



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1371

Introduced 2/10/2009, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-5	was 225 ILCS 65/15-10
225 ILCS 65/65-40	was 225 ILCS 65/15-20
225 ILCS 85/4	from Ch. 111, par. 4124
720 ILCS 570/102	from Ch. 56 1/2, par. 1102
720 ILCS 570/303.05	

Amends the Nurse Practice Act, the Pharmacy Practice Act, and the Illinois Controlled Substances Act to allow for the delegation of prescriptive authority to an advanced practice nurse by a physician licensed to practice medicine in all its branches or a licensed podiatrist for any Schedule III through V controlled substances (now, Schedule III, III-N, IV, or V controlled substances). In the Illinois Controlled Substances Act, sets forth guidelines for the prescriptive authority delegated to advanced practice nurses as it relates to certain controlled substances, including Schedule II controlled substances. In the Nurse Practice Act, provides for the licensure of a registered professional nurse as a certified registered nurse anesthetist who does not have the required graduate degree, provided that he or she meets certain other requirements. Provides for the licensure of an advanced practice nurse as a certified registered nurse anesthetist who does not have the required graduate degree, provided that he or she applies for licensure before July 1, 2018, and submits certain information to the Department required for licensure. Effective immediately.

LRB096 10807 ASK 21022 b

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 5. The Nurse Practice Act is amended by changing
5 Sections 65-5 and 65-40 as follows:

6 (225 ILCS 65/65-5) (was 225 ILCS 65/15-10)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 65-5. Qualifications for APN licensure.

9 (a) Each applicant who successfully meets the requirements
10 of this Section shall be entitled to licensure as an advanced
11 practice nurse.

12 (b) An applicant for licensure to practice as an advanced
13 practice nurse must do each of the following:

14 (1) Submit a completed application and any fees as
15 established by the Department.

16 (2) Hold a current license to practice as a registered
17 professional nurse under this Act.

18 (3) Have successfully completed requirements to
19 practice as, and holds a current, national certification
20 as, a nurse midwife, clinical nurse specialist, nurse
21 practitioner, or certified registered nurse anesthetist
22 from the appropriate national certifying body as
23 determined by rule of the Department.

1 (4) Have obtained a graduate degree appropriate for
2 national certification in a clinical advanced practice
3 nursing specialty or a graduate degree or post-master's
4 certificate from a graduate level program in a clinical
5 advanced practice nursing specialty.

6 (5) Have not violated the provisions of this Act
7 concerning the grounds for disciplinary action. The
8 Department may take into consideration any felony
9 conviction of the applicant, but such a conviction may not
10 operate as an absolute bar to licensure.

11 (6) Submit to the criminal history records check
12 required under Section 50-35 of this Act.

13 (b-5) A registered professional nurse seeking licensure as
14 an advanced practice nurse in the category of certified
15 registered nurse anesthetist who does not have a graduate
16 degree as described in subsection (b) of this Section shall be
17 qualified for licensure if that person:

18 (1) submits evidence of having successfully completed
19 a nurse anesthesia program described in item (4) of
20 subsection (b) of this Section prior to January 1, 1999;

21 (2) submits evidence of certification as a registered
22 nurse anesthetist by an appropriate national certifying
23 body; and

24 (3) has continually maintained active, up-to-date
25 recertification status as a certified registered nurse
26 anesthetist by an appropriate national recertifying body.

1 (b-10) The Department shall issue a certified registered
2 nurse anesthetist license to an APN who (i) does not have a
3 graduate degree, (ii) applies for licensure before July 1,
4 2018, and (iii) submits all of the following to the Department:

5 (1) His or her current State registered nurse license
6 number.

7 (2) Proof of current national certification, which
8 includes the completion of an examination from either of
9 the following:

10 (A) the Council on Certification of the American
11 Association of Nurse Anesthetists; or

12 (B) the Council on Recertification of the American
13 Association of Nurse Anesthetists.

14 (3) Proof of the successful completion of a post-basic
15 advanced practice formal education program in the area of
16 nurse anesthesia prior to January 1, 1999.

17 (4) His or her complete work history for the 5-year
18 period immediately preceding the date of his or her
19 application.

