



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1631

Introduced 2/13/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

225 ILCS 65/Art. 80 heading new	
225 ILCS 65/80-5 new	
225 ILCS 65/80-10 new	
225 ILCS 65/80-15 new	
225 ILCS 65/80-20 new	
225 ILCS 65/50-10	was 225 ILCS 65/5-10
225 ILCS 65/50-15	was 225 ILCS 65/5-15
225 ILCS 65/55-10	was 225 ILCS 65/10-30
225 ILCS 65/60-10	

Amends the Nurse Practice Act. Ratifies and adopts the Nurse Licensure Compact. Allows for reciprocity of licensure of licensed practical nurses and registered nurses among the states. Provides for administration of the Compact by the Nursing Act Coordinator. Provides that the licensing board shall participate in a Compact Evaluation Initiative designed to evaluate the effectiveness and operability of the Compact. Provides that the Compact does not relieve employers from complying with statutorily imposed obligations. Provides that the Compact does not supersede existing State labor laws. Makes changes relating to the purposes of the Compact. Effective on January 1, 2014.

LRB098 10447 MGM 40668 b

FISCAL NOTE ACT
MAY APPLY

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 adding
5 Article 80 as follows:

6 (225 ILCS 65/Art. 80 heading new)

7 ARTICLE 80. NURSE LICENSURE COMPACT

8 (225 ILCS 65/80-5 new)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 80-5. Nurse Licensure Compact. The State of Illinois
11 ratifies and approves the Nurse Licensure Compact and enters
12 into it with all other jurisdictions that legally join in the
13 compact. The General Assembly finds that no amendment by the
14 General Assembly to the provisions of the Compact contained in
15 this Act shall become effective and binding upon the Compact
16 and the Compact party states unless and until the Nurse
17 Licensure Compact Administrators (NLCA) enact the amendment to
18 the Articles of Organization of the NCLA. The Nurse Licensure
19 Compact is, in form, substantially as follows:

20 PART I.

21 Findings and Declaration of Purpose

1 (a) The party states find that:

2 (1) the health and safety of the public are affected by
3 the degree of compliance with and the effectiveness of
4 enforcement activities related to state nurse licensure
5 laws;

6 (2) violations of nurse licensure and other laws
7 regulating the practice of nursing may result in injury or
8 harm to the public;

9 (3) the expanded mobility of nurses and the use of
10 advanced communication technologies as part of our
11 nation's healthcare delivery system require greater
12 coordination and cooperation among states in the areas of
13 nurse licensure and regulation;

14 (4) new practice modalities and technology make
15 compliance with individual state nurse licensure laws
16 difficult and complex; and

17 (5) the current system of duplicative licensure for
18 nurses practicing in multiple states is cumbersome and
19 redundant to both nurses and states.

20 (b) The general purposes of this Compact are to:

21 (1) facilitate the states' responsibility to protect
22 the public's health and safety;

23 (2) ensure and encourage the cooperation of party
24 states in the areas of nurse licensure and regulation;

25 (3) facilitate the exchange of information between

1 party states in the areas of nurse regulation,
2 investigation and adverse actions;

3 (4) promote compliance with the laws governing the
4 practice of nursing in each jurisdiction; and

5 (5) invest all party states with the authority to hold
6 a nurse accountable for meeting all state practice laws in
7 the state in which the patient is located at the time care
8 is rendered through the mutual recognition of party state
9 licenses.

10 PART II.

11 Definitions

12 As used in this Compact:

13 (a) "Adverse Action" means a home or remote state action.

14 (b) "Alternative program" means a voluntary,
15 non-disciplinary monitoring program approved by a nurse
16 licensing board.

17 (c) "Coordinated licensure information system" means an
18 integrated process for collecting, storing, and sharing
19 information on nurse licensure and enforcement activities
20 related to nurse licensure laws, which is administered by a
21 non-profit organization composed of and controlled by state
22 nurse licensing boards.

23 (d) "Current significant investigative information" means:

24 (1) investigative information that a licensing board,

1 after a preliminary inquiry that includes notification and
2 an opportunity for the nurse to respond if required by
3 state law, has reason to believe is not groundless and, if
4 proved true, would indicate more than a minor infraction;
5 or

6 (2) investigative information that indicates that the
7 nurse represents an immediate threat to public health and
8 safety regardless of whether the nurse has been notified
9 and had an opportunity to respond.

10 (e) "Home state" means the party state which is the nurse's
11 primary state of residence.

12 (f) "Home state action" means any administrative, civil,
13 equitable, or criminal action permitted by the home state's
14 laws that are imposed on a nurse by the home state's licensing
15 board or other authority including actions against an
16 individual's license such as: revocation, suspension,
17 probation, or any other action which affects a nurse's
18 authorization to practice.

19 (g) "Licensing board" means a party state's regulatory body
20 responsible for issuing nurse licenses.

21 (h) "Multistate licensure privilege" means current,
22 official authority from a remote state permitting the practice
23 of nursing as either a registered nurse or a licensed
24 practical/vocational nurse in such party state. All party
25 states have the authority, in accordance with existing state
26 due process law, to take actions against the nurse's privilege

1 such as: revocation, suspension, probation, or any other action
2 which affects a nurse's authorization to practice.

3 (i) "Nurse" means a registered nurse or licensed
4 practical/vocational nurse, as those terms are defined by each
5 party's state practice laws.

6 (j) "Party state" means any state that has adopted this
7 Compact.

8 (k) "Remote state" means a party state, other than the home
9 state,

10 (1) where the patient is located at the time nursing
11 care is provided, or,

12 (2) in the case of the practice of nursing not
13 involving a patient, in such party state where the
14 recipient of nursing practice is located.

