



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5935

Introduced 2/10/2010, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

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	
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	

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 January 1, 2011.

LRB096 19019 ASK 34408 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional 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 changing
5 Sections 50-10, 50-15, 55-10, and 60-10 and by adding Article
6 80 as follows:

7 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

8 (Section scheduled to be repealed on January 1, 2018)

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

12 "Academic year" means the customary annual schedule of
13 courses at a college, university, or approved school,
14 customarily regarded as the school year as distinguished from
15 the calendar year.

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

1 "Approved program of professional nursing education" and
2 "approved program of practical nursing education" are programs
3 of professional or practical nursing, respectively, approved
4 by the Department under the provisions of this Act.

5 "Board" means the Board of Nursing appointed by the
6 Secretary.

7 "Collaboration" means a process involving 2 or more health
8 care professionals working together, each contributing one's
9 respective area of expertise to provide more comprehensive
10 patient care.

11 "Consultation" means the process whereby an advanced
12 practice nurse seeks the advice or opinion of another health
13 care professional.

14 "Credentialed" means the process of assessing and
15 validating the qualifications of a health care professional.

16 "Current nursing practice update course" means a planned
17 nursing education curriculum approved by the Department
18 consisting of activities that have educational objectives,
19 instructional methods, content or subject matter, clinical
20 practice, and evaluation methods, related to basic review and
21 updating content and specifically planned for those nurses
22 previously licensed in the United States or its territories and
23 preparing for reentry into nursing practice.

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

26 "Department" means the Department of Financial and

1 Professional Regulation.

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

9 "License" or "licensed" means the permission granted a
10 person to practice nursing under this Act, including the
11 privilege to practice.

12 "Licensee" means a person who has been issued a license to
13 practice nursing in this State or who holds the privilege to
14 practice nursing in this State.

15 "License-pending advanced practice nurse" means a
16 registered professional nurse who has completed all
17 requirements for licensure as an advanced practice nurse except
18 the certification examination and has applied to take the next
19 available certification exam and received a temporary license
20 from the Department.

21 "License-pending registered nurse" means a person who has
22 passed the Department-approved registered nurse licensure exam
23 and has applied for a license from the Department. A
24 license-pending registered nurse shall use the title "RN lic
25 pend" on all documentation related to nursing practice.

26 "Physician" means a person licensed to practice medicine in

1 all its branches under the Medical Practice Act of 1987.

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

4 "Practical nurse" or "licensed practical nurse" means a
5 person who is licensed as a practical nurse under this Act or
6 holds the privilege to practice under this Act and practices
7 practical nursing as defined in this Act. Only a practical
8 nurse licensed or granted the privilege to practice under this
9 Act is entitled to use the title "licensed practical nurse" and
10 the abbreviation "L.P.N.".

11 "Practical nursing" means the performance of nursing acts
12 requiring the basic nursing knowledge, judgement, and skill
13 acquired by means of completion of an approved practical
14 nursing education program. Practical nursing includes
15 assisting in the nursing process as delegated by a registered
16 professional nurse or an advanced practice nurse. The practical
17 nurse may work under the direction of a licensed physician,
18 dentist, podiatrist, or other health care professional
19 determined by the Department.

20 "Privileged" means the authorization granted by the
21 governing body of a healthcare facility, agency, or
22 organization to provide specific patient care services within
23 well-defined limits, based on qualifications reviewed in the
24 credentialing process.

25 "Privilege to practice" means the authorization to
26 practice as a practical nurse or a registered nurse in this

1 State under Article 80 of this Act.

2 "Registered Nurse" or "Registered Professional Nurse"
3 means a person who is licensed as a professional nurse under
4 this Act or holds the privilege to practice under this Act and
5 practices nursing as defined in this Act. Only a registered
6 nurse licensed or granted the privilege to practice under this
7 Act is entitled to use the titles "registered nurse" and
8 "registered professional nurse" and the abbreviation, "R.N.".

9 "Registered professional nursing practice" is a scientific
10 process founded on a professional body of knowledge; it is a
11 learned profession based on the understanding of the human
12 condition across the life span and environment and includes all
13 nursing specialities and means the performance of any nursing
14 act based upon professional knowledge, judgment, and skills
15 acquired by means of completion of an approved professional
16 nursing education program. A registered professional nurse
17 provides holistic nursing care through the nursing process to
18 individuals, groups, families, or communities, that includes
19 but is not limited to: (1) the assessment of healthcare needs,
20 nursing diagnosis, planning, implementation, and nursing
21 evaluation; (2) the promotion, maintenance, and restoration of
22 health; (3) counseling, patient education, health education,
23 and patient advocacy; (4) the administration of medications and
24 treatments as prescribed by a physician licensed to practice
25 medicine in all of its branches, a licensed dentist, a licensed
26 podiatrist, or a licensed optometrist or as prescribed by a

