

# 98TH GENERAL ASSEMBLY State of Illinois 2013 and 2014 HB2359

by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

225 ILCS 65/Art. 80 heading new
225 ILCS 65/80-5 new
225 ILCS 65/80-10 new
225 ILCS 65/80-15 new
225 ILCS 65/80-20 new
225 ILCS 65/50-10 was 225 ILCS 65/5-10
225 ILCS 65/55-10 was 225 ILCS 65/10-30
225 ILCS 65/60-10

Amends the Nurse Practice Act. Ratifies and adopts the Nurse Licensure Compact. Allows for reciprocity of licensure of licensed practical nurses and registered nurses among the states. Provides for administration of the Compact by the Nursing Act Coordinator. Provides that the licensing board shall participate in a Compact Evaluation Initiative designed to evaluate the effectiveness and operability of the Compact. Provides that the Compact does not relieve employers from complying with statutorily imposed obligations. Provides that the Compact does not supersede existing State labor laws. Makes changes relating to the purposes of the Compact. Effective on January 1, 2014.

LRB098 10449 MGM 40670 b

FISCAL NOTE ACT MAY APPLY

1 AN ACT concerning regulation.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Nurse Practice Act is amended by adding

  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)

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- 9 (Section scheduled to be repealed on January 1, 2018)
- 10 <u>Sec. 80-5. Nurse Licensure Compact. The State of Illinois</u>
  11 <u>ratifies and approves the Nurse Licensure Compact and enters</u>
- 12 <u>into it with all other jurisdictions that legally join in the</u>
- 13 <u>compact. The General Assembly finds that no amendment by the</u>
- 14 <u>General Assembly to the provisions of the Compact contained in</u>
- this Act shall become effective and binding upon the Compact
- 16 <u>and the Compact party states unless and until the Nurse</u>
- the Articles of Organization of the NCLA. The Nurse Licensure

Licensure Compact Administrators (NLCA) enact the amendment to

- 19 <u>Compact is, in form, substantially as follows:</u>
- 20 PART I.
- 21 Findings and Declaration of Purpose

1	(a) The party states find that:
2	(1) the health and safety of the public are affected by
3	the degree of compliance with and the effectiveness of
4	enforcement activities related to state nurse licensure
5	laws;
6	(2) violations of nurse licensure and other laws
7	regulating the practice of nursing may result in injury or
8	harm to the public;
9	(3) the expanded mobility of nurses and the use of
10	advanced communication technologies as part of our
11	nation's healthcare delivery system require greater
12	coordination and cooperation among states in the areas of
13	nurse licensure and regulation;
14	(4) new practice modalities and technology make
15	compliance with individual state nurse licensure laws
16	difficult and complex; and
17	(5) the current system of duplicative licensure for
18	nurses practicing in multiple states is cumbersome and
19	redundant to both nurses and states.
20	(b) The general purposes of this Compact are to:
21	(1) facilitate the states' responsibility to protect
22	the public's health and safety;
23	(2) ensure and encourage the cooperation of party
24	states in the areas of nurse licensure and regulation;
25	(3) facilitate the exchange of information between

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nurse licensing boards.

1	party states in the areas of nurse regulation,
2	investigation and adverse actions;
3	(4) promote compliance with the laws governing the
4	practice of nursing in each jurisdiction; and
5	(5) invest all party states with the authority to hold
6	a nurse accountable for meeting all state practice laws in
7	the state in which the patient is located at the time care
8	is rendered through the mutual recognition of party state
9	licenses.
10	PART II.
11	<u>Definitions</u>
12	As used in this Compact:
13	(a) "Adverse Action" means a home or remote state action.
14	(b) "Alternative program" means a voluntary,
15	non-disciplinary monitoring program approved by a nurse
16	licensing board.
17	(c) "Coordinated licensure information system" means an
18	integrated process for collecting, storing, and sharing
19	information on nurse licensure and enforcement activities
20	related to nurse licensure laws, which is administered by a
21	non-profit organization composed of and controlled by state