20 (5) Verification of licensure as an advanced practice
21 nurse from the state in which he or she was originally
22 licensed, current state of licensure, and any other state
23 in which he or she has been actively practicing as an
24 advanced practice nurse within the 5-year period
25 immediately preceding the date of his or her application.

26 If applicable, this verification must state:

1 (A) the time during which he or she was licensed in
2 each state, including the date of the original issuance
3 of each license; and

4 (B) any disciplinary action taken or pending
5 concerning any nursing license held, currently or in
6 the past, by the applicant.

7 (6) The required fee.

8 (c) Those applicants seeking licensure in more than one
9 advanced practice nursing specialty need not possess multiple
10 graduate degrees. Applicants may be eligible for licenses for
11 multiple advanced practice nurse licensure specialties,
12 provided that the applicant (i) has met the requirements for at
13 least one advanced practice nursing specialty under paragraphs
14 (3) and (5) of subsection (a) of this Section, (ii) possesses
15 an additional graduate education that results in a certificate
16 for another clinical advanced practice nurse specialty and that
17 meets the requirements for the national certification from the
18 appropriate nursing specialty, and (iii) holds a current
19 national certification from the appropriate national
20 certifying body for that additional advanced practice nursing
21 specialty.

22 (d) Any person who holds a valid license as an advanced
23 practice nurse issued under this Act as this Act existed before
24 the effective date of this amendatory Act of the 95th General
25 Assembly shall be subject only to the advanced practice nurse
26 license renewal requirements of this Act as this Act exists on

1 and after the effective date of this amendatory Act of the 95th
2 General Assembly upon the expiration of that license.

3 (Source: P.A. 94-348, eff. 7-28-05; 95-639, eff. 10-5-07.)

4 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

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

6 Sec. 65-40. Prescriptive authority.

7 (a) A collaborating physician or podiatrist may, but is not
8 required to, delegate prescriptive authority to an advanced
9 practice nurse as part of a written collaborative agreement.
10 This authority may, but is not required to, include
11 prescription of, selection of, orders for, administration of,
12 storage of, acceptance of samples of, and dispensing over the
13 counter medications, legend drugs, medical gases, and
14 controlled substances categorized as any Schedule III through
15 ~~III-N, IV, or V~~ controlled substances, as defined in Article II
16 of the Illinois Controlled Substances Act, and other
17 preparations, including, but not limited to, botanical and
18 herbal remedies. The collaborating physician or podiatrist
19 must have a valid current Illinois controlled substance license
20 and federal registration to delegate authority to prescribe
21 delegated controlled substances.

22 (b) To prescribe controlled substances under this Section,
23 an advanced practice nurse must obtain a mid-level practitioner
24 controlled substance license. Medication orders shall be
25 reviewed periodically by the collaborating physician or

1 podiatrist.

2 (c) The collaborating physician or podiatrist shall file
3 with the Department notice of delegation of prescriptive
4 authority and termination of such delegation, in accordance
5 with rules of the Department. Upon receipt of this notice
6 delegating authority to prescribe any Schedule III through
7 ~~III-N, IV, or~~ V controlled substances, the licensed advanced
8 practice nurse shall be eligible to register for a mid-level
9 practitioner controlled substance license under Section 303.05
10 of the Illinois Controlled Substances Act.

11 (d) In addition to the requirements of subsections (a),
12 (b), and (c) of this Section, a collaborating physician may,
13 but is not required to, delegate authority to an advanced
14 practice nurse to prescribe any Schedule II ~~or II-N~~ controlled
15 substances, if all of the following conditions apply:

16 (1) No more than 5 Schedule II ~~or II-N~~ controlled
17 substances by oral dosage may be delegated.

18 (2) Any delegation must be controlled substances that
19 the collaborating physician prescribes.

20 (3) Any prescription must be limited to no more than a
21 30-day oral dosage, with any continuation authorized only
22 after prior approval of the collaborating physician.

23 (4) The advanced practice nurse must discuss the
24 condition of any patients for whom a controlled substance
25 is prescribed monthly with the delegating physician.

26 (e) Nothing in this Act shall be construed to limit the

1 delegation of tasks or duties by a physician to a licensed
2 practical nurse, a registered professional nurse, or other
3 persons.

