

# 101ST GENERAL ASSEMBLY State of Illinois 2019 and 2020 HB3936

Introduced 10/29/2019, by Rep. Sue Scherer - Stephanie A. Kifowit - Rita Mayfield - LaToya Greenwood, Michael Halpin, et al.

#### SYNOPSIS AS INTRODUCED:

225	ILCS	65/55-10	was 225 ILCS	65/10-30
225	ILCS	65/55-11		
225	ILCS	65/60-10		
225	ILCS	65/60-11		
225	ILCS	65/65-5	was 225 ILCS	65/15-10

Amends the Nurse Practice Act. Provides that the Department of Financial and Professional Regulation must issue or deny a license no later than 30 days after completion of the application for practical nurse and registered professional nurse licensure. Provides that the Department must issue or deny a license no later than 30 days after receiving the required documentation for advanced practice registered nurse licensure. Effective immediately.

LRB101 14974 SPS 63990 b

FISCAL NOTE ACT MAY APPLY

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1 AN ACT concerning regulation.

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

- Section 5. The Nurse Practice Act is amended by changing Sections 55-10, 55-11, 60-10, 60-11, and 65-5 as follows:
- 6 (225 ILCS 65/55-10) (was 225 ILCS 65/10-30)
- 7 (Section scheduled to be repealed on January 1, 2028)
- 8 Sec. 55-10. LPN licensure by examination.
- 9 (a) Each applicant who successfully meets the requirements
  10 of this Section is eligible for licensure as a licensed
  11 practical nurse.
- 12 (b) An applicant for licensure by examination to practice 13 as a practical nurse is eligible for licensure when the 14 following requirements are met:
  - (1) the applicant has submitted a completed written application on forms provided by the Department and fees as established by the Department;
  - (2) the applicant has graduated from a practical nursing education program approved by the Department or has been granted a certificate of completion of pre-licensure requirements from another United States jurisdiction;
- 22 (3) the applicant has successfully completed a 23 licensure examination approved by the Department;

- (4) (blank);
  - (5) the applicant has submitted to the criminal history records check required under Section 50-35 of this Act;
    - (6) the applicant has submitted either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee; and
    - (7) the applicant has met all other requirements established by rule.
  - (b-5) If an applicant for licensure by examination neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years of the date of initial application, the application shall be denied. When an applicant's application is denied due to the failure to pass the examination within the 3-year period, that applicant must undertake an additional course of education as defined by rule prior to submitting a new application for licensure. Any new application must be accompanied by the required fee, evidence of meeting the requirements in force at the time of the new application, and evidence of completion of the additional course of education prescribed by rule.
- 26 An applicant may take and successfully complete a

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- Department-approved examination 1 in another jurisdiction. 2 However, an applicant who has never been licensed previously in 3 jurisdiction that utilizes a Department-approved examination and who has taken and failed to pass 5 examination within 3 years after filing the application must 6 proof of successful completion 7 Department-authorized nursing education program or 8 recompletion of an approved licensed practical nursing program 9 prior to re-application.
  - (c) An applicant for licensure by examination shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to retake and pass the examination unless licensed in another jurisdiction of the United States.
  - (d) A licensed practical nurse applicant who passes the Department-approved licensure examination and has applied to the Department for licensure may obtain employment as a license-pending practical nurse and practice as delegated by a registered professional nurse or an advanced practice registered nurse or physician. An individual may be employed as a license-pending practical nurse if all of the following criteria are met:
    - (1) He or she has completed and passed the Department-approved licensure exam and presents to the employer the official written notification indicating

