

1 AN ACT concerning the licensure of nurses.

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

4 Section 1. Short title. This Act may be cited as the
5 Nurse Licensure Compact Act.

6 Section 5. Nurse Licensure Compact. The State of Illinois
7 ratifies and approves the Nurse Licensure Compact and enters
8 into it with all other jurisdictions that legally join in the
9 compact, which is, in form, substantially as follows:

10 ARTICLE I. Findings and Declaration of Purpose

11 (a) The party states find that:

12 (1) the health and safety of the public are
13 affected by the degree of compliance with and the
14 effectiveness of enforcement activities related to state
15 nurse licensure laws;

16 (2) violations of nurse licensure and other laws
17 regulating the practice of nursing may result in injury
18 or harm to the public;

19 (3) the expanded mobility of nurses and the use of
20 advanced communication technologies as part of our
21 nation's healthcare delivery system require greater
22 coordination and cooperation among states in the areas of
23 nurse licensure and regulation;

24 (4) new practice modalities and technology make
25 compliance with individual state nurse licensure laws
26 difficult and complex;

27 (5) the current system of duplicative licensure for
28 nurses practicing in multiple states is cumbersome and
29 redundant to both nurses and states.

30 (b) The general purposes of this Compact are to:

1 (1) facilitate the states' responsibility to
2 protect the public's health and safety;

3 (2) ensure and encourage the cooperation of party
4 states in the areas of nurse licensure and regulation;

5 (3) facilitate the exchange of information between
6 party states in the areas of nurse regulation,
7 investigation and adverse actions;

8 (4) promote compliance with the laws governing the
9 practice of nursing in each jurisdiction;

10 (5) invest all party states with the authority to
11 hold a nurse accountable for meeting all state practice
12 laws in the state in which the patient is located at the
13 time care is rendered through the mutual recognition of
14 party state licenses.

15 ARTICLE II. Definitions

16 As used in this Compact:

17 (a) "Adverse Action" means a home or remote state
18 action.

19 (b) "Alternative program" means a voluntary,
20 non-disciplinary monitoring program approved by a nurse
21 licensing board.

22 (c) "Coordinated licensure information system" means an
23 integrated process for collecting, storing, and sharing
24 information on nurse licensure and enforcement activities
25 related to nurse licensure laws, which is administered by a
26 non-profit organization composed of and controlled by state
27 nurse licensing boards.

28 (d) "Current significant investigative information"
29 means:

30 (1) investigative information that a licensing
31 board, after a preliminary inquiry that includes
32 notification and an opportunity for the nurse to respond
33 if required by state law, has reason to believe is not

1 groundless and, if proved true, would indicate more than
2 a minor infraction; or

3 (2) investigative information that indicates that
4 the nurse represents an immediate threat to public health
5 and safety regardless of whether the nurse has been
6 notified and had an opportunity to respond.

7 (e) "Home state" means the party state which is the
8 nurse's primary state of residence.

9 (f) "Home state action" means any administrative, civil,
10 equitable or criminal action permitted by the home state's
11 laws which are imposed on a nurse by the home state's
12 licensing board or other authority including actions against
13 an individual's license such as: revocation, suspension,
14 probation or any other action which affects a nurse's
15 authorization to practice.

16 (g) "Licensing board" means a party state's regulatory
17 body responsible for issuing nurse licenses.

18 (h) "Multistate licensure privilege" means current,
19 official authority from a remote state permitting the
20 practice of nursing as either a registered nurse or a
21 licensed practical/vocational nurse in such party state. All
22 party states have the authority, in accordance with existing
23 state due process law, to take actions against the nurse's
24 privilege such as: revocation, suspension, probation or any
25 other action which affects a nurse's authorization to
26 practice.

27 (i) "Nurse" means a registered nurse or licensed
28 practical/vocational nurse, as those terms are defined by
29 each party's state practice laws.

30 (j) "Party state" means any state that has adopted this
31 Compact.

32 (k) "Remote state" means a party state, other than the
33 home state,

34 (1) where the patient is located at the time

1 nursing care is provided, or,

2 (2) in the case of the practice of nursing not
3 involving a patient, in such party state where the
4 recipient of nursing practice is located.

5 (1) "Remote state action" means

6 (1) any administrative, civil, equitable or
7 criminal action permitted by a remote state's laws which
8 are imposed on a nurse by the remote state's licensing
9 board or other authority including actions against an
10 individual's multistate licensure privilege to practice
11 in the remote state, and

12 (2) cease and desist and other injunctive or
13 equitable orders issued by remote states or the licensing
14 boards thereof.

15 (m) "State" means a state, territory, or possession of
16 the United States, the District of Columbia or the
17 Commonwealth of Puerto Rico.