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

5 Section 10. The Pharmacy Practice Act is amended by
6 changing Section 4 as follows:

7 (225 ILCS 85/4) (from Ch. 111, par. 4124)

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

9 Sec. 4. Exemptions. Nothing contained in any Section of
10 this Act shall apply to, or in any manner interfere with:

11 (a) the lawful practice of any physician licensed to
12 practice medicine in all of its branches, dentist, podiatrist,
13 veterinarian, or therapeutically or diagnostically certified
14 optometrist within the limits of his or her license, or prevent
15 him or her from supplying to his or her bona fide patients such
16 drugs, medicines, or poisons as may seem to him appropriate;

17 (b) the sale of compressed gases;

18 (c) the sale of patent or proprietary medicines and
19 household remedies when sold in original and unbroken packages
20 only, if such patent or proprietary medicines and household
21 remedies be properly and adequately labeled as to content and
22 usage and generally considered and accepted as harmless and
23 nonpoisonous when used according to the directions on the
24 label, and also do not contain opium or coca leaves, or any

1 compound, salt or derivative thereof, or any drug which,
2 according to the latest editions of the following authoritative
3 pharmaceutical treatises and standards, namely, The United
4 States Pharmacopoeia/National Formulary (USP/NF), the United
5 States Dispensatory, and the Accepted Dental Remedies of the
6 Council of Dental Therapeutics of the American Dental
7 Association or any or either of them, in use on the effective
8 date of this Act, or according to the existing provisions of
9 the Federal Food, Drug, and Cosmetic Act and Regulations of the
10 Department of Health and Human Services, Food and Drug
11 Administration, promulgated thereunder now in effect, is
12 designated, described or considered as a narcotic, hypnotic,
13 habit forming, dangerous, or poisonous drug;

14 (d) the sale of poultry and livestock remedies in original
15 and unbroken packages only, labeled for poultry and livestock
16 medication;

17 (e) the sale of poisonous substances or mixture of
18 poisonous substances, in unbroken packages, for nonmedicinal
19 use in the arts or industries or for insecticide purposes;
20 provided, they are properly and adequately labeled as to
21 content and such nonmedicinal usage, in conformity with the
22 provisions of all applicable federal, state and local laws and
23 regulations promulgated thereunder now in effect relating
24 thereto and governing the same, and those which are required
25 under such applicable laws and regulations to be labeled with
26 the word "Poison", are also labeled with the word "Poison"

1 printed thereon in prominent type and the name of a readily
2 obtainable antidote with directions for its administration;

3 (f) the delegation of limited prescriptive authority by a
4 physician licensed to practice medicine in all its branches to
5 a physician assistant under Section 7.5 of the Physician
6 Assistant Practice Act of 1987. This delegated authority under
7 Section 7.5 of the Physician Assistant Practice Act of 1987 may
8 but is not required to include prescription of controlled
9 substances, as defined in Article II of the Illinois Controlled
10 Substances Act, in accordance with written guidelines; and

11 (g) The delegation of prescriptive authority by a physician
12 licensed to practice medicine in all its branches or a licensed
13 podiatrist to an advanced practice nurse in accordance with a
14 written collaborative agreement under Sections ~~Section~~ 65-35
15 and 65-40 of the Nurse Practice Act. ~~This authority, which is~~
16 ~~delegated under Section 65-40 of the Nurse Practice Act, may~~
17 ~~but is not required to include the prescription of Schedule~~
18 ~~III, IV, or V controlled substances as defined in Article II of~~
19 ~~the Illinois Controlled Substances Act.~~

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

21 Section 15. The Illinois Controlled Substances Act is
22 amended by changing Sections 102 and 303.05 as follows:

23 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

24 Sec. 102. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Addict" means any person who habitually uses any drug,
3 chemical, substance or dangerous drug other than alcohol so as
4 to endanger the public morals, health, safety or welfare or who
5 is so far addicted to the use of a dangerous drug or controlled
6 substance other than alcohol as to have lost the power of self
7 control with reference to his addiction.

