



Sen. Pamela J. Althoff

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LRB097 08927 CEL 52185 a

1 AMENDMENT TO SENATE BILL 1305

2 AMENDMENT NO. _____. Amend Senate Bill 1305 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nurse Practice Act is amended by adding
5 Article 80 as follows:

6 (225 ILCS 65/Art. 80 heading new)

7 ARTICLE 80. NURSE LICENSURE COMPACT

8 (225 ILCS 65/80-5 new)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 80-5. Nurse Licensure Compact. The State of Illinois
11 ratifies and approves the Nurse Licensure Compact and enters
12 into it with all other jurisdictions that legally join in the
13 compact. The General Assembly finds that no amendment by the
14 General Assembly to the provisions of the Compact contained in
15 this Act shall become effective and binding upon the Compact

1 and the Compact party states unless and until the Nurse
2 Licensure Compact Administrators (NLCA) enact the amendment to
3 the Articles of Organization of the NCLA. The Nurse Licensure
4 Compact is, in form, substantially as follows:

5 PART I.

6 Findings and Declaration of Purpose

7 (a) The party states find that:

8 (1) the health and safety of the public are affected by
9 the degree of compliance with and the effectiveness of
10 enforcement activities related to state nurse licensure
11 laws;

12 (2) violations of nurse licensure and other laws
13 regulating the practice of nursing may result in injury or
14 harm to the public;

15 (3) the expanded mobility of nurses and the use of
16 advanced communication technologies as part of our
17 nation's healthcare delivery system require greater
18 coordination and cooperation among states in the areas of
19 nurse licensure and regulation;

20 (4) new practice modalities and technology make
21 compliance with individual state nurse licensure laws
22 difficult and complex; and

23 (5) the current system of duplicative licensure for
24 nurses practicing in multiple states is cumbersome and

1 redundant to both nurses and states.

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

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

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

7 (3) facilitate the exchange of information between
8 party states in the areas of nurse regulation,
9 investigation and adverse actions;

10 (4) promote compliance with the laws governing the
11 practice of nursing in each jurisdiction; and

12 (5) invest all party states with the authority to hold
13 a nurse accountable for meeting all state practice laws in
14 the state in which the patient is located at the time care
15 is rendered through the mutual recognition of party state
16 licenses.

17 PART II.

18 Definitions

19 As used in this Compact:

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

21 (b) "Alternative program" means a voluntary,
22 non-disciplinary monitoring program approved by a nurse
23 licensing board.

24 (c) "Coordinated licensure information system" means an

1 integrated process for collecting, storing, and sharing
2 information on nurse licensure and enforcement activities
3 related to nurse licensure laws, which is administered by a
4 non-profit organization composed of and controlled by state
5 nurse licensing boards.

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

7 (1) investigative information that a licensing board,
8 after a preliminary inquiry that includes notification and
9 an opportunity for the nurse to respond if required by
10 state law, has reason to believe is not groundless and, if
11 proved true, would indicate more than a minor infraction;
12 or

13 (2) investigative information that indicates that the
14 nurse represents an immediate threat to public health and
15 safety regardless of whether the nurse has been notified
16 and had an opportunity to respond.

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

19 (f) "Home state action" means any administrative, civil,
20 equitable or criminal action permitted by the home state's laws
21 which are imposed on a nurse by the home state's licensing
22 board or other authority including actions against an
23 individual's license such as: revocation, suspension,
24 probation, or any other action which affects a nurse's
25 authorization to practice.

26 (g) "Licensing board" means a party state's regulatory body

1 responsible for issuing nurse licenses.

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

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

13 (j) "Party state" means any state that has adopted this
14 Compact.

15 (k) "Remote state" means a party state, other than the home
16 state,

17 (1) where the patient is located at the time nursing
18 care is provided, or,

19 (2) in the case of the practice of nursing not
20 involving a patient, in such party state where the
21 recipient of nursing practice is located.

22 (l) "Remote state action" means:

23 (1) any administrative, civil, equitable, or criminal
24 action permitted by a remote state's laws which are imposed
25 on a nurse by the remote state's licensing board or other
26 authority including actions against an individual's

1 multistate licensure privilege to practice in the remote
2 state, and

3 (2) cease and desist and other injunctive or equitable
4 orders issued by remote states or the licensing boards
5 thereof.