18 (n) "State practice laws" means those individual party's
19 state laws and regulations that govern the practice of
20 nursing, define the scope of nursing practice, and create the
21 methods and grounds for imposing discipline. "State practice
22 laws" does not include the initial qualifications for
23 licensure or requirements necessary to obtain and retain a
24 license, except for qualifications or requirements of the
25 home state.

26 ARTICLE III. General Provisions and Jurisdiction

27 (a) A license to practice registered nursing issued by a
28 home state to a resident in that state will be recognized by
29 each party state as authorizing a multistate licensure
30 privilege to practice as a registered nurse in such party
31 state. A license to practice licensed practical/vocational
32 nursing issued by a home state to a resident in that state
33 will be recognized by each party state as authorizing a

1 multistate licensure privilege to practice as a licensed
2 practical/vocational nurse in such party state. In order to
3 obtain or retain a license, an applicant must meet the home
4 state's qualifications for licensure and license renewal as
5 well as all other applicable state laws.

6 (b) Party states may, in accordance with state due
7 process laws, limit or revoke the multistate licensure
8 privilege of any nurse to practice in their state and may
9 take any other actions under their applicable state laws
10 necessary to protect the health and safety of their citizens.
11 If a party state takes such action, it shall promptly notify
12 the administrator of the coordinated licensure information
13 system. The administrator of the coordinated licensure
14 information system shall promptly notify the home state of
15 any such actions by remote states.

16 (c) Every nurse practicing in a party state must comply
17 with the state practice laws of the state in which the
18 patient is located at the time care is rendered. In addition,
19 the practice of nursing is not limited to patient care, but
20 shall include all nursing practice as defined by the state
21 practice laws of a party state. The practice of nursing will
22 subject a nurse to the jurisdiction of the nurse licensing
23 board and the courts, as well as the laws, in that party
24 state.

25 (d) This Compact does not affect additional requirements
26 imposed by states for advanced practice registered nursing.
27 However, a multistate licensure privilege to practice
28 registered nursing granted by a party state shall be
29 recognized by other party states as a license to practice
30 registered nursing if one is required by state law as a
31 precondition for qualifying for advanced practice registered
32 nurse authorization.

33 (e) Individuals not residing in a party state shall
34 continue to be able to apply for nurse licensure as provided

1 for under the laws of each party state. However, the license
2 granted to these individuals will not be recognized as
3 granting the privilege to practice nursing in any other party
4 state unless explicitly agreed to by that party state.

5 ARTICLE IV. Applications for Licensure in a Party State

6 (a) Upon application for a license, the licensing board
7 in a party state shall ascertain, through the coordinated
8 licensure information system, whether the applicant has ever
9 held, or is the holder of, a license issued by any other
10 state, whether there are any restrictions on the multistate
11 licensure privilege, and whether any other adverse action by
12 any state has been taken against the license.

13 (b) A nurse in a party state shall hold licensure in
14 only one party state at a time, issued by the home state.

15 (c) A nurse who intends to change primary state of
16 residence may apply for licensure in the new home state in
17 advance of such change. However, new licenses will not be
18 issued by a party state until after a nurse provides evidence
19 of change in primary state of residence satisfactory to the
20 new home state's licensing board.

21 (d) When a nurse changes primary state of residence by:

22 (1) moving between two party states, and obtains a
23 license from the new home state, the license from the
24 former home state is no longer valid;

25 (2) moving from a non-party state to a party state,
26 and obtains a license from the new home state, the
27 individual state license issued by the non-party state is
28 not affected and will remain in full force if so provided
29 by the laws of the non-party state;

30 (3) moving from a party state to a non-party state,
31 the license issued by the prior home state converts to an
32 individual state license, valid only in the former home
33 state, without the multistate licensure privilege to

1 practice in other party states.

2 ARTICLE V. Adverse Actions

3 In addition to the General Provisions described in
4 Article III, the following provisions apply:

5 (a) The licensing board of a remote state shall promptly
6 report to the administrator of the coordinated licensure
7 information system any remote state actions including the
8 factual and legal basis for such action, if known. The
9 licensing board of a remote state shall also promptly report
10 any significant current investigative information yet to
11 result in a remote state action. The administrator of the
12 coordinated licensure information system shall promptly
13 notify the home state of any such reports.

14 (b) The licensing board of a party state shall have the
15 authority to complete any pending investigations for a nurse
16 who changes primary state of residence during the course of
17 such investigations. It shall also have the authority to take
18 appropriate action(s), and shall promptly report the
19 conclusions of such investigations to the administrator of
20 the coordinated licensure information system. The
21 administrator of the coordinated licensure information system
22 shall promptly notify the new home state of any such actions.

