



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4579

Introduced 2/5/2020, by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-35

was 225 ILCS 65/15-15

Amends the Nurse Practice Act. Provides that, in the case of anesthesia services provided by a certified registered nurse anesthetist, a physician, a dentist, or a podiatric physician must participate through discussion of and agreement with the anesthesia plan and remain available during the delivery of surgical anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions (rather than an anesthesiologist, a physician, a dentist, or a podiatric physician must participate through discussion of and agreement with the anesthesia plan and remain physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions). Effective immediately.

LRB101 17274 SPS 66679 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Nurse Practice Act is amended by changing  
5 Section 65-35 as follows:

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

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 65-35. Written collaborative agreements.

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

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

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

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

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

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

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

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

26 (c-10) A certified registered nurse anesthetist who

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

24 (c-15) An advanced practice registered nurse who had a  
25 written collaborative agreement with a podiatric physician  
26 immediately before the effective date of Public Act 100-513 may

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

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

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

20 (e-5) Nothing in this Act shall be construed to authorize  
21 an advanced practice registered nurse to provide health care  
22 services required by law or rule to be performed by a  
23 physician. The scope of practice of an advanced practice  
24 registered nurse does not include operative surgery. Nothing in  
25 this Section shall be construed to preclude an advanced  
26 practice registered nurse from assisting in surgery.

1           (f) An advanced practice registered nurse shall inform each  
2 collaborating physician, dentist, or podiatric physician of  
3 all collaborative agreements he or she has signed and provide a  
4 copy of these to any collaborating physician, dentist, or  
5 podiatric physician upon request.

6           (g) (Blank).

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

9           Section 99. Effective date. This Act takes effect upon  
10 becoming law.