15 (l) "Remote state action" means:

16 (1) any administrative, civil, equitable, or criminal
17 action permitted by a remote state's laws which are imposed
18 on a nurse by the remote state's licensing board or other
19 authority including actions against an individual's
20 multistate licensure privilege to practice in the remote
21 state, and

22 (2) cease and desist and other injunctive or equitable
23 orders issued by remote states or the licensing boards
24 thereof.

25 (m) "State" means a state, territory, or possession of the
26 United States, the District of Columbia or the Commonwealth of

1 Puerto Rico.

2 (n) "State practice laws" means those individual party's
3 state laws and regulations that govern the practice of nursing,
4 define the scope of nursing practice, and create the methods
5 and grounds for imposing discipline. "State practice laws" does
6 not include the initial qualifications for licensure or
7 requirements necessary to obtain and retain a license, except
8 for qualifications or requirements of the home state.

9 PART III.

10 General Provisions and Jurisdiction

11 (a) A license to practice registered nursing issued by a
12 home state to a resident in that state will be recognized by
13 each party state as authorizing a multistate licensure
14 privilege to practice as a registered nurse in such party
15 state. A license to practice licensed practical/vocational
16 nursing issued by a home state to a resident in that state will
17 be recognized by each party state as authorizing a multistate
18 licensure privilege to practice as a licensed
19 practical/vocational nurse in such party state. In order to
20 obtain or retain a license, an applicant must meet the home
21 state's qualifications for licensure and license renewal as
22 well as all other applicable state laws.

23 (b) Party states may, in accordance with state due process
24 laws, limit or revoke the multistate licensure privilege of any

1 nurse to practice in their state and may take any other actions
2 under their applicable state laws necessary to protect the
3 health and safety of their citizens. If a party state takes
4 such action, it shall promptly notify the administrator of the
5 coordinated licensure information system. The administrator of
6 the coordinated licensure information system shall promptly
7 notify the home state of any such actions by remote states.

8 (c) Every nurse practicing in a party state must comply
9 with the state practice laws of the state in which the patient
10 is located at the time care is rendered. In addition, the
11 practice of nursing is not limited to patient care, but shall
12 include all nursing practice as defined by the state practice
13 laws of a party state. The practice of nursing will subject a
14 nurse to the jurisdiction of the nurse licensing board and the
15 courts, as well as the laws, in that party state.

16 (d) This Compact does not affect additional requirements
17 imposed by states for advanced practice registered nursing.
18 However, a multistate licensure privilege to practice
19 registered nursing granted by a party state shall be recognized
20 by other party states as a license to practice registered
21 nursing if one is required by state law as a precondition for
22 qualifying for advanced practice registered nurse
23 authorization.

24 (e) Individuals not residing in a party state shall
25 continue to be able to apply for nurse licensure as provided
26 for under the laws of each party state. However, the license

1 granted to these individuals will not be recognized as granting
2 the privilege to practice nursing in any other party state
3 unless explicitly agreed to by that party state.

4 PART IV.

5 Applications for Licensure in a Party State

6 (a) Upon application for a license, the licensing board in
7 a party state shall ascertain, through the coordinated
8 licensure information system, whether the applicant has ever
9 held, or is the holder of, a license issued by any other state,
10 whether there are any restrictions on the multistate licensure
11 privilege, and whether any other adverse action by any state
12 has been taken against the license.

13 (b) A nurse in a party state shall hold licensure in only
14 one party state at a time, issued by the home state.

15 (c) A nurse who intends to change primary state of
16 residence may apply for licensure in the new home state in
17 advance of such change. However, new licenses will not be
18 issued by a party state until after a nurse provides evidence
19 of change in primary state of residence satisfactory to the new
20 home state's licensing board.

21 (d) When a nurse changes primary state of residence by:

22 (1) moving between two party states, and obtains a
23 license from the new home state, the license from the
24 former home state is no longer valid;

1 authority to complete any pending investigations for a nurse
2 who changes primary state of residence during the course of
3 such investigations. It shall also have the authority to take
4 appropriate action(s), and shall promptly report the
5 conclusions of such investigations to the administrator of the
6 coordinated licensure information system. The administrator of
7 the coordinated licensure information system shall promptly
8 notify the new home state of any such actions.

9 (c) A remote state may take adverse action affecting the
10 multistate licensure privilege to practice within that party
11 state. However, only the home state shall have the power to
12 impose adverse action against the license issued by the home
13 state.

14 (d) For purposes of imposing adverse action, the licensing
15 board of the home state shall give the same priority and effect
16 to reported conduct received from a remote state as it would if
17 such conduct had occurred within the home state. In so doing,
18 it shall apply its own state laws to determine appropriate
19 action.

20 (e) The home state may take adverse action based on the
21 factual findings of the remote state, so long as each state
22 follows its own procedures for imposing such adverse action.

23 (f) Nothing in this Compact shall override a party state's
24 decision that participation in an alternative program may be
25 used in lieu of licensure action and that such participation
26 shall remain non-public if required by the party state's laws.

1 Party states must require nurses who enter any alternative
2 programs to agree not to practice in any other party state
3 during the term of the alternative program without prior
4 authorization from such other party state.

5 PART VI.

6 Additional Authorities Invested

7 in Party State Nurse Licensing Boards

8 Notwithstanding any other powers, party state nurse
9 licensing boards shall have the authority to:

10 (a) if otherwise permitted by state law, recover from the
11 affected nurse the costs of investigations and disposition of
12 cases resulting from any adverse action taken against that
13 nurse;

14 (b) issue subpoenas for both hearings and investigations
15 which require the attendance and testimony of witnesses and the
16 production of evidence. Subpoenas issued by a nurse licensing
17 board in a party state for the attendance and testimony of
18 witnesses or the production of evidence from another party
19 state, shall be enforced in the latter state by any court of
20 competent jurisdiction, according to the practice and
21 procedure of that court applicable to subpoenas issued in
22 proceedings pending before it. The issuing authority shall pay
23 any witness fees, travel expenses, mileage, and other fees
24 required by the service statutes of the state where the

1 witnesses and/or evidence are located;

2 (c) issue cease and desist orders to limit or revoke a
3 nurse's authority to practice in their state; or

4 (d) adopt uniform rules and regulations as provided for in
5 Part VIII(c).