1 physician assistant in accordance with written guidelines
2 required under the Physician Assistant Practice Act of 1987 or
3 by an advanced practice nurse in accordance with Article 65 of
4 this Act; (5) the coordination and management of the nursing
5 plan of care; (6) the delegation to and supervision of
6 individuals who assist the registered professional nurse
7 implementing the plan of care; and (7) teaching nursing
8 students. The foregoing shall not be deemed to include those
9 acts of medical diagnosis or prescription of therapeutic or
10 corrective measures.

11 "Professional assistance program for nurses" means a
12 professional assistance program that meets criteria
13 established by the Board of Nursing and approved by the
14 Secretary, which provides a non-disciplinary treatment
15 approach for nurses licensed under this Act whose ability to
16 practice is compromised by alcohol or chemical substance
17 addiction.

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

20 "Unencumbered license" means a license issued in good
21 standing.

22 "Written collaborative agreement" means a written
23 agreement between an advanced practice nurse and a
24 collaborating physician, dentist, or podiatrist pursuant to
25 Section 65-35.

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

1 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

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

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

4 (a) For the protection of life and the promotion of health,
5 and the prevention of illness and communicable diseases, any
6 person practicing or offering to practice advanced,
7 professional, or practical nursing in Illinois shall submit
8 evidence that he or she is qualified to practice, and shall be
9 licensed or hold the privilege to practice as provided under
10 this Act. No person shall practice or offer to practice
11 advanced, professional, or practical nursing in Illinois or use
12 any title, sign, card or device to indicate that such a person
13 is practicing professional or practical nursing unless such
14 person has been licensed or holds the privilege to practice
15 under the provisions of this Act.

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

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

24 (2) Nursing that is included in the program of study by
25 students enrolled in programs of nursing or in current

1 nurse practice update courses approved by the Department.

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

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

8 (5) The incidental care of the sick by members of the
9 family, domestic servants or housekeepers, or care of the
10 sick where treatment is by prayer or spiritual means.

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

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

23 (8) The practice of advanced practice nursing by one
24 who is an advanced practice nurse under the laws of another
25 state, territory of the United States, or country and has
26 applied in writing to the Department, in form and substance

1 satisfactory to the Department, for a license as an
2 advanced practice nurse and who is qualified to receive
3 such license under this Act, until (i) the expiration of 6
4 months after the filing of such written application, (ii)
5 the withdrawal of such application, or (iii) the denial of
6 such application by the Department.

7 (9) The practice of professional nursing by one who is
8 a registered professional nurse under the laws of another
9 state, territory of the United States or country and has
10 applied in writing to the Department, in form and substance
11 satisfactory to the Department, for a license as a
12 registered professional nurse and who is qualified to
13 receive such license under Section 55-10, until (1) the
14 expiration of 6 months after the filing of such written
15 application, (2) the withdrawal of such application, or (3)
16 the denial of such application by the Department.

17 (10) The practice of professional nursing that is
18 included in a program of study by one who is a registered
19 professional nurse under the laws of another state or
20 territory of the United States or foreign country,
21 territory or province and who is enrolled in a graduate
22 nursing education program or a program for the completion
23 of a baccalaureate nursing degree in this State, which
24 includes clinical supervision by faculty as determined by
25 the educational institution offering the program and the
26 health care organization where the practice of nursing

1 occurs.

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

5 (12) Delegation to authorized direct care staff
6 trained under Section 15.4 of the Mental Health and
7 Developmental Disabilities Administrative Act consistent
8 with the policies of the Department.

9 (13) The practice, services, or activities of persons
10 practicing the specified occupations set forth in
11 subsection (a) of, and pursuant to a licensing exemption
12 granted in subsection (b) or (d) of, Section 2105-350 of
13 the Department of Professional Regulation Law of the Civil
14 Administrative Code of Illinois, but only for so long as
15 the 2016 Olympic and Paralympic Games Professional
16 Licensure Exemption Law is operable.

17 (14) ~~(13)~~ County correctional personnel from
18 delivering prepackaged medication for self-administration
19 to an individual detainee in a correctional facility.

20 Nothing in this Act shall be construed to limit the
21 delegation of tasks or duties by a physician, dentist, or
22 podiatrist to a licensed practical nurse, a registered
23 professional nurse, or other persons.

24 (Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7,
25 eff. 4-3-09; 96-516, eff. 8-14-09; revised 9-15-09.)

