

1 AN ACT concerning public health.

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

4 Section 5. The Ambulatory Surgical Treatment Center Act
5 is amended by changing Section 6.5 as follows:

6 (210 ILCS 5/6.5)

7 Sec. 6.5. Clinical privileges; advanced practice nurses.
8 All ambulatory surgical treatment centers (ASTC) licensed
9 under this Act shall comply with the following requirements:

10 (1) No ASTC policy, rule, regulation, or practice shall
11 be inconsistent with the provision of adequate collaboration,
12 including medical direction of licensed advanced practice
13 nurses, in accordance with Section 54.5 of the Medical
14 Practice Act of 1987.

15 (2) Operative surgical procedures shall be performed
16 only by a physician licensed to practice medicine in all its
17 branches under the Medical Practice Act of 1987, a dentist
18 licensed under the Illinois Dental Practice Act, or a
19 podiatrist licensed under the Podiatric Medical Practice Act
20 of 1987, with medical staff membership and surgical clinical
21 privileges granted by the consulting committee of the ASTC. A
22 licensed physician, dentist, or podiatrist may be assisted by
23 a physician licensed to practice medicine in all its
24 branches, dentist, dental assistant, podiatrist, licensed
25 advanced practice nurse, licensed physician assistant,
26 licensed registered nurse, licensed practical nurse, surgical
27 assistant, surgical technician, or other individuals granted
28 clinical privileges to assist in surgery by the consulting
29 committee of the ASTC. Payment for services rendered by an
30 assistant in surgery who is not an ambulatory surgical
31 treatment center employee shall be paid at the appropriate

1 non-physician modifier rate if the payor would have made
2 payment had the same services been provided by a physician.

3 (3) The anesthesia service shall be under the direction
4 of a physician licensed to practice medicine in all its
5 branches who has had specialized preparation or experience in
6 the area or who has completed a residency in anesthesiology.
7 An anesthesiologist, Board certified or Board eligible, is
8 recommended. Anesthesia services may only be administered
9 pursuant to the order of a physician licensed to practice
10 medicine in all its branches, licensed dentist, or licensed
11 podiatrist.

12 (A) The individuals who, with clinical privileges
13 granted by the medical staff and ASTC, may administer
14 anesthesia services are limited to the following:

- 15 (i) an anesthesiologist; or
- 16 (ii) a physician licensed to practice medicine
17 in all its branches; or
- 18 (iii) a dentist with authority to administer
19 anesthesia under Section 8.1 of the Illinois Dental
20 Practice Act; or
- 21 (iv) a licensed certified registered nurse
22 anesthetist.

23 (B) For anesthesia services, an anesthesiologist
24 shall participate through discussion of and agreement
25 with the anesthesia plan and shall remain physically
26 present and be available on the premises during the
27 delivery of anesthesia services for diagnosis,
28 consultation, and treatment of emergency medical
29 conditions. In the absence of 24-hour availability of
30 anesthesiologists with clinical privileges, an alternate
31 policy (requiring participation, presence, and
32 availability of a physician licensed to practice medicine
33 in all its branches) shall be developed by the medical
34 staff consulting committee in consultation with the

1 anesthesia service and included in the medical staff
2 consulting committee policies.

3 (C) A certified registered nurse anesthetist is not
4 required to possess prescriptive authority or a written
5 collaborative agreement meeting the requirements of
6 Section 15-15 of the Nursing and Advanced Practice
7 Nursing Act to provide anesthesia services ordered by a
8 licensed physician, dentist, or podiatrist. Licensed
9 certified registered nurse anesthetists are authorized to
10 select, order, and administer drugs and apply the
11 appropriate medical devices in the provision of
12 anesthesia services under the anesthesia plan agreed with
13 by the anesthesiologist or, in the absence of an
14 available anesthesiologist with clinical privileges,
15 agreed with by the operating physician, operating
16 dentist, or operating podiatrist in accordance with the
17 medical staff consulting committee policies of a licensed
18 ambulatory surgical treatment center.

19 (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)

20 Section 10. The Hospital Licensing Act is amended by
21 changing Section 10.7 as follows:

22 (210 ILCS 85/10.7)

23 Sec. 10.7. Clinical privileges; advanced practice
24 nurses. All hospitals licensed under this Act shall comply
25 with the following requirements:

26 (1) No hospital policy, rule, regulation, or practice
27 shall be inconsistent with the provision of adequate
28 collaboration, including medical direction of licensed
29 advanced practice nurses, in accordance with Section 54.5 of
30 the Medical Practice Act of 1987.

31 (2) Operative surgical procedures shall be performed
32 only by a physician licensed to practice medicine in all its

1 branches under the Medical Practice Act of 1987, a dentist
2 licensed under the Illinois Dental Practice Act, or a
3 podiatrist licensed under the Podiatric Medical Practice Act
4 of 1987, with medical staff membership and surgical clinical
5 privileges granted at the hospital. A licensed physician,
6 dentist, or podiatrist may be assisted by a physician
7 licensed to practice medicine in all its branches, dentist,
8 dental assistant, podiatrist, licensed advanced practice
9 nurse, licensed physician assistant, licensed registered
10 nurse, licensed practical nurse, surgical assistant, surgical
11 technician, or other individuals granted clinical privileges
12 to assist in surgery at the hospital. Payment for services
13 rendered by an assistant in surgery who is not a hospital
14 employee shall be paid at the appropriate non-physician
15 modifier rate if the payor would have made payment had the
16 same services been provided by a physician.

17 (3) The anesthesia service shall be under the direction
18 of a physician licensed to practice medicine in all its
19 branches who has had specialized preparation or experience in
20 the area or who has completed a residency in anesthesiology.
21 An anesthesiologist, Board certified or Board eligible, is
22 recommended. Anesthesia services may only be administered
23 pursuant to the order of a physician licensed to practice
24 medicine in all its branches, licensed dentist, or licensed
25 podiatrist.

26 (A) The individuals who, with clinical privileges
27 granted at the hospital, may administer anesthesia
28 services are limited to the following:

- 29 (i) an anesthesiologist; or
30 (ii) a physician licensed to practice medicine
31 in all its branches; or
32 (iii) a dentist with authority to administer
33 anesthesia under Section 8.1 of the Illinois Dental
34 Practice Act; or

1 (iv) a licensed certified registered nurse
2 anesthetist.

3 (B) For anesthesia services, an anesthesiologist
4 shall participate through discussion of and agreement
5 with the anesthesia plan and shall remain physically
6 present and be available on the premises during the
7 delivery of anesthesia services for diagnosis,
8 consultation, and treatment of emergency medical
9 conditions. In the absence of 24-hour availability of
10 anesthesiologists with medical staff privileges, an
11 alternate policy (requiring participation, presence, and
12 availability of a physician licensed to practice medicine
13 in all its branches) shall be developed by the medical
14 staff and licensed hospital in consultation with the
15 anesthesia service.

16 (C) A certified registered nurse anesthetist is not
17 required to possess prescriptive authority or a written
18 collaborative agreement meeting the requirements of
19 Section 15-15 of the Nursing and Advanced Practice
20 Nursing Act to provide anesthesia services ordered by a
21 licensed physician, dentist, or podiatrist. Licensed
22 certified registered nurse anesthetists are authorized to
23 select, order, and administer drugs and apply the
24 appropriate medical devices in the provision of
25 anesthesia services under the anesthesia plan agreed with
26 by the anesthesiologist or, in the absence of an
27 available anesthesiologist with clinical privileges,
28 agreed with by the operating physician, operating
29 dentist, or operating podiatrist in accordance with the
30 hospital's alternative policy.

31 (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)