

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 Section 65-35 as follows:

6 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 65-35. Written collaborative agreements.

9 (a) A written collaborative agreement is required for all
10 advanced practice registered nurses engaged in clinical
11 practice prior to meeting the requirements of Section 65-43,
12 except for advanced practice registered nurses who are
13 privileged to practice in a hospital, hospital affiliate, or
14 ambulatory surgical treatment center.

15 (a-5) If an advanced practice registered nurse engages in
16 clinical practice outside of a hospital, hospital affiliate, or
17 ambulatory surgical treatment center in which he or she is
18 privileged to practice, the advanced practice registered nurse
19 must have a written collaborative agreement, except as set
20 forth in Section 65-43.

21 (b) A written collaborative agreement shall describe the
22 relationship of the advanced practice registered nurse with the
23 collaborating physician and shall describe the categories of

1 care, treatment, or procedures to be provided by the advanced
2 practice registered nurse. A collaborative agreement with a
3 podiatric physician must be in accordance with subsection (c-5)
4 or (c-15) of this Section. A collaborative agreement with a
5 dentist must be in accordance with subsection (c-10) of this
6 Section. A collaborative agreement with a podiatric physician
7 must be in accordance with subsection (c-5) of this Section.
8 Collaboration does not require an employment relationship
9 between the collaborating physician and the advanced practice
10 registered nurse.

11 The collaborative relationship under an agreement shall
12 not be construed to require the personal presence of a
13 collaborating physician at the place where services are
14 rendered. Methods of communication shall be available for
15 consultation with the collaborating physician in person or by
16 telecommunications or electronic communications as set forth
17 in the written agreement.

18 (b-5) Absent an employment relationship, a written
19 collaborative agreement may not (1) restrict the categories of
20 patients of an advanced practice registered nurse within the
21 scope of the advanced practice registered nurses training and
22 experience, (2) limit third party payors or government health
23 programs, such as the medical assistance program or Medicare
24 with which the advanced practice registered nurse contracts, or
25 (3) limit the geographic area or practice location of the
26 advanced practice registered nurse in this State.

1 (c) In the case of anesthesia services provided by a
2 certified registered nurse anesthetist, an anesthesiologist, a
3 physician, a dentist, or a podiatric physician must participate
4 through discussion of and agreement with the anesthesia plan
5 and remain physically present and available on the premises
6 during the delivery of anesthesia services for diagnosis,
7 consultation, and treatment of emergency medical conditions.

8 (c-5) A certified registered nurse anesthetist, who
9 provides anesthesia services outside of a hospital or
10 ambulatory surgical treatment center shall enter into a written
11 collaborative agreement with an anesthesiologist or the
12 physician licensed to practice medicine in all its branches or
13 the podiatric physician performing the procedure. Outside of a
14 hospital or ambulatory surgical treatment center, the
15 certified registered nurse anesthetist may provide only those
16 services that the collaborating podiatric physician is
17 authorized to provide pursuant to the Podiatric Medical
18 Practice Act of 1987 and rules adopted thereunder. A certified
19 registered nurse anesthetist may select, order, and administer
20 medication, including controlled substances, and apply
21 appropriate medical devices for delivery of anesthesia
22 services under the anesthesia plan agreed with by the
23 anesthesiologist or the operating physician or operating
24 podiatric physician.

25 (c-10) A certified registered nurse anesthetist who
26 provides anesthesia services in a dental office shall enter

1 into a written collaborative agreement with an
2 anesthesiologist or the physician licensed to practice
3 medicine in all its branches or the operating dentist
4 performing the procedure. The agreement shall describe the
5 working relationship of the certified registered nurse
6 anesthetist and dentist and shall authorize the categories of
7 care, treatment, or procedures to be performed by the certified
8 registered nurse anesthetist. In a collaborating dentist's
9 office, the certified registered nurse anesthetist may only
10 provide those services that the operating dentist with the
11 appropriate permit is authorized to provide pursuant to the
12 Illinois Dental Practice Act and rules adopted thereunder. For
13 anesthesia services, an anesthesiologist, physician, or
14 operating dentist shall participate through discussion of and
15 agreement with the anesthesia plan and shall remain physically
16 present and be available on the premises during the delivery of
17 anesthesia services for diagnosis, consultation, and treatment
18 of emergency medical conditions. A certified registered nurse
19 anesthetist may select, order, and administer medication,
20 including controlled substances, and apply appropriate medical
21 devices for delivery of anesthesia services under the
22 anesthesia plan agreed with by the operating dentist.

23 (c-15) An advanced practice registered nurse who had a
24 written collaborative agreement with a podiatric physician
25 immediately before the effective date of Public Act 100-513 may
26 continue in that collaborative relationship or enter into a new

1 written collaborative relationship with a podiatric physician
2 under the requirements of this Section and Section 65-40, as
3 those Sections existed immediately before the amendment of
4 those Sections by Public Act 100-513 with regard to a written
5 collaborative agreement between an advanced practice
6 registered nurse and a podiatric physician, ~~until the~~
7 ~~collaborative relationship between the advanced practice~~
8 ~~registered nurse and podiatric physician terminates.~~

9 (d) A copy of the signed, written collaborative agreement
10 must be available to the Department upon request from both the
11 advanced practice registered nurse and the collaborating
12 physician, dentist, or podiatric physician.

13 (e) Nothing in this Act shall be construed to limit the
14 delegation of tasks or duties by a physician to a licensed
15 practical nurse, a registered professional nurse, or other
16 persons in accordance with Section 54.2 of the Medical Practice
17 Act of 1987. Nothing in this Act shall be construed to limit
18 the method of delegation that may be authorized by any means,
19 including, but not limited to, oral, written, electronic,
20 standing orders, protocols, guidelines, or verbal orders.

21 (e-5) Nothing in this Act shall be construed to authorize
22 an advanced practice registered nurse to provide health care
23 services required by law or rule to be performed by a
24 physician, including those acts to be performed by a physician
25 in Section 3.1 of the Illinois Abortion Law of 1975.

26 (f) An advanced practice registered nurse shall inform each

1 collaborating physician, dentist, or podiatric physician of
2 all collaborative agreements he or she has signed and provide a
3 copy of these to any collaborating physician, dentist, or
4 podiatric physician upon request.

5 (g) (Blank).

6 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18;
7 100-577, eff. 1-26-18.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2018.