23 (c) A remote state may take adverse action affecting the
24 multistate licensure privilege to practice within that party
25 state. However, only the home state shall have the power to
26 impose adverse action against the license issued by the home
27 state.

28 (d) For purposes of imposing adverse action, the
29 licensing board of the home state shall give the same
30 priority and effect to reported conduct received from a
31 remote state as it would if such conduct had occurred within
32 the home state. In so doing, it shall apply its own state
33 laws to determine appropriate action.

1 (e) The home state may take adverse action based on the
2 factual findings of the remote state, so long as each state
3 follows its own procedures for imposing such adverse action.

4 (f) Nothing in this Compact shall override a party
5 state's decision that participation in an alternative program
6 may be used in lieu of licensure action and that such
7 participation shall remain non-public if required by the
8 party state's laws. Party states must require nurses who
9 enter any alternative programs to agree not to practice in
10 any other party state during the term of the alternative
11 program without prior authorization from such other party
12 state.

13 ARTICLE VI. Additional Authorities Invested

14 in Party State Nurse Licensing Boards

15 Notwithstanding any other powers, party state nurse
16 licensing boards shall have the authority to:

17 (a) if otherwise permitted by state law, recover from
18 the affected nurse the costs of investigations and
19 disposition of cases resulting from any adverse action taken
20 against that nurse;

21 (b) issue subpoenas for both hearings and investigations
22 which require the attendance and testimony of witnesses, and
23 the production of evidence. Subpoenas issued by a nurse
24 licensing board in a party state for the attendance and
25 testimony of witnesses, and/or the production of evidence
26 from another party state, shall be enforced in the latter
27 state by any court of competent jurisdiction, according to
28 the practice and procedure of that court applicable to
29 subpoenas issued in proceedings pending before it. The
30 issuing authority shall pay any witness fees, travel
31 expenses, mileage and other fees required by the service
32 statutes of the state where the witnesses and/or evidence are
33 located.

1 (c) issue cease and desist orders to limit or revoke a
2 nurse's authority to practice in their state;

3 (d) promulgate uniform rules and regulations as provided
4 for in Article VIII(c).

5 ARTICLE VII. Coordinated Licensure Information System

6 (a) All party states shall participate in a cooperative
7 effort to create a coordinated data base of all licensed
8 registered nurses and licensed practical/vocational nurses.
9 This system will include information on the licensure and
10 disciplinary history of each nurse, as contributed by party
11 states, to assist in the coordination of nurse licensure and
12 enforcement efforts.

13 (b) Notwithstanding any other provision of law, all
14 party states' licensing boards shall promptly report adverse
15 actions, actions against multistate licensure privileges, any
16 current significant investigative information yet to result
17 in adverse action, denials of applications, and the reasons
18 for such denials, to the coordinated licensure information
19 system.

20 (c) Current significant investigative information shall
21 be transmitted through the coordinated licensure information
22 system only to party state licensing boards.

23 (d) Notwithstanding any other provision of law, all
24 party states' licensing boards contributing information to
25 the coordinated licensure information system may designate
26 information that may not be shared with non-party states or
27 disclosed to other entities or individuals without the
28 express permission of the contributing state.

29 (e) Any personally identifiable information obtained by
30 a party states' licensing board from the coordinated
31 licensure information system may not be shared with non-party
32 states or disclosed to other entities or individuals except
33 to the extent permitted by the laws of the party state

1 contributing the information.

2 (f) Any information contributed to the coordinated
3 licensure information system that is subsequently required to
4 be expunged by the laws of the party state contributing that
5 information, shall also be expunged from the coordinated
6 licensure information system.

7 (g) The Compact administrators, acting jointly with each
8 other and in consultation with the administrator of the
9 coordinated licensure information system, shall formulate
10 necessary and proper procedures for the identification,
11 collection and exchange of information under this Compact.

12 ARTICLE VIII. Compact Administration and
13 Interchange of Information

14 (a) The head of the nurse licensing board, or his/her
15 designee, of each party state shall be the administrator of
16 this Compact for his/her state.

17 (b) The Compact administrator of each party state shall
18 furnish to the Compact administrator of each other party
19 state any information and documents including, but not
20 limited to, a uniform data set of investigations, identifying
21 information, licensure data, and disclosable alternative
22 program participation information to facilitate the
23 administration of this Compact.

24 (c) Compact administrators shall have the authority to
25 develop uniform rules to facilitate and coordinate
26 implementation of this Compact. These uniform rules shall be
27 adopted by party states, under the authority invested under
28 Article VI (d).

