

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. A certified dialysis
11 technician shall not be permitted to administer heparin and
12 saline to a patient with a central venous catheter.

13 Additionally, the following conditions must be present:

14 (1) the RN or APRN must complete an assessment of the
15 patient's nursing care needs prior to the delegation and
16 make modifications to the patient's nursing care needs
17 during the course of dialysis treatment to address any
18 patient problems and complications;

19 (2) the RN or APRN must have either instructed the
20 certified dialysis technician or LPN in the delegated
21 activity or verified the individual's competency to
22 perform the activity; and

23 (3) clinical competency of an individual delegated to
24 under this Section shall be documented and available and
25 verified at least annually by the individual's employer.
26 If the delegating party is a physician or physician

1 assistant, the physician or physician assistant shall act
2 in a similar manner as required by the Medical Practice
3 Act of 1987 and the Physician Assistant Practice Act of
4 1987.

5 (d) Delegation under this Section shall comply with
6 Section 50-75 of the Nurse Practice Act and any rules adopted
7 under the Illinois Health Facilities Planning Act, the Nurse
8 Practice Act, and any other Illinois statute or rule regarding
9 the operation of a kidney disease treatment center as
10 described by this Section.

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

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

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

3 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

4 (Section scheduled to be repealed on January 1, 2028)

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

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

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

15 (1) Material deception in furnishing information to
16 the Department.

17 (2) Material violations of any provision of this Act
18 or violation of the rules of or final administrative
19 action of the Secretary, after consideration of the
20 recommendation of the Board.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,
25 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States: (i)
2 that is a felony; or (ii) that is a misdemeanor, an
3 essential element of which is dishonesty, or that is
4 directly related to the practice of the profession.

5 (4) A pattern of practice or other behavior which
6 demonstrates incapacity or incompetency to practice under
7 this Act.

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

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

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

17 (8) Unlawful taking, theft, selling, distributing, or
18 manufacturing of any drug, narcotic, or prescription
19 device.

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

24 (10) Discipline by another U.S. jurisdiction or
25 foreign nation, if at least one of the grounds for the
26 discipline is the same or substantially equivalent to

1 those set forth in this Section.

2 (11) A finding that the licensee, after having her or
3 his license placed on probationary status or subject to
4 conditions or restrictions, has violated the terms of
5 probation or failed to comply with such terms or
6 conditions.

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

14 (13) Willful omission to file or record, or willfully
15 impeding the filing or recording or inducing another
16 person to omit to file or record medical reports as
17 required by law.

18 (13.5) Willfully failing to report an instance of
19 suspected child abuse or neglect as required by the Abused
20 and Neglected Child Reporting Act.

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

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

25 (16) Failure of a licensee to report to the Department
26 any adverse final action taken against him or her by

1 another licensing jurisdiction of the United States or any
2 foreign state or country, any peer review body, any health
3 care institution, any professional or nursing society or
4 association, any governmental agency, any law enforcement
5 agency, or any court or a nursing liability claim related
6 to acts or conduct similar to acts or conduct that would
7 constitute grounds for action as defined in this Section.

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

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

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

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

26 (21) Allowing another person or organization to use

1 the licensee's license to deceive the public.

2 (22) Willfully making or filing false records or
3 reports in the licensee's practice, including, but not
4 limited to, false records to support claims against the
5 medical assistance program of the Department of Healthcare
6 and Family Services (formerly Department of Public Aid)
7 under the Illinois Public Aid Code.

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

10 (24) Immoral conduct in the commission of an act,
11 including, but not limited to, sexual abuse, sexual
12 misconduct, or sexual exploitation, related to the
13 licensee's practice.

14 (25) Willfully or negligently violating the
15 confidentiality between nurse and patient except as
16 required by law.

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

19 (27) The use of any false, fraudulent, or deceptive
20 statement in any document connected with the licensee's
21 practice.

22 (28) Directly or indirectly giving to or receiving
23 from a person, firm, corporation, partnership, or
24 association a fee, commission, rebate, or other form of
25 compensation for professional services not actually or
26 personally rendered. Nothing in this paragraph (28)

1 affects any bona fide independent contractor or employment
2 arrangements among health care professionals, health
3 facilities, health care providers, or other entities,
4 except as otherwise prohibited by law. Any employment
5 arrangements may include provisions for compensation,
6 health insurance, pension, or other employment benefits
7 for the provision of services within the scope of the
8 licensee's practice under this Act. Nothing in this
9 paragraph (28) shall be construed to require an employment
10 arrangement to receive professional fees for services
11 rendered.

12 (29) A violation of the Health Care Worker
13 Self-Referral Act.

