



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3759

Introduced 2/9/2024, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

225 ILCS 65/70-3 new  
225 ILCS 65/Art. 80 heading  
225 ILCS 65/80-5  
225 ILCS 65/80-10  
225 ILCS 65/80-15  
225 ILCS 65/80-20  
225 ILCS 65/80-25  
225 ILCS 65/80-30  
225 ILCS 65/80-35  
225 ILCS 65/80-40  
225 ILCS 65/80-45  
225 ILCS 65/80-50  
225 ILCS 65/80-55

Amends the Medication Aide Pilot Program Article of the Nurse Practice Act. Changes the title of the Article to Medication Aide Program. Provides that the Department of Public Health (instead of the Department of Financial and Professional Regulation) shall administer and enforce a Certified Medication Aide Program (instead of a Licensed Medication Aide Pilot Program). Makes conforming changes. Provides that the term "qualified employer" means an assisted living or shared housing establishment (instead of a long-term care facility) licensed by the Department of Public Health that meets specified qualifications; makes changes concerning the qualifications. Amends the Administration and Enforcement Article of the Nurse Practice Act to specify that the Department of Public Health shall administer and enforce the provisions of the Article with regards to a certified medication aide.

LRB103 38450 RTM 68586 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 the heading of Article 80 and Sections 80-5, 80-10, 80-15,  
6 80-20, 80-25, 80-30, 80-35, 80-40, 80-45, 80-50, and 80-55 and  
7 by adding Section 70-3 as follows:

8 (225 ILCS 65/70-3 new)

9 Sec. 70-3. Definitions. In this Article:

10 "Department" means the Department of Financial and  
11 Professional Regulation, except for a certified medication  
12 aide certified under Article 80. For a certified medication  
13 aide, "Department" means the Department of Public Health.

14 "Secretary" means the Secretary of Financial and  
15 Professional Regulation, except for a certified medication  
16 aide certified under Article 80. For a certified medication  
17 aide, "Secretary" means the Director of Public Health.

18 (225 ILCS 65/Art. 80 heading)

19 ARTICLE 80. MEDICATION AIDE ~~PILOT~~ PROGRAM

20 (Article scheduled to be repealed on January 1, 2028)

21 (Source: P.A. 98-990, eff. 8-18-14.)

1 (225 ILCS 65/80-5)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 80-5. Definitions. For the purposes of this Article  
4 only:

5 "Department" means the Department of Public Health.

6 "Direct-care assignment" means an assignment as defined  
7 for staffing requirements as direct care staff under 77 CFR  
8 300.1230.

9 "Medication aide" means a person who has met the  
10 qualifications for certification ~~licensure~~ under this Article  
11 who assists with medication administration while under the  
12 supervision of a registered professional nurse (RN) in an  
13 assisted living and shared housing establishment ~~a long-term~~  
14 ~~care facility~~.

15 "Qualified employer" means an assisted living or shared  
16 housing establishment ~~a long-term care facility~~ licensed by  
17 the Department of Public Health that meets the qualifications  
18 set forth in Section 80-10.

19 (Source: P.A. 98-990, eff. 8-18-14.)

20 (225 ILCS 65/80-10)

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

22 Sec. 80-10. Medication aide ~~Pilot~~ program.

23 (a) The Department shall administer and enforce a  
24 Certified ~~Licensed~~ Medication Aide ~~Pilot~~ Program. The ~~program~~  
25 ~~shall last for a period of 3 years, as determined by rule.~~

1 ~~During the 3-year pilot program, the~~ Department shall license  
2 and regulate licensed medication aides. ~~As part of the pilot~~  
3 ~~program, no more than 10 skilled nursing homes, which shall be~~  
4 ~~geographically located throughout the State, shall be~~  
5 ~~authorized to employ licensed medication aides, as approved by~~  
6 ~~the Department. The Department may consult with the Department~~  
7 ~~of Public Health as necessary to properly administer and~~  
8 ~~enforce this Article.~~

9 (b) To be approved as a qualified establishment, an  
10 establishment ~~facility for the duration of the pilot program,~~  
11 ~~a facility~~ must:

12 (1) be licensed in good standing as an assisted living  
13 or shared housing establishment ~~a skilled nursing facility~~  
14 by the Department of Public Health;

15 (2) (blank); ~~have an overall Five Star Quality Rating~~  
16 ~~of 3, 4, or 5 from the most recent data available on the~~  
17 ~~Centers for Medicare and Medicaid Services' website;~~