29 ARTICLE IX. Immunity

30 No party state or the officers or employees or agents of
31 a party state's nurse licensing board who acts in accordance

1 with the provisions of this Compact shall be liable on
2 account of any act or omission in good faith while engaged in
3 the performance of their duties under this Compact. Good
4 faith in this article shall not include willful misconduct,
5 gross negligence, or recklessness.

6 ARTICLE X. Entry into Force, Withdrawal and Amendment

7 (a) This Compact shall enter into force and become
8 effective as to any state when it has been enacted into the
9 laws of that state. Any party state may withdraw from this
10 Compact by enacting a statute repealing the same, but no such
11 withdrawal shall take effect until six months after the
12 withdrawing state has given notice of the withdrawal to the
13 executive heads of all other party states.

14 (b) No withdrawal shall affect the validity or
15 applicability by the licensing boards of states remaining
16 party to the Compact of any report of adverse action
17 occurring prior to the withdrawal.

18 (c) Nothing contained in this Compact shall be construed
19 to invalidate or prevent any nurse licensure agreement or
20 other cooperative arrangement between a party state and a
21 non-party state that is made in accordance with the other
22 provisions of this Compact.

23 (d) This Compact may be amended by the party states. No
24 amendment to this Compact shall become effective and binding
25 upon the party states unless and until it is enacted into the
26 laws of all party states.

27 ARTICLE XI. Construction and Severability

28 (a) This Compact shall be liberally construed so as to
29 effectuate the purposes thereof. The provisions of this
30 Compact shall be severable and if any phrase, clause,
31 sentence or provision of this Compact is declared to be

1 contrary to the constitution of any party state or of the
2 United States or the applicability thereof to any government,
3 agency, person or circumstance is held invalid, the validity
4 of the remainder of this Compact and the applicability
5 thereof to any government, agency, person or circumstance
6 shall not be affected thereby. If this Compact shall be held
7 contrary to the constitution of any state party thereto, the
8 Compact shall remain in full force and effect as to the
9 remaining party states and in full force and effect as to the
10 party state affected as to all severable matters.

11 (b) In the event party states find a need for settling
12 disputes arising under this Compact:

13 (1) The party states may submit the issues in
14 dispute to an arbitration panel which will be comprised
15 of an individual appointed by the Compact administrator
16 in the home state; an individual appointed by the Compact
17 administrator in the remote state(s) involved; and an
18 individual mutually agreed upon by the Compact
19 administrators of all the party states involved in the
20 dispute.

21 (2) The decision of a majority of the arbitrators
22 shall be final and binding.

23 Section 10. Compact administrator. The head of the nurse
24 licensing board as used to define the compact administrator
25 in Article VIII(a) of the Compact shall mean the Nursing Act
26 Coordinator as defined under Section 10-15 of the Nursing and
27 Advanced Practice Nursing Act.

28 Section 15. Compact Evaluation Initiative. Upon the
29 effective date of this Compact, the licensing board shall
30 participate in a Compact Evaluation Initiative designed to
31 evaluate the effectiveness and operability of the Compact.
32 Such Compact Evaluation Initiative shall be conducted by an

1 outside researcher. A component of the Evaluation shall
2 include a remote state identification system through which
3 nurses shall designate those remote states in which the nurse
4 is practicing. A nurse's practice information in such
5 identification system shall be updated upon issuance and
6 renewal of the nurse license. The Evaluation shall continue
7 until the year 2005, after which time a report shall be
8 produced for comment by the participating licensing boards
9 and shall be submitted to the General Assembly in the form of
10 a Nurse Licensure Compact evaluation report.

11 Section 20. Costs of investigation and disposition of
12 cases. To facilitate cross-state enforcement efforts, the
13 General Assembly finds that it is necessary for Illinois to
14 have the power to recover from the affected nurse the costs
15 of investigations and disposition of cases resulting from
16 adverse actions taken by this State against that nurse.

17 Section 25. Statutory obligations. This Compact is
18 designed to facilitate the regulation of nurses and does not
19 relieve employers from complying with statutorily imposed
20 obligations.

21 Section 30. State labor laws. This Compact does not
22 supersede existing State labor laws.

23 Section 90. The Nursing and Advanced Practice Nursing
24 Act is amended by changing Sections 5-10, 5-15, and 10-30 as
25 follows:

26 (225 ILCS 65/5-10)

27 (Section scheduled to be repealed on January 1, 2008)

28 Sec. 5-10. Definitions. Each of the following terms,
29 when used in this Act, shall have the meaning ascribed to it

1 in this Section, except where the context clearly indicates
2 otherwise:

3 (a) "Department" means the Department of Professional
4 Regulation.

5 (b) "Director" means the Director of Professional
6 Regulation.

7 (c) "Board" means the Board of Nursing appointed by the
8 Director.