6 PART VII.

7 Coordinated Licensure Information System

8 (a) All party states shall participate in a cooperative
9 effort to create a coordinated data base of all licensed
10 registered nurses and licensed practical/vocational nurses.
11 This system will include information on the licensure and
12 disciplinary history of each nurse, as contributed by party
13 states, to assist in the coordination of nurse licensure and
14 enforcement efforts.

15 (b) Notwithstanding any other provision of law, all party
16 states' licensing boards shall promptly report adverse
17 actions, actions against multistate licensure privileges, any
18 current significant investigative information yet to result in
19 adverse action, denials of applications, and the reasons for
20 such denials, to the coordinated licensure information system.

21 (c) Current significant investigative information shall be
22 transmitted through the coordinated licensure information
23 system only to party state licensing boards.

24 (d) Notwithstanding any other provision of law, all party

1 states' licensing boards contributing information to the
2 coordinated licensure information system may designate
3 information that may not be shared with non-party states or
4 disclosed to other entities or individuals without the express
5 permission of the contributing state.

6 (e) Any personally identifiable information obtained by a
7 party states' licensing board from the coordinated licensure
8 information system may not be shared with non-party states or
9 disclosed to other entities or individuals except to the extent
10 permitted by the laws of the party state contributing the
11 information.

12 (f) Any information contributed to the coordinated
13 licensure information system that is subsequently required to
14 be expunged by the laws of the party state contributing that
15 information shall also be expunged from the coordinated
16 licensure information system.

17 (g) The Compact administrators, acting jointly with each
18 other and in consultation with the administrator of the
19 coordinated licensure information system, shall formulate
20 necessary and proper procedures for the identification,
21 collection, and exchange of information under this Compact.

22 PART VIII.

23 Compact Administration and

24 Interchange of Information

1 (a) The head of the nurse licensing board, or his or her
2 designee, of each party state shall be the administrator of
3 this Compact for his or her state.

4 (b) The Compact administrator of each party state shall
5 furnish to the Compact administrator of each other party state
6 any information and documents including, but not limited to, a
7 uniform data set of investigations, identifying information,
8 licensure data, and disclosable alternative program
9 participation information to facilitate the administration of
10 this Compact.

11 (c) Compact administrators shall have the authority to
12 develop uniform rules to facilitate and coordinate
13 implementation of this Compact. These uniform rules shall be
14 adopted by party states, under the authority invested under
15 Part VI(d).

16 PART IX.

17 Immunity

18 No party state or the officers or employees or agents of a
19 party state's nurse licensing board who acts in accordance with
20 the provisions of this Compact shall be liable on account of
21 any act or omission in good faith while engaged in the
22 performance of their duties under this Compact. Good faith in
23 this article shall not include willful misconduct, gross
24 negligence, or recklessness.

1 Construction and Severability

2 (a) This Compact shall be liberally construed so as to
3 effectuate the purposes thereof. The provisions of this Compact
4 shall be severable and if any phrase, clause, sentence, or
5 provision of this Compact is declared to be contrary to the
6 constitution of any party state or of the United States or the
7 applicability thereof to any government, agency, person, or
8 circumstance is held invalid, the validity of the remainder of
9 this Compact and the applicability thereof to any government,
10 agency, person, or circumstance shall not be affected thereby.
11 If this Compact shall be held contrary to the constitution of
12 any state party thereto, the Compact shall remain in full force
13 and effect as to the remaining party states and in full force
14 and effect as to the party state affected as to all severable
15 matters.

16 (b) In the event party states find a need for settling
17 disputes arising under this Compact:

18 (1) The party states may submit the issues in dispute
19 to an arbitration panel which will be comprised of an
20 individual appointed by the Compact administrator in the
21 home state; an individual appointed by the Compact
22 administrator in the remote state(s) involved; and an
23 individual mutually agreed upon by the Compact
24 administrators of all the party states involved in the
25 dispute.

1 (2) The decision of a majority of the arbitrators shall
2 be final and binding.

3 (225 ILCS 65/80-10 new)

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

5 Sec. 80-10. Costs of investigation and disposition of
6 cases. To facilitate cross-state enforcement efforts, the
7 Department shall have the power to recover from the affected
8 nurse a reasonable fine for the costs of investigations and
9 disposition of cases resulting from adverse actions taken by
10 this State against that nurse.

11 (225 ILCS 65/80-15 new)

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

13 Sec. 80-15. Statutory obligations. This Compact is
14 designed to facilitate the regulation of nurses and does not
15 relieve employers from complying with statutorily imposed
16 obligations.

17 (225 ILCS 65/80-20 new)

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

19 Sec. 80-20. State labor laws. This Compact does not
20 supersede existing State labor laws.

21 Section 90. The Nurse Practice Act is amended by changing
22 Sections 50-10, 50-15, 55-10, and 60-10 as follows:

1 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

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

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

6 "Academic year" means the customary annual schedule of
7 courses at a college, university, or approved school,
8 customarily regarded as the school year as distinguished from
9 the calendar year.

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

18 "Approved program of professional nursing education" and
19 "approved program of practical nursing education" are programs
20 of professional or practical nursing, respectively, approved
21 by the Department under the provisions of this Act.

22 "Board" means the Board of Nursing appointed by the
23 Secretary.

24 "Collaboration" means a process involving 2 or more health
25 care professionals working together, each contributing one's

1 respective area of expertise to provide more comprehensive
2 patient care.

3 "Consultation" means the process whereby an advanced
4 practice nurse seeks the advice or opinion of another health
5 care professional.

6 "Credentialed" means the process of assessing and
7 validating the qualifications of a health care professional.