8 (b) "Administer" means the direct application of a
9 controlled substance, whether by injection, inhalation,
10 ingestion, or any other means, to the body of a patient,
11 research subject, or animal (as defined by the Humane
12 Euthanasia in Animal Shelters Act) by:

13 (1) a practitioner (or, in his presence, by his
14 authorized agent),

15 (2) the patient or research subject at the lawful
16 direction of the practitioner, or

17 (3) a euthanasia technician as defined by the Humane
18 Euthanasia in Animal Shelters Act.

19 (c) "Agent" means an authorized person who acts on behalf
20 of or at the direction of a manufacturer, distributor, or
21 dispenser. It does not include a common or contract carrier,
22 public warehouseman or employee of the carrier or warehouseman.

23 (c-1) "Anabolic Steroids" means any drug or hormonal
24 substance, chemically and pharmacologically related to
25 testosterone (other than estrogens, progestins, and
26 corticosteroids) that promotes muscle growth, and includes:

- 1 (i) boldenone,
- 2 (ii) chlorotestosterone,
- 3 (iii) chostebol,
- 4 (iv) dehydrochlormethyltestosterone,
- 5 (v) dihydrotestosterone,
- 6 (vi) drostanolone,
- 7 (vii) ethylestrenol,
- 8 (viii) fluoxymesterone,
- 9 (ix) formebulone,
- 10 (x) mesterolone,
- 11 (xi) methandienone,
- 12 (xii) methandranone,
- 13 (xiii) methandriol,
- 14 (xiv) methandrostenolone,
- 15 (xv) methenolone,
- 16 (xvi) methyltestosterone,
- 17 (xvii) mibolerone,
- 18 (xviii) nandrolone,
- 19 (xix) norethandrolone,
- 20 (xx) oxandrolone,
- 21 (xxi) oxymesterone,
- 22 (xxii) oxymetholone,
- 23 (xxiii) stanolone,
- 24 (xxiv) stanozolol,
- 25 (xxv) testolactone,
- 26 (xxvi) testosterone,

1 (xxvii) trenbolone, and
2 (xxviii) any salt, ester, or isomer of a drug or
3 substance described or listed in this paragraph, if
4 that salt, ester, or isomer promotes muscle growth.

5 Any person who is otherwise lawfully in possession of an
6 anabolic steroid, or who otherwise lawfully manufactures,
7 distributes, dispenses, delivers, or possesses with intent to
8 deliver an anabolic steroid, which anabolic steroid is
9 expressly intended for and lawfully allowed to be administered
10 through implants to livestock or other nonhuman species, and
11 which is approved by the Secretary of Health and Human Services
12 for such administration, and which the person intends to
13 administer or have administered through such implants, shall
14 not be considered to be in unauthorized possession or to
15 unlawfully manufacture, distribute, dispense, deliver, or
16 possess with intent to deliver such anabolic steroid for
17 purposes of this Act.

18 (d) "Administration" means the Drug Enforcement
19 Administration, United States Department of Justice, or its
20 successor agency.

21 (e) "Control" means to add a drug or other substance, or
22 immediate precursor, to a Schedule under Article II of this Act
23 whether by transfer from another Schedule or otherwise.

24 (f) "Controlled Substance" means a drug, substance, or
25 immediate precursor in the Schedules of Article II of this Act.

26 (g) "Counterfeit substance" means a controlled substance,

1 which, or the container or labeling of which, without
2 authorization bears the trademark, trade name, or other
3 identifying mark, imprint, number or device, or any likeness
4 thereof, of a manufacturer, distributor, or dispenser other
5 than the person who in fact manufactured, distributed, or
6 dispensed the substance.

7 (h) "Deliver" or "delivery" means the actual, constructive
8 or attempted transfer of possession of a controlled substance,
9 with or without consideration, whether or not there is an
10 agency relationship.

11 (i) "Department" means the Illinois Department of Human
12 Services (as successor to the Department of Alcoholism and
13 Substance Abuse) or its successor agency.

14 (j) "Department of State Police" means the Department of
15 State Police of the State of Illinois or its successor agency.

16 (k) "Department of Corrections" means the Department of
17 Corrections of the State of Illinois or its successor agency.