9 (d) "Academic year" means the customary annual schedule
10 of courses at a college, university, or approved school,
11 customarily regarded as the school year as distinguished from
12 the calendar year.

13 (e) "Approved program of professional nursing education"
14 and "approved program of practical nursing education" are
15 programs of professional or practical nursing, respectively,
16 approved by the Department under the provisions of this Act.

17 (f) "Nursing Act Coordinator" means a registered
18 professional nurse appointed by the Director to carry out the
19 administrative policies of the Department.

20 (g) "Assistant Nursing Act Coordinator" means a
21 registered professional nurse appointed by the Director to
22 assist in carrying out the administrative policies of the
23 Department.

24 (h) "Registered" is the equivalent of "licensed".

25 (i) "Practical nurse" or "licensed practical nurse"
26 means a person who is licensed as a practical nurse under
27 this Act or holds the privilege to practice under this Act
28 and practices practical nursing as defined in paragraph (j)
29 of this Section. Only a practical nurse licensed or granted
30 the privilege to practice under this Act is entitled to use
31 the title "licensed practical nurse" and the abbreviation
32 "L.P.N.".

33 (j) "Practical nursing" means the performance of nursing
34 acts requiring the basic nursing knowledge, judgement, and

1 skill acquired by means of completion of an approved
2 practical nursing education program. Practical nursing
3 includes assisting in the nursing process as delegated by and
4 under the direction of a registered professional nurse. The
5 practical nurse may work under the direction of a licensed
6 physician, dentist, podiatrist, or other health care
7 professional determined by the Department.

8 (k) "Registered Nurse" or "Registered Professional
9 Nurse" means a person who is licensed as a professional nurse
10 under this Act or holds the privilege to practice under this
11 Act and practices nursing as defined in paragraph (l) of this
12 Section. Only a registered nurse licensed or granted the
13 privilege to practice under this Act is entitled to use the
14 titles "registered nurse" and "registered professional nurse"
15 and the abbreviation, "R.N.".

16 (l) "Registered professional nursing practice" includes
17 all nursing specialities and means the performance of any
18 nursing act based upon professional knowledge, judgment, and
19 skills acquired by means of completion of an approved
20 registered professional nursing education program. A
21 registered professional nurse provides nursing care
22 emphasizing the importance of the whole and the
23 interdependence of its parts through the nursing process to
24 individuals, groups, families, or communities, that includes
25 but is not limited to: (1) the assessment of healthcare
26 needs, nursing diagnosis, planning, implementation, and
27 nursing evaluation; (2) the promotion, maintenance, and
28 restoration of health; (3) counseling, patient education,
29 health education, and patient advocacy; (4) the
30 administration of medications and treatments as prescribed by
31 a physician licensed to practice medicine in all of its
32 branches, a licensed dentist, a licensed podiatrist, or a
33 licensed optometrist or as prescribed by a physician
34 assistant in accordance with written guidelines required

1 under the Physician Assistant Practice Act of 1987 or by an
2 advanced practice nurse in accordance with a written
3 collaborative agreement required under the Nursing and
4 Advanced Practice Nursing Act; (5) the coordination and
5 management of the nursing plan of care; (6) the delegation to
6 and supervision of individuals who assist the registered
7 professional nurse implementing the plan of care; and (7)
8 teaching and supervision of nursing students. The foregoing
9 shall not be deemed to include those acts of medical
10 diagnosis or prescription of therapeutic or corrective
11 measures that are properly performed only by physicians
12 licensed in the State of Illinois.

13 (m) "Current nursing practice update course" means a
14 planned nursing education curriculum approved by the
15 Department consisting of activities that have educational
16 objectives, instructional methods, content or subject matter,
17 clinical practice, and evaluation methods, related to basic
18 review and updating content and specifically planned for
19 those nurses previously licensed in the United States or its
20 territories and preparing for reentry into nursing practice.

21 (n) "Professional assistance program for nurses" means a
22 professional assistance program that meets criteria
23 established by the Board of Nursing and approved by the
24 Director, which provides a non-disciplinary treatment
25 approach for nurses licensed under this Act whose ability to
26 practice is compromised by alcohol or chemical substance
27 addiction.

28 (o) "Privilege to practice" means the authorization to
29 practice as a practical nurse or a registered nurse in the
30 State under the Nurse Licensure Compact.

31 (p) "License" or "licensed" means the permission granted
32 a person to practice nursing under this Act, including the
33 privilege to practice.

34 (q) "Licensee" means a person who has been issued a

1 license to practice nursing in the state or who holds the
2 privilege to practice nursing in this State.

