



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1662

Introduced 2/13/2013, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

New Act

Creates the Interventional Surgical Pain Procedures for Chronic Pain Act. Prohibits the practice of interventional surgical pain procedures for pain medicine in this State unless the person is a physician licensed to practice medicine in all its branches. Defines "interventional surgical pain procedures". Exempts certain procedures from the Act. Authorizes the Department of Financial and Professional Regulation to adopt rules in consultation with the Medical Licensing Board as necessary to implement the Act. Effective on July 1, 2013.

LRB098 10622 MGM 40899 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 Interventional Surgical Pain Procedures for Chronic Pain Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Chronic pain" means a pain state which is present for more
8 than 3 months duration. This does not include procedures for
9 the treatment of acute pain resulting from surgery, labor pain,
10 pain related to child birth, or treatment of acute pain seen in
11 an emergency room setting.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 "Interventional surgical pain procedures" means diagnostic
15 or therapeutic surgical techniques for the treatment of chronic
16 pain that may require the use of imaging guidance and involve:

17 (1) the cranial nerves and their branches (such as
18 occipital, supra-orbital, and temporal), including
19 destruction by chemical or other modalities;

20 (2) the facet joints of the cervical, thoracic, and
21 lumbar regions and surrounding nerve branches, including
22 destruction, ablation or denervation, aspiration of cysts
23 of small and large joints, and injection of contrast

1 material with the use of imaging guidance;

2 (3) cervical, thoracic, or lumbar sympathetic
3 ganglion, visceral plexuses, or nerve blocks;

4 (4) epidural injections in the cervical, thoracic,
5 lumbar, caudal regions (interlaminar or transforaminal)
6 with or without the use of imaging guidance;

7 (5) intrathecal surgical placement of percutaneous or
8 tunneled intrathecal catheters or pumps or subcutaneous
9 port placement, not including procedures to refill these
10 pumps;

11 (6) injections into sacroiliac joint with or without
12 the use of image guidance, not including injections into
13 muscle and trigger point injections;

14 (7) provocative or analgesic discography, intradiscal
15 electrothermal therapy, or other intradiscal procedures in
16 which drugs, gases, biologic materials, or prosthesis are
17 placed or injected into the intervertebral disc;

18 (8) injection, destruction, or ablation of peripheral
19 nerves, including intercostals and radio frequency
20 ablation or chemical destruction of any nerve or nerve
21 groups or nerve plexus;

22 (9) spinal cord or peripheral nerve stimulator
23 placement; or

24 (10) spinal augmentation procedures, such as
25 vertebroplasty, kyphoplasty, sacroplasty, or other bone
26 augmentation procedures.

1 Section 10. Prohibited practices and penalties. A person
2 shall not practice or offer to practice interventional surgical
3 pain procedures to diagnose and treat chronic pain in this
4 State unless the person is a physician licensed to practice
5 medicine in all its branches. A physician may be assisted in
6 these procedures by a physician licensed to practice medicine
7 in all its branches, advanced practice registered nurse,
8 physician assistant, registered nurse, surgical assistant, or
9 surgical technician. Interventional surgical procedures as
10 defined in this Act may not be delegated. Any person who
11 violates this Section commits a Class A misdemeanor and is
12 subject to the injunction, punishment, and enforcement
13 provisions set forth in the Medical Practice Act of 1987.

14 Section 15. Rulemaking authority. The Department may adopt
15 rules, in consultation with the Medical Licensing Board, as
16 necessary to implement this Act.

17 Section 20. Applicability.

18 (a) This Act does not prevent non-interventional therapy
19 for chronic pain:

20 (1) performed by a licensed advanced practice nurse,
21 licensed dentist, licensed physician assistant, licensed
22 acupuncturist, licensed podiatrists, licensed hospice and
23 palliative care providers, or licensed physical therapist

1 in accordance with the law.

2 (2) authorized by the statutory scope of practice for
3 other licensed health care workers or delegated by a
4 physician licensed under the Medical Practice Act of 1987.

5 (b) Nothing in this Act shall be construed to prohibit a
6 licensed chiropractic physician from using procedures within
7 the scope of practice of a chiropractic physician, as defined
8 in the Medical Practice Act of 1987.

9 (c) Nothing in this Act shall be construed to prohibit the
10 performance of acupuncture by an acupuncturist under the
11 Acupuncture Practice Act.

12 (d) Nothing in this Act shall be construed to affect the
13 service delivered by licensed nonphysician providers in a
14 licensed hospital or its affiliates as defined under the
15 Hospital Licensing Act or the University of Illinois Hospital
16 Act or a licensed ambulatory surgical treatment center under
17 the Ambulatory Surgical Treatment Center Act.

18 Section 99. Effective date. This Act takes effect July 1,
19 2013.