal or a majority ownership or membership interest.
9 A hospital affiliate shall be 100% owned or controlled by any
10 combination of hospitals, their parent corporations, or
11 physicians licensed to practice medicine in all its branches in
12 Illinois. "Hospital affiliate" does not include a health
13 maintenance organization regulated under the Health
14 Maintenance Organization Act.

15 "Impaired nurse" means a nurse licensed under this Act who
16 is unable to practice with reasonable skill and safety because
17 of a physical or mental disability as evidenced by a written
18 determination or written consent based on clinical evidence,
19 including loss of motor skills, abuse of drugs or alcohol, or a
20 psychiatric disorder, of sufficient degree to diminish his or
21 her ability to deliver competent patient care.

22 "License-pending advanced practice nurse" means a
23 registered professional nurse who has completed all
24 requirements for licensure as an advanced practice nurse except
25 the certification examination and has applied to take the next
26 available certification exam and received a temporary license

1 from the Department.

2 "License-pending registered nurse" means a person who has
3 passed the Department-approved registered nurse licensure exam
4 and has applied for a license from the Department. A
5 license-pending registered nurse shall use the title "RN lic
6 pend" on all documentation related to nursing practice.

7 "Physician" means a person licensed to practice medicine in
8 all its branches under the Medical Practice Act of 1987.

9 "Podiatric physician" means a person licensed to practice
10 podiatry under the Podiatric Medical Practice Act of 1987.

11 "Practical nurse" or "licensed practical nurse" means a
12 person who is licensed as a practical nurse under this Act and
13 practices practical nursing as defined in this Act. Only a
14 practical nurse licensed under this Act is entitled to use the
15 title "licensed practical nurse" and the abbreviation
16 "L.P.N.".

17 "Practical nursing" means the performance of nursing acts
18 requiring the basic nursing knowledge, judgement, and skill
19 acquired by means of completion of an approved practical
20 nursing education program. Practical nursing includes
21 assisting in the nursing process as delegated by a registered
22 professional nurse or an advanced practice nurse. The practical
23 nurse may work under the direction of a licensed physician,
24 dentist, podiatric physician, or other health care
25 professional determined by the Department.

26 "Privileged" means the authorization granted by the

1 governing body of a healthcare facility, agency, or
2 organization to provide specific patient care services within
3 well-defined limits, based on qualifications reviewed in the
4 credentialing process.

5 "Registered Nurse" or "Registered Professional Nurse"
6 means a person who is licensed as a professional nurse under
7 this Act and practices nursing as defined in this Act. Only a
8 registered nurse licensed under this Act is entitled to use the
9 titles "registered nurse" and "registered professional nurse"
10 and the abbreviation, "R.N.".

11 "Registered professional nursing practice" is a scientific
12 process founded on a professional body of knowledge; it is a
13 learned profession based on the understanding of the human
14 condition across the life span and environment and includes all
15 nursing specialties and means the performance of any nursing
16 act based upon professional knowledge, judgment, and skills
17 acquired by means of completion of an approved professional
18 nursing education program. A registered professional nurse
19 provides holistic nursing care through the nursing process to
20 individuals, groups, families, or communities, that includes
21 but is not limited to: (1) the assessment of healthcare needs,
22 nursing diagnosis, planning, implementation, and nursing
23 evaluation; (2) the promotion, maintenance, and restoration of
24 health; (3) counseling, patient education, health education,
25 and patient advocacy; (4) the administration of medications and
26 treatments as prescribed by a physician licensed to practice

1 medicine in all of its branches, a licensed dentist, a licensed
2 podiatric physician, or a licensed optometrist or as prescribed
3 by a physician assistant in accordance with written guidelines
4 required under the Physician Assistant Practice Act of 1987 or
5 by an advanced practice nurse in accordance with Article 65 of
6 this Act; (5) the coordination and management of the nursing
7 plan of care; (6) the delegation to and supervision of
8 individuals who assist the registered professional nurse
9 implementing the plan of care; and (7) teaching nursing
10 students. The foregoing shall not be deemed to include those
11 acts of medical diagnosis or prescription of therapeutic or
12 corrective measures.

13 "Professional assistance program for nurses" means a
14 professional assistance program that meets criteria
15 established by the Board of Nursing and approved by the
16 Secretary, which provides a non-disciplinary treatment
17 approach for nurses licensed under this Act whose ability to
18 practice is compromised by alcohol or chemical substance
19 addiction.

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

22 "Unencumbered license" means a license issued in good
23 standing.

