



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4402

Introduced 1/14/2026, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

New Act
225 ILCS 65/70-5

was 225 ILCS 65/10-45

Creates the Kidney Disease Treatment Delegation Act. Provides that, notwithstanding any provision of the Nurse Practice Act or any rule of the Department of Financial and Professional Regulation to the contrary, delegation, including, but not limited to, delegation of the performance of central venous catheter procedures in a kidney disease treatment center, shall only be allowed if the individual receiving delegation is a licensed practical nurse who has obtained the proper training, education, and experience or a certified dialysis technician who currently holds, or is in the process of acquiring, the necessary experience to apply for and obtain certification as a certified clinical hemodialysis technician by the Nephrology Nursing Certification Commission or a Certified Hemodialysis Technologist/Technician by the Board of Nephrology Examiners Nursing and Technology. Sets forth additional provisions concerning delegation of duties in a kidney disease treatment center. Provides that the Department is authorized to adopt rules for the administration and enforcement of the Act, and the rules may define standards and criteria for the necessary training, education, and experience for licensed practical nurses to obtain before receiving delegation under the Act. Amends the Nurse Practice Act. Provides that a violation of the Kidney Disease Treatment Delegation Act is grounds for disciplinary action. Effective immediately.

LRB104 18157 BAB 31596 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 1. Short title. This Act may be cited as the Kidney
5 Disease Treatment Delegation Act.

6 Section 2. Purpose. The purpose of this Act is to
7 safeguard individuals seeking kidney disease treatments in the
8 State of Illinois by ensuring that the professionals who
9 provide these services are licensed and trained.

10 Section 5. Definitions. In this Act:

11 "Advanced practice registered nurse" or "APRN" means a
12 person who has met the qualifications for a (i) certified
13 nurse midwife (CNM); (ii) certified nurse practitioner (CNP);
14 (iii) certified registered nurse anesthetist (CRNA); or (iv)
15 clinical nurse specialist (CNS) and has been licensed by the
16 Department under the Nurse Practice Act.

17 "Central venous catheter procedure" includes providing
18 dialysis through venous catheters, initiating and terminating
19 dialysis through those catheters, connecting and disconnecting
20 central venous catheter lines, and maintaining central venous
21 catheters through dressing changes and other care.

22 "Certified dialysis technician" means a person with an

1 accredited high school diploma or State of Illinois High
2 School Diploma who has been certified by the Nephrology
3 Nursing Certification Commission as a certified clinical
4 hemodialysis technician or by the Board of Nephrology
5 Examiners Nursing and Technology as a certified hemodialysis
6 technologist/technician.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Kidney disease treatment center" has the meaning given to
10 that term in subsection (5) of Section 3 of the Illinois Health
11 Facilities Planning Act. "Kidney disease treatment center"
12 includes a treatment center that provides dialysis through
13 venous catheters, initiates and terminates dialysis through
14 those catheters, connects and disconnects central venous
15 catheter lines, and maintains central venous catheters through
16 dressing changes and other care.

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

19 "Physician assistant" means a physician assistant licensed
20 under the Physician Assistant Practice Act of 1987.

21 "Practical nurse", "licensed practical nurse", or "LPN"
22 means a person who is licensed as a practical nurse under the
23 Nurse Practice Act and practices practical nursing as defined
24 in that Act.

25 "Registered nurse", "Registered Professional Nurse", or
26 "RN" means a person who is licensed as a professional nurse

1 under the Nurse Practice Act and practices nursing as defined
2 in that Act.

3 Section 10. Regulation of delegation in kidney disease
4 treatment centers.

5 (a) Notwithstanding any provision of the Nurse Practice
6 Act or any rule of the Department to the contrary, an
7 individual working in a kidney disease treatment center shall
8 be considered a licensed individual for the purposes of
9 delegation under Section 50-75 of the Nurse Practice Act.

