



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5156

by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

225 ILCS 65/65-35.1

225 ILCS 65/65-40

was 225 ILCS 65/15-20

Amends the Nurse Practice Act. In provisions concerning written collaborative agreements, restores the ability of podiatric physicians to collaborate with advanced practice registered nurses. Makes other changes. Effective immediately.

LRB100 17650 XWW 32821 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 5. The Nurse Practice Act is amended by changing  
5 Sections 65-35.1 and 65-40 as follows:

6 (225 ILCS 65/65-35.1)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 65-35.1. Written collaborative agreement; temporary  
9 practice. Any advanced practice registered nurse required to  
10 enter into a written collaborative agreement with a  
11 collaborating physician or collaborating podiatrist is  
12 authorized to continue to practice for up to 90 days after the  
13 termination of a collaborative agreement provided the advanced  
14 practice registered nurse seeks any needed collaboration at a  
15 local hospital and refers patients who require services beyond  
16 the training and experience of the advanced practice registered  
17 nurse to a physician or other health care provider.

18 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

19 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 65-40. Written collaborative agreement; prescriptive  
22 authority.

1 (a) A collaborating physician or podiatric physician may,  
2 but is not required to, delegate prescriptive authority to an  
3 advanced practice registered nurse as part of a written  
4 collaborative agreement. This authority may, but is not  
5 required to, include prescription of, selection of, orders for,  
6 administration of, storage of, acceptance of samples of, and  
7 dispensing over the counter medications, legend drugs, medical  
8 gases, and controlled substances categorized as any Schedule  
9 III through V controlled substances, as defined in Article II  
10 of the Illinois Controlled Substances Act, and other  
11 preparations, including, but not limited to, botanical and  
12 herbal remedies. The collaborating physician or podiatric  
13 physician must have a valid current Illinois controlled  
14 substance license and federal registration to delegate  
15 authority to prescribe delegated controlled substances.

16 (b) To prescribe controlled substances under this Section,  
17 an advanced practice registered nurse must obtain a mid-level  
18 practitioner controlled substance license. Medication orders  
19 shall be reviewed periodically by the collaborating physician  
20 or podiatric physician.

21 (c) The collaborating physician or podiatric physician ~~e~~  
22 shall file with the Department and the Prescription Monitoring  
23 Program notice of delegation of prescriptive authority and  
24 termination of such delegation, in accordance with rules of the  
25 Department. Upon receipt of this notice delegating authority to  
26 prescribe any Schedule III through V controlled substances, the

1 licensed advanced practice registered nurse shall be eligible  
2 to register for a mid-level practitioner controlled substance  
3 license under Section 303.05 of the Illinois Controlled  
4 Substances Act.

5 (d) In addition to the requirements of subsections (a),  
6 (b), and (c) of this Section, a collaborating physician or  
7 podiatric physician may, but is not required to, delegate  
8 authority to an advanced practice registered nurse to prescribe  
9 any Schedule II controlled substances, if all of the following  
10 conditions apply:

11 (1) Specific Schedule II controlled substances by oral  
12 dosage or topical or transdermal application may be  
13 delegated, provided that the delegated Schedule II  
14 controlled substances are routinely prescribed by the  
15 collaborating physician or podiatric physician. This  
16 delegation must identify the specific Schedule II  
17 controlled substances by either brand name or generic name.  
18 Schedule II controlled substances to be delivered by  
19 injection or other route of administration may not be  
20 delegated.

21 (2) Any delegation must be controlled substances that  
22 the collaborating physician or podiatric physician  
23 prescribes.

24 (3) Any prescription must be limited to no more than a  
25 30-day supply, with any continuation authorized only after  
26 prior approval of the collaborating physician or podiatric

1       physician.

2           (4) The advanced practice registered nurse must  
3 discuss the condition of any patients for whom a controlled  
4 substance is prescribed monthly with the delegating  
5 physician.

6           (5) The advanced practice registered nurse meets the  
7 education requirements of Section 303.05 of the Illinois  
8 Controlled Substances Act.

9           (e) Nothing in this Act shall be construed to limit the  
10 delegation of tasks or duties by a physician to a licensed  
11 practical nurse, a registered professional nurse, or other  
12 persons. Nothing in this Act shall be construed to limit the  
13 method of delegation that may be authorized by any means,  
14 including, but not limited to, oral, written, electronic,  
15 standing orders, protocols, guidelines, or verbal orders.

16           (f) Nothing in this Section shall be construed to apply to  
17 any medication authority including Schedule II controlled  
18 substances of an advanced practice registered nurse for care  
19 provided in a hospital, hospital affiliate, or ambulatory  
20 surgical treatment center pursuant to Section 65-45.

21           (g) (Blank).

22           (h) Nothing in this Section shall be construed to prohibit  
23 generic substitution.

24           (i) Nothing in this Section shall be construed to apply to  
25 an advanced practice registered nurse who meets the  
26 requirements of Section 65-43.

1 (Source: P.A. 100-513, eff. 1-1-18.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.