1 (225 ILCS 65/55-10) (was 225 ILCS 65/10-30)
2 (Section scheduled to be repealed on January 1, 2018)

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

4 (a) Each applicant who successfully meets the requirements
5 of this Section shall be entitled to licensure as a Licensed
6 Practical Nurse.

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

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

12 (2) Have graduated from a practical nursing education
13 program approved by the Department or have been granted a
14 certificate of completion of pre-licensure requirements
15 from another United States jurisdiction.

16 (3) Successfully complete a licensure examination
17 approved by the Department.

18 (4) Have not violated the provisions of this Act
19 concerning the grounds for disciplinary action. The
20 Department may take into consideration any felony
21 conviction of the applicant, but such a conviction shall
22 not operate as an absolute bar to licensure.

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

25 (6) Submit either to the Department or its designated
26 testing service, a fee covering the cost of providing the

1 examination. Failure to appear for the examination on the
2 scheduled date at the time and place specified after the
3 applicant's application for examination has been received
4 and acknowledged by the Department or the designated
5 testing service shall result in the forfeiture of the
6 examination fee.

7 (7) Meet all other requirements established by rule.

8 An applicant for licensure by examination may take the
9 Department-approved examination in another jurisdiction.

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

17 An applicant may take and successfully complete a
18 Department-approved examination in another jurisdiction.
19 However, an applicant who has never been licensed previously in
20 any jurisdiction that utilizes a Department-approved
21 examination and who has taken and failed to pass the
22 examination within 3 years after filing the application must
23 submit proof of successful completion of a
24 Department-authorized nursing education program or
25 recompletion of an approved licensed practical nursing program
26 prior to re-application.

1 (c) An applicant for licensure by examination shall have
2 one year from the date of notification of successful completion
3 of the examination to apply to the Department for a license. If
4 an applicant fails to apply within one year, the applicant
5 shall be required to retake and pass the examination unless
6 licensed in another jurisdiction of the United States.

7 (d) A licensed practical nurse applicant who passes the
8 Department-approved licensure examination and has applied to
9 the Department for licensure may obtain employment as a
10 license-pending practical nurse and practice as delegated by a
11 registered professional nurse or an advanced practice nurse or
12 physician. An individual may be employed as a license-pending
13 practical nurse if all of the following criteria are met:

14 (1) He or she has completed and passed the
15 Department-approved licensure exam and presents to the
16 employer the official written notification indicating
17 successful passage of the licensure examination.

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

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

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

25 (e) The privilege to practice as a license-pending
26 practical nurse shall terminate with the occurrence of any of

1 the following:

2 (1) Three months have passed since the official date of
3 passing the licensure exam as inscribed on the formal
4 written notification indicating passage of the exam. This
5 3-month period may be extended as determined by rule.

6 (2) Receipt of the practical nurse license from the
7 Department.

8 (3) Notification from the Department that the
9 application for licensure has been denied.

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

14 (f) An applicant for licensure by endorsement who is a
15 licensed practical nurse licensed by examination under the laws
16 of another state or territory of the United States or a foreign
17 country, jurisdiction, territory, or province must do each of
18 the following:

19 (1) Submit a completed written application, on forms
20 supplied by the Department, and fees as established by the
21 Department.

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

24 (3) Submit verification of licensure status directly
25 from the United States jurisdiction of licensure, if
26 applicable, as defined by rule.

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

3 (5) Meet all other requirements as established by the
4 Department by rule.

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

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

25 (i) A licensed practical nurse who holds an unencumbered
26 license in good standing in another United States jurisdiction

1 and who has applied for practical nurse licensure under this
2 Act by endorsement may be issued a temporary license, if
3 satisfactory proof of such licensure in another jurisdiction is
4 presented to the Department. The Department shall not issue an
5 applicant a temporary practical nurse license until it is
6 satisfied that the applicant holds an active, unencumbered
7 license in good standing in another jurisdiction. If the
8 applicant holds more than one current active license or one or
9 more active temporary licenses from another jurisdiction, the
10 Department may not issue a temporary license until the
11 Department is satisfied that each current active license held
12 by the applicant is unencumbered. The temporary license, which
13 shall be issued no later than 14 working days following receipt
14 by the Department of an application for the temporary license,
15 shall be granted upon the submission of all of the following to
16 the Department:

17 (1) A completed application for licensure as a
18 practical nurse.

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

23 (3) A signed and completed application for a temporary
24 license.

25 (4) The required temporary license fee.