8 "Current nursing practice update course" means a planned
9 nursing education curriculum approved by the Department
10 consisting of activities that have educational objectives,
11 instructional methods, content or subject matter, clinical
12 practice, and evaluation methods, related to basic review and
13 updating content and specifically planned for those nurses
14 previously licensed in the United States or its territories and
15 preparing for reentry into nursing practice.

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

18 "Department" means the Department of Financial and
19 Professional Regulation.

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

1 "License" or "licensed" means the permission granted a
2 person to practice nursing under this Act, including the
3 privilege to practice.

4 "Licensee" means a person who has been issued a license to
5 practice nursing in this State or who holds the privilege to
6 practice nursing in this State.

7 "License-pending advanced practice nurse" means a
8 registered professional nurse who has completed all
9 requirements for licensure as an advanced practice nurse except
10 the certification examination and has applied to take the next
11 available certification exam and received a temporary license
12 from the Department.

13 "License-pending registered nurse" means a person who has
14 passed the Department-approved registered nurse licensure exam
15 and has applied for a license from the Department. A
16 license-pending registered nurse shall use the title "RN lic
17 pend" on all documentation related to nursing practice.

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

20 "Podiatrist" means a person licensed to practice podiatry
21 under the Podiatric Medical Practice Act of 1987.

22 "Practical nurse" or "licensed practical nurse" means a
23 person who is licensed as a practical nurse under this Act or
24 holds the privilege to practice under this Act and practices
25 practical nursing as defined in this Act. Only a practical
26 nurse licensed or granted the privilege to practice under this

1 Act is entitled to use the title "licensed practical nurse" and
2 the abbreviation "L.P.N."

3 "Practical nursing" means the performance of nursing acts
4 requiring the basic nursing knowledge, judgment ~~judgement~~, and
5 skill acquired by means of completion of an approved practical
6 nursing education program. Practical nursing includes
7 assisting in the nursing process as delegated by a registered
8 professional nurse or an advanced practice nurse. The practical
9 nurse may work under the direction of a licensed physician,
10 dentist, podiatrist, or other health care professional
11 determined by the Department.

12 "Privileged" means the authorization granted by the
13 governing body of a healthcare facility, agency, or
14 organization to provide specific patient care services within
15 well-defined limits, based on qualifications reviewed in the
16 credentialing process.

17 "Privilege to practice" means the authorization to
18 practice as a practical nurse or a registered nurse in this
19 State under Article 80 of this Act.

20 "Registered Nurse" or "Registered Professional Nurse"
21 means a person who is licensed as a professional nurse under
22 this Act or holds the privilege to practice under this Act and
23 practices nursing as defined in this Act. Only a registered
24 nurse licensed or granted the privilege to practice under this
25 Act is entitled to use the titles "registered nurse" and
26 "registered professional nurse" and the abbreviation, "R.N."

1 "Registered professional nursing practice" is a scientific
2 process founded on a professional body of knowledge; it is a
3 learned profession based on the understanding of the human
4 condition across the life span and environment and includes all
5 nursing specialties and means the performance of any nursing
6 act based upon professional knowledge, judgment, and skills
7 acquired by means of completion of an approved professional
8 nursing education program. A registered professional nurse
9 provides holistic nursing care through the nursing process to
10 individuals, groups, families, or communities, that includes
11 but is not limited to: (1) the assessment of healthcare needs,
12 nursing diagnosis, planning, implementation, and nursing
13 evaluation; (2) the promotion, maintenance, and restoration of
14 health; (3) counseling, patient education, health education,
15 and patient advocacy; (4) the administration of medications and
16 treatments as prescribed by a physician licensed to practice
17 medicine in all of its branches, a licensed dentist, a licensed
18 podiatrist, or a licensed optometrist or as prescribed by a
19 physician assistant in accordance with written guidelines
20 required under the Physician Assistant Practice Act of 1987 or
21 by an advanced practice nurse in accordance with Article 65 of
22 this Act; (5) the coordination and management of the nursing
23 plan of care; (6) the delegation to and supervision of
24 individuals who assist the registered professional nurse
25 implementing the plan of care; and (7) teaching nursing
26 students. The foregoing shall not be deemed to include those

1 acts of medical diagnosis or prescription of therapeutic or
2 corrective measures.

3 "Professional assistance program for nurses" means a
4 professional assistance program that meets criteria
5 established by the Board of Nursing and approved by the
6 Secretary, which provides a non-disciplinary treatment
7 approach for nurses licensed under this Act whose ability to
8 practice is compromised by alcohol or chemical substance
9 addiction.

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

12 "Unencumbered license" means a license issued in good
13 standing.

14 "Written collaborative agreement" means a written
15 agreement between an advanced practice nurse and a
16 collaborating physician, dentist, or podiatrist pursuant to
17 Section 65-35.

18 (Source: P.A. 97-813, eff. 7-13-12.)

19 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

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

21 Sec. 50-15. Policy; application of Act.

22 (a) For the protection of life and the promotion of health,
23 and the prevention of illness and communicable diseases, any
24 person practicing or offering to practice advanced,
25 professional, or practical nursing in Illinois shall submit

1 evidence that he or she is qualified to practice, and shall be
2 licensed or hold the privilege to practice as provided under
3 this Act. No person shall practice or offer to practice
4 advanced, professional, or practical nursing in Illinois or use
5 any title, sign, card or device to indicate that such a person
6 is practicing professional or practical nursing unless such
7 person has been licensed or holds the privilege to practice
8 under the provisions of this Act.

9 (b) This Act does not prohibit the following:

10 (1) The practice of nursing in Federal employment in
11 the discharge of the employee's duties by a person who is
12 employed by the United States government or any bureau,
13 division or agency thereof and is a legally qualified and
14 licensed nurse of another state or territory and not in
15 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of
16 this Act.

