

1                                    AMENDMENT TO HOUSE BILL 3618

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3618 by replacing  
3 the title with the following:

4            "AN ACT concerning public health."; and

5 by replacing everything after the enacting clause with the  
6 following:

7            "Section 5. The Ambulatory Surgical Treatment Center Act  
8 is amended by changing Section 6.5 as follows:

9            (210 ILCS 5/6.5)

10           Sec. 6.5. Clinical privileges; advanced practice nurses.  
11 All ambulatory surgical treatment centers (ASTC) licensed  
12 under this Act shall comply with the following requirements:

13           (1) No ASTC policy, rule, regulation, or practice shall  
14 be inconsistent with the provision of adequate collaboration,  
15 including medical direction of licensed advanced practice  
16 nurses, in accordance with Section 54.5 of the Medical  
17 Practice Act of 1987.

18           (2) Operative surgical procedures shall be performed  
19 only by a physician licensed to practice medicine in all its  
20 branches under the Medical Practice Act of 1987, a dentist

1 licensed under the Illinois Dental Practice Act, or a  
2 podiatrist licensed under the Podiatric Medical Practice Act  
3 of 1987, with medical staff membership and surgical clinical  
4 privileges granted by the consulting committee of the ASTC. A  
5 licensed physician, dentist, or podiatrist may be assisted by  
6 a physician licensed to practice medicine in all its  
7 branches, dentist, dental assistant, podiatrist, licensed  
8 advanced practice nurse, licensed physician assistant,  
9 licensed registered nurse, licensed practical nurse, surgical  
10 assistant, surgical technician, or other individuals granted  
11 clinical privileges to assist in surgery by the consulting  
12 committee of the ASTC. Payment for services rendered by an  
13 assistant in surgery who is not an ambulatory surgical  
14 treatment center employee shall be paid directly to the  
15 individual provider of the service at the appropriate  
16 non-physician modifier rate, if the payor would have made  
17 payment, had the same services been provided by a physician.

18 (3) The anesthesia service shall be under the direction  
19 of a physician licensed to practice medicine in all its  
20 branches who has had specialized preparation or experience in  
21 the area or who has completed a residency in anesthesiology.  
22 An anesthesiologist, Board certified or Board eligible, is  
23 recommended. Anesthesia services may only be administered  
24 pursuant to the order of a physician licensed to practice  
25 medicine in all its branches, licensed dentist, or licensed  
26 podiatrist.

27 (A) The individuals who, with clinical privileges  
28 granted by the medical staff and ASTC, may administer  
29 anesthesia services are limited to the following:

- 30 (i) an anesthesiologist; or  
31 (ii) a physician licensed to practice medicine  
32 in all its branches; or  
33 (iii) a dentist with authority to administer  
34 anesthesia under Section 8.1 of the Illinois Dental

1 Practice Act; or

2 (iv) a licensed certified registered nurse  
3 anesthetist.

4 (B) For anesthesia services, an anesthesiologist  
5 shall participate through discussion of and agreement  
6 with the anesthesia plan and shall remain physically  
7 present and be available on the premises during the  
8 delivery of anesthesia services for diagnosis,  
9 consultation, and treatment of emergency medical  
10 conditions. In the absence of 24-hour availability of  
11 anesthesiologists with clinical privileges, an alternate  
12 policy (requiring participation, presence, and  
13 availability of a physician licensed to practice medicine  
14 in all its branches) shall be developed by the medical  
15 staff consulting committee in consultation with the  
16 anesthesia service and included in the medical staff  
17 consulting committee policies.

18 (C) A certified registered nurse anesthetist is not  
19 required to possess prescriptive authority or a written  
20 collaborative agreement meeting the requirements of  
21 Section 15-15 of the Nursing and Advanced Practice  
22 Nursing Act to provide anesthesia services ordered by a  
23 licensed physician, dentist, or podiatrist. Licensed  
24 certified registered nurse anesthetists are authorized to  
25 select, order, and administer drugs and apply the  
26 appropriate medical devices in the provision of  
27 anesthesia services under the anesthesia plan agreed with  
28 by the anesthesiologist or, in the absence of an  
29 available anesthesiologist with clinical privileges,  
30 agreed with by the operating physician, operating  
31 dentist, or operating podiatrist in accordance with the  
32 medical staff consulting committee policies of a licensed  
33 ambulatory surgical treatment center.

