



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3525

Introduced 2/9/2024, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.01c new
225 ILCS 65/Art. 80 rep.

Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to administer and enforce a Certified Medication Aide Program and regulate certified medication aides. Provides that to be approved as a facility qualified to participate in the program, a facility must: (i) be certified and in good standing as a supportive living facility by the Department; (ii) certify that the employment of a certified medication aide will not replace or diminish the employment of a registered nurse or licensed practical nurse at the facility; (iii) certify that a registered nurse will be on-duty and present in the facility to delegate and supervise the administration of medication by a certified medication aide at all times; (iv) certify that, with the exception of licensed health care professionals, only certified medication aides will be employed in the capacity of administering medication; and (v) provide information regarding patient safety, efficiency, and errors as determined by the Department. Requires the Department to submit a report on patient safety, efficiency, and errors, as determined by rule, to the General Assembly no later than 2 years after the effective date of the amendatory Act. Contains provisions concerning the scope of practice of certified medication aides; penalties for persons who practice as a medication aide without being certified; applications for original certification; examinations of applicants; application requirements; expiration of certification; and Department rules. Amends the Nurse Practice Act. Repeals provisions creating a Medication Aide Pilot Program. Effective immediately.

LRB103 37618 KTG 67744 b

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 5-5.01c as follows:

6 (305 ILCS 5/5-5.01c new)

7 Sec. 5-5.01c. Certified Medication Aide.

8 (a) Definitions. As used in this Section:

9 "Direct-care assignment" means an assignment for staffing
10 requirements for direct care staff as that term is defined
11 under 77 Ill. Adm. Code 300.1230.

12 "Certified medication aide" means a person who has met the
13 qualifications for certification under this Section and
14 assists with medication administration while under the
15 supervision of a registered professional nurse in a long-term
16 care facility.

17 "Program" means the Certified Medication Aide Program.

18 "Qualified facility" means a supportive living facility
19 licensed by the Department of Public Health including any
20 facility certified to participate in the supportive living
21 program under Section 5-5.01a.

22 "Department" means the Department of Healthcare and Family
23 Services.

1 (b) Medication Aide Program. The Department shall
2 administer and enforce a Certified Medication Aide Program and
3 regulate certified medication aides. To be approved as a
4 facility qualified to participate in the program, a facility
5 must satisfy all of the following requirements:

6 (1) Be certified and in good standing as a supportive
7 living facility by the Department.

8 (2) Certify that the employment of a certified
9 medication aide will not replace or diminish the
10 employment of a registered nurse or licensed practical
11 nurse at the facility.

12 (3) Certify that a registered nurse will be on-duty
13 and present in the facility to delegate and supervise the
14 administration of medication by a certified medication
15 aide at all times.

16 (4) Certify that, with the exception of licensed
17 health care professionals, only certified medication aides
18 will be employed in the capacity of administering
19 medication.

20 (5) Provide information regarding patient safety,
21 efficiency, and errors as determined by the Department.
22 Failure to submit any required report may be grounds for
23 discipline or sanctions as prescribed by the Department.

24 The Department shall submit a report regarding patient
25 safety, efficiency, and errors, as determined by rule, to the
26 General Assembly no later than 2 years after the effective

1 date of this amendatory Act of the 103rd General Assembly.

2 (c) Certification requirement; exempt activities. No
3 person shall practice as a medication aide or hold himself or
4 herself out as a certified medication aide in this State
5 unless he or she is certified in accordance with this Section.

6 Nothing in this Article shall be construed as preventing
7 or restricting the practice, services, or activities of:

8 (1) any person licensed in this State by any other law
9 from engaging in the profession or occupation for which he
10 or she is licensed;

11 (2) any person employed as a medication aide by the
12 government of the United States, if such person practices
13 as a medication aide solely under the direction or control
14 of the organization by which he or she is employed; or

15 (3) any person pursuing a course of study leading to a
16 certificate in medication aide at an accredited or
17 approved educational program if such activities and
18 services constitute a part of a supervised course of study
19 and if such person is designated by a title which clearly
20 indicates his or her status as a student or trainee.

21 Nothing in this Section shall be construed to limit the
22 delegation of tasks or duties by a physician, dentist,
23 advanced practice registered nurse, or podiatric physician as
24 authorized by law.