26 (j) The Department may refuse to issue an applicant a

1 temporary license authorized pursuant to this Section if,
2 within 14 working days following its receipt of an application
3 for a temporary license, the Department determines that:

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

8 (2) the applicant has had a license or permit related
9 to the practice of practical nursing revoked, suspended, or
10 placed on probation by another jurisdiction within the last
11 5 years and at least one of the grounds for revoking,
12 suspending, or placing on probation is the same or
13 substantially equivalent to grounds in Illinois; or

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

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

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

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

1 substantially equivalent to grounds for disciplinary
2 action under this Act.

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

5 (l) A temporary license shall expire 6 months from the date
6 of issuance. Further renewal may be granted by the Department
7 in hardship cases, as defined by rule and upon approval of the
8 Secretary. However, a temporary license shall automatically
9 expire upon issuance of a valid license under this Act or upon
10 notification that the Department intends to deny licensure,
11 whichever occurs first.

12 (m) All applicants for practical nurse licensure have 3
13 years from the date of application to complete the application
14 process. If the process has not been completed within 3 years
15 from the date of application, the application shall be denied,
16 the fee forfeited, and the applicant must reapply and meet the
17 requirements in effect at the time of reapplication.

18 (n) A practical nurse licensed by a party state under the
19 Nurse Licensure Compact under Article 80 of this Act is granted
20 the privilege to practice practical nursing in this State. A
21 practical nurse who has been granted the privilege to practice
22 nursing in this State under this subsection (n) may be required
23 to notify the Department, prior to commencing employment in
24 this State as a practical nurse, of the identity and location
25 of the nurse's prospective employer.

26 (Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07;

1 95-639, eff. 10-5-07.)

2 (225 ILCS 65/60-10)

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

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

5 (a) Each applicant who successfully meets the requirements
6 of this Section shall be entitled to licensure as a registered
7 professional nurse.

8 (b) An applicant for licensure by examination to practice
9 as a registered professional nurse must do each of the
10 following:

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

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

18 (3) Successfully complete a licensure examination
19 approved by the Department.

20 (4) Have not violated the provisions of this Act
21 concerning the grounds for disciplinary action. The
22 Department may take into consideration any felony
23 conviction of the applicant, but such a conviction may not
24 operate as an absolute bar to licensure.

25 (5) Submit to the criminal history records check

1 required under Section 50-35 of this Act.

2 (6) Submit, either to the Department or its designated
3 testing service, a fee covering the cost of providing the
4 examination. Failure to appear for the examination on the
5 scheduled date at the time and place specified after the
6 applicant's application for examination has been received
7 and acknowledged by the Department or the designated
8 testing service shall result in the forfeiture of the
9 examination fee.

10 (7) Meet all other requirements established by the
11 Department by rule. An applicant for licensure by
12 examination may take the Department-approved examination
13 in another jurisdiction.

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

22 (c) An applicant for licensure by examination shall have
23 one year after the date of notification of the successful
24 completion of the examination to apply to the Department for a
25 license. If an applicant fails to apply within one year, the
26 applicant shall be required to retake and pass the examination

1 unless licensed in another jurisdiction of the United States.

2 (d) An applicant for licensure by examination who passes
3 the Department-approved licensure examination for professional
4 nursing may obtain employment as a license-pending registered
5 nurse and practice under the direction of a registered
6 professional nurse or an advanced practice nurse until such
7 time as he or she receives his or her license to practice or
8 until the license is denied. In no instance shall any such
9 applicant practice or be employed in any management capacity.
10 An individual may be employed as a license-pending registered
11 nurse if all of the following criteria are met:

12 (1) He or she has completed and passed the
13 Department-approved licensure exam and presents to the
14 employer the official written notification indicating
15 successful passage of the licensure examination.

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

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

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

23 (e) The privilege to practice as a license-pending
24 registered nurse shall terminate with the occurrence of any of
25 the following:

26 (1) Three months have passed since the official date of

1 passing the licensure exam as inscribed on the formal
2 written notification indicating passage of the exam. The
3 3-month license pending period may be extended if more time
4 is needed by the Department to process the licensure
5 application.

6 (2) Receipt of the registered professional nurse
7 license from the Department.

8 (3) Notification from the Department that the
9 application for licensure has been refused.

10 (4) A request by the Department that the individual
11 terminate practicing as a license-pending registered nurse
12 until an official decision is made by the Department to
13 grant or deny a registered professional nurse license.

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

18 (1) Submit a completed written application, on forms
19 supplied by the Department, and fees as established by the
20 Department.

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

23 (3) Submit verification of licensure status directly
24 from the United States jurisdiction of licensure, if
25 applicable, as defined by rule.

26 (4) Submit to the criminal history records check

1 required under Section 50-35 of this Act.