17 (2) Nursing that is included in the program of study by
18 students enrolled in programs of nursing or in current
19 nurse practice update courses approved by the Department.

20 (3) The furnishing of nursing assistance in an
21 emergency.

22 (4) The practice of nursing by a nurse who holds an
23 active license in another state when providing services to
24 patients in Illinois during a bonafide emergency or in
25 immediate preparation for or during interstate transit.

26 (5) The incidental care of the sick by members of the

1 family, domestic servants or housekeepers, or care of the
2 sick where treatment is by prayer or spiritual means.

3 (6) Persons from being employed as unlicensed
4 assistive personnel in private homes, long term care
5 facilities, nurseries, hospitals or other institutions.

6 (7) The practice of practical nursing by one who is a
7 licensed practical nurse under the laws of another U.S.
8 jurisdiction and has applied in writing to the Department,
9 in form and substance satisfactory to the Department, for a
10 license as a licensed practical nurse and who is qualified
11 to receive such license under this Act, until (i) the
12 expiration of 6 months after the filing of such written
13 application, (ii) the withdrawal of such application, or
14 (iii) the denial of such application by the Department.

15 (8) The practice of advanced practice nursing by one
16 who is an advanced practice nurse under the laws of another
17 state, territory of the United States, or country and has
18 applied in writing to the Department, in form and substance
19 satisfactory to the Department, for a license as an
20 advanced practice nurse and who is qualified to receive
21 such license under this Act, until (i) the expiration of 6
22 months after the filing of such written application, (ii)
23 the withdrawal of such application, or (iii) the denial of
24 such application by the Department.

25 (9) The practice of professional nursing by one who is
26 a registered professional nurse under the laws of another

1 state, territory of the United States or country and has
2 applied in writing to the Department, in form and substance
3 satisfactory to the Department, for a license as a
4 registered professional nurse and who is qualified to
5 receive such license under Section 55-10, until (1) the
6 expiration of 6 months after the filing of such written
7 application, (2) the withdrawal of such application, or (3)
8 the denial of such application by the Department.

9 (10) The practice of professional nursing that is
10 included in a program of study by one who is a registered
11 professional nurse under the laws of another state or
12 territory of the United States or foreign country,
13 territory or province and who is enrolled in a graduate
14 nursing education program or a program for the completion
15 of a baccalaureate nursing degree in this State, which
16 includes clinical supervision by faculty as determined by
17 the educational institution offering the program and the
18 health care organization where the practice of nursing
19 occurs.

20 (11) Any person licensed in this State under any other
21 Act from engaging in the practice for which she or he is
22 licensed.

23 (12) Delegation to authorized direct care staff
24 trained under Section 15.4 of the Mental Health and
25 Developmental Disabilities Administrative Act consistent
26 with the policies of the Department.

1 (13) The practice, services, or activities of persons
2 practicing the specified occupations set forth in
3 subsection (a) of, and pursuant to a licensing exemption
4 granted in subsection (b) or (d) of, Section 2105-350 of
5 the Department of Professional Regulation Law of the Civil
6 Administrative Code of Illinois, but only for so long as
7 the 2016 Olympic and Paralympic Games Professional
8 Licensure Exemption Law is operable.

9 (14) County correctional personnel from delivering
10 prepackaged medication for self-administration to an
11 individual detainee in a correctional facility.

12 Nothing in this Act shall be construed to limit the
13 delegation of tasks or duties by a physician, dentist, or
14 podiatrist to a licensed practical nurse, a registered
15 professional nurse, or other persons.

16 (Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7,
17 eff. 4-3-09; 96-516, eff. 8-14-09; 96-1000, eff. 7-2-10.)

18 (225 ILCS 65/55-10) (was 225 ILCS 65/10-30)

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

20 Sec. 55-10. Qualifications for LPN licensure.

21 (a) Each applicant who successfully meets the requirements
22 of this Section shall be entitled to licensure as a Licensed
23 Practical Nurse.

24 (b) An applicant for licensure by examination to practice
25 as a practical nurse must do each of the following:

1 (1) Submit a completed written application, on forms
2 provided by the Department and fees as established by the
3 Department.

4 (2) Have graduated from a practical nursing education
5 program approved by the Department or have been granted a
6 certificate of completion of pre-licensure requirements
7 from another United States jurisdiction.

8 (3) Successfully complete a licensure examination
9 approved by the Department.

10 (4) Have not violated the provisions of this Act
11 concerning the grounds for disciplinary action. The
12 Department may take into consideration any felony
13 conviction of the applicant, but such a conviction shall
14 not operate as an absolute bar to licensure.

15 (5) Submit to the criminal history records check
16 required under Section 50-35 of this Act.

17 (6) Submit either to the Department or its designated
18 testing service, a fee covering the cost of providing the
19 examination. Failure to appear for the examination on the
20 scheduled date at the time and place specified after the
21 applicant's application for examination has been received
22 and acknowledged by the Department or the designated
23 testing service shall result in the forfeiture of the
24 examination fee.

25 (7) Meet all other requirements established by rule.
26 An applicant for licensure by examination may take the

1 Department-approved examination in another jurisdiction.

2 (b-5) If an applicant for licensure by examination
3 neglects, fails, or refuses to take an examination or fails to
4 pass an examination for a license under this Act within 3 years
5 after filing the application, the application shall be denied.
6 The applicant must enroll in and complete an approved practical
7 nursing education program prior to submitting an additional
8 application for the licensure exam.

9 An applicant may take and successfully complete a
10 Department-approved examination in another jurisdiction.
11 However, an applicant who has never been licensed previously in
12 any jurisdiction that utilizes a Department-approved
13 examination and who has taken and failed to pass the
14 examination within 3 years after filing the application must
15 submit proof of successful completion of a
16 Department-authorized nursing education program or
17 recompletion of an approved licensed practical nursing program
18 prior to re-application.