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- 1 successful passage of the licensure examination.
- 2 (2) He or she has completed and submitted to the 3 Department an application for licensure under this Section 4 as a practical nurse.
  - (3) He or she has submitted the required licensure fee.
  - (4) He or she has met all other requirements established by rule, including having submitted to a criminal history records check.
  - (e) The privilege to practice as a license-pending practical nurse shall terminate with the occurrence of any of the following:
    - (1) Three months have passed since the official date of passing the licensure exam as inscribed on the formal written notification indicating passage of the exam. This 3-month period may be extended as determined by rule.
    - (2) Receipt of the practical nurse license from the Department.
    - (3) Notification from the Department that the application for licensure has been denied.
    - (4) A request by the Department that the individual terminate practicing as a license-pending practical nurse until an official decision is made by the Department to grant or deny a practical nurse license.
- 24 (f) (Blank).
  - (g) All applicants for practical nurse licensure by examination who are graduates of nursing educational programs

in a country other than the United States or its territories 1 2 shall have their nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. 3 No such applicant may be issued a license under this Act unless 4 5 the applicant's program is deemed by the nursing credentialing 6 evaluation service to be equivalent to a professional nursing 7 education program approved by the Department. An applicant who 8 has graduated from a nursing educational program outside of the 9 United States or its territories and whose first language is not English shall submit evidence of English proficiency, as 10 11 defined by rule.

- 12 (h) (Blank).
- 13 (i) (Blank).
- 14 (i) (Blank).
- 15 (k) (Blank).
- 16 (l) (Blank).
- 17 (m) All applicants for practical nurse licensure have 3 years from the date of application to complete the application 18 19 process. The Department must issue or deny a license no later 20 than 30 days after completion of the application. If the 21 process has not been completed within 3 years from the date of 22 application, the application shall be denied, the fee 23 forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. 24
- 25 (Source: P.A. 100-513, eff. 1-1-18.)

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- 2 (Section scheduled to be repealed on January 1, 2028)
- 3 Sec. 55-11. LPN licensure by endorsement.
- 4 (a) Each applicant who successfully meets the requirements
  5 of this Section is eligible for licensure as a licensed
  6 practical nurse.
  - (b) An applicant for licensure by endorsement who is a licensed practical nurse licensed by examination under the laws of another United States jurisdiction or a foreign jurisdiction is eligible for licensure when the following requirements are met:
    - (1) the applicant has submitted a completed written application on forms supplied by the Department and fees as established by the Department;
    - (2) the applicant has graduated from a practical nursing education program approved by the Department;
    - (2.5) the applicant has successfully completed a licensure examination approved by the Department;
    - (3) the applicant has been issued a licensed practical nurse license by another United States or foreign jurisdiction, which shall be verified, as defined by rule;
    - (4) the applicant has submitted to the criminal history records check required under Section 50-35 of this Act; and
    - (5) the applicant has met all other requirements as established by the Department by rule.
    - (c) An applicant licensed in another state or territory who

is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing education program outside of the United States or its territories and whose first language is not English shall submit evidence of English proficiency, as defined by rule.

(d) A licensed practical nurse who holds an unencumbered license in good standing in another United States jurisdiction and who has applied for practical nurse licensure under this Act by endorsement may be issued a temporary permit if satisfactory proof of such licensure in another jurisdiction is presented to the Department. The Department shall not issue an applicant a temporary practical nurse permit until it is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license or one or more active temporary permits from another jurisdiction, the Department may not issue a temporary permit until the Department is satisfied that each current active license held by the applicant is unencumbered. The temporary permit, which

the Department:

1	shall be issued no later than 14 working days following receip-
2	by the Department of an application for the temporary permit
3	shall be granted upon the submission of all of the following to

- (1) a completed application for licensure as a practical nurse;
  - (2) proof of a current, active license in at least one other jurisdiction of the United States and proof that each current active license or temporary permit held by the applicant within the last 5 years is unencumbered;
  - (3) a signed and completed application for a temporary permit; and
    - (4) the required temporary permit fee.
- (e) The Department may refuse to issue an applicant a temporary permit authorized pursuant to this Section if, within 14 working days following its receipt of an application for a temporary permit, the Department determines that:
  - (1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States that is:(i) a felony; or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
  - (2) the applicant has had a license or permit related to the practice of practical nursing revoked, suspended, or placed on probation by another jurisdiction within the last 5 years and at least one of the grounds for revoking, suspending, or placing on probation is the same or

