SB2187

LRB09810555MGM40800b

98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2187

Introduced 2/15/2013, by Sen. Don Harmon - Antonio Muñoz - Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

225 ILCS 15/2	from Ch. 111, par. 5352
225 ILCS 15/4.1 new	
225 ILCS 15/4.2 new	
225 ILCS 15/4.3 new	
225 ILCS 15/4.4 new	
225 ILCS 15/4.5 new	
225 ILCS 15/4.6 new	
225 ILCS 15/4.7 new	
720 ILCS 570/102	from Ch. 56 1/2, par. 1102

Amends the Clinical Psychologist Licensing Act. Provides that the Clinical Psychologists Licensing and Disciplinary Board shall grant certification as prescribing psychologists to doctoral level psychologists licensed under the Act. Provides application requirements for certification as a prescribing psychologist. Provides that the Board shall establish a method for the renewal every 2 years of prescribing psychologist certificates. Provides procedures for safety and record keeping. Provides that when a psychologist is authorized to prescribe controlled substances, a prescribing psychologist shall file, in a timely manner, any individual Drug Enforcement Agency registrations and identification numbers with the Board. Requires certain communication between the Board and the State Board of Pharmacy. Provides requirements for licensure by endorsement. Defines related terms. Amends the Illinois Controlled Substances Act. Includes prescribing psychologist in the definition of "prescriber".

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

AN ACT concerning regulation.

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

Section 5. The Clinical Psychologist Licensing Act is amended by changing Section 2 and by adding Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, and 4.7 as follows:

(225 ILCS 15/2) (from Ch. 111, par. 5352)

(Section scheduled to be repealed on January 1, 2017)

Sec. 2. Definitions. As used in this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Clinical Psychologists Licensing and Disciplinary Board appointed by the Secretary.

(4) "Person" means an individual, association, partnership or corporation.

(5) "Clinical psychology" means the independent evaluation, classification and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, the psychological aspects of physical illness. The practice of clinical

psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. "Clinical psychology" does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

(6) A person represents himself to be a "clinical psychologist" within the meaning of this Act when he or she holds himself out to the public by any title or description of services incorporating the words "psychological", "psychologic", "psychologist", "psychology", or "clinical psychologist" or under such title or description offers to render or renders clinical psychological services as defined in paragraph (7) of this Section to individuals, corporations, or the public for remuneration.

(7) "Clinical psychological services" refers to any services under paragraph (5) of this Section if the words "psychological", "psychologic", "psychologist", "psychology" or "clinical psychologist" are used to describe such services by the person or organization offering to render or rendering them.

(8) "Drugs" has the meaning given to that term in the Pharmacy Practice Act.

(9) "Medicines" has the meaning given to that term in the Pharmacy Practice Act.

(10) "Prescription" means an order for a drug, laboratory test, or any medicines, including controlled substances as defined the Illinois Controlled Substances Act, devices, or treatments.

(11) "Prescriptive authority" means the authority to prescribe and dispense drugs, medicines, or other treatment procedures.

(12) "Prescribing psychologist" means a licensed, doctoral level psychologist who has undergone specialized training, has passed an examination accepted by the Board, and has received a current certificate granting prescriptive authority that has not been revoked or suspended from the Board.

This Act shall not apply to persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of the State.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/4.1 new)

Sec. 4.1. Prescribing psychologist certification; prescriptive authority. The Board shall grant certification as prescribing psychologists to doctoral level psychologists licensed under this Act. The certification shall grant prescribing psychologists prescriptive authority to prescribe

and dispense those drugs used in the treatment of mental, emotional, and psychological disorders in accordance with applicable State and federal laws. The Board shall develop and implement procedures and criteria for reviewing educational and training credentials for the certification process and the extent of prescriptive authority, in accordance with current standards of professional practice.

(225 ILCS 15/4.2 new)

Sec. 4.2. Prescribing psychologist certification application requirements.

(a) The Department shall grant prescribing psychologists certification to a psychologist who applies for certification and demonstrates by official transcript or other official evidence satisfactory to the Board:

(1) completion of a doctoral program in psychology from a regionally accredited university or professional school or, if the program is not accredited at the time of graduation, completion of a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board;

(2) possession of a current and valid license to practice psychology in the State;

(3) graduation with a master's degree in clinical psychopharmacology from a regionally accredited institution, the curriculum of which shall include

instruction in anatomy and physiology, biochemistry, neurosciences, pharmacology, psychopharmacology, clinical medicine, pathophysiology, and physical and laboratory assessment.