25 (d) Scope of practice. A certified medication aide may
26 only practice in a qualified facility. Certified medication

1 aides must be supervised by and receive delegation by a
2 registered nurse that is on-duty and present in the facility
3 at all times. Certified medication aides shall not have a
4 direct-care assignment when scheduled to work as a certified
5 medication aide, but may assist residents as needed. Certified
6 medication aides shall not administer any medication until a
7 physician has conducted an initial assessment of the resident.
8 Certified medication aides shall not administer any Schedule
9 II controlled substances as set forth in the Illinois
10 Controlled Substances Act, and may not administer any
11 subcutaneous, intramuscular, intradermal, or intravenous
12 medication.

13 (e) Uncertified practice; violation; civil penalty. In
14 addition to any other penalty provided by law, any person who
15 practices, offers to practice, attempts to practice, or holds
16 oneself out to practice as a medication aide without being
17 certified in accordance with this Section shall, in addition
18 to any other penalty provided by law, pay a civil penalty to
19 the Department in an amount not to exceed \$10,000 for each
20 offense as determined by the Department. The Department has
21 the authority and power to investigate any and all uncertified
22 activity. The civil penalty shall be paid within 60 days after
23 the date of the order imposing the civil penalty. The order
24 shall constitute a judgment and may be filed and execution had
25 thereon in the same manner as any judgment from any court of
26 record.

1 (f) Applications for original certification. Applications
2 for original certification shall be made to the Department in
3 writing on forms prescribed by the Department and shall be
4 accompanied by the required fee, which shall not be
5 returnable. The application shall require such information
6 that, in the judgment of the Department, enables the
7 Department to pass on the qualifications of the applicant for
8 certification.

9 (g) Examinations. The Department shall authorize
10 examinations of applicants for a certificate under this
11 Section at the times and places as it may designate. The
12 examination shall be of a character to give a fair test of the
13 qualifications of the applicant to practice as a medication
14 aide.

15 Applicants for examination as a medication aide shall be
16 required to pay, either to the Department or the designated
17 testing service, a fee covering the cost of providing the
18 examination. Failure to appear for the examination on the
19 scheduled date, at the time and place specified, after the
20 applicant's application for examination has been received and
21 acknowledged by the Department or the designated testing
22 service, shall result in the forfeiture of the examination
23 fee.

24 If an applicant fails to pass an examination for
25 certification in accordance with this Section within 3 years
26 after filing his or her application, the application shall be

1 denied. The applicant may thereafter make a new application
2 accompanied by the required fee; however, the applicant shall
3 meet all requirements in effect at the time of subsequent
4 application before obtaining certification. The Department may
5 employ consultants for the purposes of preparing and
6 conducting examinations.

7 (h) Application requirements. An applicant for
8 certification by examination to practice as a certified
9 medication aide must:

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

13 (2) be age 18 or older;

14 (3) have a high school diploma or a high school
15 equivalency certificate;

16 (4) demonstrate the ability to speak, read, and write
17 the English language, as determined by rule;

18 (5) demonstrate competency in math, as determined by
19 rule;

20 (6) be currently certified in good standing as a
21 certified nursing assistant and provide proof of 2,000
22 hours of practice as a certified nursing assistant within
23 3 years before application for a certificate under this
24 Section;

25 (7) submit to the criminal history records check
26 required under Section 46 of the Health Care Worker

1 Background Check Act;

2 (8) have not engaged in conduct or behavior determined
3 to be grounds for discipline under this Act;

4 (9) be currently certified to perform cardiopulmonary
5 resuscitation by the American Heart Association or
6 American Red Cross;

7 (10) have successfully completed a course of study
8 approved by the Department as defined by rule; to be
9 approved, the program must include a minimum of 60 hours
10 of classroom-based medication aide education, a minimum of
11 10 hours of simulation laboratory study, and a minimum of
12 30 hours of registered nurse-supervised clinical practicum
13 with progressive responsibility of patient medication
14 assistance;

15 (11) have successfully completed the Medication Aide
16 Certification Examination or other examination authorized
17 by the Department; and

18 (12) submit proof of employment by a qualifying
19 facility.

20 (i) Expiration of certification. The expiration date for
21 each certification to practice as a certified medication aide
22 shall be set by the rule. Enforcement and violations shall be
23 subject to those within this Act.

24 (j) Title. No person shall use the title "certified
25 medication aide" unless he or she holds a valid certificate
26 issued by the Department in accordance with this Section.

1 (k) Rules. The Department shall adopt rules to implement
2 the provisions of this Section within 90 days after the
3 effective date of this amendatory Act of the 103rd General
4 Assembly.

5 (225 ILCS 65/Art. 80 rep.)

6 Section 10. The Nurse Practice Act is amended by repealing
7 Article 80.

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