24 "Written collaborative agreement" means a written
25 agreement between an advanced practice nurse and a
26 collaborating physician, dentist, or podiatric physician

1 pursuant to Section 65-35.

2 (Source: P.A. 97-813, eff. 7-13-12; 98-214, eff. 8-9-13.)

3 Section 10. The Physician Assistant Practice Act of 1987 is
4 amended by changing Section 4 as follows:

5 (225 ILCS 95/4) (from Ch. 111, par. 4604)

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

7 Sec. 4. In this Act:

8 1. "Department" means the Department of Financial and
9 Professional Regulation.

10 2. "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 3. "Physician assistant" means any person who has been
13 certified as a physician assistant by the National Commission
14 on the Certification of Physician Assistants or equivalent
15 successor agency and performs procedures under the supervision
16 of a physician as defined in this Act. A physician assistant
17 may perform such procedures within the specialty of the
18 supervising physician, except that such physician shall
19 exercise such direction, supervision and control over such
20 physician assistants as will assure that patients shall receive
21 quality medical care. Physician assistants shall be capable of
22 performing a variety of tasks within the specialty of medical
23 care under the supervision of a physician. Supervision of the
24 physician assistant shall not be construed to necessarily

1 require the personal presence of the supervising physician at
2 all times at the place where services are rendered, as long as
3 there is communication available for consultation by radio,
4 telephone or telecommunications within established guidelines
5 as determined by the physician/physician assistant team. The
6 supervising physician may delegate tasks and duties to the
7 physician assistant. Delegated tasks or duties shall be
8 consistent with physician assistant education, training, and
9 experience. The delegated tasks or duties shall be specific to
10 the practice setting and shall be implemented and reviewed
11 under a written supervision agreement established by the
12 physician or physician/physician assistant team. A physician
13 assistant, acting as an agent of the physician, shall be
14 permitted to transmit the supervising physician's orders as
15 determined by the institution's by-laws, policies, procedures,
16 or job description within which the physician/physician
17 assistant team practices. Physician assistants shall practice
18 only in accordance with a written supervision agreement.

19 4. "Board" means the Medical Licensing Board constituted
20 under the Medical Practice Act of 1987.

21 5. "Disciplinary Board" means the Medical Disciplinary
22 Board constituted under the Medical Practice Act of 1987.

23 6. "Physician" means, for purposes of this Act, a person
24 licensed to practice medicine in all its branches under the
25 Medical Practice Act of 1987.

26 7. "Supervising Physician" means, for the purposes of this

1 Act, the primary supervising physician of a physician
2 assistant, who, within his specialty and expertise may delegate
3 a variety of tasks and procedures to the physician assistant.
4 Such tasks and procedures shall be delegated in accordance with
5 a written supervision agreement. The supervising physician
6 maintains the final responsibility for the care of the patient
7 and the performance of the physician assistant.

8 8. "Alternate supervising physician" means, for the
9 purpose of this Act, any physician designated by the
10 supervising physician to provide supervision in the event that
11 he or she is unable to provide that supervision. The Department
12 may further define "alternate supervising physician" by rule.

13 The alternate supervising physicians shall maintain all
14 the same responsibilities as the supervising physician.
15 Nothing in this Act shall be construed as relieving any
16 physician of the professional or legal responsibility for the
17 care and treatment of persons attended by him or by physician
18 assistants under his supervision. Nothing in this Act shall be
19 construed as to limit the reasonable number of alternate
20 supervising physicians, provided they are designated by the
21 supervising physician.

22 9. "Address of record" means the designated address
23 recorded by the Department in the applicant's or licensee's
24 application file or license file maintained by the Department's
25 licensure maintenance unit. It is the duty of the applicant or
26 licensee to inform the Department of any change of address, and

1 such changes must be made either through the Department's
2 website or by contacting the Department's licensure
3 maintenance unit.

4 10. "Hospital affiliate" means a corporation, partnership,
5 joint venture, limited liability company, or similar
6 organization, other than a hospital, that is devoted primarily
7 to the provision, management, or support of health care
8 services and that directly or indirectly controls, is
9 controlled by, or is under common control of the hospital. For
10 the purposes of this definition, "control" means having at
11 least an equal or a majority ownership or membership interest.
12 A hospital affiliate shall be 100% owned or controlled by any
13 combination of hospitals, their parent corporations, or
14 physicians licensed to practice medicine in all its branches in
15 Illinois. "Hospital affiliate" does not include a health
16 maintenance organization regulated under the Health
17 Maintenance Organization Act.

18 (Source: P.A. 96-268, eff. 8-11-09; 97-1071, eff. 8-24-12.)