- 1 substantially equivalent to grounds in Illinois; or
- 2 (3) the Department intends to deny licensure by endorsement.
  - (f) The Department may revoke a temporary permit issued pursuant to this Section if it determines that:
    - (1) the applicant has been convicted of a crime under the law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
    - (2) within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, and at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act; or
    - (3) the Department intends to deny licensure by endorsement.
  - (g) A temporary permit shall expire 6 months after the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Secretary. However, a temporary permit shall automatically expire upon issuance of a valid license under this Act or upon notification that the Department intends to deny licensure, whichever occurs first.
    - (h) All applicants for practical nurse licensure have 3

- 1 years after the date of application to complete the application
- 2 process. The Department must issue or deny a license no later
- 3 than 30 days after completion of the application. If the
- 4 process has not been completed within 3 years after the date of
- 5 application, the application shall be denied, the fee
- 6 forfeited, and the applicant must reapply and meet the
- 7 requirements in effect at the time of reapplication.
- 8 (Source: P.A. 100-513, eff. 1-1-18.)
- 9 (225 ILCS 65/60-10)
- 10 (Section scheduled to be repealed on January 1, 2028)
- 11 Sec. 60-10. RN licensure by examination.
- 12 (a) Each applicant who successfully meets the requirements
- of this Section is eligible for licensure as a registered
- 14 professional nurse.
- 15 (b) An applicant for licensure by examination to practice
- as a registered professional nurse is eligible for licensure
- when the following requirements are met:
- 18 (1) the applicant has submitted a completed written
- application, on forms provided by the Department, and fees,
- as established by the Department;
- 21 (2) the applicant has graduated from a professional
- 22 nursing education program approved by the Department or has
- 23 been granted a certificate of completion of pre-licensure
- 24 requirements from another United States jurisdiction;
- 25 (3) the applicant has successfully completed a

licensure examination approved by the Department;

- (4) (blank);
- (5) the applicant has submitted to the criminal history records check required under Section 50-35 of this Act;
- (6) the applicant has submitted, either to the Department or its designated testing service, a fee covering the cost of providing the examination; failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee; and
- (7) the applicant has met all other requirements established by the Department by rule.

An applicant for licensure by examination may take the Department-approved examination in another jurisdiction.

(b-5) If an applicant for licensure by examination neglects, fails, or refuses to take an examination or fails to pass an examination for a license within 3 years of the date of initial application, the application shall be denied. When an applicant's application is denied due to the failure to pass the examination within the 3-year period, that applicant must undertake an additional course of education as defined by rule prior to submitting a new application for licensure. Any new application must be accompanied by the required fee, evidence of meeting the requirements in force at the time of the new

- application, and evidence of completion of the additional course of education prescribed by rule.
  - (c) An applicant for licensure by examination shall have one year after the date of notification of the successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to retake and pass the examination unless licensed in another jurisdiction of the United States.
  - (d) An applicant for licensure by examination who passes the Department-approved licensure examination for professional nursing may obtain employment as a license-pending registered nurse and practice under the direction of a registered professional nurse or an advanced practice registered nurse until such time as he or she receives his or her license to practice or until the license is denied. In no instance shall any such applicant practice or be employed in any management capacity. An individual may be employed as a license-pending registered nurse if all of the following criteria are met:
    - (1) He or she has completed and passed the Department-approved licensure exam and presents to the employer the official written notification indicating successful passage of the licensure examination.
    - (2) He or she has completed and submitted to the Department an application for licensure under this Section as a registered professional nurse.
      - (3) He or she has submitted the required licensure fee.

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- 1 (4) He or she has met all other requirements 2 established by rule, including having submitted to a 3 criminal history records check.
  - (e) The privilege to practice as a license-pending registered nurse shall terminate with the occurrence of any of the following:
    - (1) Three months have passed since the official date of passing the licensure exam as inscribed on the formal written notification indicating passage of the exam. The 3-month license pending period may be extended if more time is needed by the Department to process the licensure application.
    - (2) Receipt of the registered professional nurse license from the Department.
      - (3) Notification from the Department that the application for licensure has been refused.
      - (4) A request by the Department that the individual terminate practicing as a license-pending registered nurse until an official decision is made by the Department to grant or deny a registered professional nurse license.
- 21 (f) (Blank).
- 22 (g) (Blank).
- 23 (h) (Blank).
- (i) (Blank).
- (j) (Blank).
- 26 (k) All applicants for registered professional nurse