6 (m) "State" means a state, territory, or possession of the
7 United States, the District of Columbia or the Commonwealth of
8 Puerto Rico.

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

16 PART III.

17 General Provisions and Jurisdiction

18 (a) A license to practice registered nursing issued by a
19 home state to a resident in that state will be recognized by
20 each party state as authorizing a multistate licensure
21 privilege to practice as a registered nurse in such party
22 state. A license to practice licensed practical/vocational
23 nursing issued by a home state to a resident in that state will
24 be recognized by each party state as authorizing a multistate

1 licensure privilege to practice as a licensed
2 practical/vocational nurse in such party state. In order to
3 obtain or retain a license, an applicant must meet the home
4 state's qualifications for licensure and license renewal as
5 well as all other applicable state laws.

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

15 (c) Every nurse practicing in a party state must comply
16 with the state practice laws of the state in which the patient
17 is located at the time care is rendered. In addition, the
18 practice of nursing is not limited to patient care, but shall
19 include all nursing practice as defined by the state practice
20 laws of a party state. The practice of nursing will subject a
21 nurse to the jurisdiction of the nurse licensing board and the
22 courts, as well as the laws, in that party state.

23 (d) This Compact does not affect additional requirements
24 imposed by states for advanced practice registered nursing.
25 However, a multistate licensure privilege to practice
26 registered nursing granted by a party state shall be recognized

1 by other party states as a license to practice registered
2 nursing if one is required by state law as a precondition for
3 qualifying for advanced practice registered nurse
4 authorization.

5 (e) Individuals not residing in a party state shall
6 continue to be able to apply for nurse licensure as provided
7 for under the laws of each party state. However, the license
8 granted to these individuals will not be recognized as granting
9 the privilege to practice nursing in any other party state
10 unless explicitly agreed to by that party state.

11 PART IV.

12 Applications for Licensure in a Party State

13 (a) Upon application for a license, the licensing board in
14 a party state shall ascertain, through the coordinated
15 licensure information system, whether the applicant has ever
16 held, or is the holder of, a license issued by any other state,
17 whether there are any restrictions on the multistate licensure
18 privilege, and whether any other adverse action by any state
19 has been taken against the license.

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

22 (c) A nurse who intends to change primary state of
23 residence may apply for licensure in the new home state in
24 advance of such change. However, new licenses will not be

1 issued by a party state until after a nurse provides evidence
2 of change in primary state of residence satisfactory to the new
3 home state's licensing board.

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

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

8 (2) moving from a non-party state to a party state, and
9 obtains a license from the new home state, the individual
10 state license issued by the non-party state is not affected
11 and will remain in full force if so provided by the laws of
12 the non-party state;

13 (3) moving from a party state to a non-party state, the
14 license issued by the prior home state converts to an
15 individual state license, valid only in the former home
16 state, without the multistate licensure privilege to
17 practice in other party states.

18 PART V.

19 Adverse Actions

20 In addition to the General Provisions described in Article
21 III, the following provisions apply:

22 (a) The licensing board of a remote state shall promptly
23 report to the administrator of the coordinated licensure
24 information system any remote state actions including the

1 factual and legal basis for such action, if known. The
2 licensing board of a remote state shall also promptly report
3 any significant current investigative information yet to
4 result in a remote state action. The administrator of the
5 coordinated licensure information system shall promptly notify
6 the home state of any such reports.

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

16 (c) A remote state may take adverse action affecting the
17 multistate licensure privilege to practice within that party
18 state. However, only the home state shall have the power to
19 impose adverse action against the license issued by the home
20 state.

21 (d) For purposes of imposing adverse action, the licensing
22 board of the home state shall give the same priority and effect
23 to reported conduct received from a remote state as it would if
24 such conduct had occurred within the home state. In so doing,
25 it shall apply its own state laws to determine appropriate
26 action.

1 (e) The home state may take adverse action based on the
2 factual findings of the remote state, so long as each state
3 follows its own procedures for imposing such adverse action.

4 (f) Nothing in this Compact shall override a party state's
5 decision that participation in an alternative program may be
6 used in lieu of licensure action and that such participation
7 shall remain non-public if required by the party state's laws.
8 Party states must require nurses who enter any alternative
9 programs to agree not to practice in any other party state
10 during the term of the alternative program without prior
11 authorization from such other party state.

