

# SB3491



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3491

Introduced 2/14/2014, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Interventional Pain Procedures for Chronic Pain Act. Prohibits the practice of interventional pain procedures for pain medicine in this State unless the person is a physician licensed to practice medicine in all its branches. Defines "interventional 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, 2014.

LRB098 18882 ZMM 54028 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1. Short title. This Act may be cited as the  
5 Interventional 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 post-surgical pain, labor pain, pain related to child birth, or  
10 treatment of pain seen in an emergency room setting.

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

13 "Interventional pain procedures" means diagnostic or  
14 therapeutic techniques to treat chronic pain. These procedures  
15 require the use of imaging guidance and involve any of the  
16 following for the treatment of chronic pain only:

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 facets joints of the cervical, thoracic, lumbar  
21 region and surrounding nerve branches, including  
22 destruction, ablation, or denervation.

23 (3) Cervical, thoracic, or lumbar sympathetic

1 ganglion, visceral plexuses, or nerve blocks.

2 (4) Epidural injections in the cervical, thoracic,  
3 lumbar, or caudal regions (interlaminar or  
4 transforaminal).

5 (5) Intrathecal surgical placement of percutaneous or  
6 tunneled intrathecal catheters or pumps or subcutaneous  
7 port placement, not including procedures to refill these  
8 pumps.

9 (6) Injections into sacroiliac joint, major, and  
10 intermediate joints. This excludes injections into muscle  
11 and trigger point injections.

12 (7) Provocative or analgesic discography, intradiscal  
13 electrothermal therapy, or other intradiscal procedures in  
14 which drugs, gases, biologic materials, or prosthesis are  
15 placed or injected into the intervertebral disc.

16 (8) Injection, destruction, or ablation of peripheral  
17 nerves, including intercostals and radio frequency  
18 ablation or chemical destruction of any nerve or nerve  
19 groups or nerve plexus.

20 (9) Spinal cord or peripheral nerve stimulator  
21 placement.

22 (10) Spinal augmentation procedures, such as  
23 vertebroplasty, kyphoplasty, sacroplasty, or other bone  
24 augmentation procedures.

25 Section 10. Prohibited practices and penalties. A person

1 shall not practice or offer to practice interventional pain  
2 procedures for chronic pain medicine in this State unless the  
3 person is a physician licensed to practice medicine in all its  
4 branches. A physician may be assisted in these procedures by a  
5 physician licensed to practice medicine in all its branches,  
6 advanced practice registered nurse, physician assistant,  
7 registered nurse, surgical assistant, or surgical technician.  
8 Interventional pain procedures as defined in this Act may not  
9 be delegated. Any person who violates this Section commits a  
10 Class A misdemeanor and is subject to the injunction,  
11 punishment, and enforcement provisions set forth in Section 3.5  
12 of the Medical Practice Act of 1987.

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

16 Section 20. Applicability.

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

19 (1) performed by a licensed advanced practice nurse,  
20 licensed physician assistant, licensed acupuncturist,  
21 licensed podiatrist, licensed hospice or palliative care  
22 provider, or licensed physical therapist in accordance  
23 with the law.

24 (2) authorized by the statutory scope of practice for

1 other licensed health care workers or delegated by a  
2 physician licensed under the Medical Practice Act of 1987.

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

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

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

16 (e) Nothing in this Act shall be construed to prohibit an  
17 advanced practice nurse from the performance of medical care  
18 authorized by the statutory scope of practice for advanced  
19 practice nurses or in a written collaborative agreement with a  
20 physician licensed to practice medicine in all its branches  
21 under the Medical Practice Act of 1987.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.