10 (b) Notwithstanding any provision of the Nurse Practice
11 Act or any rule of the Department to the contrary, delegation
12 under this Section, including, but not limited to, delegation
13 of the performance of central venous catheter procedures in a
14 kidney disease treatment center, shall only be allowed if the
15 individual receiving delegation is a licensed practical nurse
16 who has obtained the proper training, education, and
17 experience or a certified dialysis technician who currently
18 holds, or is in the process of acquiring, the necessary
19 experience to apply for and obtain one of the following
20 certifications:

21 (1) certified clinical hemodialysis technician by the
22 Nephrology Nursing Certification Commission; or

23 (2) certified hemodialysis technologist/technician by
24 the Board of Nephrology Examiners Nursing and Technology.

25 (c) Notwithstanding any provision of the Nurse Practice

1 Act or any rule of the Department to the contrary, delegation
2 under this Section shall not include medication
3 administration, except for the administration of heparin and
4 saline for the purposes of performing dialysis treatments and
5 flushing lines and the application of topical anesthetics. All
6 patient care provided by a licensed practical nurse or a
7 certified dialysis technician practicing under this Section
8 shall be under the direct and immediate on-site supervision of
9 a licensed physician, advanced practice registered nurse,
10 physician assistant, or registered nurse. Additionally, the
11 following conditions must be present:

12 (1) the RN or APRN must complete an assessment of the
13 patient's nursing care needs prior to the delegation;

14 (2) the RN or APRN must have either instructed the
15 certified dialysis technician or LPN in the delegated
16 activity or verified the individual's competency to
17 perform the activity; and

18 (3) clinical competency of an individual delegated to
19 under this Section shall be documented and available and
20 verified at least annually by the individual's employer.
21 If the delegating party is a physician or physician
22 assistant, the physician or physician assistant shall act
23 in a similar manner as required by the Medical Practice
24 Act of 1987 and the Physician Assistant Practice Act of
25 1987.

26 (d) Delegation under this Section shall comply with

1 Section 50-75 of the Nurse Practice Act and any rules adopted
2 under the Illinois Health Facilities Planning Act, the Nurse
3 Practice Act, and any other Illinois statute or rule regarding
4 the operation of a kidney disease treatment center as
5 described by this Section.

6 (e) Nothing in this Section shall be construed to apply to
7 any other facility or practice setting. This Section shall not
8 be construed as granting a license under the Nurse Practice
9 Act and shall not allow individuals receiving delegation under
10 this Section to use any title regulated by the Nurse Practice
11 Act. Nothing in this Act shall be construed to limit the
12 ability of a licensed physician to practice medicine in all
13 its branches.

14 Section 15. Rulemaking. The Department is authorized to
15 adopt rules for the administration and enforcement of this
16 Act. The rules may define standards and criteria for the
17 necessary training, education, and experience for licensed
18 practical nurses to obtain before receiving delegation under
19 this Act.

20 Section 20. The Nurse Practice Act is amended by changing
21 Section 70-5 as follows:

22 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

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

1 Sec. 70-5. Grounds for disciplinary action.

2 (a) The Department may refuse to issue or to renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem appropriate, including fines not to exceed \$10,000 per
6 violation, with regard to a license for any one or combination
7 of the causes set forth in subsection (b) below. All fines
8 collected under this Section shall be deposited in the Nursing
9 Dedicated and Professional Fund.

10 (b) Grounds for disciplinary action include the following:

11 (1) Material deception in furnishing information to
12 the Department.

13 (2) Material violations of any provision of this Act
14 or violation of the rules of or final administrative
15 action of the Secretary, after consideration of the
16 recommendation of the Board.

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i)
23 that is a felony; or (ii) that is a misdemeanor, an
24 essential element of which is dishonesty, or that is
25 directly related to the practice of the profession.

26 (4) A pattern of practice or other behavior which

1 demonstrates incapacity or incompetency to practice under
2 this Act.

3 (5) Knowingly aiding or assisting another person in
4 violating any provision of this Act or rules.