18 (l) "Department of Professional Regulation" means the
19 Department of Professional Regulation of the State of Illinois
20 or its successor agency.

21 (m) "Depressant" or "stimulant substance" means:

22 (1) a drug which contains any quantity of (i)
23 barbituric acid or any of the salts of barbituric acid
24 which has been designated as habit forming under section
25 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
26 U.S.C. 352 (d)); or

1 (2) a drug which contains any quantity of (i)
2 amphetamine or methamphetamine and any of their optical
3 isomers; (ii) any salt of amphetamine or methamphetamine or
4 any salt of an optical isomer of amphetamine; or (iii) any
5 substance which the Department, after investigation, has
6 found to be, and by rule designated as, habit forming
7 because of its depressant or stimulant effect on the
8 central nervous system; or

9 (3) lysergic acid diethylamide; or

10 (4) any drug which contains any quantity of a substance
11 which the Department, after investigation, has found to
12 have, and by rule designated as having, a potential for
13 abuse because of its depressant or stimulant effect on the
14 central nervous system or its hallucinogenic effect.

15 (n) (Blank).

16 (o) "Director" means the Director of the Department of
17 State Police or the Department of Professional Regulation or
18 his designated agents.

19 (p) "Dispense" means to deliver a controlled substance to
20 an ultimate user or research subject by or pursuant to the
21 lawful order of a prescriber, including the prescribing,
22 administering, packaging, labeling, or compounding necessary
23 to prepare the substance for that delivery.

24 (q) "Dispenser" means a practitioner who dispenses.

25 (r) "Distribute" means to deliver, other than by
26 administering or dispensing, a controlled substance.

1 (s) "Distributor" means a person who distributes.

2 (t) "Drug" means (1) substances recognized as drugs in the
3 official United States Pharmacopoeia, Official Homeopathic
4 Pharmacopoeia of the United States, or official National
5 Formulary, or any supplement to any of them; (2) substances
6 intended for use in diagnosis, cure, mitigation, treatment, or
7 prevention of disease in man or animals; (3) substances (other
8 than food) intended to affect the structure of any function of
9 the body of man or animals and (4) substances intended for use
10 as a component of any article specified in clause (1), (2), or
11 (3) of this subsection. It does not include devices or their
12 components, parts, or accessories.

13 (t-5) "Euthanasia agency" means an entity certified by the
14 Department of Professional Regulation for the purpose of animal
15 euthanasia that holds an animal control facility license or
16 animal shelter license under the Animal Welfare Act. A
17 euthanasia agency is authorized to purchase, store, possess,
18 and utilize Schedule II nonnarcotic and Schedule III
19 nonnarcotic drugs for the sole purpose of animal euthanasia.

20 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
21 substances (nonnarcotic controlled substances) that are used
22 by a euthanasia agency for the purpose of animal euthanasia.

23 (u) "Good faith" means the prescribing or dispensing of a
24 controlled substance by a practitioner in the regular course of
25 professional treatment to or for any person who is under his
26 treatment for a pathology or condition other than that

1 individual's physical or psychological dependence upon or
2 addiction to a controlled substance, except as provided herein:
3 and application of the term to a pharmacist shall mean the
4 dispensing of a controlled substance pursuant to the
5 prescriber's order which in the professional judgment of the
6 pharmacist is lawful. The pharmacist shall be guided by
7 accepted professional standards including, but not limited to
8 the following, in making the judgment:

9 (1) lack of consistency of doctor-patient
10 relationship,

11 (2) frequency of prescriptions for same drug by one
12 prescriber for large numbers of patients,

13 (3) quantities beyond those normally prescribed,

14 (4) unusual dosages,

15 (5) unusual geographic distances between patient,
16 pharmacist and prescriber,

17 (6) consistent prescribing of habit-forming drugs.

18 (u-1) "Home infusion services" means services provided by a
19 pharmacy in compounding solutions for direct administration to
20 a patient in a private residence, long-term care facility, or
21 hospice setting by means of parenteral, intravenous,
22 intramuscular, subcutaneous, or intraspinal infusion.