19 (c) An applicant for licensure by examination shall have
20 one year from the date of notification of successful completion
21 of the examination to apply to the Department for a license. If
22 an applicant fails to apply within one year, the applicant
23 shall be required to retake and pass the examination unless
24 licensed in another jurisdiction of the United States.

25 (d) A licensed practical nurse applicant who passes the
26 Department-approved licensure examination and has applied to

1 the Department for licensure may obtain employment as a
2 license-pending practical nurse and practice as delegated by a
3 registered professional nurse or an advanced practice nurse or
4 physician. An individual may be employed as a license-pending
5 practical nurse if all of the following criteria are met:

6 (1) He or she has completed and passed the
7 Department-approved licensure exam and presents to the
8 employer the official written notification indicating
9 successful passage of the licensure examination.

10 (2) He or she has completed and submitted to the
11 Department an application for licensure under this Section
12 as a practical nurse.

13 (3) He or she has submitted the required licensure fee.

14 (4) He or she has met all other requirements
15 established by rule, including having submitted to a
16 criminal history records check.

17 (e) The privilege to practice as a license-pending
18 practical nurse shall terminate with the occurrence of any of
19 the following:

20 (1) Three months have passed since the official date of
21 passing the licensure exam as inscribed on the formal
22 written notification indicating passage of the exam. This
23 3-month period may be extended as determined by rule.

24 (2) Receipt of the practical nurse license from the
25 Department.

26 (3) Notification from the Department that the

1 application for licensure has been denied.

2 (4) A request by the Department that the individual
3 terminate practicing as a license-pending practical nurse
4 until an official decision is made by the Department to
5 grant or deny a practical nurse license.

6 (f) An applicant for licensure by endorsement who is a
7 licensed practical nurse licensed by examination under the laws
8 of another state or territory of the United States or a foreign
9 country, jurisdiction, territory, or province must do each of
10 the following:

11 (1) Submit a completed written application, on forms
12 supplied by the Department, and fees as established by the
13 Department.

14 (2) Have graduated from a practical nursing education
15 program approved by the Department.

16 (3) Submit verification of licensure status directly
17 from the United States jurisdiction of licensure, if
18 applicable, as defined by rule.

19 (4) Submit to the criminal history records check
20 required under Section 50-35 of this Act.

21 (5) Meet all other requirements as established by the
22 Department by rule.

23 (g) All applicants for practical nurse licensure by
24 examination or endorsement who are graduates of nursing
25 educational programs in a country other than the United States
26 or its territories shall have their nursing education

1 credentials evaluated by a Department-approved nursing
2 credentialing evaluation service. No such applicant may be
3 issued a license under this Act unless the applicant's program
4 is deemed by the nursing credentialing evaluation service to be
5 equivalent to a professional nursing education program
6 approved by the Department. An applicant who has graduated from
7 a nursing educational program outside of the United States or
8 its territories and whose first language is not English shall
9 submit certification of passage of the Test of English as a
10 Foreign Language (TOEFL), as defined by rule. The Department
11 may, upon recommendation from the nursing evaluation service,
12 waive the requirement that the applicant pass the TOEFL
13 examination if the applicant submits verification of the
14 successful completion of a nursing education program conducted
15 in English. The requirements of this subsection (d) may be
16 satisfied by the showing of proof of a certificate from the
17 Certificate Program or the VisaScreen Program of the Commission
18 on Graduates of Foreign Nursing Schools.

19 (h) An applicant licensed in another state or territory who
20 is applying for licensure and has received her or his education
21 in a country other than the United States or its territories
22 shall have her or his nursing education credentials evaluated
23 by a Department-approved nursing credentialing evaluation
24 service. No such applicant may be issued a license under this
25 Act unless the applicant's program is deemed by the nursing
26 credentialing evaluation service to be equivalent to a

1 professional nursing education program approved by the
2 Department. An applicant who has graduated from a nursing
3 educational program outside of the United States or its
4 territories and whose first language is not English shall
5 submit certification of passage of the Test of English as a
6 Foreign Language (TOEFL), as defined by rule. The Department
7 may, upon recommendation from the nursing evaluation service,
8 waive the requirement that the applicant pass the TOEFL
9 examination if the applicant submits verification of the
10 successful completion of a nursing education program conducted
11 in English or the successful passage of an approved licensing
12 examination given in English. The requirements of this
13 subsection (d-5) may be satisfied by the showing of proof of a
14 certificate from the Certificate Program or the VisaScreen
15 Program of the Commission on Graduates of Foreign Nursing
16 Schools.

17 (i) A licensed practical nurse who holds an unencumbered
18 license in good standing in another United States jurisdiction
19 and who has applied for practical nurse licensure under this
20 Act by endorsement may be issued a temporary license, if
21 satisfactory proof of such licensure in another jurisdiction is
22 presented to the Department. The Department shall not issue an
23 applicant a temporary practical nurse license until it is
24 satisfied that the applicant holds an active, unencumbered
25 license in good standing in another jurisdiction. If the
26 applicant holds more than one current active license or one or

1 more active temporary licenses from another jurisdiction, the
2 Department may not issue a temporary license until the
3 Department is satisfied that each current active license held
4 by the applicant is unencumbered. The temporary license, which
5 shall be issued no later than 14 working days following receipt
6 by the Department of an application for the temporary license,
7 shall be granted upon the submission of all of the following to
8 the Department:

9 (1) A completed application for licensure as a
10 practical nurse.

11 (2) Proof of a current, active license in at least one
12 other jurisdiction of the United States and proof that each
13 current active license or temporary license held by the
14 applicant within the last 5 years is unencumbered.

15 (3) A signed and completed application for a temporary
16 license.

17 (4) The required temporary license fee.

