



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1402

Introduced 2/11/2009, by Sen. M. Maggie Crotty

#### SYNOPSIS AS INTRODUCED:

225 ILCS 106/15

Amends the Respiratory Care Practice Act. In a Section concerning exemptions, provides that a person enrolled in a respiratory care education program shall be exempt from the Act if he or she meets certain conditions. Effective immediately.

LRB096 08920 ASK 19057 b

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 Respiratory Care Practice Act is amended by  
5 changing Section 15 as follows:

6 (225 ILCS 106/15)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 15. Exemptions.

9 (a) This Act does not prohibit a person legally regulated  
10 in this State by any other Act from engaging in any practice  
11 for which he or she is authorized.

12 (b) Nothing in this Act shall prohibit the practice of  
13 respiratory care by a person who is employed by the United  
14 States government or any bureau, division, or agency thereof  
15 while in the discharge of the employee's official duties.

16 (c) Nothing in this Act shall be construed to limit the  
17 activities and services of a person enrolled in an approved  
18 course of study leading to a degree or certificate of registry  
19 or certification eligibility in respiratory care if these  
20 activities and services constitute a part of a supervised  
21 course of study and if the person is designated by a title  
22 which clearly indicates his or her status as a student or  
23 trainee. Status as a student or trainee shall not exceed 3

1 years from the date of enrollment in an approved course.

2 (d) Nothing in this Act shall prohibit a person from  
3 treating ailments by spiritual means through prayer alone in  
4 accordance with the tenets and practices of a recognized church  
5 or religious denomination.

6 (e) Nothing in this Act shall be construed to prevent a  
7 person who is a registered nurse, an advanced practice nurse, a  
8 licensed practical nurse, a physician assistant, or a physician  
9 licensed to practice medicine in all its branches from  
10 providing respiratory care.

11 (f) Nothing in this Act shall limit a person who is  
12 credentialed by the National Society for Cardiopulmonary  
13 Technology or the National Board for Respiratory Care from  
14 performing pulmonary function tests and respiratory care  
15 procedures related to the pulmonary function test.

16 (g) Nothing in this Act shall prohibit the collection and  
17 analysis of blood by clinical laboratory personnel meeting the  
18 personnel standards of the Illinois Clinical Laboratory Act.

19 (h) Nothing in this Act shall prohibit a polysomnographic  
20 technologist, technician, or trainee, as defined in the job  
21 descriptions jointly accepted by the American Academy of Sleep  
22 Medicine, the Association of Polysomnographic Technologists,  
23 the Board of Registered Polysomnographic Technologists, and  
24 the American Society of Electroneurodiagnostic Technologists,  
25 from performing activities within the scope of practice of  
26 polysomnographic technology while under the direction of a

1 physician licensed in this State.

2 (i) Nothing in this Act shall prohibit a family member from  
3 providing respiratory care services to an ill person.

4 (j) Nothing in this Act shall be construed to limit an  
5 unlicensed practitioner in a licensed hospital who is working  
6 under the proximate supervision of a licensed health care  
7 professional or other authorized licensed personnel and  
8 providing direct patient care services from performing basic  
9 respiratory care activities if the unlicensed practitioner (i)  
10 has been trained to perform the basic respiratory care  
11 activities at the facility that employs or contracts with the  
12 individual and (ii) at a minimum, has annually received an  
13 evaluation of the unlicensed practitioner's performance of  
14 basic respiratory care activities documented by the facility.

15 (k) Nothing in this Act shall be construed to prohibit a  
16 person enrolled in a respiratory care education program or an  
17 approved course of study leading to a degree or certification  
18 in a health care-related discipline that provides respiratory  
19 care activities within his or her scope of practice and  
20 employed in a licensed hospital in order to provide direct  
21 patient care services under the direction of other authorized  
22 licensed personnel from providing respiratory care activities.

23 (Source: P.A. 94-523, eff. 1-1-06.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.