3 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
4 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

5 (225 ILCS 65/5-15)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 5-15. Policy; application of Act. For the protection
8 of life and the promotion of health, and the prevention of
9 illness and communicable diseases, any person practicing or
10 offering to practice professional and practical nursing in
11 Illinois shall submit evidence that he or she is qualified to
12 practice, and shall be licensed or hold the privilege to
13 practice as provided under this Act. No person shall
14 practice or offer to practice professional or practical
15 nursing in Illinois or use any title, sign, card or device to
16 indicate that such a person is practicing professional or
17 practical nursing unless such person has been licensed or
18 holds the privilege to practice under the provisions of this
19 Act.

20 This Act does not prohibit the following:

21 (a) The practice of nursing in Federal employment
22 in the discharge of the employee's duties by a person who
23 is employed by the United States government or any
24 bureau, division or agency thereof and is a legally
25 qualified and licensed nurse of another state or
26 territory and not in conflict with Sections 10-5, 10-30,
27 and 10-45 of this Act.

28 (b) Nursing that is included in their program of
29 study by students enrolled in programs of nursing or in
30 current nurse practice update courses approved by the
31 Department.

32 (c) The furnishing of nursing assistance in an
33 emergency.

1 (d) The practice of nursing by a nurse who holds an
2 active license in another state when providing services
3 to patients in Illinois during a bonafide emergency or in
4 immediate preparation for or during interstate transit.

5 (e) The incidental care of the sick by members of
6 the family, domestic servants or housekeepers, or care of
7 the sick where treatment is by prayer or spiritual means.

8 (f) Persons from being employed as nursing aides,
9 attendants, orderlies, and other auxiliary workers in
10 private homes, long term care facilities, nurseries,
11 hospitals or other institutions.

12 (g) The practice of practical nursing by one who
13 has applied in writing to the Department in form and
14 substance satisfactory to the Department, for a license
15 as a licensed practical nurse and who has complied with
16 all the provisions under Section 10-30, except the
17 passing of an examination to be eligible to receive such
18 license, until: the decision of the Department that the
19 applicant has failed to pass the next available
20 examination authorized by the Department or has failed,
21 without an approved excuse, to take the next available
22 examination authorized by the Department or until the
23 withdrawal of the application, but not to exceed 3
24 months. No applicant for licensure practicing under the
25 provisions of this paragraph shall practice practical
26 nursing except under the direct supervision of a
27 registered professional nurse licensed under this Act or
28 a licensed physician, dentist or podiatrist. In no
29 instance shall any such applicant practice or be employed
30 in any supervisory capacity.

31 (h) The practice of practical nursing by one who is
32 a licensed practical nurse under the laws of another U.S.
33 jurisdiction and has applied in writing to the
34 Department, in form and substance satisfactory to the

1 Department, for a license as a licensed practical nurse
2 and who is qualified to receive such license under
3 Section 10-30, until (1) the expiration of 6 months after
4 the filing of such written application, (2) the
5 withdrawal of such application, or (3) the denial of such
6 application by the Department.

7 (i) The practice of professional nursing by one who
8 has applied in writing to the Department in form and
9 substance satisfactory to the Department for a license as
10 a registered professional nurse and has complied with all
11 the provisions under Section 10-30 except the passing of
12 an examination to be eligible to receive such license,
13 until the decision of the Department that the applicant
14 has failed to pass the next available examination
15 authorized by the Department or has failed, without an
16 approved excuse, to take the next available examination
17 authorized by the Department or until the withdrawal of
18 the application, but not to exceed 3 months. No
19 applicant for licensure practicing under the provisions
20 of this paragraph shall practice professional nursing
21 except under the direct supervision of a registered
22 professional nurse licensed under this Act. In no
23 instance shall any such applicant practice or be employed
24 in any supervisory capacity.

25 (j) The practice of professional nursing by one who
26 is a registered professional nurse under the laws of
27 another state, territory of the United States or country
28 and has applied in writing to the Department, in form and
29 substance satisfactory to the Department, for a license
30 as a registered professional nurse and who is qualified
31 to receive such license under Section 10-30, until (1)
32 the expiration of 6 months after the filing of such
33 written application, (2) the withdrawal of such
34 application, or (3) the denial of such application by the

1 Department.

2 (k) The practice of professional nursing that is
3 included in a program of study by one who is a registered
4 professional nurse under the laws of another state or
5 territory of the United States or foreign country,
6 territory or province and who is enrolled in a graduate
7 nursing education program or a program for the completion
8 of a baccalaureate nursing degree in this State, which
9 includes clinical supervision by faculty as determined by
10 the educational institution offering the program and the
11 health care organization where the practice of nursing
12 occurs. The educational institution will file with the
13 Department each academic term a list of the names and
14 origin of license of all professional nurses practicing
15 nursing as part of their programs under this provision.