14 (30) Physical illness, mental illness, or disability
15 that results in the inability to practice the profession
16 with reasonable judgment, skill, or safety.

17 (31) Exceeding the terms of a collaborative agreement
18 or the prescriptive authority delegated to a licensee by
19 his or her collaborating physician or podiatric physician
20 in guidelines established under a written collaborative
21 agreement.

22 (32) Making a false or misleading statement regarding
23 a licensee's skill or the efficacy or value of the
24 medicine, treatment, or remedy prescribed by him or her in
25 the course of treatment.

26 (33) Prescribing, selling, administering,

1 distributing, giving, or self-administering a drug
2 classified as a controlled substance (designated product)
3 or narcotic for other than medically accepted therapeutic
4 purposes.

5 (34) Promotion of the sale of drugs, devices,
6 appliances, or goods provided for a patient in a manner to
7 exploit the patient for financial gain.

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

10 (36) Willfully or negligently violating the
11 confidentiality between an advanced practice registered
12 nurse, collaborating physician, dentist, or podiatric
13 physician and a patient, except as required by law.

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

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

24 (39) A violation of any provision of this Act or any
25 rules adopted under this Act.

26 (40) Violating the Compassionate Use of Medical

1 Cannabis Program Act.

2 (41) Violating the Kidney Disease Treatment Delegation
3 Act.

4 (b-5) The Department shall not revoke, suspend, summarily
5 suspend, place on probation, reprimand, refuse to issue or
6 renew, or take any other disciplinary or non-disciplinary
7 action against a person's authorization to practice under this
8 Act based solely upon the person providing, authorizing,
9 recommending, aiding, assisting, referring for, or otherwise
10 participating in any health care service, so long as the care
11 was not unlawful under the laws of this State, regardless of
12 whether the patient was a resident of this State or another
13 state.

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

1 consistent with the applicable standard of conduct for the
2 person practicing in Illinois under this Act.

3 (b-15) The conduct specified in subsections (b-5) and
4 (b-10) shall not trigger reporting requirements under Section
5 65-65 or constitute grounds for suspension under Section
6 70-60.

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

21 (c) The determination by a circuit court that a licensee
22 is subject to involuntary admission or judicial admission as
23 provided in the Mental Health and Developmental Disabilities
24 Code, as amended, operates as an automatic suspension. The
25 suspension will end only upon a finding by a court that the
26 patient is no longer subject to involuntary admission or

1 judicial admission and issues an order so finding and
2 discharging the patient; and upon the recommendation of the
3 Board to the Secretary that the licensee be allowed to resume
4 his or her practice.

5 (d) The Department may refuse to issue or may suspend or
6 otherwise discipline the license of any person who fails to
7 file a return, or to pay the tax, penalty, or interest shown in
8 a filed return, or to pay any final assessment of the tax,
9 penalty, or interest as required by any tax Act administered
10 by the Department of Revenue, until such time as the
11 requirements of any such tax Act are satisfied.

12 (e) In enforcing this Act, the Department, upon a showing
13 of a possible violation, may compel an individual licensed to
14 practice under this Act or who has applied for licensure under
15 this Act, to submit to a mental or physical examination, or
16 both, as required by and at the expense of the Department. The
17 Department may order the examining physician to present
18 testimony concerning the mental or physical examination of the
19 licensee or applicant. No information shall be excluded by
20 reason of any common law or statutory privilege relating to
21 communications between the licensee or applicant and the
22 examining physician. The examining physicians shall be
23 specifically designated by the Department. The individual to
24 be examined may have, at his or her own expense, another
25 physician of his or her choice present during all aspects of
26 this examination. Failure of an individual to submit to a

1 mental or physical examination, when directed, shall result in
2 an automatic suspension without hearing.

3 All substance-related violations shall mandate an
4 automatic substance abuse assessment. Failure to submit to an
5 assessment by a licensed physician who is certified as an
6 addictionist or an advanced practice registered nurse with
7 specialty certification in addictions may be grounds for an
8 automatic suspension, as defined by rule.

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

1 In instances in which the Secretary immediately suspends a
2 person's license under this subsection (e), a hearing on that
3 person's license must be convened by the Department within 15
4 days after the suspension and completed without appreciable
5 delay. The Department and Board shall have the authority to
6 review the subject individual's record of treatment and
7 counseling regarding the impairment to the extent permitted by
8 applicable federal statutes and regulations safeguarding the
9 confidentiality of medical records.

10 An individual licensed under this Act and affected under
11 this subsection (e) shall be afforded an opportunity to
12 demonstrate to the Department that he or she can resume
13 practice in compliance with nursing standards under the
14 provisions of his or her license.

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.