



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2566

Introduced 2/26/2021, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-35
225 ILCS 65/65-45

was 225 ILCS 65/15-15
was 225 ILCS 65/15-25

Amends the Nurse Practice Act. Replaces provisions concerning the written collaborative agreement required of a certified registered nurse anesthetist providing anesthesia services outside the hospital, ambulatory surgical treatment center, or hospital affiliate with provisions that require the certified registered nurse anesthetist to enter into a written collaborative agreement with a physician, podiatric physician, or dentist. Exempts the delivery of anesthesia during the surgical procedure performed by a physician, dentist, or podiatrist from the requirement that the collaborative relationship under an agreement not be construed to require the personal presence of a collaborating physician at the place where services are rendered. Makes corresponding changes. Effective immediately.

LRB102 17066 SPS 22494 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 65-35 and 65-45 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7 (Section scheduled to be repealed on January 1, 2028)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,
17 or 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
23 the collaborating physician and shall describe the categories

1 of care, treatment, or procedures to be provided by the
2 advanced practice registered nurse. A collaborative agreement
3 with a podiatric physician must be in accordance with
4 subsection ~~(c-5)~~ or (c-15) of this Section for an advanced
5 practice registered nurse certified as a nurse practitioner,
6 clinical nurse specialist, or certified nurse midwife. A
7 certified registered nurse anesthetist providing anesthesia
8 services outside the hospital, ambulatory surgical treatment
9 center, or hospital affiliate shall enter into a written
10 collaborative agreement with a physician, podiatric physician,
11 or dentist. A collaborative agreement with a dentist must be
12 in accordance with subsection (c-10) of this Section. A
13 collaborative agreement with a podiatric physician must be in
14 accordance with subsection (c-5) of this Section.
15 Collaboration does not require an employment relationship
16 between the collaborating physician and the advanced practice
17 registered nurse.

18 The collaborative relationship under an agreement shall
19 not be construed to require the personal presence of a
20 collaborating physician at the place where services are
21 rendered, except for the delivery of anesthesia during the
22 surgical procedure performed by a physician, dentist, or
23 podiatrist. Methods of communication shall be available for
24 consultation with the collaborating physician in person or by
25 telecommunications or electronic communications as set forth
26 in the written agreement.

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

10 (c) (Blank). ~~In the case of anesthesia services provided~~
11 ~~by a certified registered nurse anesthetist, an~~
12 ~~anesthesiologist, a physician, a dentist, or a podiatric~~
13 ~~physician must participate through discussion of and agreement~~
14 ~~with the anesthesia plan and remain physically present and~~
15 ~~available on the premises during the delivery of anesthesia~~
16 ~~services for diagnosis, consultation, and treatment of~~
17 ~~emergency medical conditions.~~

18 (c-5) (Blank). ~~A certified registered nurse anesthetist,~~
19 ~~who provides anesthesia services outside of a hospital or~~
20 ~~ambulatory surgical treatment center shall enter into a~~
21 ~~written collaborative agreement with an anesthesiologist or~~
22 ~~the physician licensed to practice medicine in all its~~
23 ~~branches or the podiatric physician performing the procedure.~~
24 ~~Outside of a hospital or ambulatory surgical treatment center,~~
25 ~~the certified registered nurse anesthetist may provide only~~
26 ~~those services that the collaborating podiatric physician is~~

1 ~~authorized to provide pursuant to the Podiatric Medical~~
2 ~~Practice Act of 1987 and rules adopted thereunder. A certified~~
3 ~~registered nurse anesthetist may select, order, and administer~~
4 ~~medication, including controlled substances, and apply~~
5 ~~appropriate medical devices for delivery of anesthesia~~
6 ~~services under the anesthesia plan agreed with by the~~
7 ~~anesthesiologist or the operating physician or operating~~
8 ~~podiatric physician.~~

9 (c-10) (Blank). ~~A certified registered nurse anesthetist~~
10 ~~who provides anesthesia services in a dental office shall~~
11 ~~enter into a written collaborative agreement with an~~
12 ~~anesthesiologist or the physician licensed to practice~~
13 ~~medicine in all its branches or the operating dentist~~
14 ~~performing the procedure. The agreement shall describe the~~
15 ~~working relationship of the certified registered nurse~~
16 ~~anesthetist and dentist and shall authorize the categories of~~
17 ~~care, treatment, or procedures to be performed by the~~
18 ~~certified registered nurse anesthetist. In a collaborating~~
19 ~~dentist's office, the certified registered nurse anesthetist~~
20 ~~may only provide those services that the operating dentist~~
21 ~~with the appropriate permit is authorized to provide pursuant~~
22 ~~to the Illinois Dental Practice Act and rules adopted~~
23 ~~thereunder. For anesthesia services, an anesthesiologist,~~
24 ~~physician, or operating dentist shall participate through~~
25 ~~discussion of and agreement with the anesthesia plan and shall~~
26 ~~remain physically present and be available on the premises~~