18 (3) certify that the employment of a certified  
19 ~~licensed~~ medication aide will not replace or diminish the  
20 employment of a registered nurse or licensed practical  
21 nurse at the establishment ~~facility~~;

22 (4) certify that a registered nurse will be on-duty  
23 and present in the establishment ~~facility~~ to delegate and  
24 supervise the medication administration by a certified  
25 ~~licensed~~ medication aide at all times;

26 (5) certify that, with the exception of licensed

1 health care professionals, only certified ~~licensed~~  
2 medication aides will be employed in the capacity of  
3 administering medication; and

4 (6) provide information regarding patient safety,  
5 efficiency, and errors as determined by the Department;  
6 failure to submit any required report may be grounds for  
7 discipline or sanctions under this Act, ~~the Nursing Home~~  
8 ~~Administrators Licensing and Disciplinary Act, or the~~  
9 ~~Nursing Home Care Act.~~

10 The Department shall submit a report regarding patient  
11 safety, efficiency, and errors, as determined by rule, to the  
12 General Assembly no later than one year ~~6 months~~ after  
13 implementation of this Act ~~termination of the pilot program.~~

14 (Source: P.A. 98-990, eff. 8-18-14.)

15 (225 ILCS 65/80-15)

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

17 Sec. 80-15. Certification ~~Licensure~~ requirement; exempt  
18 activities.

19 (a) ~~No~~ ~~On and after January 1, 2015, no~~ person shall  
20 practice as a medication aide or hold the person ~~himself or~~  
21 ~~herself~~ out as a certified ~~licensed~~ medication aide in this  
22 State unless the person ~~he or she~~ is certified ~~licensed~~ under  
23 this Article.

24 (b) Nothing in this Article shall be construed as  
25 preventing or restricting the practice, services, or

1 activities of:

2 (1) any person licensed in this State by any other law  
3 from engaging in the profession or occupation for which he  
4 or she is licensed;

5 (2) any person employed as a medication aide by the  
6 government of the United States, if such person practices  
7 as a medication aide solely under the direction or control  
8 of the organization by which he or she is employed; or

9 (3) any person pursuing a course of study leading to a  
10 certificate in medication aide at an accredited or  
11 approved educational program if such activities and  
12 services constitute a part of a supervised course of study  
13 and if such person is designated by a title which clearly  
14 indicates his or her status as a student or trainee.

15 (c) Nothing in this Article shall be construed to limit  
16 the delegation of tasks or duties by a physician, dentist,  
17 advanced practice registered nurse, or podiatric physician as  
18 authorized by law.

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

20 (225 ILCS 65/80-20)

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

22 Sec. 80-20. Scope of practice.

23 (a) A certified ~~licensed~~ medication aide may only practice  
24 in a qualified establishment ~~facility~~.

25 (b) Certified ~~Licensed~~ medication aides must be supervised

1 by and receive delegation by a registered nurse that is  
2 on-duty and present in the establishment ~~facility~~ at all  
3 times.

4 (c) Certified ~~Licensed~~ medication aides shall not have a  
5 direct-care assignment when scheduled to work as a certified  
6 ~~licensed~~ medication aide, but may assist residents as needed.

7 (d) Certified ~~Licensed~~ medication aides shall not  
8 administer any medication until a physician has conducted an  
9 initial assessment of the resident.

10 (e) Certified ~~Licensed~~ medication aides shall not  
11 administer any Schedule II controlled substances as set forth  
12 in the Illinois Controlled Substances Act, and may not  
13 administer any subcutaneous, intramuscular, intradermal, or  
14 intravenous medication.

15 (Source: P.A. 98-990, eff. 8-18-14.)

16 (225 ILCS 65/80-25)

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

18 Sec. 80-25. Uncertified ~~Unlicensed~~ practice; violation;  
19 civil penalty.

20 (a) In addition to any other penalty provided by law, any  
21 person who practices, offers to practice, attempts to  
22 practice, or holds oneself out to practice as a medication  
23 aide without being certified ~~licensed~~ under this Act shall, in  
24 addition to any other penalty provided by law, pay a civil  
25 penalty to the Department in an amount not to exceed \$10,000

1 for each offense as determined by the Department. The civil  
2 penalty shall be assessed by the Department after a hearing is  
3 held in accordance with the provisions set forth in this Act  
4 regarding the provision of a hearing for the discipline of a  
5 licensee.

6 (b) The Department has the authority and power to  
7 investigate any and all uncertified ~~unlicensed~~ activity.

8 (c) The civil penalty shall be paid within 60 days after  
9 the effective date of the order imposing the civil penalty.  
10 The order shall constitute a judgment and may be filed and  
11 execution had thereon in the same manner as any judgment from  
12 any court of record.