23 (v) "Immediate precursor" means a substance:

24 (1) which the Department has found to be and by rule
25 designated as being a principal compound used, or produced
26 primarily for use, in the manufacture of a controlled

1 substance;

2 (2) which is an immediate chemical intermediary used or
3 likely to be used in the manufacture of such controlled
4 substance; and

5 (3) the control of which is necessary to prevent,
6 curtail or limit the manufacture of such controlled
7 substance.

8 (w) "Instructional activities" means the acts of teaching,
9 educating or instructing by practitioners using controlled
10 substances within educational facilities approved by the State
11 Board of Education or its successor agency.

12 (x) "Local authorities" means a duly organized State,
13 County or Municipal peace unit or police force.

14 (y) "Look-alike substance" means a substance, other than a
15 controlled substance which (1) by overall dosage unit
16 appearance, including shape, color, size, markings or lack
17 thereof, taste, consistency, or any other identifying physical
18 characteristic of the substance, would lead a reasonable person
19 to believe that the substance is a controlled substance, or (2)
20 is expressly or impliedly represented to be a controlled
21 substance or is distributed under circumstances which would
22 lead a reasonable person to believe that the substance is a
23 controlled substance. For the purpose of determining whether
24 the representations made or the circumstances of the
25 distribution would lead a reasonable person to believe the
26 substance to be a controlled substance under this clause (2) of

1 subsection (y), the court or other authority may consider the
2 following factors in addition to any other factor that may be
3 relevant:

4 (a) statements made by the owner or person in control
5 of the substance concerning its nature, use or effect;

6 (b) statements made to the buyer or recipient that the
7 substance may be resold for profit;

8 (c) whether the substance is packaged in a manner
9 normally used for the illegal distribution of controlled
10 substances;

11 (d) whether the distribution or attempted distribution
12 included an exchange of or demand for money or other
13 property as consideration, and whether the amount of the
14 consideration was substantially greater than the
15 reasonable retail market value of the substance.

16 Clause (1) of this subsection (y) shall not apply to a
17 noncontrolled substance in its finished dosage form that was
18 initially introduced into commerce prior to the initial
19 introduction into commerce of a controlled substance in its
20 finished dosage form which it may substantially resemble.

21 Nothing in this subsection (y) prohibits the dispensing or
22 distributing of noncontrolled substances by persons authorized
23 to dispense and distribute controlled substances under this
24 Act, provided that such action would be deemed to be carried
25 out in good faith under subsection (u) if the substances
26 involved were controlled substances.

1 Nothing in this subsection (y) or in this Act prohibits the
2 manufacture, preparation, propagation, compounding,
3 processing, packaging, advertising or distribution of a drug or
4 drugs by any person registered pursuant to Section 510 of the
5 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

6 (y-1) "Mail-order pharmacy" means a pharmacy that is
7 located in a state of the United States, other than Illinois,
8 that delivers, dispenses or distributes, through the United
9 States Postal Service or other common carrier, to Illinois
10 residents, any substance which requires a prescription.

11 (z) "Manufacture" means the production, preparation,
12 propagation, compounding, conversion or processing of a
13 controlled substance other than methamphetamine, either
14 directly or indirectly, by extraction from substances of
15 natural origin, or independently by means of chemical
16 synthesis, or by a combination of extraction and chemical
17 synthesis, and includes any packaging or repackaging of the
18 substance or labeling of its container, except that this term
19 does not include:

20 (1) by an ultimate user, the preparation or compounding
21 of a controlled substance for his own use; or

22 (2) by a practitioner, or his authorized agent under
23 his supervision, the preparation, compounding, packaging,
24 or labeling of a controlled substance:

25 (a) as an incident to his administering or
26 dispensing of a controlled substance in the course of

1 his professional practice; or

2 (b) as an incident to lawful research, teaching or
3 chemical analysis and not for sale.

4 (z-1) (Blank).

