



Sen. Heather A. Steans

Filed: 3/14/2014

09800SB2958sam001

LRB098 19577 RPS 55786 a

1 AMENDMENT TO SENATE BILL 2958

2 AMENDMENT NO. _____. Amend Senate Bill 2958 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Legislative findings. The General Assembly
5 finds that:

6 (1) Many states have had successful medication
7 aide-certified (MA-C) programs for many years.

8 (2) A medication aide-certified assists with
9 medication administration while under the supervision of a
10 registered professional nurse (RN) in a long-term care
11 facility.

12 Section 5. The Nursing Home Care Act is amended by adding
13 Section 3-806 as follows:

14 (210 ILCS 45/3-806 new)

15 Sec. 3-806. Medication aide-certified pilot program.

1 (a) The Department of Financial and Professional
2 Regulation, in consultation with the Department of Public
3 Health, shall establish a 2-year pilot program under which the
4 Department of Financial and Professional Regulation shall
5 certify persons as medication aides-certified and those
6 persons may assist with medication administration under the
7 supervision of a registered professional nurse (RN) in a
8 participating skilled nursing facility. No more than 10 skilled
9 nursing facilities shall participate in the pilot program.

10 (b) The Department of Financial and Professional
11 Regulation shall appoint a task force composed of 2
12 representatives from one statewide organization that
13 represents nurses, 6 representatives each from 3 statewide
14 organizations that represent facilities, 2 representatives
15 from the Department of Financial and Professional Regulation,
16 and 2 representatives from the Department of Public Health. The
17 task force shall select participating skilled nursing
18 facilities based on the criteria specified in subsection (c) of
19 this Section.

20 (c) To participate in the pilot program, a skilled nursing
21 facility must meet the following criteria:

22 (1) the facility must have an overall Medicare 4 or 5
23 Star Quality Rating from the most recent data available on
24 the Centers for Medicare and Medicaid Services' website;

25 (2) the employment of a medication aide-certified must
26 not replace or diminish the employment of a RN or licensed

1 practical nurse at that skilled nursing facility;

2 (3) there must be a RN on-duty and present in the
3 skilled nursing facility to delegate and supervise the
4 medication administration by a medication aide-certified
5 at all times that a medication aide-certified is on-duty
6 and present in the facility;

7 (4) only medication aides-certified may be employed in
8 the capacity to administer medication; and

9 (5) a medication aide-certified shall not have a
10 direct-care assignment when scheduled in the capacity of a
11 medication aide-certified, but may assist residents as
12 needed.

13 (d) The Department of Financial and Professional
14 Regulation shall certify an applicant as a medication
15 aide-certified if the applicant successfully meets the
16 following criteria:

17 (1) he or she is age 18 or older;

18 (2) he or she has a high school diploma or a
19 certificate of general education development (GED);

20 (3) he or she is able to speak, read, and write the
21 English language;

22 (4) he or she is competent in math skills;

23 (5) he or she maintains certification as a certified
24 nursing assistant and has practiced as a certified nursing
25 assistant for 2 years continually or at least 2,000 hours;

26 (6) he or she submits to a background check as provided

1 by the Health Care Worker Background Check Act;

2 (7) he or she is currently certified to perform
3 cardiopulmonary resuscitation;

4 (8) he or she has successfully completed a course that
5 is approved by the Department of Financial and Professional
6 Regulation that includes 60 hours of classroom-based
7 medication aide-certified education, 20 hours of
8 simulation laboratory study, and 20 hours of RN-supervised
9 clinical practicum with progressive responsibility of
10 patient medication assistance;

11 (9) he or she has passed the Medication Aide
12 Certification Examination as provided by the National
13 Council of State Boards of Nursing; and

14 (10) he or she maintains certification as a medication
15 aide-certified as provided by the National Council of State
16 Boards of Nursing.

17 (e) A medication aide-certified who is participating in the
18 pilot program shall not:

19 (1) administer any medication until a physician
20 licensed to practice medicine in all of its branches has
21 conducted an initial assessment of the resident; or

22 (2) administer any Schedule II controlled substance as
23 enumerated in Section 206 of the Illinois Controlled
24 Substances Act or any subcutaneous, intramuscular,
25 intradermal, or intravenous medication.

26 (f) Nothing in this Section prohibits the administration of

1 medication by a person authorized by law to do so.

2 (g) For the purpose of computing staff-to-resident ratios
3 as required by 77 Ill. Adm. Code 300.1230, medication
4 aides-certified shall be included as direct-care staff, as long
5 as the medication aide-certified is assigned to duties
6 consistent with the identified job title and the assignment is
7 documented in the employee time schedules as required by 77
8 Ill. Adm. Code 300.650 (i).

9 (h) The Department of Financial and Professional
10 Regulation, in consultation with the Department of Public
11 Health, shall adopt rules to implement the pilot program.

12 (i) The Center for Nursing of the Department of Financial
13 and Professional Regulation shall collect data regarding
14 patient safety, efficiency, and errors from each skilled
15 nursing facility participating in the pilot program and shall
16 submit a report to the General Assembly by December 31, 2017.

17 Section 10. The Nurse Practice Act is amended by changing
18 Section 50-15 as follows:

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,

1 professional, or practical nursing in Illinois shall submit
2 evidence that he or she is qualified to practice, and shall be
3 licensed as provided under this Act. No person shall practice
4 or offer to practice advanced, professional, or practical
5 nursing in Illinois or use any title, sign, card or device to
6 indicate that such a person is practicing professional or
7 practical nursing unless such person has been licensed under
8 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 (15) The delegation and supervision of medication
13 aides-certified participating in the pilot program
14 provided by Section 3-806 of the Nursing Home Care Act.

15 Nothing in this Act shall be construed to limit the
16 delegation of tasks or duties by a physician, dentist, or
17 podiatric physician to a licensed practical nurse, a registered
18 professional nurse, or other persons.

19 (Source: P.A. 98-214, eff. 8-9-13.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."