13 (Source: P.A. 98-990, eff. 8-18-14.)

14 (225 ILCS 65/80-30)

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

16 Sec. 80-30. Applications for original certification  
17 ~~licensure~~. Applications for original certification ~~licensure~~  
18 shall be made to the Department in writing on forms prescribed  
19 by the Department and shall be accompanied by the required  
20 fee, which shall not be returnable. The application shall  
21 require such information as, in the judgment of the  
22 Department, will enable the Department to pass on the  
23 qualifications of the applicant for certification ~~licensure~~.  
24 Applicants have 3 years after the date of application to  
25 complete the application process. If the process has not been



1 completed within 3 years, the application shall be denied, the  
2 fee forfeited, and the applicant must reapply and meet the  
3 requirements in effect at the time of reapplication.

4 (Source: P.A. 98-990, eff. 8-18-14.)

5 (225 ILCS 65/80-35)

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

7 Sec. 80-35. Examinations. The Department shall authorize  
8 examinations of applicants for a certification ~~license~~ under  
9 this Article at the times and place as it may designate. The  
10 examination shall be of a character to give a fair test of the  
11 qualifications of the applicant to practice as a medication  
12 aide.

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

22 If an applicant fails to pass an examination for  
23 certification ~~licensure~~ under this Act within 3 years after  
24 filing his or her application, the application shall be  
25 denied. The applicant may thereafter make a new application

1 accompanied by the required fee; however, the applicant shall  
2 meet all requirements in effect at the time of subsequent  
3 application before obtaining certification ~~licensure~~. The  
4 Department may employ consultants for the purposes of  
5 preparing and conducting examinations.

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

7 (225 ILCS 65/80-40)

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

9 Sec. 80-40. Certification ~~Licensure~~ by examination. An  
10 applicant for certification ~~licensure~~ by examination to  
11 practice as a certified ~~licensed~~ medication aide must:

12 (1) submit a completed written application on forms  
13 provided by the Department and fees as established by the  
14 Department;

15 (2) be age 18 or older;

16 (3) have a high school diploma or a State of Illinois  
17 High School Diploma;

18 (4) demonstrate the ability to speak, read, and write  
19 the English language, as determined by rule;

20 (5) demonstrate competency in math, as determined by  
21 rule;

22 (6) be currently certified in good standing as a  
23 certified nursing assistant and provide proof of 2,000  
24 hours of practice as a certified nursing assistant within  
25 3 years before applying ~~application~~ for certification

1       ~~licensure;~~

2           (7) submit to the criminal history records check  
3 required under Section 50-35 of this Act;

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

6           (9) be currently certified to perform cardiopulmonary  
7 resuscitation by the American Heart Association or  
8 American Red Cross;

9           (10) have successfully completed a course of study  
10 approved by the Department as defined by rule; to be  
11 approved, the program must include a minimum of 60 hours  
12 of classroom-based medication aide education, a minimum of  
13 10 hours of simulation laboratory study, and a minimum of  
14 30 hours of registered nurse-supervised clinical practicum  
15 with progressive responsibility of patient medication  
16 assistance;

17           (11) have successfully completed the Medication Aide  
18 Certification Examination or other examination authorized  
19 by the Department; and

20           (12) submit proof of employment by a qualifying  
21 facility.

22       (Source: P.A. 102-1100, eff. 1-1-23.)

23       (225 ILCS 65/80-45)

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

25       Sec. 80-45. Expiration of certification ~~license~~. The

1 expiration date for each certificate ~~license~~ to practice as a  
2 certified ~~licensed~~ medication aide shall be set by the rule.  
3 ~~Licenses under this Article may not be renewed or restored.~~  
4 (Source: P.A. 98-990, eff. 8-18-14.)

5 (225 ILCS 65/80-50)

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

7 Sec. 80-50. Administration and enforcement. Certificates  
8 ~~licenses~~ issued under this Article are subject to Article 70,  
9 including grounds for disciplinary action under Section 70-5.  
10 (Source: P.A. 98-990, eff. 8-18-14.)

11 (225 ILCS 65/80-55)

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

13 Sec. 80-55. Title. Any person who is issued a certificate  
14 ~~license~~ as a medication aide under the terms of this Act shall  
15 use the words "certified ~~licensed~~ medication aide" in  
16 connection with his or her name to denote his or her  
17 certification ~~licensure~~ under this Act.  
18 (Source: P.A. 98-990, eff. 8-18-14.)