(d) "Current significant investigative information" means:

(1) investigative information that a licensing board,

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after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

- (2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.
- (e) "Home state" means the party state which is the nurse's primary state of residence.
- (f) "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation, or any other action which affects a nurse's authorization to practice.
- (g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
- (h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege

1	such as: revocation, suspension, probation, or any other action
2	which affects a nurse's authorization to practice.
3	(i) "Nurse" means a registered nurse or licensed
4	practical/vocational nurse, as those terms are defined by each
5	<pre>party's state practice laws.</pre>
6	(j) "Party state" means any state that has adopted this
7	Compact.
8	(k) "Remote state" means a party state, other than the home
9	state,
10	(1) where the patient is located at the time nursing
11	care is provided, or,
12	(2) in the case of the practice of nursing not
13	involving a patient, in such party state where the
14	recipient of nursing practice is located.
15	(1) "Remote state action" means:
16	(1) any administrative, civil, equitable, or criminal
17	action permitted by a remote state's laws which are imposed
18	on a nurse by the remote state's licensing board or other
19	authority including actions against an individual's
20	multistate licensure privilege to practice in the remote
21	state, and
22	(2) cease and desist and other injunctive or equitable
23	orders issued by remote states or the licensing boards
24	thereof.
25	(m) "State" means a state, territory, or possession of the
26	United States, the District of Columbia or the Commonwealth of

### Puerto Rico.

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

#### 9 PART III.

#### General Provisions and Jurisdiction

- (a) A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.
- (b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any

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nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

- (c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.
- (d) This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.
- (e) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license

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1	gran	ited to	these	indi	viduals	s will	not	be	rec	ognized	as g	ranting
2	the	privil	Lege t	o pr	actice	nursi	ng i	in	any	other	party	, state

3 unless explicitly agreed to by that party state.

1	PART	IV.
±	PARI	⊥∨.

#### Applications for Licensure in a Party State

- (a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.
- (b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.
  - (c) A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.
- (d) When a nurse changes primary state of residence by:
- 22 (1) moving between two party states, and obtains a 23 license from the new home state, the license from the 24 former home state is no longer valid;

1	(2) moving from a non-party state to a party state, and
2	obtains a license from the new home state, the individual
3	state license issued by the non-party state is not affected
4	and will remain in full force if so provided by the laws of
5	the non-party state;
6	(3) moving from a party state to a non-party state, the
7	license issued by the prior home state converts to an
8	individual state license, valid only in the former home
9	state, without the multistate licensure privilege to
10	practice in other party states.
11	PART V.
12	Adverse Actions
13	In addition to the General Provisions described in Part
14	III, the following provisions apply:
15	(a) The licensing board of a remote state shall promptly
16	report to the administrator of the coordinated licensure
17	information system any remote state actions including the
18	factual and legal basis for such action, if known. The
19	licensing board of a remote state shall also promptly report
20	any significant current investigative information yet to
21	result in a remote state action. The administrator of the
22	coordinated licensure information system shall promptly notify
23	the home state of any such reports.

(b) The licensing board of a party state shall have the

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- authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.
- (c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.
- (d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.
- (e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.
- (f) Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain non-public if required by the party state's laws.

1	Party	states	must	require	nurses	who	enter	any	alter	native
2	prograi	ms to	agree	not to	practice	in	any c	ther	party	state
3	during	the	term	of the	alternat	ive	progra	am wi	thout	prior
4	author	izatio	n from	such oth	er party	stat	te.			

5 PART VI.

#### Additional Authorities Invested

#### in Party State Nurse Licensing Boards

8 <u>Notwithstanding any other powers, party state nurse</u> 9 licensing boards shall have the authority to:

- (a) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;
- (b) issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the

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

witnesses and/or evidence are located;

- 4 (d) adopt uniform rules and regulations as provided for in
- 5 Part VIII(c).