5 (aa) "Narcotic drug" means any of the following, whether
6 produced directly or indirectly by extraction from substances
7 of natural origin, or independently by means of chemical
8 synthesis, or by a combination of extraction and chemical
9 synthesis:

10 (1) opium and opiate, and any salt, compound,
11 derivative, or preparation of opium or opiate;

12 (2) any salt, compound, isomer, derivative, or
13 preparation thereof which is chemically equivalent or
14 identical with any of the substances referred to in clause
15 (1), but not including the isoquinoline alkaloids of opium;

16 (3) opium poppy and poppy straw;

17 (4) coca leaves and any salts, compound, isomer, salt
18 of an isomer, derivative, or preparation of coca leaves
19 including cocaine or ecgonine, and any salt, compound,
20 isomer, derivative, or preparation thereof which is
21 chemically equivalent or identical with any of these
22 substances, but not including decocainized coca leaves or
23 extractions of coca leaves which do not contain cocaine or
24 ecgonine (for the purpose of this paragraph, the term
25 "isomer" includes optical, positional and geometric
26 isomers).

1 (bb) "Nurse" means a registered nurse licensed under the
2 Nurse Practice Act.

3 (cc) (Blank).

4 (dd) "Opiate" means any substance having an addiction
5 forming or addiction sustaining liability similar to morphine
6 or being capable of conversion into a drug having addiction
7 forming or addiction sustaining liability.

8 (ee) "Opium poppy" means the plant of the species *Papaver*
9 *somniferum* L., except its seeds.

10 (ff) "Parole and Pardon Board" means the Parole and Pardon
11 Board of the State of Illinois or its successor agency.

12 (gg) "Person" means any individual, corporation,
13 mail-order pharmacy, government or governmental subdivision or
14 agency, business trust, estate, trust, partnership or
15 association, or any other entity.

16 (hh) "Pharmacist" means any person who holds a license or
17 certificate of registration as a registered pharmacist, a local
18 registered pharmacist or a registered assistant pharmacist
19 under the Pharmacy Practice Act.

20 (ii) "Pharmacy" means any store, ship or other place in
21 which pharmacy is authorized to be practiced under the Pharmacy
22 Practice Act.

23 (jj) "Poppy straw" means all parts, except the seeds, of
24 the opium poppy, after mowing.

25 (kk) "Practitioner" means a physician licensed to practice
26 medicine in all its branches, dentist, optometrist,

1 podiatrist, veterinarian, scientific investigator, pharmacist,
2 physician assistant, advanced practice nurse, licensed
3 practical nurse, registered nurse, hospital, laboratory, or
4 pharmacy, or other person licensed, registered, or otherwise
5 lawfully permitted by the United States or this State to
6 distribute, dispense, conduct research with respect to,
7 administer or use in teaching or chemical analysis, a
8 controlled substance in the course of professional practice or
9 research.

10 (ll) "Pre-printed prescription" means a written
11 prescription upon which the designated drug has been indicated
12 prior to the time of issuance.

13 (mm) "Prescriber" means a physician licensed to practice
14 medicine in all its branches, dentist, optometrist, podiatrist
15 or veterinarian who issues a prescription, a physician
16 assistant who issues a prescription for a ~~Schedule III, IV, or~~
17 ~~V~~ controlled substance in accordance with Section 303.05 and
18 the written guidelines required under Section 7.5 of the
19 Physician Assistant Practice Act of 1987, or an advanced
20 practice nurse with prescriptive authority delegated under
21 Section 65-40 of the Nurse Practice Act and in accordance with
22 Section 303.05, a written delegation, and a written
23 collaborative agreement under Section 65-35 of the Nurse
24 Practice Act.

25 (nn) "Prescription" means a lawful written, facsimile, or
26 verbal order of a physician licensed to practice medicine in

1 all its branches, dentist, podiatrist or veterinarian for any
2 controlled substance, of an optometrist for a Schedule III, IV,
3 or V controlled substance in accordance with Section 15.1 of
4 the Illinois Optometric Practice Act of 1987, of a physician
5 assistant for a ~~Schedule III, IV, or V~~ controlled substance in
6 accordance with Section 303.05 and the written guidelines
7 required under Section 7.5 of the Physician Assistant Practice
8 Act of 1987, or of an advanced practice nurse with prescriptive
9 authority delegated under Section 65-40 of the Nurse Practice
10 Act who issues a prescription for a ~~Schedule III, IV, or V~~
11 controlled substance in accordance with Section 303.05, a
12 written delegation, and a written collaborative agreement
13 under Section 65-35 of the Nurse Practice Act.