12 PART VI.

13 Additional Authorities Invested
14 in Party State Nurse Licensing Boards

15 Notwithstanding any other powers, party state nurse
16 licensing boards shall have the authority to:

17 (a) if otherwise permitted by state law, recover from the
18 affected nurse the costs of investigations and disposition of
19 cases resulting from any adverse action taken against that
20 nurse;

21 (b) issue subpoenas for both hearings and investigations
22 which require the attendance and testimony of witnesses and the
23 production of evidence. Subpoenas issued by a nurse licensing
24 board in a party state for the attendance and testimony of

1 witnesses or the production of evidence from another party
2 state, shall be enforced in the latter state by any court of
3 competent jurisdiction, according to the practice and
4 procedure of that court applicable to subpoenas issued in
5 proceedings pending before it. The issuing authority shall pay
6 any witness fees, travel expenses, mileage, and other fees
7 required by the service statutes of the state where the
8 witnesses and/or evidence are located;

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

11 (d) adopt uniform rules and regulations as provided for in
12 Article VIII(c).

13 PART VII.

14 Coordinated Licensure Information System

15 (a) All party states shall participate in a cooperative
16 effort to create a coordinated data base of all licensed
17 registered nurses and licensed practical/vocational nurses.
18 This system will include information on the licensure and
19 disciplinary history of each nurse, as contributed by party
20 states, to assist in the coordination of nurse licensure and
21 enforcement efforts.

22 (b) Notwithstanding any other provision of law, all party
23 states' licensing boards shall promptly report adverse
24 actions, actions against multistate licensure privileges, any

1 current significant investigative information yet to result in
2 adverse action, denials of applications, and the reasons for
3 such denials, to the coordinated licensure information system.

4 (c) Current significant investigative information shall be
5 transmitted through the coordinated licensure information
6 system only to party state licensing boards.

7 (d) Notwithstanding any other provision of law, all party
8 states' licensing boards contributing information to the
9 coordinated licensure information system may designate
10 information that may not be shared with non-party states or
11 disclosed to other entities or individuals without the express
12 permission of the contributing state.

13 (e) Any personally identifiable information obtained by a
14 party states' licensing board from the coordinated licensure
15 information system may not be shared with non-party states or
16 disclosed to other entities or individuals except to the extent
17 permitted by the laws of the party state contributing the
18 information.

19 (f) Any information contributed to the coordinated
20 licensure information system that is subsequently required to
21 be expunged by the laws of the party state contributing that
22 information, shall also be expunged from the coordinated
23 licensure information system.

24 (g) The Compact administrators, acting jointly with each
25 other and in consultation with the administrator of the
26 coordinated licensure information system, shall formulate

1 necessary and proper procedures for the identification,
2 collection, and exchange of information under this Compact.

3 PART VIII.

4 Compact Administration and
5 Interchange of Information

6 (a) The head of the nurse licensing board, or his or her
7 designee, of each party state shall be the administrator of
8 this Compact for his or her state.

9 (b) The Compact administrator of each party state shall
10 furnish to the Compact administrator of each other party state
11 any information and documents including, but not limited to, a
12 uniform data set of investigations, identifying information,
13 licensure data, and disclosable alternative program
14 participation information to facilitate the administration of
15 this Compact.

16 (c) Compact administrators shall have the authority to
17 develop uniform rules to facilitate and coordinate
18 implementation of this Compact. These uniform rules shall be
19 adopted by party states, under the authority invested under
20 Article VI(d).

21 PART IX.

22 Immunity

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

8 PART X.

9 Entry into Force, Withdrawal and Amendment

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

17 (b) No withdrawal shall affect the validity or
18 applicability by the licensing boards of states remaining party
19 to the Compact of any report of adverse action occurring prior
20 to the withdrawal.

21 (c) Nothing contained in this Compact shall be construed to
22 invalidate or prevent any nurse licensure agreement or other
23 cooperative arrangement between a party state and a non-party
24 state that is made in accordance with the other provisions of

1 this Compact.