#### 6 PART VII.

#### Coordinated Licensure Information System

- (a) All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses.

  This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.
  - (b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.
  - (c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.
  - (d) Notwithstanding any other provision of law, all party

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1	states' licensing boards contributing information to the
2	coordinated licensure information system may designate
3	information that may not be shared with non-party states or
4	disclosed to other entities or individuals without the express
5	permission of the contributing state.
6	(e) Any personally identifiable information obtained by a
7	party states' licensing board from the coordinated licensure
8	information system may not be shared with non-party states or
9	disclosed to other entities or individuals except to the extent
10	permitted by the laws of the party state contributing the
11	information.
12	(f) Any information contributed to the coordinated
13	licensure information system that is subsequently required to
14	be expunged by the laws of the party state contributing that
15	information shall also be expunded from the coordinated
16	licensure information system.
17	(q) The Compact administrators, acting jointly with each
18	other and in consultation with the administrator of the
19	coordinated licensure information system, shall formulate
20	necessary and proper procedures for the identification,
21	collection, and exchange of information under this Compact.

22 PART VIII. 23 Compact Administration and 24 Interchange of Information

	(a)	The	head	of	the	nurse	licens	ing	boar	d,	or	his	or	her
desi	gnee	e <b>,</b> o:	f eacl	n p	arty	state	shall	be	the	adı	min	istra	ator	of
this	Com	npact	for h	nis	or h	er stat	ce.							

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

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

16 PART IX.

17 <u>Immunity</u>

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

1	PART X.
2	Entry into Force, Withdrawal and Amendment
3	(a) This Compact shall enter into force and become
4	effective as to any state when it has been enacted into the
5	laws of that state. Any party state may withdraw from this
6	Compact by enacting a statute repealing the same, but no such
7	withdrawal shall take effect until six months after the
8	withdrawing state has given notice of the withdrawal to the
9	executive heads of all other party states.
10	(b) No withdrawal shall affect the validity or
11	applicability by the licensing boards of states remaining party
12	to the Compact of any report of adverse action occurring prior
13	to the withdrawal.
14	(c) Nothing contained in this Compact shall be construed to
15	invalidate or prevent any nurse licensure agreement or other
16	cooperative arrangement between a party state and a non-party
17	state that is made in accordance with the other provisions of
18	this Compact.
19	(d) This Compact may be amended by the party states. No
20	amendment to this Compact shall become effective and binding
21	upon the party states unless and until it is enacted into the

23 PART XI.

laws of all party states.

#### Construction and Severability

- (a) This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining party states and in full force matters.
- (b) In the event party states find a need for settling disputes arising under this Compact:
  - (1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the Compact administrator in the home state; an individual appointed by the Compact administrator in the remote state(s) involved; and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

- 1 (2) The decision of a majority of the arbitrators shall
- be final and binding.
- 3 (225 ILCS 65/80-10 new)
- 4 (Section scheduled to be repealed on January 1, 2018)
- 5 Sec. 80-10. Costs of investigation and disposition of
- 6 cases. To facilitate cross-state enforcement efforts, the
- 7 <u>Department shall have the power to recover from the affected</u>
- 8 nurse a reasonable fine for the costs of investigations and
- 9 disposition of cases resulting from adverse actions taken by
- 10 this State against that nurse.
- 11 (225 ILCS 65/80-15 new)
- 12 (Section scheduled to be repealed on January 1, 2018)
- 13 Sec. 80-15. Statutory obligations. This Compact is
- designed to facilitate the regulation of nurses and does not
- 15 relieve employers from complying with statutorily imposed
- obligations.
- 17 (225 ILCS 65/80-20 new)
- 18 (Section scheduled to be repealed on January 1, 2018)
- 19 Sec. 80-20. State labor laws. This Compact does not
- 20 supersede existing State labor laws.
- Section 90. The Nurse Practice Act is amended by changing
- 22 Sections 50-10, 50-15, 55-10, and 60-10 as follows:

- 1 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)
- 2 (Section scheduled to be repealed on January 1, 2018)
- 3 Sec. 50-10. Definitions. Each of the following terms, when

used in this Act, shall have the meaning ascribed to it in this

- 5 Section, except where the context clearly indicates otherwise:
- 6 "Academic year" means the customary annual schedule of
- 7 courses at a college, university, or approved school,
- 8 customarily regarded as the school year as distinguished from
- 9 the calendar year.
- "Advanced practice nurse" or "APN" means a person who has
- 11 met the qualifications for a (i) certified nurse midwife (CNM);
- 12 (ii) certified nurse practitioner (CNP); (iii) certified
- 13 registered nurse anesthetist (CRNA); or (iv) clinical nurse
- 14 specialist (CNS) and has been licensed by the Department. All
- 15 advanced practice nurses licensed and practicing in the State
- of Illinois shall use the title APN and may use specialty
- 17 credentials after their name.
- 18 "Approved program of professional nursing education" and
- 19 "approved program of practical nursing education" are programs
- of professional or practical nursing, respectively, approved
- 21 by the Department under the provisions of this Act.
- "Board" means the Board of Nursing appointed by the
- 23 Secretary.
- "Collaboration" means a process involving 2 or more health
- 25 care professionals working together, each contributing one's

- 1 respective area of expertise to provide more comprehensive
- 2 patient care.
- 3 "Consultation" means the process whereby an advanced
- 4 practice nurse seeks the advice or opinion of another health
- 5 care professional.
- 6 "Credentialed" means the process of assessing and
- 7 validating the qualifications of a health care professional.
- 8 "Current nursing practice update course" means a planned
- 9 nursing education curriculum approved by the Department
- 10 consisting of activities that have educational objectives,
- instructional methods, content or subject matter, clinical
- 12 practice, and evaluation methods, related to basic review and
- 13 updating content and specifically planned for those nurses
- 14 previously licensed in the United States or its territories and
- preparing for reentry into nursing practice.
- "Dentist" means a person licensed to practice dentistry
- 17 under the Illinois Dental Practice Act.
- 18 "Department" means the Department of Financial and
- 19 Professional Regulation.
- "Impaired nurse" means a nurse licensed under this Act who
- is unable to practice with reasonable skill and safety because
- of a physical or mental disability as evidenced by a written
- 23 determination or written consent based on clinical evidence,
- including loss of motor skills, abuse of drugs or alcohol, or a
- 25 psychiatric disorder, of sufficient degree to diminish his or
- her ability to deliver competent patient care.

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1	<u>"Li</u>	cens	se" (	or "1	icensed"	means	the	permis	sion	grante	ed a
2	person	to	prac	ctice	nursing	under	this	act,	inc	luding	the
3	privile	ae t	o pr	actic	e.						

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

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

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

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

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

"Practical nurse" or "licensed practical nurse" means a person who is licensed as a practical nurse under this Act or holds the privilege to practice under this Act and practices practical nursing as defined in this Act. Only a practical nurse licensed or granted the privilege to practice under this

Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

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

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

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

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

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"Registered professional nursing practice" is a scientific process founded on a professional body of knowledge; it is a learned profession based on the understanding of the human condition across the life span and environment and includes all nursing specialties and means the performance of any nursing act based upon professional knowledge, judgment, and skills acquired by means of completion of an approved professional nursing education program. A registered professional nurse provides holistic nursing care through the nursing process to individuals, groups, families, or communities, that includes but is not limited to: (1) the assessment of healthcare needs, nursing diagnosis, planning, implementation, and nursing evaluation; (2) the promotion, maintenance, and restoration of health; (3) counseling, patient education, health education, and patient advocacy; (4) the administration of medications and treatments as prescribed by a physician licensed to practice medicine in all of its branches, a licensed dentist, a licensed podiatrist, or a licensed optometrist or as prescribed by a physician assistant in accordance with written guidelines required under the Physician Assistant Practice Act of 1987 or by an advanced practice nurse in accordance with Article 65 of this Act; (5) the coordination and management of the nursing plan of care; (6) the delegation to and supervision of individuals who assist the registered professional nurse implementing the plan of care; and (7) teaching nursing students. The foregoing shall not be deemed to include those