14 (oo) "Production" or "produce" means manufacture,
15 planting, cultivating, growing, or harvesting of a controlled
16 substance other than methamphetamine.

17 (pp) "Registrant" means every person who is required to
18 register under Section 302 of this Act.

19 (qq) "Registry number" means the number assigned to each
20 person authorized to handle controlled substances under the
21 laws of the United States and of this State.

22 (rr) "State" includes the State of Illinois and any state,
23 district, commonwealth, territory, insular possession thereof,
24 and any area subject to the legal authority of the United
25 States of America.

26 (ss) "Ultimate user" means a person who lawfully possesses

1 a controlled substance for his own use or for the use of a
2 member of his household or for administering to an animal owned
3 by him or by a member of his household.

4 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;
5 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; 95-876, eff.
6 8-21-08.)

7 (720 ILCS 570/303.05)

8 Sec. 303.05. Mid-level practitioner registration.

9 (a) The Department of Professional Regulation shall
10 register licensed physician assistants and licensed advanced
11 practice nurses to prescribe and dispense ~~Schedule III, IV, or~~
12 ~~V~~ controlled substances under Section 303 and euthanasia
13 agencies to purchase, store, or administer animal euthanasia
14 drugs under the following circumstances:

15 (1) with respect to physician assistants ~~or advanced~~
16 ~~practice nurses,~~

17 (A) the physician assistant ~~or advanced practice~~
18 ~~nurse~~ has been delegated ~~prescriptive~~ authority to
19 prescribe any Schedule III through V controlled
20 substances by a physician licensed to practice
21 medicine in all its branches in accordance with Section
22 7.5 of the Physician Assistant Practice Act of 1987 ~~or~~
23 ~~Section 65-40 of the Nurse Practice Act;~~ and

24 (B) the physician assistant ~~or advanced practice~~
25 ~~nurse~~ has completed the appropriate application forms

1 and has paid the required fees as set by rule; ~~or~~

2 (2) with respect to advanced practice nurses,

3 (A) the advanced practice nurse has been delegated
4 authority to prescribe any Schedule III through V
5 controlled substances by a physician licensed to
6 practice medicine in all its branches or a podiatrist
7 in accordance with Section 65-40 of the Nurse Practice
8 Act. The advanced practice nurse has completed the
9 appropriate application forms and has paid the
10 required fees as set by rule; or

11 (B) the advanced practice nurse has been delegated
12 authority by a collaborating physician licensed to
13 practice medicine in all its branches to prescribe or
14 dispense Schedule II controlled substances through a
15 written delegation of authority and under the
16 following conditions:

17 (i) no more than 5 Schedule II controlled
18 substances by oral dosage may be delegated;

19 (ii) any delegation must be of controlled
20 substances prescribed by the collaborating
21 physician;

22 (iii) all prescriptions must be limited to no
23 more than a 30-day oral dosage, with any
24 continuation authorized only after prior approval
25 of the collaborating physician;

26 (iv) the advanced practice nurse must discuss

1 the condition of any patients for whom a controlled
2 substance is prescribed monthly with the
3 delegating physician; and

4 (v) the advanced practice nurse must have
5 completed the appropriate application forms and
6 paid the required fees as set by rule; or

7 (3) ~~(2)~~ with respect to animal euthanasia agencies, the

8 euthanasia agency has obtained a license from the

9 Department of Professional Regulation and obtained a

10 registration number from the Department.

11 (b) The mid-level practitioner shall only be licensed to

12 prescribe those schedules of controlled substances for which a

13 licensed physician or licensed podiatrist has delegated

14 prescriptive authority, except that an animal ~~a~~ euthanasia

15 agency does not have any prescriptive authority. A physician

16 assistant and an advanced practice nurse are prohibited from

17 prescribing medications and controlled substances not set

18 forth in the required written delegation of authority.

19 (c) Upon completion of all registration requirements,

20 physician assistants, advanced practice nurses, and animal

21 euthanasia agencies shall be issued a mid-level practitioner

22 controlled substances license for Illinois.

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

24 Section 99. Effective date. This Act takes effect upon

25 becoming law.