5 (6) Failing, within 90 days, to provide a response to
6 a request for information in response to a written request
7 made by the Department by certified or registered mail or
8 by email to the email address of record.

9 (7) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public, as defined by rule.

12 (8) Unlawful taking, theft, selling, distributing, or
13 manufacturing of any drug, narcotic, or prescription
14 device.

15 (9) Habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that could result in a licensee's inability to practice
18 with reasonable judgment, skill, or safety.

19 (10) Discipline by another U.S. jurisdiction or
20 foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to
22 those set forth in this Section.

23 (11) A finding that the licensee, after having her or
24 his license placed on probationary status or subject to
25 conditions or restrictions, has violated the terms of
26 probation or failed to comply with such terms or

1 conditions.

2 (12) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 and under the Abused and Neglected Child Reporting Act,
5 and upon proof by clear and convincing evidence that the
6 licensee has caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (13) Willful omission to file or record, or willfully
10 impeding the filing or recording or inducing another
11 person to omit to file or record medical reports as
12 required by law.

13 (13.5) Willfully failing to report an instance of
14 suspected child abuse or neglect as required by the Abused
15 and Neglected Child Reporting Act.

16 (14) Gross negligence in the practice of practical,
17 professional, or advanced practice registered nursing.

18 (15) Holding oneself out to be practicing nursing
19 under any name other than one's own.

20 (16) Failure of a licensee to report to the Department
21 any adverse final action taken against him or her by
22 another licensing jurisdiction of the United States or any
23 foreign state or country, any peer review body, any health
24 care institution, any professional or nursing society or
25 association, any governmental agency, any law enforcement
26 agency, or any court or a nursing liability claim related

1 to acts or conduct similar to acts or conduct that would
2 constitute grounds for action as defined in this Section.

3 (17) Failure of a licensee to report to the Department
4 surrender by the licensee of a license or authorization to
5 practice nursing or advanced practice registered nursing
6 in another state or jurisdiction or current surrender by
7 the licensee of membership on any nursing staff or in any
8 nursing or advanced practice registered nursing or
9 professional association or society while under
10 disciplinary investigation by any of those authorities or
11 bodies for acts or conduct similar to acts or conduct that
12 would constitute grounds for action as defined by this
13 Section.

14 (18) Failing, within 60 days, to provide information
15 in response to a written request made by the Department.

16 (19) Failure to establish and maintain records of
17 patient care and treatment as required by law.

18 (20) Fraud, deceit, or misrepresentation in applying
19 for or procuring a license under this Act or in connection
20 with applying for renewal of a license under this Act.

21 (21) Allowing another person or organization to use
22 the licensee's license to deceive the public.

23 (22) Willfully making or filing false records or
24 reports in the licensee's practice, including, but not
25 limited to, false records to support claims against the
26 medical assistance program of the Department of Healthcare

1 and Family Services (formerly Department of Public Aid)
2 under the Illinois Public Aid Code.

3 (23) Attempting to subvert or cheat on a licensing
4 examination administered under this Act.

5 (24) Immoral conduct in the commission of an act,
6 including, but not limited to, sexual abuse, sexual
7 misconduct, or sexual exploitation, related to the
8 licensee's practice.

9 (25) Willfully or negligently violating the
10 confidentiality between nurse and patient except as
11 required by law.

12 (26) Practicing under a false or assumed name, except
13 as provided by law.

14 (27) The use of any false, fraudulent, or deceptive
15 statement in any document connected with the licensee's
16 practice.

17 (28) Directly or indirectly giving to or receiving
18 from a person, firm, corporation, partnership, or
19 association a fee, commission, rebate, or other form of
20 compensation for professional services not actually or
21 personally rendered. Nothing in this paragraph (28)
22 affects any bona fide independent contractor or employment
23 arrangements among health care professionals, health
24 facilities, health care providers, or other entities,
25 except as otherwise prohibited by law. Any employment
26 arrangements may include provisions for compensation,

1 health insurance, pension, or other employment benefits
2 for the provision of services within the scope of the
3 licensee's practice under this Act. Nothing in this
4 paragraph (28) shall be construed to require an employment
5 arrangement to receive professional fees for services
6 rendered.