- 1 acts of medical diagnosis or prescription of therapeutic or
- 2 corrective measures.
- 3 "Professional assistance program for nurses" means a
- 4 professional assistance program that meets criteria
- 5 established by the Board of Nursing and approved by the
- 6 Secretary, which provides a non-disciplinary treatment
- 7 approach for nurses licensed under this Act whose ability to
- 8 practice is compromised by alcohol or chemical substance
- 9 addiction.
- 10 "Secretary" means the Secretary of Financial and
- 11 Professional Regulation.
- "Unencumbered license" means a license issued in good
- 13 standing.
- "Written collaborative agreement" means a written
- 15 agreement between an advanced practice nurse and a
- 16 collaborating physician, dentist, or podiatrist pursuant to
- 17 Section 65-35.
- 18 (Source: P.A. 97-813, eff. 7-13-12.)
- 19 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)
- 20 (Section scheduled to be repealed on January 1, 2018)
- 21 Sec. 50-15. Policy; application of Act.
- 22 (a) For the protection of life and the promotion of health,
- and the prevention of illness and communicable diseases, any
- 24 person practicing or offering to practice advanced,
- 25 professional, or practical nursing in Illinois shall submit

evidence that he or she is qualified to practice, and shall be licensed or hold the privilege to practice as provided under this Act. No person shall practice or offer to practice advanced, professional, or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed or holds the privilege to practice under the provisions of this Act.

- (b) This Act does not prohibit the following:
- (1) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 50-50, 55-10, 60-10, and 70-5 of this Act.
- (2) Nursing that is included in the program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.
- (3) The furnishing of nursing assistance in an emergency.
- (4) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.
  - (5) The incidental care of the sick by members of the

family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

- (6) Persons from being employed as unlicensed assistive personnel in private homes, long term care facilities, nurseries, hospitals or other institutions.
- (7) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.
- (8) The practice of advanced practice nursing by one who is an advanced practice nurse under the laws of another state, territory of the United States, or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as an advanced practice nurse and who is qualified to receive such license under this Act, until (i) the expiration of 6 months after the filing of such written application, (ii) the withdrawal of such application, or (iii) the denial of such application by the Department.
- (9) The practice of professional nursing by one who is a registered professional nurse under the laws of another

state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 55-10, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

- (10) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs.
- (11) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed.
- (12) Delegation to authorized direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act consistent with the policies of the Department.

- (13) The practice, services, or activities of persons 1 2 practicing the specified occupations set forth in 3 subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of 4 the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as 6 7 2016 Olympic and Paralympic Games Professional the 8 Licensure Exemption Law is operable.
- 9 (14) County correctional personnel from delivering 10 prepackaged medication for self-administration to an 11 individual detainee in a correctional facility.
- Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician, dentist, or podiatrist to a licensed practical nurse, a registered professional nurse, or other persons.
- 16 (Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7,
- eff. 4-3-09; 96-516, eff. 8-14-09; 96-1000, eff. 7-2-10.)
- 18 (225 ILCS 65/55-10) (was 225 ILCS 65/10-30)
- 19 (Section scheduled to be repealed on January 1, 2018)
- Sec. 55-10. Qualifications for LPN licensure.
- 21 (a) Each applicant who successfully meets the requirements
- of this Section shall be entitled to licensure as a Licensed
- 23 Practical Nurse.
- 24 (b) An applicant for licensure by examination to practice
- as a practical nurse must do each of the following:

- 1 (1) Submit a completed written application, on forms
  2 provided by the Department and fees as established by the
  3 Department.
  - (2) Have graduated from a practical nursing education program approved by the Department or have been granted a certificate of completion of pre-licensure requirements from another United States jurisdiction.
  - (3) Successfully complete a licensure examination approved by the Department.
  - (4) Have not violated the provisions of this Act concerning the grounds for disciplinary action. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure.
  - (5) Submit to the criminal history records check required under Section 50-35 of this Act.
  - (6) Submit either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.
  - (7) Meet all other requirements established by rule.

