



Rep. Yolonda Morris

Filed: 5/14/2024

10300SB1779ham001

LRB103 28441 BDA 73310 a

1 AMENDMENT TO SENATE BILL 1779

2 AMENDMENT NO. _____. Amend Senate Bill 1779 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by adding
5 Section 3-220 as follows:

6 (210 ILCS 45/3-220 new)

7 Sec. 3-220. Certified medication aide program.

8 (a) Definitions. As used in this Section:

9 "Department" means the Department of Public Health.

10 "Certified medication aide" means a person who has met the
11 qualifications for certification under this Section who
12 assists with medication administration while under the
13 supervision of a registered professional nurse in a skilled
14 nursing facility.

15 "Qualified employer" means a facility licensed under this
16 Act by the Department of Public Health that meets the

1 qualifications set forth in subsection (c) of Section 3-220 of
2 this Act.

3 (b) The Department shall administer and enforce a
4 certified medication aide program, ensuring the regulation and
5 certification of medication aides. In order for a facility to
6 use certified medication aides, it must have the approval of
7 the Department.

8 (c) To be approved as a qualified facility, a facility
9 must:

10 (1) be licensed and in compliance when applying as a
11 skilled nursing facility by the Department of Public
12 Health;

13 (2) not appear on the Centers for Medicare and
14 Medicaid Services Special Focus Facility List;

15 (3) certify that the employment of a certified
16 medication aide will not replace or diminish the
17 employment of a registered nurse or licensed practical
18 nurse at the facility;

19 (4) certify that a registered nurse will be on duty
20 and present in the facility to delegate and supervise the
21 medication administration by a certified medication aide
22 during the delegation times;

23 (5) certify that, with the exception of licensed
24 health care professionals, only certified medication aides
25 will be employed in the capacity of administering
26 medication; and

1 (6) provide information regarding patient safety,
2 efficiency, and errors as determined by the Department by
3 rule.

4 Failure to submit any required report shall be grounds
5 for discipline or sanctions under this Act, the Nurse
6 Practice Act, or the Nursing Home Administrators Licensing
7 and Disciplinary Act.

8 (d) The Department shall submit a report regarding patient
9 safety, efficiency, and errors, as determined by rule, to the
10 General Assembly no later than one year after the full
11 implementation of the program.

12 (e) Nothing in this Section shall be construed as
13 preventing or restricting the practice, services, or
14 activities of:

15 (1) any person licensed in this State by any other law
16 from engaging in the profession or occupation for which
17 the person is licensed;

18 (2) any person employed as a medication aide by the
19 government of the United States, if the person practices
20 as a medication aide solely under the direction or control
21 of the organization by which the person is employed; or

22 (3) any person pursuing a course of study leading to a
23 certificate in medication aide at an accredited or
24 approved educational program if such activities and
25 services constitute a part of a supervised course of study
26 and if such person is designated by a title which clearly

1 indicates the person's status as a student or trainee.

2 (f) Nothing in this Section shall be construed to limit
3 the delegation of tasks or duties by a physician, dentist,
4 advanced practice registered nurse, or podiatric physician as
5 authorized by law.

6 (g) A certified medication aide may only practice in a
7 qualified facility.

8 (h) Certified medication aides must be supervised by and
9 receive delegation from a registered nurse that is on duty and
10 present in the facility at all times when certified medication
11 aides are administering medication.

12 (i) Certified medication aides shall not perform other
13 duties during the duration of the medication distribution.

14 (j) Certified medication aides shall not administer any
15 medication until a physician has conducted an initial
16 assessment of the resident.

17 (k) Certified medication aides shall not administer any
18 Schedule II controlled substances as set forth in the Illinois
19 Controlled Substances Act and may not administer any
20 subcutaneous, intramuscular, intradermal, or intravenous
21 medication.

22 (l) In addition to any other penalty provided by law, any
23 person who practices, offers to practice, attempts to
24 practice, or holds oneself out to practice as a medication
25 aide without being certified under this Section shall pay a
26 civil penalty to the Department in an amount determined by the

1 Department by rule.

2 (m) The Department has the authority and power to
3 investigate any and all activity under this Section that is
4 not certified.

5 (n) The civil penalty described in this Section shall be
6 paid within 60 days after the effective date of the order
7 imposing the civil penalty. The order shall constitute a
8 judgment and may be filed and execution had thereon in the same
9 manner as any judgment from any court of record.

10 (o) The Department shall authorize examinations of
11 applicants for certification under this Section at the times
12 and places it designates. The examination shall be of a
13 character to give a fair test of the qualifications of the
14 applicant to practice as a certified medication aide.

15 (p) Applicants for examination as a certified medication
16 aide shall be required to pay, either to the Department or the
17 designated testing service, a fee covering the cost of
18 providing the examination. Failure to appear for the
19 examination on the scheduled date, at the time and place
20 specified, after the applicant's application for examination
21 has been received and acknowledged by the Department or the
22 designated testing service, shall result in the forfeiture of
23 the examination fee.

24 (q) An applicant for certification by examination to
25 practice as a certified medication aide must:

26 (1) submit a completed written application on forms

1 provided by the Department and pay any fees as established
2 by the Department;

3 (2) be age 18 or older;

4 (3) have a State of Illinois High School Diploma;

5 (4) demonstrate the ability to speak, read, and write
6 the English language or language of the facility, as
7 determined by rule;

8 (5) demonstrate competency in math, as determined by
9 rule;

10 (6) be currently certified in good standing as a
11 certified nursing assistant and provide proof of 2,000
12 hours of practice as a certified nursing assistant within
13 3 years before application for certification;

14 (7) submit to the criminal history records check
15 required under the Health Care Worker Background Check
16 Act;

17 (8) have not engaged in conduct or behavior determined
18 to be grounds for discipline under this Act;

19 (9) be currently certified to perform cardiopulmonary
20 resuscitation by the American Heart Association or
21 American Red Cross;

22 (10) have successfully completed a course of study
23 that is approved by the Department by rule and that
24 includes:

25 (A) a minimum of 60 hours of classroom-based
26 certified medication aide education;

1 (B) a minimum of 10 hours of simulation laboratory
2 study; and

3 (C) a minimum of 30 hours of registered
4 nurse-supervised clinical practicum with progressive
5 responsibility of patient medication assistance;

6 (11) have successfully completed the medication aide
7 certification examination or other examination authorized
8 by the Department; and

9 (12) submit proof of employment by a qualifying
10 facility.

11 (r) The expiration date for each certification to practice
12 as a certified medication aide shall be set by rule.

13 (s) Violations and enforcement shall be as otherwise
14 provided in Article III of this Act.

15 (t) Any person who is issued a certification as a
16 medication aide under the terms of this Section shall use the
17 words "certified medication aide" in connection with the
18 person's name to denote the person's certification under this
19 Section.

20 (u) The Department shall propose rules to implement,
21 administer, and enforce this Section within 90 days after the
22 effective date of this amendatory Act of the 103rd General
23 Assembly."