16 (l) Any person licensed in this State under any
17 other Act from engaging in the practice for which she or
18 he is licensed.

19 (m) Delegation to authorized direct care staff
20 trained under Section 15.4 of the Mental Health and
21 Developmental Disabilities Administrative Act.

22 An applicant for license practicing under the exceptions
23 set forth in subparagraphs (g), (h), (i), and (j) of this
24 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.
25 Pend. respectively and no other.

26 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
27 90-655, eff. 7-30-98; 90-742, eff. 8-13-98; 91-630, eff.
28 8-19-99.)

29 (225 ILCS 65/10-30)

30 (Section scheduled to be repealed on January 1, 2008)

31 Sec. 10-30. Qualifications for licensure.

32 (a) Each applicant who successfully meets the
33 requirements of this Section shall be entitled to licensure

1 as a Registered Nurse or Licensed Practical Nurse, whichever
2 is applicable.

3 (b) An applicant for licensure by examination to
4 practice as a registered nurse or licensed practical nurse
5 shall:

6 (1) submit a completed written application, on
7 forms provided by the Department and fees as established
8 by the Department;

9 (2) for registered nurse licensure, have graduated
10 from a professional nursing education program approved by
11 the Department;

12 (2.5) for licensed practical nurse licensure, have
13 graduate from a practical nursing education program
14 approved by the Department;

15 (3) have not violated the provisions of Section
16 10-45 of this Act. The Department may take into
17 consideration any felony conviction of the applicant, but
18 such a conviction shall not operate as an absolute bar to
19 licensure;

20 (4) meet all other requirements as established by
21 rule;

22 (5) pay, either to the Department or its designated
23 testing service, a fee covering the cost of providing the
24 examination. Failure to appear for the examination on the
25 scheduled date at the time and place specified after the
26 applicant's application for examination has been received
27 and acknowledged by the Department or the designated
28 testing service shall result in the forfeiture of the
29 examination fee.

30 If an applicant neglects, fails, or refuses to take an
31 examination or fails to pass an examination for a license
32 under this Act within 3 years after filing the application,
33 the application shall be denied. However, the applicant may
34 make a new application accompanied by the required fee and

1 provide evidence of meeting the requirements in force at the
2 time of the new application.

3 An applicant may take and successfully complete a
4 Department-approved examination in another jurisdiction.
5 However, an applicant who has never been licensed previously
6 in any jurisdiction that utilizes a Department-approved
7 examination and who has taken and failed to pass the
8 examination within 3 years after filing the application must
9 submit proof of successful completion of a
10 Department-authorized nursing education program or
11 recompletion of an approved registered nursing program or
12 licensed practical nursing program, as appropriate, prior to
13 re-application.

14 An applicant shall have one year from the date of
15 notification of successful completion of the examination to
16 apply to the Department for a license. If an applicant fails
17 to apply within one year, the applicant shall be required to
18 again take and pass the examination unless licensed in
19 another jurisdiction of the United States within one year of
20 passing the examination.

21 (c) An applicant for licensure by endorsement who is a
22 registered professional nurse or a licensed practical nurse
23 licensed by examination under the laws of another state or
24 territory of the United States or a foreign country,
25 jurisdiction, territory, or province shall:

26 (1) submit a completed written application, on
27 forms supplied by the Department, and fees as established
28 by the Department;

29 (2) for registered nurse licensure, have graduated
30 from a professional nursing education program approved by
31 the Department;

32 (2.5) for licensed practical nurse licensure, have
33 graduated from a practical nursing education program
34 approved by the Department;

1 (3) submit verification of licensure status
2 directly from the United States jurisdiction of
3 licensure, if applicable, as defined by rule;

4 (4) have passed the examination authorized by the
5 Department;

6 (5) meet all other requirements as established by
7 rule.

8 (d) All applicants for registered nurse licensure
9 pursuant to item (2) of subsection (b) and item (2) of
10 subsection (c) of this Section who are graduates of nursing
11 educational programs in a country other than the United
12 States or its territories must submit to the Department
13 certification of successful completion of the Commission of
14 Graduates of Foreign Nursing Schools (CGFNS) examination. An
15 applicant who is unable to provide appropriate documentation
16 to satisfy CGFNS of her or his educational qualifications for
17 the CGFNS examination shall be required to pass an
18 examination to test competency in the English language, which
19 shall be prescribed by the Department, if the applicant is
20 determined by the Board to be educationally prepared in
21 nursing. The Board shall make appropriate inquiry into the
22 reasons for any adverse determination by CGFNS before making
23 its own decision.