    An applicant for licensure by examination may take the

- 1 Department-approved examination in another jurisdiction.
- 2 (b-5) If an applicant for licensure by examination
- 3 neglects, fails, or refuses to take an examination or fails to
- 4 pass an examination for a license under this Act within 3 years
- 5 after filing the application, the application shall be denied.
- 6 The applicant must enroll in and complete an approved practical
- 7 nursing education program prior to submitting an additional
- 8 application for the licensure exam.
- 9 An applicant may take and successfully complete a
- 10 Department-approved examination in another jurisdiction.
- However, an applicant who has never been licensed previously in
- 12 any jurisdiction that utilizes a Department-approved
- 13 examination and who has taken and failed to pass the
- 14 examination within 3 years after filing the application must
- 15 submit proof of successful completion of a
- 16 Department-authorized nursing education program or
- 17 recompletion of an approved licensed practical nursing program
- 18 prior to re-application.
- 19 (c) An applicant for licensure by examination shall have
- 20 one year from the date of notification of successful completion
- of the examination to apply to the Department for a license. If
- an applicant fails to apply within one year, the applicant
- shall be required to retake and pass the examination unless
- 24 licensed in another jurisdiction of the United States.
- 25 (d) A licensed practical nurse applicant who passes the
- Department-approved licensure examination and has applied to

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- the Department for licensure may obtain employment as a license-pending practical nurse and practice as delegated by a registered professional nurse or an advanced practice nurse or physician. An individual may be employed as a license-pending practical nurse if all of the following criteria are met:
  - (1) He or she has completed and passed the Department-approved licensure exam and presents to the employer the official written notification indicating successful passage of the licensure examination.
  - (2) He or she has completed and submitted to the Department an application for licensure under this Section as a practical nurse.
    - (3) He or she has submitted the required licensure fee.
  - (4) He or she has met all other requirements established by rule, including having submitted to a criminal history records check.
  - (e) The privilege to practice as a license-pending practical nurse shall terminate with the occurrence of any of the following:
    - (1) Three months have passed since the official date of passing the licensure exam as inscribed on the formal written notification indicating passage of the exam. This 3-month period may be extended as determined by rule.
    - (2) Receipt of the practical nurse license from the Department.
      - (3) Notification from the Department that the

- 1 application for licensure has been denied.
  - (4) A request by the Department that the individual terminate practicing as a license-pending practical nurse until an official decision is made by the Department to grant or deny a practical nurse license.
  - (f) An applicant for licensure by endorsement who is a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or a foreign country, jurisdiction, territory, or province must do each of the following:
    - (1) Submit a completed written application, on forms supplied by the Department, and fees as established by the Department.
    - (2) Have graduated from a practical nursing education program approved by the Department.
    - (3) Submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule.
  - (4) Submit to the criminal history records check required under Section 50-35 of this Act.
  - (5) Meet all other requirements as established by the Department by rule.
    - (g) All applicants for practical nurse licensure by examination or endorsement who are graduates of nursing educational programs in a country other than the United States or its territories shall have their nursing education

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credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English. The requirements of this subsection (d) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools.