2 (5) Meet all other requirements as established by the
3 Department by rule.

4 (g) Pending the issuance of a license under this Section,
5 the Department may grant an applicant a temporary license to
6 practice nursing as a registered professional nurse if the
7 Department is satisfied that the applicant holds an active,
8 unencumbered license in good standing in another U.S.
9 jurisdiction. If the applicant holds more than one current
10 active license or one or more active temporary licenses from
11 another jurisdiction, the Department may not issue a temporary
12 license until the Department is satisfied that each current
13 active license held by the applicant is unencumbered. The
14 temporary license, which shall be issued no later than 14
15 working days after receipt by the Department of an application
16 for the temporary license, shall be granted upon the submission
17 of all of the following to the Department:

18 (1) A completed application for licensure as a
19 registered professional nurse.

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

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

25 (4) The required temporary license fee.

26 (h) The Department may refuse to issue an applicant a

1 temporary license authorized pursuant to this Section if,
2 within 14 working days after its receipt of an application for
3 a temporary license, the Department determines that:

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

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

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

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

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

23 (2) That within the last 5 years, the applicant has had
24 a license or permit related to the practice of nursing
25 revoked, suspended, or placed on probation by another
26 jurisdiction, if at least one of the grounds for revoking,

1 suspending, or placing on probation is the same or
2 substantially equivalent to grounds for disciplinary
3 action under this Act.

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

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

12 (k) All applicants for registered professional nurse
13 licensure have 3 years after the date of application to
14 complete the application process. If the process has not been
15 completed within 3 years after the date of application, the
16 application shall be denied, the fee forfeited, and the
17 applicant must reapply and meet the requirements in effect at
18 the time of reapplication.

19 (l) All applicants for registered nurse licensure by
20 examination or endorsement who are graduates of practical
21 nursing educational programs in a country other than the United
22 States and its territories shall have their nursing education
23 credentials evaluated by a Department-approved nursing
24 credentialing evaluation service. No such applicant may be
25 issued a license under this Act unless the applicant's program
26 is deemed by the nursing credentialing evaluation service to be

1 equivalent to a professional nursing education program
2 approved by the Department. An applicant who has graduated from
3 a nursing educational program outside of the United States or
4 its 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. The requirements of this subsection (1) may be
12 satisfied by the showing of proof of a certificate from the
13 Certificate Program or the VisaScreen Program of the Commission
14 on Graduates of Foreign Nursing Schools.

15 (m) An applicant licensed in another state or territory who
16 is applying for licensure and has received her or his education
17 in a country other than the United States or its territories
18 shall have her or his nursing education credentials evaluated
19 by a Department-approved nursing credentialing evaluation
20 service. No such applicant may be issued a license under this
21 Act unless the applicant's program is deemed by the nursing
22 credentialing evaluation service to be equivalent to a
23 professional nursing education program approved by the
24 Department. An applicant who has graduated from a nursing
25 educational program outside of the United States or its
26 territories and whose first language is not English shall

1 submit certification of passage of the Test of English as a
2 Foreign Language (TOEFL), as defined by rule. The Department
3 may, upon recommendation from the nursing evaluation service,
4 waive the requirement that the applicant pass the TOEFL
5 examination if the applicant submits verification of the
6 successful completion of a nursing education program conducted
7 in English or the successful passage of an approved licensing
8 examination given in English. The requirements of this
9 subsection (m) may be satisfied by the showing of proof of a
10 certificate from the Certificate Program or the VisaScreen
11 Program of the Commission on Graduates of Foreign Nursing
12 Schools.

13 (n) A registered nurse licensed by a party state under the
14 Nurse Licensure Compact under Article 80 of this Act is granted
15 the privilege to practice registered nursing in this State. A
16 registered nurse who has been granted the privilege to practice
17 nursing in this State under this subsection (n) may be required
18 to notify the Department, prior to commencing employment in
19 this State as a practical or registered nurse, of the identity
20 and location of the nurse's prospective employer.

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

22 (225 ILCS 65/Art. 80 heading new)

23 ARTICLE 80. NURSE LICENSURE COMPACT

24 (225 ILCS 65/80-5 new)

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

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

12 PART I.

13 Findings and Declaration of Purpose

14 (a) The party states find that:

15 (1) the health and safety of the public are affected by
16 the degree of compliance with and the effectiveness of
17 enforcement activities related to state nurse licensure laws;

18 (2) violations of nurse licensure and other laws
19 regulating the practice of nursing may result in injury or
20 harm to the public;

21 (3) the expanded mobility of nurses and the use of
22 advanced communication technologies as part of our
23 nation's healthcare delivery system require greater
24 coordination and cooperation among states in the areas of

1 nurse licensure and regulation;

2 (4) new practice modalities and technology make
3 compliance with individual state nurse licensure laws
4 difficult and complex;

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

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

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

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

13 (3) facilitate the exchange of information between
14 party states in the areas of nurse regulation,
15 investigation and adverse actions;

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

18 (5) invest all party states with the authority to hold
19 a nurse accountable for meeting all state practice laws in
20 the state in which the patient is located at the time care
21 is rendered through the mutual recognition of party state
22 licenses.