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- licensure have 3 years after the date of application to
  complete the application process. The Department must issue or
  deny a license no later than 30 days after completion of the
  application. If the process has not been completed within 3
  years after the date of application, the application shall be
  denied, the fee forfeited, and the applicant must reapply and
  meet the requirements in effect at the time of reapplication.
  - (1) All applicants for registered nurse licensure by examination who are graduates of practical nursing educational programs in a country other than the United States and its territories shall have their nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit evidence of English proficiency, as defined by rule.
- 21 (m) (Blank).
- 22 (Source: P.A. 100-513, eff. 1-1-18.)
- 23 (225 ILCS 65/60-11)
- 24 (Section scheduled to be repealed on January 1, 2028)
- Sec. 60-11. RN licensure by endorsement.

1		(a)	Each	appl	icar	nt who	suc	cessf	ully	meets	the	re	quiremer	nts
2	of	this	Sect	cion	is	eligik	ole	for	lice	nsure	as	a .	register	red
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- (b) An applicant for registered professional nurse licensure by endorsement who is a registered professional nurse licensed by examination under the laws of another United States jurisdiction or a foreign jurisdiction is eligible for licensure when the following requirements are met:
  - (1) the applicant has submitted a completed written application, on forms supplied by the Department, and fees as established by the Department;
  - (2) the applicant has graduated from a registered professional nursing education program approved by the Department;
  - (2.5) the applicant has successfully completed a licensure examination approved by the Department;
  - (3) the applicant has been issued a registered professional nurse license by another United States or foreign jurisdiction, which shall be verified, as defined by rule;
  - (4) the applicant has submitted to the criminal history records check required under Section 50-35 of this Act; and
  - (5) the applicant has met all other requirements as established by the Department by rule.
- (c) Pending the issuance of a license under this Section, the Department may grant an applicant a temporary permit to

practice nursing as a registered professional nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another United States jurisdiction. If the applicant holds more than one current active license or one or more active temporary licenses from another jurisdiction, the Department may not issue a temporary permit until the Department is satisfied that each current active license held by the applicant is unencumbered. The temporary permit, which shall be issued no later than 14 working days after receipt by the Department of an application for the temporary permit, shall be granted upon the submission of all of the following to the Department:

- (1) a completed application for licensure as a registered professional nurse;
- (2) proof of a current, active license in at least one other jurisdiction of the United States and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered;
  - (3) a completed application for a temporary permit; and
  - (4) the required temporary permit fee.
- (d) The Department may refuse to issue an applicant a temporary permit authorized pursuant to this Section if, within 14 working days after its receipt of an application for a temporary permit, the Department determines that:
  - (1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States that is (i)

- a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
  - (2) the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction within the last 5 years, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act; or
- 10 (3) the Department intends to deny licensure by
  11 endorsement.
  - (e) The Department may revoke a temporary permit issued pursuant to this Section if it determines that:
    - (1) the applicant has been convicted of a crime under the laws of any jurisdiction of the United States that is(i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;
    - (2) within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds for disciplinary action under this Act; or
    - (3) the Department intends to deny licensure by endorsement.

- (f) A temporary permit issued under this Section shall expire 6 months after the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Secretary. However, a temporary permit shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first.
- (g) All applicants for registered professional nurse licensure have 3 years after the date of application to complete the application process. The Department must issue or deny a license no later than 30 days after completion of the application. If the process has not been completed within 3 years after the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
- (h) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing education program outside of the United States or its