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

6 PART XI.

7 Construction and Severability

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

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

24 (1) The party states may submit the issues in dispute

1 to an arbitration panel which will be comprised of an
2 individual appointed by the Compact administrator in the
3 home state; an individual appointed by the Compact
4 administrator in the remote state(s) involved; and an
5 individual mutually agreed upon by the Compact
6 administrators of all the party states involved in the
7 dispute.

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

10 (225 ILCS 65/80-10 new)

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

12 Sec. 80-10. Costs of investigation and disposition of
13 cases. To facilitate cross-state enforcement efforts, the
14 General Assembly finds that it is necessary for Illinois to
15 have the power to recover from the affected nurse the costs of
16 investigations and disposition of cases resulting from adverse
17 actions taken by this State against that nurse.

18 (225 ILCS 65/80-15 new)

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

20 Sec. 80-15. Statutory obligations. This Compact is
21 designed to facilitate the regulation of nurses and does not
22 relieve employers from complying with statutorily imposed
23 obligations.

1 (225 ILCS 65/80-20 new)

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

3 Sec. 80-20. State labor laws. This Compact does not
4 supersede existing State labor laws.

5 Section 90. The Nurse Practice Act is amended by changing
6 Sections 50-10, 50-15, 55-10, and 60-10 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.

24 "Approved program of professional nursing education" and

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

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

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

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

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

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

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

25 "Department" means the Department of Financial and
26 Professional Regulation.

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

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

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

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

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

25 "Physician" means a person licensed to practice medicine in
26 all its branches under the Medical Practice Act of 1987.

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

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

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

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

24 "Privilege to practice" means the authorization to
25 practice as a practical nurse or a registered nurse in this
26 State under Article 80 of this Act.

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

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

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

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

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

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

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

25 (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
26 nurse practice update courses approved by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7,
24 eff. 4-3-09; 96-516, eff. 8-14-09; 96-1000, eff. 7-2-10.)

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

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

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

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

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

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

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

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

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

24 (6) Submit either to the Department or its designated
25 testing service, a fee covering the cost of providing the
26 examination. Failure to appear for the examination on the

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

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

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

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

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

26 (c) An applicant for licensure by examination shall have

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

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

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

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

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

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

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

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

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

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

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

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

26 (h) An applicant licensed in another state or territory who

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

24 (i) A licensed practical nurse who holds an unencumbered
25 license in good standing in another United States jurisdiction
26 and who has applied for practical nurse licensure under this

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

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

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

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

24 (4) The required temporary license fee.

25 (j) The Department may refuse to issue an applicant a
26 temporary license authorized pursuant to this Section if,

1 within 14 working days following its receipt of an application
2 for a temporary license, the Department determines that:

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

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

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

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

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

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

1 action under this Act.

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

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

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

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

25 (Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07;
26 95-639, eff. 10-5-07.)

1 (225 ILCS 65/60-10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) Three months have passed since the official date of
26 passing the licensure exam as inscribed on the formal

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

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

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

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

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

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

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

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

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

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

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

17 (1) A completed application for licensure as a
18 registered professional 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 completed application for a temporary license.

24 (4) The required temporary license fee.

25 (h) The Department may refuse to issue an applicant a
26 temporary license authorized pursuant to this Section if,

1 within 14 working days after its receipt of an application for
2 a temporary license, the Department determines that:

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

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

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

16 (i) 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 laws of any jurisdiction of the United States
20 that is (i) a felony or (ii) a misdemeanor directly related
21 to 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, if 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 it intends to deny licensure by endorsement.

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

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

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

1 approved by the Department. An applicant who has graduated from
2 a nursing educational program outside of the United States or
3 its territories and whose first language is not English shall
4 submit certification of passage of the Test of English as a
5 Foreign Language (TOEFL), as defined by rule. The Department
6 may, upon recommendation from the nursing evaluation service,
7 waive the requirement that the applicant pass the TOEFL
8 examination if the applicant submits verification of the
9 successful completion of a nursing education program conducted
10 in English. The requirements of this subsection (l) may be
11 satisfied by the showing of proof of a certificate from the
12 Certificate Program or the VisaScreen Program of the Commission
13 on Graduates of Foreign Nursing Schools.

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

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

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

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

21 Section 99. Effective date. This Act takes effect January
22 1, 2012."