23 PART II.

24 Definitions

1 As used in this Compact:

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

3 (b) "Alternative program" means a voluntary,
4 non-disciplinary monitoring program approved by a nurse
5 licensing board.

6 (c) "Coordinated licensure information system" means an
7 integrated process for collecting, storing, and sharing
8 information on nurse licensure and enforcement activities
9 related to nurse licensure laws, which is administered by a
10 non-profit organization composed of and controlled by state
11 nurse licensing boards.

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

13 (1) investigative information that a licensing board,
14 after a preliminary inquiry that includes notification and
15 an opportunity for the nurse to respond if required by
16 state law, has reason to believe is not groundless and, if
17 proved true, would indicate more than a minor infraction;
18 or

19 (2) investigative information that indicates that the
20 nurse represents an immediate threat to public health and
21 safety regardless of whether the nurse has been notified
22 and had an opportunity to respond.

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

25 (f) "Home state action" means any administrative, civil,
26 equitable or criminal action permitted by the home state's laws

1 which are imposed on a nurse by the home state's licensing
2 board or other authority including actions against an
3 individual's license such as: revocation, suspension,
4 probation or any other action which affects a nurse's
5 authorization to practice.

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

8 (h) "Multistate licensure privilege" means current,
9 official authority from a remote state permitting the practice
10 of nursing as either a registered nurse or a licensed
11 practical/vocational nurse in such party state. All party
12 states have the authority, in accordance with existing state
13 due process law, to take actions against the nurse's privilege
14 such as: revocation, suspension, probation or any other action
15 which affects a nurse's authorization to practice.

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

19 (j) "Party state" means any state that has adopted this
20 Compact.

21 (k) "Remote state" means a party state, other than the home
22 state,

23 (1) where the patient is located at the time nursing
24 care is provided, or,

25 (2) in the case of the practice of nursing not
26 involving a patient, in such party state where the

1 recipient of nursing practice is located.

2 (l) "Remote state action" means:

3 (1) any administrative, civil, equitable or criminal
4 action permitted by a remote state's laws which are imposed
5 on a nurse by the remote state's licensing board or other
6 authority including actions against an individual's
7 multistate licensure privilege to practice in the remote
8 state, and

9 (2) cease and desist and other injunctive or equitable
10 orders issued by remote states or the licensing boards
11 thereof.

12 (m) "State" means a state, territory, or possession of the
13 United States, the District of Columbia or the Commonwealth of
14 Puerto Rico.

15 (n) "State practice laws" means those individual party's
16 state laws and regulations that govern the practice of nursing,
17 define the scope of nursing practice, and create the methods
18 and grounds for imposing discipline. "State practice laws" does
19 not include the initial qualifications for licensure or
20 requirements necessary to obtain and retain a license, except
21 for qualifications or requirements of the home state.

22 PART III.

23 General Provisions and Jurisdiction

24 (a) A license to practice registered nursing issued by a

1 home state to a resident in that state will be recognized by
2 each party state as authorizing a multistate licensure
3 privilege to practice as a registered nurse in such party
4 state. A license to practice licensed practical/vocational
5 nursing issued by a home state to a resident in that state will
6 be recognized by each party state as authorizing a multistate
7 licensure privilege to practice as a licensed
8 practical/vocational nurse in such party state. In order to
9 obtain or retain a license, an applicant must meet the home
10 state's qualifications for licensure and license renewal as
11 well as all other applicable state laws.

12 (b) Party states may, in accordance with state due process
13 laws, limit or revoke the multistate licensure privilege of any
14 nurse to practice in their state and may take any other actions
15 under their applicable state laws necessary to protect the
16 health and safety of their citizens. If a party state takes
17 such action, it shall promptly notify the administrator of the
18 coordinated licensure information system. The administrator of
19 the coordinated licensure information system shall promptly
20 notify the home state of any such actions by remote states.

21 (c) Every nurse practicing in a party state must comply
22 with the state practice laws of the state in which the patient
23 is located at the time care is rendered. In addition, the
24 practice of nursing is not limited to patient care, but shall
25 include all nursing practice as defined by the state practice
26 laws of a party state. The practice of nursing will subject a

1 nurse to the jurisdiction of the nurse licensing board and the
2 courts, as well as the laws, in that party state.