7 (29) A violation of the Health Care Worker
8 Self-Referral Act.

9 (30) Physical illness, mental illness, or disability
10 that results in the inability to practice the profession
11 with reasonable judgment, skill, or safety.

12 (31) Exceeding the terms of a collaborative agreement
13 or the prescriptive authority delegated to a licensee by
14 his or her collaborating physician or podiatric physician
15 in guidelines established under a written collaborative
16 agreement.

17 (32) Making a false or misleading statement regarding
18 a licensee's skill or the efficacy or value of the
19 medicine, treatment, or remedy prescribed by him or her in
20 the course of treatment.

21 (33) Prescribing, selling, administering,
22 distributing, giving, or self-administering a drug
23 classified as a controlled substance (designated product)
24 or narcotic for other than medically accepted therapeutic
25 purposes.

26 (34) Promotion of the sale of drugs, devices,

1 appliances, or goods provided for a patient in a manner to
2 exploit the patient for financial gain.

3 (35) Violating State or federal laws, rules, or
4 regulations relating to controlled substances.

5 (36) Willfully or negligently violating the
6 confidentiality between an advanced practice registered
7 nurse, collaborating physician, dentist, or podiatric
8 physician and a patient, except as required by law.

9 (37) Willfully failing to report an instance of
10 suspected abuse, neglect, financial exploitation, or
11 self-neglect of an eligible adult as defined in and
12 required by the Adult Protective Services Act.

13 (38) Being named as an abuser in a verified report by
14 the Department on Aging and under the Adult Protective
15 Services Act, and upon proof by clear and convincing
16 evidence that the licensee abused, neglected, or
17 financially exploited an eligible adult as defined in the
18 Adult Protective Services Act.

19 (39) A violation of any provision of this Act or any
20 rules adopted under this Act.

21 (40) Violating the Compassionate Use of Medical
22 Cannabis Program Act.

23 (41) Violating the Kidney Disease Treatment Delegation
24 Act.

25 (b-5) The Department shall not revoke, suspend, summarily
26 suspend, place on probation, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against a person's authorization to practice under this
3 Act based solely upon the person providing, authorizing,
4 recommending, aiding, assisting, referring for, or otherwise
5 participating in any health care service, so long as the care
6 was not unlawful under the laws of this State, regardless of
7 whether the patient was a resident of this State or another
8 state.

9 (b-10) The Department shall not revoke, suspend, summarily
10 suspend, place on prohibition, reprimand, refuse to issue or
11 renew, or take any other disciplinary or non-disciplinary
12 action against a person's authorization to practice under this
13 Act based upon the person's license, registration, or permit
14 being revoked or suspended, or the person being otherwise
15 disciplined, by any other state if that revocation,
16 suspension, or other form of discipline was based solely on
17 the person violating another state's laws prohibiting the
18 provision of, authorization of, recommendation of, aiding or
19 assisting in, referring for, or participation in any health
20 care service if that health care service as provided would not
21 have been unlawful under the laws of this State and is
22 consistent with the applicable standard of conduct for the
23 person practicing in Illinois under this Act.

24 (b-15) The conduct specified in subsections (b-5) and
25 (b-10) shall not trigger reporting requirements under Section
26 65-65 or constitute grounds for suspension under Section

1 70-60.