34 (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)

1 Section 10. The Hospital Licensing Act is amended by  
2 changing Section 10.7 as follows:

3 (210 ILCS 85/10.7)

4 Sec. 10.7. Clinical privileges; advanced practice  
5 nurses. All hospitals licensed under this Act shall comply  
6 with the following requirements:

7 (1) No hospital policy, rule, regulation, or practice  
8 shall be inconsistent with the provision of adequate  
9 collaboration, including medical direction of licensed  
10 advanced practice nurses, in accordance with Section 54.5 of  
11 the Medical Practice Act of 1987.

12 (2) Operative surgical procedures shall be performed  
13 only by a physician licensed to practice medicine in all its  
14 branches under the Medical Practice Act of 1987, a dentist  
15 licensed under the Illinois Dental Practice Act, or a  
16 podiatrist licensed under the Podiatric Medical Practice Act  
17 of 1987, with medical staff membership and surgical clinical  
18 privileges granted at the hospital. A licensed physician,  
19 dentist, or podiatrist may be assisted by a physician  
20 licensed to practice medicine in all its branches, dentist,  
21 dental assistant, podiatrist, licensed advanced practice  
22 nurse, licensed physician assistant, licensed registered  
23 nurse, licensed practical nurse, surgical assistant, surgical  
24 technician, or other individuals granted clinical privileges  
25 to assist in surgery at the hospital. Payment for services  
26 rendered by an assistant in surgery who is not a hospital  
27 employee shall be paid directly to the individual provider of  
28 the service at the appropriate non-physician modifier rate,  
29 if the payor would have made payment, had the same services  
30 been provided by a physician.

31 (3) The anesthesia service shall be under the direction  
32 of a physician licensed to practice medicine in all its  
33 branches who has had specialized preparation or experience in

1 the area or who has completed a residency in anesthesiology.  
2 An anesthesiologist, Board certified or Board eligible, is  
3 recommended. Anesthesia services may only be administered  
4 pursuant to the order of a physician licensed to practice  
5 medicine in all its branches, licensed dentist, or licensed  
6 podiatrist.

7 (A) The individuals who, with clinical privileges  
8 granted at the hospital, may administer anesthesia  
9 services are limited to the following:

10 (i) an anesthesiologist; or

11 (ii) a physician licensed to practice medicine  
12 in all its branches; or

13 (iii) a dentist with authority to administer  
14 anesthesia under Section 8.1 of the Illinois Dental  
15 Practice Act; or

16 (iv) a licensed certified registered nurse  
17 anesthetist.

18 (B) For anesthesia services, an anesthesiologist  
19 shall participate through discussion of and agreement  
20 with the anesthesia plan and shall remain physically  
21 present and be available on the premises during the  
22 delivery of anesthesia services for diagnosis,  
23 consultation, and treatment of emergency medical  
24 conditions. In the absence of 24-hour availability of  
25 anesthesiologists with medical staff privileges, an  
26 alternate policy (requiring participation, presence, and  
27 availability of a physician licensed to practice medicine  
28 in all its branches) shall be developed by the medical  
29 staff and licensed hospital in consultation with the  
30 anesthesia service.

31 (C) A certified registered nurse anesthetist is not  
32 required to possess prescriptive authority or a written  
33 collaborative agreement meeting the requirements of  
34 Section 15-15 of the Nursing and Advanced Practice

1       Nursing Act to provide anesthesia services ordered by a  
2       licensed physician, dentist, or podiatrist. Licensed  
3       certified registered nurse anesthetists are authorized to  
4       select, order, and administer drugs and apply the  
5       appropriate medical devices in the provision of  
6       anesthesia services under the anesthesia plan agreed with  
7       by the anesthesiologist or, in the absence of an  
8       available anesthesiologist with clinical privileges,  
9       agreed with by the operating physician, operating  
10       dentist, or operating podiatrist in accordance with the  
11       hospital's alternative policy.

12       (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)".