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- 1 territories and whose first language is not English shall
- 2 submit evidence of English proficiency, as defined by rule.
- 3 (Source: P.A. 100-513, eff. 1-1-18.)
- 4 (225 ILCS 65/65-5) (was 225 ILCS 65/15-10)
- 5 (Section scheduled to be repealed on January 1, 2028)
- 6 Sec. 65-5. Qualifications for APRN licensure.
- 7 (a) Each applicant who successfully meets the requirements 8 of this Section is eligible for licensure as an advanced 9 practice registered nurse.
- 10 (b) An applicant for licensure to practice as an advanced 11 practice registered nurse is eligible for licensure when the 12 following requirements are met:
  - (1) the applicant has submitted a completed application and any fees as established by the Department;
    - (2) the applicant holds a current license to practice as a registered professional nurse under this Act;
    - (3) the applicant has successfully completed requirements to practice as, and holds and maintains current, national certification as, a nurse midwife, clinical nurse specialist, nurse practitioner, certified registered nurse anesthetist from the appropriate national certifying body as determined by rule of the Department;
    - (4) the applicant has obtained a graduate degree appropriate for national certification in a clinical

advanced practice registered nursing specialty or a graduate degree or post-master's certificate from a graduate level program in a clinical advanced practice registered nursing specialty;

- (5) (blank);
- (6) the applicant has submitted to the criminal history records check required under Section 50-35 of this Act; and
- (7) if applicable, the applicant has submitted verification of licensure status in another jurisdiction, as provided by rule.

## The Department must issue or deny a license no later than 30 days after receiving the required documentation.

- (b-5) A registered professional nurse seeking licensure as an advanced practice registered nurse in the category of certified registered nurse anesthetist who does not have a graduate degree as described in subsection (b) of this Section shall be qualified for licensure if that person:
  - (1) submits evidence of having successfully completed a nurse anesthesia program described in item (4) of subsection (b) of this Section prior to January 1, 1999;
  - (2) submits evidence of certification as a registered nurse anesthetist by an appropriate national certifying body; and
  - (3) has continually maintained active, up-to-date recertification status as a certified registered nurse anesthetist by an appropriate national recertifying body.

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2	<u>30</u>	days	after	recei	ving	the	reo	quir	ed d	ocu	mentatic	n.		

- (b-10) The Department may issue a certified registered nurse anesthetist license to an APRN who (i) does not have a graduate degree, (ii) applies for licensure before July 1, 2023, and (iii) submits all of the following to the Department:
- 7 (1) His or her current State registered nurse license number.
  - (2) Proof of current national certification, which includes the completion of an examination from either of the following:
    - (A) the Council on Certification of the American Association of Nurse Anesthetists; or
    - (B) the Council on Recertification of the American Association of Nurse Anesthetists.
  - (3) Proof of the successful completion of a post-basic advanced practice formal education program in the area of nurse anesthesia prior to January 1, 1999.
  - (4) His or her complete work history for the 5-year period immediately preceding the date of his or her application.
  - (5) Verification of licensure as an advanced practice registered nurse from the state in which he or she was originally licensed, current state of licensure, and any other state in which he or she has been actively practicing as an advanced practice registered nurse within the 5-year

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1	period	immed	iately	preced	ing	the	date	of	his	or	her
2	applicat	tion.	If appl	licable,	this	veri	ificat	ion	must	stat	e:

- (A) the time during which he or she was licensed in each state, including the date of the original issuance of each license; and
- (B) any disciplinary action taken or pending concerning any nursing license held, currently or in the past, by the applicant.
- (6) The required fee.

### The Department must issue or deny a license no later than 30 days after receiving the required documentation.

(c) Those applicants seeking licensure in more than one advanced practice registered nursing specialty need not possess multiple graduate degrees. Applicants may be eligible for licenses for multiple advanced practice registered nurse licensure specialties, provided that the applicant (i) has met the requirements for at least one advanced practice registered nursing specialty under paragraphs (3) and (5) of subsection (a) of this Section, (ii) possesses an additional graduate education that results in a certificate for another clinical advanced practice registered nurse specialty and that meets the requirements for the national certification from the appropriate nursing specialty, and (iii) holds a current national certification from the appropriate national certifying body for that additional advanced practice registered nursing specialty.

- 1 (Source: P.A. 100-231, eff. 1-1-18; 100-513, eff. 1-1-18.)
- 2 Section 99. Effective date. This Act takes effect upon
- 3 becoming law.