**Section 1300.120 Care Counseling and Treatment Agreement**

a) At its discretion, the Division may offer a care counseling and treatment agreement to an impaired nurse.

b) Eligibility for consideration for a care, counseling and treatment agreement may include but not be limited to the following:

1) Licensee must have no prior disciplinary action in any jurisdiction concerning practice issues related to substance abuse;

2) Licensee has not been convicted criminally of any felony or drug-related misdemeanor, nor is any such criminal action pending;

3) Licensee acknowledges a substance use disorder or impairment; and

4) Licensee has appeared for and submitted to an assessment by a physician who is a certified addictionist or an advanced practice registered nurse with specialty certification in addiction and has followed the recommendations of the assessment. Evaluations submitted from another state may be accepted if the evaluator was approved by the nursing board of that state. Evaluations that satisfy court orders may also be accepted.

c) Pursuant to Section 70-5(e) of the Act, *all substance-related allegations mandate an automatic substance abuse assessment*.

1) The Department may issue an Order to Compel a substance abuse assessment within 30 days, at the expense of the Department, meeting the requirements set forth in subsection (b). A licensee's failure to timely complete a substance abuse assessment in the manner prescribed by the Department shall result in an automatic suspension pursuant to Section 70‑5(e) of the Act.

2) Prior to the issuance of an Order to Compel, licensees may voluntarily agree to a substance abuse assessment meeting the requirements set forth in subsection (b). Voluntary remedial action may be considered a mitigating factor by the Department when assessing disciplinary or non-disciplinary action pursuant to Section 2105-130(c)(6) of the Department of Professional Regulation Law [20 ILCS 2105]. In those instances, the licensee shall be responsible for the expense of the substance abuse assessment.

(Source: Amended at 45 Ill. Reg. 228, effective January 4, 2021)