(h) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a

Schools.

professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the successful passage of an approved licensing examination given in English. The requirements of this subsection (d-5) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen

(i) A licensed practical nurse who holds an unencumbered license in good standing in another United States jurisdiction and who has applied for practical nurse licensure under this Act by endorsement may be issued a temporary license, if satisfactory proof of such licensure in another jurisdiction is presented to the Department. The Department shall not issue an applicant a temporary practical nurse license until it is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license or one or

Program of the Commission on Graduates of Foreign Nursing

- 1 more active temporary licenses from another jurisdiction, the
- 2 Department may not issue a temporary license until the
- 3 Department is satisfied that each current active license held
- 4 by the applicant is unencumbered. The temporary license, which
- 5 shall be issued no later than 14 working days following receipt
- 6 by the Department of an application for the temporary license,
- 7 shall be granted upon the submission of all of the following to
- 8 the Department:

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- 9 (1) A completed application for licensure as a practical nurse.
  - (2) Proof of a current, active license in at least one other jurisdiction of the United States and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered.
  - (3) A signed and completed application for a temporary license.
    - (4) The required temporary license fee.
  - (j) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days following its receipt of an application for a temporary license, the Department determines that:
    - (1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States that is:(i) a felony; or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
      - (2) the applicant has had a license or permit related

- (3) the Department intends to deny licensure by endorsement.
- (k) The Department may revoke a temporary license issued pursuant to this Section if it determines any of the following:
  - (1) That the applicant has been convicted of a crime under the law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years.
  - (2) That within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, and at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act.
  - (3) That the Department intends to deny licensure by endorsement.
- (1) A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Secretary. However, a temporary license shall automatically

- 1 expire upon issuance of a valid license under this Act or upon
- 2 notification that the Department intends to deny licensure,
- 3 whichever occurs first.
- 4 (m) All applicants for practical nurse licensure have 3
- 5 years from the date of application to complete the application
- 6 process. If the process has not been completed within 3 years
- 7 from the date of application, the application shall be denied,
- 8 the fee forfeited, and the applicant must reapply and meet the
- 9 requirements in effect at the time of reapplication.
- 10 (n) A practical nurse licensed by a party state under the
- Nurse Licensure Compact under Article 80 of this Act is granted
- the privilege to practice practical nursing in this State.
- 13 (Source: P.A. 94-352, eff. 7-28-05; 94-932, eff. 1-1-07;
- 14 95-639, eff. 10-5-07.)
- 15 (225 ILCS 65/60-10)
- 16 (Section scheduled to be repealed on January 1, 2018)
- 17 Sec. 60-10. Qualifications for RN licensure.
- 18 (a) Each applicant who successfully meets the requirements
- 19 of this Section shall be entitled to licensure as a registered
- 20 professional nurse.
- 21 (b) An applicant for licensure by examination to practice
- 22 as a registered professional nurse must do each of the
- 23 following:
- 24 (1) Submit a completed written application, on forms
- 25 provided by the Department, and fees, as established by the

1 Department.

- (2) Have graduated from a professional nursing education program approved by the Department or have been granted a certificate of completion of pre-licensure requirements from another United States jurisdiction.
- (3) Successfully complete a licensure examination approved by the Department.
- (4) Have not violated the provisions of this Act concerning the grounds for disciplinary action. The Department may take into consideration any felony conviction of the applicant, but such a conviction may not operate as an absolute bar to licensure.
- (5) Submit to the criminal history records check required under Section 50-35 of this Act.
- (6) Submit, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.
- (7) Meet all other requirements established by the Department by rule. An applicant for licensure by examination may take the Department-approved examination in another jurisdiction.

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- (b-5) If an applicant for licensure by examination neglects, fails, or refuses to take an examination or fails to pass an examination for a license within 3 years after filing the application, the application shall be denied. The applicant
- 5 may make a new application accompanied by the required fee,
- 6 evidence of meeting the requirements in force at the time of
- 7 the new application, and proof of the successful completion of
- 8 at least 2 additional years of professional nursing education.
- 9 (c) An applicant for licensure by examination shall have 10 one year after the date of notification of the successful 11 completion of the examination to apply to the Department for a 12 license. If an applicant fails to apply within one year, the 13 applicant shall be required to retake and pass the examination

unless licensed in another jurisdiction of the United States.