(4) within the 5 years immediately preceding the date of application, certification by the applicant's supervising psychiatrist or physician as having successfully completed a supervised and relevant clinical experience approved by the Board of no less than an 80-hour practicum in clinical assessment and pathophysiology and an additional supervised practicum of at least 400 hours treating no fewer than 100 patients with mental disorders; both practica shall be supervised by an appropriately trained physician or a prescribing psychologist determined by the Board competent to train the applicant in the treatment of a diverse patient population; a portion of the clinical experience shall occur in one or more of the following settings:

(A) correctional facilities;

(B) federally qualified health centers, as defined in the Social Security Act (42 U.S.C. 1396d); or

(C) community service agencies serving the seriously mentally ill;

(D) local, State, or federal facilities; and

(5) successful completion of a National certifying exam.

(225 ILCS 15/4.3 new)

Sec. 4.3. Renewal of prescribing psychologist certification.

(a) The Board shall establish, by rule, a method for the renewal every 2 years of prescribing psychologist certificates at the time of, or in conjunction with, the renewal of clinical psychology licenses.

(b) Each applicant for renewal of prescribing psychologist certification shall present satisfactory evidence to the Board demonstrating the completion of 24 required hours of instruction relevant to prescriptive authority during the 24 months prior to application for renewal. A minimum of 20% of a prescribing psychologist's required hours of instruction shall be provided by the Illinois Psychological Association.

(225 ILCS 15/4.4 new)

Sec. 4.4. Prescribing practices.

(a) Every prescription by a prescribing psychologist shall (1) comply with all applicable State and federal laws, (2) be identified as issued by the psychologist as a prescribing psychologist, and (3) include the prescribing psychologist's identification number, as assigned by the Board.

(b) Records of all prescriptions shall be maintained in patient records.

(c) A prescribing psychologist shall not delegate the

prescriptive authority to any other person.

(d) A prescribing psychologist shall maintain an ongoing collaborative relationship with the physician, attending physician, or referring physician who oversees the patient's general medical care to ensure that (1) all necessary medical examinations are conducted, (2) all medical and psychological issues are communicated, (3) no prescribed medications are contraindicated, and (4) all significant changes in the patient's medical or psychological condition are communicated. For the purposes of this Section, "collaborative relationship" means a cooperative working relationship between a prescribing psychologist and a physician, attending physician, or referring physician in the provision of patient care, including diagnosis and cooperation in the management and delivery of physical and mental health care.

(e) A prescribing psychologist shall undertake the following measures to ensure patient safety:

(1) collect a medical and family history;

(2) conduct a mental status examination and mental health differential diagnosis;

(3) collect information on risk factors related to the diagnostic condition;

(4) collect information on food and drug allergies;

(5) collect information on patient medications;

(6) provide patient education on prescriptions, including dosing requirements and instructions, expected

benefits, and potential side effects;

(7) record any adverse effects from prescriptions;

(8) maintain progress notes, including a follow-up plan, discharge plan, and other plans as needed; and

(9) document communication with the patient's physician, attending physician, or referring physician.

(f) A prescribing psychologist shall, when prescribing medication or modifying a prescription, communicate within 24 hours to the patient's physician, attending physician, or referring physician via phone, fax, or other electronic communication the following:

(1) date, time, and duration of the appointment;

(2) patient's name and date of birth;

(3) patient's height, weight, blood pressure, heart rate, and pulse;

(4) key safety issues;

(5) all drugs currently prescribed to patient; and

(6) all drugs prescribed, dosages, and reason for prescribing.

(g) The prescribing psychologist shall be responsible for memorializing all communications with patient's physician, attending physician, or referring physician.

(225 ILCS 15/4.5 new)

Sec. 4.5. Controlled substance prescriptive authority.

(a) When authorized to prescribe controlled substances, a

prescribing psychologist shall file, in a timely manner, any individual Drug Enforcement Agency registrations and identification numbers with the Board.

(b) The Board shall maintain current records of every prescribing psychologist, including Drug Enforcement Agency registration and identification numbers.

(225 ILCS 15/4.6 new)

Sec. 4.6. State Board of Pharmacy interaction.

(a) The Board shall transmit to the State Board of Pharmacy an annual list of prescribing psychologists containing the following information:

(1) the name of the prescribing psychologist;

(2) the prescribing psychologist's identification number assigned by the Board; and

(3) the effective dates of the prescribing psychologist's certification.