3 (d) This Compact does not affect additional requirements
4 imposed by states for advanced practice registered nursing.
5 However, a multistate licensure privilege to practice
6 registered nursing granted by a party state shall be recognized
7 by other party states as a license to practice registered
8 nursing if one is required by state law as a precondition for
9 qualifying for advanced practice registered nurse
10 authorization.

11 (e) Individuals not residing in a party state shall
12 continue to be able to apply for nurse licensure as provided
13 for under the laws of each party state. However, the license
14 granted to these individuals will not be recognized as granting
15 the privilege to practice nursing in any other party state
16 unless explicitly agreed to by that party state.

17 PART IV.

18 Applications for Licensure in a Party State

19 (a) Upon application for a license, the licensing board in
20 a party state shall ascertain, through the coordinated
21 licensure information system, whether the applicant has ever
22 held, or is the holder of, a license issued by any other state,
23 whether there are any restrictions on the multistate licensure
24 privilege, and whether any other adverse action by any state

1 has been taken against the license.

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

4 (c) A nurse who intends to change primary state of
5 residence may apply for licensure in the new home state in
6 advance of such change. However, new licenses will not be
7 issued by a party state until after a nurse provides evidence
8 of change in primary state of residence satisfactory to the new
9 home state's licensing board.

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

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

14 (2) moving from a non-party state to a party state, and
15 obtains a license from the new home state, the individual
16 state license issued by the non-party state is not affected
17 and will remain in full force if so provided by the laws of
18 the non-party state;

19 (3) moving from a party state to a non-party state, the
20 license issued by the prior home state converts to an
21 individual state license, valid only in the former home
22 state, without the multistate licensure privilege to
23 practice in other party states.

24 PART V.

25 Adverse Actions

1 In addition to the General Provisions described in Article
2 III, the following provisions apply:

3 (a) The licensing board of a remote state shall promptly
4 report to the administrator of the coordinated licensure
5 information system any remote state actions including the
6 factual and legal basis for such action, if known. The
7 licensing board of a remote state shall also promptly report
8 any significant current investigative information yet to
9 result in a remote state action. The administrator of the
10 coordinated licensure information system shall promptly notify
11 the home state of any such reports.

12 (b) The licensing board of a party state shall have the
13 authority to complete any pending investigations for a nurse
14 who changes primary state of residence during the course of
15 such investigations. It shall also have the authority to take
16 appropriate action(s), and shall promptly report the
17 conclusions of such investigations to the administrator of the
18 coordinated licensure information system. The administrator of
19 the coordinated licensure information system shall promptly
20 notify the new home state of any such actions.

21 (c) A remote state may take adverse action affecting the
22 multistate licensure privilege to practice within that party
23 state. However, only the home state shall have the power to
24 impose adverse action against the license issued by the home
25 state.

1 cases resulting from any adverse action taken against that
2 nurse;

3 (b) issue subpoenas for both hearings and investigations
4 which require the attendance and testimony of witnesses, and
5 the production of evidence. Subpoenas issued by a nurse
6 licensing board in a party state for the attendance and
7 testimony of witnesses, and/or the production of evidence from
8 another party state, shall be enforced in the latter state by
9 any court of competent jurisdiction, according to the practice
10 and procedure of that court applicable to subpoenas issued in
11 proceedings pending before it. The issuing authority shall pay
12 any witness fees, travel expenses, mileage and other fees
13 required by the service statutes of the state where the
14 witnesses and/or evidence are located;

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

17 (d) promulgate uniform rules and regulations as provided
18 for in Article VIII(c).

19 PART VII.

20 Coordinated Licensure Information System

21 (a) All party states shall participate in a cooperative
22 effort to create a coordinated data base of all licensed
23 registered nurses and licensed practical/vocational nurses.
24 This system will include information on the licensure and

1 disciplinary history of each nurse, as contributed by party
2 states, to assist in the coordination of nurse licensure and
3 enforcement efforts.

4 (b) Notwithstanding any other provision of law, all party
5 states' licensing boards shall promptly report adverse
6 actions, actions against multistate licensure privileges, any
7 current significant investigative information yet to result in
8 adverse action, denials of applications, and the reasons for
9 such denials, to the coordinated licensure information system.

10 (c) Current significant investigative information shall be
11 transmitted through the coordinated licensure information
12 system only to party state licensing boards.

13 (d) Notwithstanding any other provision of law, all party
14 states' licensing boards contributing information to the
15 coordinated licensure information system may designate
16 information that may not be shared with non-party states or
17 disclosed to other entities or individuals without the express
18 permission of the contributing state.