24 An applicant licensed in another state or territory who
25 is applying for licensure and has received her or his
26 education in a country other than the United States or its
27 territories shall be exempt from the completion of the
28 Commission of Graduates of Foreign Nursing Schools (CGFNS)
29 examination if the applicant meets all of the following
30 requirements:

31 (1) successful passage of the licensure examination
32 authorized by the Department;

33 (2) holds an active, unencumbered license in
34 another state; and

1 (3) has been actively practicing for a minimum of 2
2 years in another state.

3 (e) (Blank).

4 (f) Pending the issuance of a license under subsection
5 (c) of this Section, the Department may grant an applicant a
6 temporary license to practice nursing as a registered nurse
7 or as a licensed practical nurse if the Department is
8 satisfied that the applicant holds an active, unencumbered
9 license in good standing in another jurisdiction. If the
10 applicant holds more than one current active license, or one
11 or more active temporary licenses from other jurisdictions,
12 the Department shall not issue a temporary license until it
13 is satisfied that each current active license held by the
14 applicant is unencumbered. The temporary license, which
15 shall be issued no later than 14 working days following
16 receipt by the Department of an application for the temporary
17 license, shall be granted upon the submission of the
18 following to the Department:

19 (1) a signed and completed application for
20 licensure under subsection (a) of this Section as a
21 registered nurse or a licensed practical nurse;

22 (2) proof of a current, active license in at least
23 one other jurisdiction and proof that each current active
24 license or temporary license held by the applicant within
25 the last 5 years is unencumbered;

26 (3) a signed and completed application for a
27 temporary license; and

28 (4) the required temporary license fee.

29 (g) The Department may refuse to issue an applicant a
30 temporary license authorized pursuant to this Section if,
31 within 14 working days following its receipt of an
32 application for a temporary license, the Department
33 determines that:

34 (1) the applicant has been convicted of a crime

1 under the laws of a jurisdiction of the United States:
2 (i) which is a felony; or (ii) which is a misdemeanor
3 directly related to the practice of the profession,
4 within the last 5 years;

5 (2) within the last 5 years the applicant has had a
6 license or permit related to the practice of nursing
7 revoked, suspended, or placed on probation by another
8 jurisdiction, if at least one of the grounds for
9 revoking, suspending, or placing on probation is the same
10 or substantially equivalent to grounds in Illinois; or

11 (3) it intends to deny licensure by endorsement.

12 For purposes of this Section, an "unencumbered license"
13 means a license against which no disciplinary action has been
14 taken or is pending and for which all fees and charges are
15 paid and current.

16 (h) The Department may revoke a temporary license issued
17 pursuant to this Section if:

18 (1) it determines that the applicant has been
19 convicted of a crime under the law of any jurisdiction of
20 the United States that is (i) a felony or (ii) a
21 misdemeanor directly related to the practice of the
22 profession, within the last 5 years;

23 (2) it determines that within the last 5 years the
24 applicant has had a license or permit related to the
25 practice of nursing revoked, suspended, or placed on
26 probation by another jurisdiction, if at least one of the
27 grounds for revoking, suspending, or placing on probation
28 is the same or substantially equivalent to grounds in
29 Illinois; or

30 (3) it determines that it intends to deny licensure
31 by endorsement.

32 A temporary license shall expire 6 months from the date
33 of issuance. Further renewal may be granted by the
34 Department in hardship cases, as defined by rule and upon

1 approval of the Director. However, a temporary license shall
2 automatically expire upon issuance of the Illinois license or
3 upon notification that the Department intends to deny
4 licensure, whichever occurs first.

5 (i) Applicants have 3 years from the date of application
6 to complete the application process. If the process has not
7 been completed within 3 years from the date of application,
8 the application shall be denied, the fee forfeited, and the
9 applicant must reapply and meet the requirements in effect at
10 the time of reapplication.

11 (j) A practical nurse licensed by a party state under
12 the Nurse Licensure Compact is granted the privilege to
13 practice practical nursing in this State. A registered nurse
14 licensed by a party state under the Nurse Licensure Compact
15 is granted the privilege to practice registered nursing in
16 this State. A practical nurse or registered nurse who has
17 been granted the privilege to practice nursing in this State
18 under this subsection, shall notify the Department, prior to
19 commencing employment in this State as a practical or
20 registered nurse, of the identity and location of the nurse's
21 prospective employer. A practical nurse or registered nurse
22 who has been granted the privilege to practice nursing in
23 this State under this subsection is subject to the schedule
24 of fees authorized under Section 20-35 and the criminal
25 background check required under Section 5-23 of this Act,
26 provided that the practical or registered nurse may exercise
27 her privilege to practice pending completion of the criminal
28 background check.

29 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.