18 (j) The Department may refuse to issue an applicant a
19 temporary license authorized pursuant to this Section if,
20 within 14 working days following its receipt of an application
21 for a temporary license, the Department determines that:

22 (1) the applicant has been convicted of a crime under
23 the laws of a jurisdiction of the United States that is:
24 (i) a felony; or (ii) a misdemeanor directly related to the
25 practice of the profession, within the last 5 years;

26 (2) the applicant has had a license or permit related

1 to the practice of practical nursing revoked, suspended, or
2 placed on probation by another jurisdiction within the last
3 5 years and at least one of the grounds for revoking,
4 suspending, or placing on probation is the same or
5 substantially equivalent to grounds in Illinois; or

6 (3) the Department intends to deny licensure by
7 endorsement.

8 (k) The Department may revoke a temporary license issued
9 pursuant to this Section if it determines any of the following:

10 (1) That the applicant has been convicted of a crime
11 under the law of any jurisdiction of the United States that
12 is (i) a felony or (ii) a misdemeanor directly related to
13 the practice of the profession, within the last 5 years.

14 (2) That within the last 5 years the applicant has had
15 a license or permit related to the practice of nursing
16 revoked, suspended, or placed on probation by another
17 jurisdiction, and at least one of the grounds for revoking,
18 suspending, or placing on probation is the same or
19 substantially equivalent to grounds for disciplinary
20 action under this Act.

21 (3) That the Department intends to deny licensure by
22 endorsement.

23 (l) A temporary license shall expire 6 months from the date
24 of issuance. Further renewal may be granted by the Department
25 in hardship cases, as defined by rule and upon approval of the
26 Secretary. However, a temporary license shall automatically

1 expire upon issuance of a valid license under this Act or upon
2 notification that the Department intends to deny licensure,
3 whichever occurs first.

4 (m) All applicants for practical nurse licensure have 3
5 years from the date of application to complete the application
6 process. If the process has not been completed within 3 years
7 from the date of application, the application shall be denied,
8 the fee forfeited, and the applicant must reapply and meet the
9 requirements in effect at the time of reapplication.

10 (n) A practical nurse licensed by a party state under the
11 Nurse Licensure Compact under Article 80 of this Act is granted
12 the privilege to practice practical nursing in this State.

13 (Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07;
14 95-639, eff. 10-5-07.)

15 (225 ILCS 65/60-10)

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

17 Sec. 60-10. Qualifications for RN licensure.

18 (a) Each applicant who successfully meets the requirements
19 of this Section shall be entitled to licensure as a registered
20 professional nurse.

21 (b) An applicant for licensure by examination to practice
22 as a registered professional nurse must do each of the
23 following:

24 (1) Submit a completed written application, on forms
25 provided by the Department, and fees, as established by the

1 Department.

2 (2) Have graduated from a professional nursing
3 education program approved by the Department or have been
4 granted a certificate of completion of pre-licensure
5 requirements from another United States jurisdiction.

6 (3) Successfully complete a licensure examination
7 approved by the Department.

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

13 (5) Submit to the criminal history records check
14 required under Section 50-35 of this Act.

15 (6) Submit, either to the Department or its designated
16 testing service, a fee covering the cost of providing the
17 examination. Failure to appear for the examination on the
18 scheduled date at the time and place specified after the
19 applicant's application for examination has been received
20 and acknowledged by the Department or the designated
21 testing service shall result in the forfeiture of the
22 examination fee.

23 (7) Meet all other requirements established by the
24 Department by rule. An applicant for licensure by
25 examination may take the Department-approved examination
26 in another jurisdiction.

1 (b-5) If an applicant for licensure by examination
2 neglects, fails, or refuses to take an examination or fails to
3 pass an examination for a license within 3 years after filing
4 the application, the application shall be denied. The applicant
5 may make a new application accompanied by the required fee,
6 evidence of meeting the requirements in force at the time of
7 the new application, and proof of the successful completion of
8 at least 2 additional years of professional nursing education.

9 (c) An applicant for licensure by examination shall have
10 one year after the date of notification of the successful
11 completion of the examination to apply to the Department for a
12 license. If an applicant fails to apply within one year, the
13 applicant shall be required to retake and pass the examination
14 unless licensed in another jurisdiction of the United States.

15 (d) An applicant for licensure by examination who passes
16 the Department-approved licensure examination for professional
17 nursing may obtain employment as a license-pending registered
18 nurse and practice under the direction of a registered
19 professional nurse or an advanced practice nurse until such
20 time as he or she receives his or her license to practice or
21 until the license is denied. In no instance shall any such
22 applicant practice or be employed in any management capacity.
23 An individual may be employed as a license-pending registered
24 nurse if all of the following criteria are met:

25 (1) He or she has completed and passed the
26 Department-approved licensure exam and presents to the

1 employer the official written notification indicating
2 successful passage of the licensure examination.

3 (2) He or she has completed and submitted to the
4 Department an application for licensure under this Section
5 as a registered professional nurse.

6 (3) He or she has submitted the required licensure fee.

7 (4) He or she has met all other requirements
8 established by rule, including having submitted to a
9 criminal history records check.

10 (e) The privilege to practice as a license-pending
11 registered nurse shall terminate with the occurrence of any of
12 the following:

13 (1) Three months have passed since the official date of
14 passing the licensure exam as inscribed on the formal
15 written notification indicating passage of the exam. The
16 3-month license pending period may be extended if more time
17 is needed by the Department to process the licensure
18 application.

19 (2) Receipt of the registered professional nurse
20 license from the Department.

21 (3) Notification from the Department that the
22 application for licensure has been refused.

23 (4) A request by the Department that the individual
24 terminate practicing as a license-pending registered nurse
25 until an official decision is made by the Department to
26 grant or deny a registered professional nurse license.

1 (f) An applicant for registered professional nurse
2 licensure by endorsement who is a registered professional nurse
3 licensed by examination under the laws of another state or
4 territory of the United States must do each of the following:

5 (1) Submit a completed written application, on forms
6 supplied by the Department, and fees as established by the
7 Department.