1 ~~during the delivery of anesthesia services for diagnosis,~~
2 ~~consultation, and treatment of emergency medical conditions. A~~
3 ~~certified registered nurse anesthetist may select, order, and~~
4 ~~administer medication, including controlled substances, and~~
5 ~~apply appropriate medical devices for delivery of anesthesia~~
6 ~~services under the anesthesia plan agreed with by the~~
7 ~~operating dentist.~~

8 (c-15) An advanced practice registered nurse who had a
9 written collaborative agreement with a podiatric physician
10 immediately before the effective date of Public Act 100-513
11 may continue in that collaborative relationship or enter into
12 a new written collaborative relationship with a podiatric
13 physician under the requirements of this Section and Section
14 65-40, as those Sections existed immediately before the
15 amendment of those Sections by Public Act 100-513 with regard
16 to a written collaborative agreement between an advanced
17 practice registered nurse and a podiatric physician.

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

22 (e) Nothing in this Act shall be construed to limit the
23 delegation of tasks or duties by a physician to a licensed
24 practical nurse, a registered professional nurse, or other
25 persons in accordance with Section 54.2 of the Medical
26 Practice Act of 1987. Nothing in this Act shall be construed to

1 limit the method of delegation that may be authorized by any
2 means, including, but not limited to, oral, written,
3 electronic, standing orders, protocols, guidelines, or verbal
4 orders.

5 (e-5) Nothing in this Act shall be construed to authorize
6 an advanced practice registered nurse to provide health care
7 services required by law or rule to be performed by a
8 physician. The scope of practice of an advanced practice
9 registered nurse does not include operative surgery. Nothing
10 in this Section shall be construed to preclude an advanced
11 practice registered nurse from assisting in surgery.

12 (f) An advanced practice registered nurse shall inform
13 each collaborating physician, dentist, or podiatric physician
14 of all collaborative agreements he or she has signed and
15 provide a copy of these to any collaborating physician,
16 dentist, or podiatric physician upon request.

17 (g) (Blank).

18 (Source: P.A. 100-513, eff. 1-1-18; 100-577, eff. 1-26-18;
19 100-1096, eff. 8-26-18; 101-13, eff. 6-12-19.)

20 (225 ILCS 65/65-45) (was 225 ILCS 65/15-25)

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

22 Sec. 65-45. Advanced practice registered nursing in
23 hospitals, hospital affiliates, or ambulatory surgical
24 treatment centers.

25 (a) An advanced practice registered nurse may provide

1 services in a hospital or a hospital affiliate as those terms
2 are defined in the Hospital Licensing Act or the University of
3 Illinois Hospital Act or a licensed ambulatory surgical
4 treatment center without a written collaborative agreement
5 pursuant to Section 65-35 of this Act. An advanced practice
6 registered nurse must possess clinical privileges recommended
7 by the hospital medical staff and granted by the hospital or
8 the consulting medical staff committee and ambulatory surgical
9 treatment center in order to provide services. The medical
10 staff or consulting medical staff committee shall periodically
11 review the services of all advanced practice registered nurses
12 granted clinical privileges, including any care provided in a
13 hospital affiliate. Authority may also be granted when
14 recommended by the hospital medical staff and granted by the
15 hospital or recommended by the consulting medical staff
16 committee and ambulatory surgical treatment center to
17 individual advanced practice registered nurses to select,
18 order, and administer medications, including controlled
19 substances, to provide delineated care. In a hospital,
20 hospital affiliate, or ambulatory surgical treatment center,
21 the attending physician shall determine an advanced practice
22 registered nurse's role in providing care for his or her
23 patients, except as otherwise provided in the medical staff
24 bylaws or consulting committee policies.

25 (a-2) An advanced practice registered nurse privileged to
26 order medications, including controlled substances, may

1 complete discharge prescriptions provided the prescription is
2 in the name of the advanced practice registered nurse and the
3 attending or discharging physician.

4 (a-3) Advanced practice registered nurses practicing in a
5 hospital or an ambulatory surgical treatment center are not
6 required to obtain a mid-level controlled substance license to
7 order controlled substances under Section 303.05 of the
8 Illinois Controlled Substances Act.

9 (a-4) An advanced practice registered nurse meeting the
10 requirements of Section 65-43 may be privileged to complete
11 discharge orders and prescriptions under the advanced practice
12 registered nurse's name.