2 (b-20) An applicant seeking licensure, certification, or
3 authorization under this Act who has been subject to
4 disciplinary action by a duly authorized professional
5 disciplinary agency of another jurisdiction solely on the
6 basis of having provided, authorized, recommended, aided,
7 assisted, referred for, or otherwise participated in health
8 care shall not be denied such licensure, certification, or
9 authorization, unless the Department determines that such
10 action would have constituted professional misconduct in this
11 State; however, nothing in this Section shall be construed as
12 prohibiting the Department from evaluating the conduct of such
13 applicant and making a determination regarding the licensure,
14 certification, or authorization to practice a profession under
15 this Act.

16 (c) The determination by a circuit court that a licensee
17 is subject to involuntary admission or judicial admission as
18 provided in the Mental Health and Developmental Disabilities
19 Code, as amended, operates as an automatic suspension. The
20 suspension will end only upon a finding by a court that the
21 patient is no longer subject to involuntary admission or
22 judicial admission and issues an order so finding and
23 discharging the patient; and upon the recommendation of the
24 Board to the Secretary that the licensee be allowed to resume
25 his or her practice.

26 (d) The Department may refuse to issue or may suspend or

1 otherwise discipline the license of any person who fails to
2 file a return, or to pay the tax, penalty, or interest shown in
3 a filed return, or to pay any final assessment of the tax,
4 penalty, or interest as required by any tax Act administered
5 by the Department of Revenue, until such time as the
6 requirements of any such tax Act are satisfied.

7 (e) In enforcing this Act, the Department, upon a showing
8 of a possible violation, may compel an individual licensed to
9 practice under this Act or who has applied for licensure under
10 this Act, to submit to a mental or physical examination, or
11 both, as required by and at the expense of the Department. The
12 Department may order the examining physician to present
13 testimony concerning the mental or physical examination of the
14 licensee or applicant. No information shall be excluded by
15 reason of any common law or statutory privilege relating to
16 communications between the licensee or applicant and the
17 examining physician. The examining physicians shall be
18 specifically designated by the Department. The individual to
19 be examined may have, at his or her own expense, another
20 physician of his or her choice present during all aspects of
21 this examination. Failure of an individual to submit to a
22 mental or physical examination, when directed, shall result in
23 an automatic suspension without hearing.

24 All substance-related violations shall mandate an
25 automatic substance abuse assessment. Failure to submit to an
26 assessment by a licensed physician who is certified as an

1 addictionist or an advanced practice registered nurse with
2 specialty certification in addictions may be grounds for an
3 automatic suspension, as defined by rule.

4 If the Department finds an individual unable to practice
5 or unfit for duty because of the reasons set forth in this
6 subsection (e), the Department may require that individual to
7 submit to a substance abuse evaluation or treatment by
8 individuals or programs approved or designated by the
9 Department, as a condition, term, or restriction for
10 continued, restored, or renewed licensure to practice; or, in
11 lieu of evaluation or treatment, the Department may file, or
12 the Board may recommend to the Department to file, a complaint
13 to immediately suspend, revoke, or otherwise discipline the
14 license of the individual. An individual whose license was
15 granted, continued, restored, renewed, disciplined, or
16 supervised subject to such terms, conditions, or restrictions,
17 and who fails to comply with such terms, conditions, or
18 restrictions, shall be referred to the Secretary for a
19 determination as to whether the individual shall have his or
20 her license suspended immediately, pending a hearing by the
21 Department.

22 In instances in which the Secretary immediately suspends a
23 person's license under this subsection (e), a hearing on that
24 person's license must be convened by the Department within 15
25 days after the suspension and completed without appreciable
26 delay. The Department and Board shall have the authority to

1 review the subject individual's record of treatment and
2 counseling regarding the impairment to the extent permitted by
3 applicable federal statutes and regulations safeguarding the
4 confidentiality of medical records.

5 An individual licensed under this Act and affected under
6 this subsection (e) shall be afforded an opportunity to
7 demonstrate to the Department that he or she can resume
8 practice in compliance with nursing standards under the
9 provisions of his or her license.

10 (f) The Department may adopt rules to implement,
11 administer, and enforce this Section.

12 (Source: P.A. 104-432, eff. 1-1-26.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.