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

1	employer	the	official	written	notification	indicating
2	successful	pass	sage of the	e licensur	e examination.	

- (2) He or she has completed and submitted to the Department an application for licensure under this Section as a registered professional nurse.
  - (3) He or she has submitted the required licensure fee.
- (4) He or she has met all other requirements established by rule, including having submitted to a criminal history records check.
- (e) The privilege to practice as a license-pending registered nurse shall terminate with the occurrence of any of the following:
  - (1) Three months have passed since the official date of passing the licensure exam as inscribed on the formal written notification indicating passage of the exam. The 3-month license pending period may be extended if more time is needed by the Department to process the licensure application.
  - (2) Receipt of the registered professional nurse license from the Department.
  - (3) Notification from the Department that the application for licensure has been refused.
  - (4) A request by the Department that the individual terminate practicing as a license-pending registered nurse until an official decision is made by the Department to grant or deny a registered professional nurse license.

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- (f) An applicant for registered professional nurse licensure by endorsement who is a registered professional nurse licensed by examination under the laws of another state or territory of the United States must do each of the following:
  - (1) Submit a completed written application, on forms supplied by the Department, and fees as established by the Department.
  - (2) Have graduated from a registered professional nursing education program approved by the Department.
  - (3) Submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule.
  - (4) Submit to the criminal history records check required under Section 50-35 of this Act.
  - (5) Meet all other requirements as established by the Department by rule.
- 17 (q) Pending the issuance of a license under this Section, the Department may grant an applicant a temporary license to 18 practice nursing as a registered professional nurse if the 19 20 Department is satisfied that the applicant holds an active, 21 unencumbered license in good standing in another U.S. 22 jurisdiction. If the applicant holds more than one current 23 active license or one or more active temporary licenses from 24 another jurisdiction, the Department may not issue a temporary 25 license until the Department is satisfied that each current active license held by the applicant is unencumbered. The 26

- temporary license, which shall be issued no later than 14 working days after receipt by the Department of an application for the temporary license, shall be granted upon the submission of all of the following to the Department:
  - (1) A completed application for licensure as a registered professional nurse.
    - (2) Proof of a current, active license in at least one other jurisdiction of the United States and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered.
      - (3) A completed application for a temporary license.
      - (4) The required temporary license fee.
  - (h) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days after its receipt of an application for a temporary license, the Department determines that:
    - (1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
    - (2) the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction within the last 5 years, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this

1 Act; or

- 2 (3) the Department intends to deny licensure by endorsement.
  - (i) The Department may revoke a temporary license issued pursuant to this Section if it determines any of the following:
    - (1) That the applicant has been convicted of a crime under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years.
    - (2) That within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act.
      - (3) That it intends to deny licensure by endorsement.
  - (j) A temporary license issued under this Section shall expire 6 months after the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Secretary. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first.
  - (k) All applicants for registered professional nurse licensure have 3 years after the date of application to

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complete the application process. If the process has not been completed within 3 years after the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(1) All applicants for registered nurse licensure by examination or endorsement who are graduates of practical nursing educational programs in a country other than the United States and its territories shall have their nursing education credentials evaluated by a Department-approved credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English. The requirements of this subsection (1) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission

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on Graduates of Foreign Nursing Schools.

(m) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may, upon recommendation from the nursing evaluation service, waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the successful passage of an approved licensing examination given in English. The requirements of subsection (m) may be satisfied by the showing of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools.

(n) A registered nurse licensed by a party state under the

- 1 Nurse Licensure Compact under Article 80 of this Act is granted
- 2 <u>the privilege to practice registered nursing in this State.</u>
- 3 (Source: P.A. 95-639, eff. 10-5-07.)
- 4 Section 99. Effective date. This Act takes effect January
- 5 1, 2014.