19 (e) Any personally identifiable information obtained by a
20 party states' licensing board from the coordinated licensure
21 information system may not be shared with non-party states or
22 disclosed to other entities or individuals except to the extent
23 permitted by the laws of the party state contributing the
24 information.

25 (f) Any information contributed to the coordinated
26 licensure information system that is subsequently required to

1 be expunged by the laws of the party state contributing that
2 information, shall also be expunged from the coordinated
3 licensure information system.

4 (g) The Compact administrators, acting jointly with each
5 other and in consultation with the administrator of the
6 coordinated licensure information system, shall formulate
7 necessary and proper procedures for the identification,
8 collection and exchange of information under this Compact.

9 PART VIII.

10 Compact Administration and
11 Interchange of Information

12 (a) The head of the nurse licensing board, or his/her
13 designee, of each party state shall be the administrator of
14 this Compact for his/her state.

15 (b) The Compact administrator of each party state shall
16 furnish to the Compact administrator of each other party state
17 any information and documents including, but not limited to, a
18 uniform data set of investigations, identifying information,
19 licensure data, and disclosable alternative program
20 participation information to facilitate the administration of
21 this Compact.

22 (c) Compact administrators shall have the authority to
23 develop uniform rules to facilitate and coordinate
24 implementation of this Compact. These uniform rules shall be

1 adopted by party states, under the authority invested under
2 Article VI(d).

3 PART IX.

4 Immunity

5 No party state or the officers or employees or agents of a
6 party state's nurse licensing board who acts in accordance with
7 the provisions of this Compact shall be liable on account of
8 any act or omission in good faith while engaged in the
9 performance of their duties under this Compact. Good faith in
10 this article shall not include willful misconduct, gross
11 negligence, or recklessness.

12 PART X.

13 Entry into Force, Withdrawal and Amendment

14 (a) This Compact shall enter into force and become
15 effective as to any state when it has been enacted into the
16 laws of that state. Any party state may withdraw from this
17 Compact by enacting a statute repealing the same, but no such
18 withdrawal shall take effect until six months after the
19 withdrawing state has given notice of the withdrawal to the
20 executive heads of all other party states.

21 (b) No withdrawal shall affect the validity or
22 applicability by the licensing boards of states remaining party

1 to the Compact of any report of adverse action occurring prior
2 to the withdrawal.

3 (c) Nothing contained in this Compact shall be construed to
4 invalidate or prevent any nurse licensure agreement or other
5 cooperative arrangement between a party state and a non-party
6 state that is made in accordance with the other provisions of
7 this Compact.

8 (d) This Compact may be amended by the party states. No
9 amendment to this Compact shall become effective and binding
10 upon the party states unless and until it is enacted into the
11 laws of all party states.

12 PART XI.

13 Construction and Severability

14 (a) This Compact shall be liberally construed so as to
15 effectuate the purposes thereof. The provisions of this Compact
16 shall be severable and if any phrase, clause, sentence or
17 provision of this Compact is declared to be contrary to the
18 constitution of any party state or of the United States or the
19 applicability thereof to any government, agency, person or
20 circumstance is held invalid, the validity of the remainder of
21 this Compact and the applicability thereof to any government,
22 agency, person or circumstance shall not be affected thereby.
23 If this Compact shall be held contrary to the constitution of
24 any state party thereto, the Compact shall remain in full force

1 and effect as to the remaining party states and in full force
2 and effect as to the party state affected as to all severable
3 matters.

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

6 (1) The party states may submit the issues in dispute
7 to an arbitration panel which will be comprised of an
8 individual appointed by the Compact administrator in the
9 home state; an individual appointed by the Compact
10 administrator in the remote state(s) involved; and an
11 individual mutually agreed upon by the Compact
12 administrators of all the party states involved in the
13 dispute.

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

16 (225 ILCS 65/80-10 new)

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

18 Sec. 80-10. Costs of investigation and disposition of
19 cases. To facilitate cross-state enforcement efforts, the
20 General Assembly finds that it is necessary for Illinois to
21 have the power to recover from the affected nurse the costs of
22 investigations and disposition of cases resulting from adverse
23 actions taken by this State against that nurse.

24 (225 ILCS 65/80-15 new)

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

2 Sec. 80-15. Statutory obligations. This Compact is
3 designed to facilitate the regulation of nurses and does not
4 relieve employers from complying with statutorily imposed
5 obligations.

6 (225 ILCS 65/80-20 new)

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

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

10 Section 99. Effective date. This Act takes effect January
11 1, 2011.