8 (2) Have graduated from a registered professional
9 nursing education program approved by the Department.

10 (3) Submit verification of licensure status directly
11 from the United States jurisdiction of licensure, if
12 applicable, as defined by rule.

13 (4) Submit to the criminal history records check
14 required under Section 50-35 of this Act.

15 (5) Meet all other requirements as established by the
16 Department by rule.

17 (g) Pending the issuance of a license under this Section,
18 the Department may grant an applicant a temporary license to
19 practice nursing as a registered professional nurse if the
20 Department is satisfied that the applicant holds an active,
21 unencumbered license in good standing in another U.S.
22 jurisdiction. If the applicant holds more than one current
23 active license or one or more active temporary licenses from
24 another jurisdiction, the Department may not issue a temporary
25 license until the Department is satisfied that each current
26 active license held by the applicant is unencumbered. The

1 temporary license, which shall be issued no later than 14
2 working days after receipt by the Department of an application
3 for the temporary license, shall be granted upon the submission
4 of all of the following to the Department:

5 (1) A completed application for licensure as a
6 registered professional nurse.

7 (2) Proof of a current, active license in at least one
8 other jurisdiction of the United States and proof that each
9 current active license or temporary license held by the
10 applicant within the last 5 years is unencumbered.

11 (3) A completed application for a temporary license.

12 (4) The required temporary license fee.

13 (h) The Department may refuse to issue an applicant a
14 temporary license authorized pursuant to this Section if,
15 within 14 working days after its receipt of an application for
16 a temporary license, the Department determines that:

17 (1) the applicant has been convicted of a crime under
18 the laws of a jurisdiction of the United States that is (i)
19 a felony or (ii) a misdemeanor directly related to the
20 practice of the profession, within the last 5 years;

21 (2) the applicant has had a license or permit related
22 to the practice of nursing revoked, suspended, or placed on
23 probation by another jurisdiction within the last 5 years,
24 if at least one of the grounds for revoking, suspending, or
25 placing on probation is the same or substantially
26 equivalent to grounds for disciplinary action under this

1 Act; or

2 (3) the Department intends to deny licensure by
3 endorsement.

4 (i) The Department may revoke a temporary license issued
5 pursuant to this Section if it determines any of the following:

6 (1) That the applicant has been convicted of a crime
7 under the laws of any jurisdiction of the United States
8 that is (i) a felony or (ii) a misdemeanor directly related
9 to the practice of the profession, within the last 5 years.

10 (2) That within the last 5 years, the applicant has had
11 a license or permit related to the practice of nursing
12 revoked, suspended, or placed on probation by another
13 jurisdiction, if at least one of the grounds for revoking,
14 suspending, or placing on probation is the same or
15 substantially equivalent to grounds for disciplinary
16 action under this Act.

17 (3) That it intends to deny licensure by endorsement.

18 (j) A temporary license issued under this Section shall
19 expire 6 months after the date of issuance. Further renewal may
20 be granted by the Department in hardship cases, as defined by
21 rule and upon approval of the Secretary. However, a temporary
22 license shall automatically expire upon issuance of the
23 Illinois license or upon notification that the Department
24 intends to deny licensure, whichever occurs first.

25 (k) All applicants for registered professional nurse
26 licensure have 3 years after the date of application to

1 complete the application process. If the process has not been
2 completed within 3 years after the date of application, the
3 application shall be denied, the fee forfeited, and the
4 applicant must reapply and meet the requirements in effect at
5 the time of reapplication.

6 (1) All applicants for registered nurse licensure by
7 examination or endorsement who are graduates of practical
8 nursing educational programs in a country other than the United
9 States and its territories shall have their nursing education
10 credentials evaluated by a Department-approved nursing
11 credentialing evaluation service. No such applicant may be
12 issued a license under this Act unless the applicant's program
13 is deemed by the nursing credentialing evaluation service to be
14 equivalent to a professional nursing education program
15 approved by the Department. An applicant who has graduated from
16 a nursing educational program outside of the United States or
17 its territories and whose first language is not English shall
18 submit certification of passage of the Test of English as a
19 Foreign Language (TOEFL), as defined by rule. The Department
20 may, upon recommendation from the nursing evaluation service,
21 waive the requirement that the applicant pass the TOEFL
22 examination if the applicant submits verification of the
23 successful completion of a nursing education program conducted
24 in English. The requirements of this subsection (1) may be
25 satisfied by the showing of proof of a certificate from the
26 Certificate Program or the VisaScreen Program of the Commission

1 on Graduates of Foreign Nursing Schools.

2 (m) An applicant licensed in another state or territory who
3 is applying for licensure and has received her or his education
4 in a country other than the United States or its territories
5 shall have her or his nursing education credentials evaluated
6 by a Department-approved nursing credentialing evaluation
7 service. No such applicant may be issued a license under this
8 Act unless the applicant's program is deemed by the nursing
9 credentialing evaluation service to be equivalent to a
10 professional nursing education program approved by the
11 Department. An applicant who has graduated from a nursing
12 educational program outside of the United States or its
13 territories and whose first language is not English shall
14 submit certification of passage of the Test of English as a
15 Foreign Language (TOEFL), as defined by rule. The Department
16 may, upon recommendation from the nursing evaluation service,
17 waive the requirement that the applicant pass the TOEFL
18 examination if the applicant submits verification of the
19 successful completion of a nursing education program conducted
20 in English or the successful passage of an approved licensing
21 examination given in English. The requirements of this
22 subsection (m) may be satisfied by the showing of proof of a
23 certificate from the Certificate Program or the VisaScreen
24 Program of the Commission on Graduates of Foreign Nursing
25 Schools.

26 (n) A registered nurse licensed by a party state under the

1 Nurse Licensure Compact under Article 80 of this Act is granted
2 the privilege to practice registered nursing in this State.

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

4 Section 99. Effective date. This Act takes effect January
5 1, 2014.