(b) The Board shall promptly forward to the Board of Pharmacy the names and titles of psychologists added to or deleted from the annual list of prescribing psychologists.

(c) The Board shall notify the State Board of Pharmacy, in a timely manner, upon termination, suspension, or reinstatement of a psychologist's certification as a prescribing psychologist.

(225 ILCS 15/4.7 new)

Sec. 4.7. Endorsement.

(a) Individuals who are already licensed as medical or prescribing psychologists in another state may apply for an Illinois license by endorsement from that state, or acceptance of that state's examination. Applicants from other states may not be required to pass an examination in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, and experience. The Board shall not issue a license until it has received and approved all documentation.

(b) Individuals who graduated from the Department of Defense Psychopharmacology Demonstration Project may apply for an Illinois license by endorsement. Applicants from the Department of Defense Psychopharmacology Demonstration Project may not be required to pass an examination in Illinois if they meet requirements set forth in this Act and its rules, such as proof of education, testing, and experience. The Board shall not issue a license until it has received and approved all documentation.

Section 10. The Illinois Controlled Substances Act is amended by changing Section 102 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his or her addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:

(1) a practitioner (or, in his or her presence, by his or her authorized agent),

(2) the patient or research subject pursuant to an order, or

(3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:

(i) 3[beta] ,17-dihydroxy-5a-androstane,

(ii) 3[alpha] ,17[beta] -dihydroxy-5a-androstane,

(iii) 5[alpha] -androstan-3,17-dione,

(iv) 1-androstenediol (3[beta] ,
17[beta] -dihydroxy-5[alpha] -androst-1-ene),

(v) 1-androstenediol (3[alpha] ,
17[beta] -dihydroxy-5[alpha] -androst-1-ene),

(vi) 4-androstenediol
(3[beta] ,17[beta] -dihydroxy-androst-4-ene),

(vii) 5-androstenediol
(3[beta] ,17[beta] -dihydroxy-androst-5-ene),

(viii) 1-androstenedione
([5alpha] -androst-1-en-3,17-dione),

(ix) 4-androstenedione
(androst-4-en-3,17-dione),

(x) 5-androstenedione
(androst-5-en-3,17-dione),

(xi) bolasterone (7[alpha] ,17a-dimethyl-17[beta] -
hydroxyandrost-4-en-3-one),

(xii) boldenone (17[beta] -hydroxyandrost-
1,4,-diene-3-one),

(xiii) boldione (androsta-1,4-
diene-3,17-dione),

(xiv) calusterone (7[beta] ,17[alpha] -dimethyl-17
[beta] -hydroxyandrost-4-en-3-one),

(xv) clostebol (4-chloro-17[beta] -

hydroxyandrost-4-en-3-one),

(xvi) dehydrochloromethyltestosterone (4-chloro-17[beta] -hydroxy-17[alpha] -methyl-androst-1,4-dien-3-one),

(xvii) desoxymethyltestosterone (17[alpha] -methyl-5[alpha] -androst-2-en-17[beta] -ol)(a.k.a., madol),

(xviii) [delta] 1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta] -hydroxy-5[alpha] -androst-1-en-3-one),

(xix) 4-dihydrotestosterone (17[beta] -hydroxy-androstan-3-one),

(xx) drostanolone (17[beta] -hydroxy-2[alpha] -methyl-5[alpha] -androstan-3-one),

(xxi) ethylestrenol (17[alpha] -ethyl-17[beta] -hydroxyestr-4-ene),

(xxii) fluoxymesterone (9-fluoro-17[alpha] -methyl-1[beta] ,17[beta] -dihydroxyandrost-4-en-3-one),

(xxiii) formebolone (2-formyl-17[alpha] -methyl-11[alpha] , 17[beta] -dihydroxyandrost-1,4-dien-3-one),

(xxiv) furazabol (17[alpha] -methyl-17[beta] -hydroxyandrostano[2,3-c] -furazan),

(xxv) 13[beta] -ethyl-17[beta] -hydroxygon-4-en-3-one)

(xxvi) 4-hydroxytestosterone (4,17[beta] -dihydroxy-androst-4-en-3-one),

(xxvii) 4-hydroxy-19-nortestosterone (4,17[beta] -

dihydroxy-estr-4-en-3-one),

(xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one),

(xxix) mesterolone (1amethyl-17[beta]-hydroxy-[5a]-androstan-3-one),

(xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one),

(xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene),

(xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one),

(xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-dihydroxy-5a-androstane),

(xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane),

(xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene),

(xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),

(xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one),

(xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one),

(xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one),

(xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-

hydroxyestr-4-en-3-one),

(xli) 17[alpha] -methyl-[delta] 1-dihydrotestosterone (17b[beta] -hydroxy-17[alpha] -methyl-5[alpha] -androst-1-en-3-one)(a.k.a. '17-[alpha] -methyl-1-testosterone'),

(xlii) nandrolone (17[beta] -hydroxyestr-4-en-3-one),

(xliii) 19-nor-4-androstenediol (3[beta] , 17[beta] -dihydroxyestr-4-ene),

(xliv) 19-nor-4-androstenediol (3[alpha] , 17[beta] -dihydroxyestr-4-ene),

(xlv) 19-nor-5-androstenediol (3[beta] , 17[beta] -dihydroxyestr-5-ene),

(xlvi) 19-nor-5-androstenediol (3[alpha] , 17[beta] -dihydroxyestr-5-ene),

(xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione),

(xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione),

(xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione),

(l) norbolethone (13[beta] , 17a-diethyl-17[beta] -hydroxygon-4-en-3-one),

(li) norclostebol (4-chloro-17[beta] -hydroxyestr-4-en-3-one),

(lii) norethandrolone (17[alpha] -ethyl-17[beta] -hydroxyestr-4-en-3-one),

(liii) normethandrolone (17[alpha] -methyl-17[beta] -hydroxyestr-4-en-3-one),

(liv) oxandrolone (17[alpha] -methyl-17[beta] -hydroxy-2-oxa-5[alpha] -androstan-3-one),

(lv) oxymesterone (17[alpha] -methyl-4,17[beta] -dihydroxyandrost-4-en-3-one),

(lvi) oxymetholone (17[alpha] -methyl-2-hydroxymethylene-17[beta] -hydroxy-(5[alpha] -androstan-3-one),

(lvii) stanozolol (17[alpha] -methyl-17[beta] -hydroxy-(5[alpha] -androst-2-eno[3,2-c] -pyrazole),

(lviii) stenbolone (17[beta] -hydroxy-2-methyl-(5[alpha] -androst-1-en-3-one),

(lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone),

(lx) testosterone (17[beta] -hydroxyandrost-4-en-3-one),

(lxi) tetrahydrogestrinone (13[beta] , 17[alpha] -diethyl-17[beta] -hydroxygon-4,9,11-trien-3-one),

(lxii) trenbolone (17[beta] -hydroxyestr-4,9,11-trien-3-one).

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is

expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library.

(d-10) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug

orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means (i) a drug, substance, or immediate precursor in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act and the Tobacco Products Tax Act.

(f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant,

depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of

Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that (i) causes an overall depression of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the

official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or

addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-0.5) "Hallucinogen" means a drug that causes markedly altered sensory perception leading to hallucinations of any type.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(u-5) "Illinois State Police" means the State Police of the State of Illinois, or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled

substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding

of a controlled substance for his or her own use; or

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) (Blank).

(z-5) "Medication shopping" means the conduct prohibited under subsection (a) of Section 314.5 of this Act.

(z-10) "Mid-level practitioner" means (i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatrist, in accordance with Section 65-40 of the Nurse Practice Act, or (iii) an animal euthanasia agency.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances

of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (1) through (6).

(bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act.

(ii-5) "Pharmacy shopping" means the conduct prohibited under subsection (b) of Section 314.5 of this Act.

(ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, <u>prescribing psychologist certified under the Clinical Psychologist Licensing Act,</u> podiatrist<u>,</u> or veterinarian who issues a prescription, a physician assistant who issues a

prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written supervision agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act.

(nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of an optometrist for a Schedule III, IV, or V controlled substance in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written supervision agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act when required by law.

(nn-5) "Prescription Information Library" (PIL) means an

electronic library that contains reported controlled substance data.

(nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(rr-5) "Stimulant" means any drug that (i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance abuse problem, including but not limited to amphetamines and their analogs,

methylphenidate and its analogs, cocaine, and phencyclidine and its analogs.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(Source: P.A. 96-189, eff. 8-10-09; 96-268, eff. 8-11-09; 97-334, eff. 1-1-12.)