13 (a-5) (Blank). ~~For anesthesia services provided by a~~
14 ~~certified registered nurse anesthetist, an anesthesiologist,~~
15 ~~physician, dentist, or podiatric physician shall participate~~
16 ~~through discussion of and agreement with the anesthesia plan~~
17 ~~and shall remain physically present and be available on the~~
18 ~~premises during the delivery of anesthesia services for~~
19 ~~diagnosis, consultation, and treatment of emergency medical~~
20 ~~conditions, unless hospital policy adopted pursuant to clause~~
21 ~~(B) of subdivision (3) of Section 10.7 of the Hospital~~
22 ~~Licensing Act or ambulatory surgical treatment center policy~~
23 ~~adopted pursuant to clause (B) of subdivision (3) of Section~~
24 ~~6.5 of the Ambulatory Surgical Treatment Center Act provides~~
25 ~~otherwise. A certified registered nurse anesthetist may~~
26 ~~select, order, and administer medication for anesthesia~~

1 ~~services under the anesthesia plan agreed to by the~~
2 ~~anesthesiologist or the physician, in accordance with hospital~~
3 ~~alternative policy or the medical staff consulting committee~~
4 ~~policies of a licensed ambulatory surgical treatment center.~~

5 (b) An advanced practice registered nurse who provides
6 services in a hospital shall do so in accordance with Section
7 10.7 of the Hospital Licensing Act and, in an ambulatory
8 surgical treatment center, in accordance with Section 6.5 of
9 the Ambulatory Surgical Treatment Center Act. Nothing in this
10 Act shall be construed to require an advanced practice
11 registered nurse to have a collaborative agreement to practice
12 in a hospital, hospital affiliate, or ambulatory surgical
13 treatment center.

14 (c) Advanced practice registered nurses certified as nurse
15 practitioners, nurse midwives, or clinical nurse specialists
16 practicing in a hospital affiliate may be, but are not
17 required to be, privileged to prescribe Schedule II through V
18 controlled substances when such authority is recommended by
19 the appropriate physician committee of the hospital affiliate
20 and granted by the hospital affiliate. This authority may, but
21 is not required to, include prescription of, selection of,
22 orders for, administration of, storage of, acceptance of
23 samples of, and dispensing over-the-counter medications,
24 legend drugs, medical gases, and controlled substances
25 categorized as Schedule II through V controlled substances, as
26 defined in Article II of the Illinois Controlled Substances

1 Act, and other preparations, including, but not limited to,
2 botanical and herbal remedies.

3 To prescribe controlled substances under this subsection
4 (c), an advanced practice registered nurse certified as a
5 nurse practitioner, nurse midwife, or clinical nurse
6 specialist must obtain a controlled substance license.
7 Medication orders shall be reviewed periodically by the
8 appropriate hospital affiliate physicians committee or its
9 physician designee.

10 The hospital affiliate shall file with the Department
11 notice of a grant of prescriptive authority consistent with
12 this subsection (c) and termination of such a grant of
13 authority, in accordance with rules of the Department. Upon
14 receipt of this notice of grant of authority to prescribe any
15 Schedule II through V controlled substances, the licensed
16 advanced practice registered nurse certified as a nurse
17 practitioner, nurse midwife, or clinical nurse specialist may
18 register for a mid-level practitioner controlled substance
19 license under Section 303.05 of the Illinois Controlled
20 Substances Act.

21 In addition, a hospital affiliate may, but is not required
22 to, privilege an advanced practice registered nurse certified
23 as a nurse practitioner, nurse midwife, or clinical nurse
24 specialist to prescribe any Schedule II controlled substances,
25 if all of the following conditions apply:

26 (1) specific Schedule II controlled substances by oral

1 dosage or topical or transdermal application may be
2 designated, provided that the designated Schedule II
3 controlled substances are routinely prescribed by advanced
4 practice registered nurses in their area of certification;
5 the privileging documents must identify the specific
6 Schedule II controlled substances by either brand name or
7 generic name; privileges to prescribe or dispense Schedule
8 II controlled substances to be delivered by injection or
9 other route of administration may not be granted;

10 (2) any privileges must be controlled substances
11 limited to the practice of the advanced practice
12 registered nurse;

13 (3) any prescription must be limited to no more than a
14 30-day supply;

15 (4) the advanced practice registered nurse must
16 discuss the condition of any patients for whom a
17 controlled substance is prescribed monthly with the
18 appropriate physician committee of the hospital affiliate
19 or its physician designee; and

20 (5) the advanced practice registered nurse must meet
21 the education requirements of Section 303.05 of the
22 Illinois Controlled Substances Act.

23 (d) An advanced practice registered nurse meeting the
24 requirements of Section 65-43 may be privileged to prescribe
25 controlled substances categorized as Schedule II through V in
26 accordance with Section 65-43.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.