

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 Assisted Living and Shared Housing Act is
5 amended by changing Section 70 as follows:

6 (210 ILCS 9/70)

7 Sec. 70. Service requirements. An establishment must
8 provide all mandatory services and may provide optional
9 services, including medication reminders, supervision of
10 self-administered medication and medication administration as
11 defined by this Section and nonmedical services defined by
12 rule, whether provided directly by the establishment or by
13 another entity arranged for by the establishment with the
14 consent of the resident or the resident's representative.

15 For the purposes of this Section, "medication reminders"
16 means reminding residents to take pre-dispensed,
17 self-administered medication, observing the resident, and
18 documenting whether or not the resident took the medication.

19 For the purposes of this Section, "supervision of
20 self-administered medication" means assisting the resident
21 with self-administered medication using any combination of the
22 following: reminding residents to take medication, reading the
23 medication label to residents, checking the self-administered
24 medication dosage against the label of the medication,
25 confirming that residents have obtained and are taking the
26 dosage as prescribed, and documenting in writing that the
27 resident has taken (or refused to take) the medication. If
28 residents are physically unable to open the container, the
29 container may be opened for them. Supervision of
30 self-administered medication shall be under the direction of a
31 licensed health care professional.

32 For the purposes of this Section, "medication

1 administration" refers to a licensed health care professional
2 employed by an establishment engaging in administering routine
3 insulin and vitamin B-12 injections, oral medications, topical
4 treatments, eye and ear drops, or nitroglycerin patches.
5 Non-licensed staff may not administer any medication, except
6 that a certified medication aide may administer all medications
7 allowed under Department of Public Health rules adopted to
8 implement Section 3-206.05 of the Nursing Home Care Act. A
9 certified medication aide is prohibited from administering
10 medication to a resident until the required comprehensive
11 assessment by a physician is completed. A certified medication
12 aide is prohibited from administering medication to a resident
13 whose medical condition is determined to be unstable.

14 The Department shall specify by rule procedures for
15 medication reminders, supervision of self-administered
16 medication, and medication administration.

17 Nothing in this Act shall preclude a physician licensed to
18 practice medicine in all its branches from providing services
19 to any resident.

20 (Source: P.A. 91-656, eff. 1-1-01.)

21 Section 10. The Nursing Home Care Act is amended by adding
22 Section 3-206.05 as follows:

23 (210 ILCS 45/3-206.05 new)

24 Sec. 3-206.05. Certified medication aide.

25 (a) The General Assembly finds that 30 other states have
26 had successful medication aide programs for many years.
27 Further, the addition of certified medication aides would
28 increase the amount of skilled nursing care available by
29 enabling licensed nurses to devote even more time to the
30 assessment and monitoring of patient conditions. The certified
31 medication aide will assist a licensed nurse in the
32 administration of routine medications.

33 (b) The Director shall appoint a Planning and Certification
34 Committee to develop the training curriculum, certification

1 test, certification requirements, continuing education
2 standards, regulations, and ongoing evaluation process for
3 medication aides. The committee shall review any reports of
4 gross negligence on the part of any medication aide and shall
5 monitor the overall effectiveness of the medication aide
6 program. The committee shall be composed of one representative
7 from a nursing association, one representative from a nursing
8 school, one representative from the community colleges, one
9 representative from an organization advocating for seniors,
10 and 3 representatives from associations representing long-term
11 care providers. The committee shall submit an annual progress
12 report to the General Assembly beginning July 1, 2006. The
13 report shall include a progress report on medication aide
14 program implementation and recommendations for legislative
15 changes necessary for program improvement.

16 (c) Based on the recommendations of the Planning and
17 Certification Committee, the Department shall adopt and
18 implement rules for the training, certification, and
19 employment of certified medication aides in facilities
20 licensed under this Act. Certified medication aides shall be
21 allowed to administer medications to facility residents under
22 the supervision of a duly licensed health care professional in
23 accordance with rules adopted by the Department under this
24 Section.

25 (d) Unless an individual is certified under this Section:

26 (1) The individual may not practice as a certified
27 medication aide.

28 (2) A facility may not employ the individual as a
29 certified medication aide.

30 (e) A certified medication aide must comply with all of the
31 following:

32 (1) He or she must be a duly certified nursing
33 assistant under this Act for at least one year.

34 (2) He or she must satisfactorily complete the
35 medication aide training program involving at least 60
36 hours of classroom training and 40 hours of clinical

1 training prescribed by the Department.

2 (3) He or she must satisfactorily meet all continuing
3 education and recertification requirements prescribed by
4 the Department.

5 (4) He or she may not administer any schedule II
6 controlled substances, any medication by sub-cutaneous,
7 intramuscular, intradermal, or intravenous route, or any
8 medications injected into a tube.

9 (5) He or she may not pass medications in a sub-acute
10 section of a nursing home.

11 (6) He or she is prohibited from administering
12 medication to a resident of a long-term care facility until
13 the initial comprehensive assessment is completed and
14 reviewed by a licensed health care professional.

15 (7) He or she is prohibited from administering
16 medication to a resident whose comprehensive assessment
17 indicated an unstable medical condition.

18 (f) A facility must comply with the following staffing
19 requirements:

20 (1) Only a certified medication aide may be employed in
21 the capacity of a medication aide.

22 (2) A certified medication aide may not be assigned
23 other duties when employed in the capacity of a medication
24 aide.

25 (3) A certified medication aide may not be used to
26 achieve minimum staffing requirements under this Act.

27 (g) The Department shall do all of the following:

28 (1) Prescribe education and training programs for
29 certified medication aides.

30 (2) Prescribe requirements for re-certification,
31 including continuing education and in-service
32 requirements.

33 (3) Develop standards concerning the functions that
34 may be performed by certified medication aides, including
35 standards for oversight by a licensed healthcare
36 professional.

1 Section 15. The Nursing and Advanced Practice Nursing Act
2 is amended by changing Section 5-15 as follows:

3 (225 ILCS 65/5-15)

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

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

16 This Act does not prohibit the following:

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

23 (b) Nursing that is included in their program of study
24 by students enrolled in programs of nursing or in current
25 nurse practice update courses approved by the Department.

26 (c) The furnishing of nursing assistance in an
27 emergency.

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

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

1 (f) Persons from being employed as nursing aides,
2 attendants, orderlies, and other auxiliary workers in
3 private homes, long term care facilities, nurseries,
4 hospitals or other institutions.

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

28 (h) The practice of practical nursing by one who is a
29 licensed practical nurse under the laws of another U.S.
30 jurisdiction and has applied in writing to the Department,
31 in form and substance satisfactory to the Department, for a
32 license as a licensed practical nurse and who is qualified
33 to receive such license under Section 10-30, until (1) the
34 expiration of 6 months after the filing of such written
35 application, (2) the withdrawal of such application, or (3)
36 the denial of such application by the Department.

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

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

34 (k) The practice of professional nursing that is
35 included in a program of study by one who is a registered
36 professional nurse under the laws of another state or

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

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

15 (m) Delegation to authorized direct care staff trained
16 under Section 15.4 of the Mental Health and Developmental
17 Disabilities Administrative Act.

18 (n) Administration of medications by a certified
19 medication aide certified under Section 3-206.05 of the
20 Nursing Home Care Act. Any nurse providing supervision to a
21 certified medication aide is not liable under this Act for
22 the actions of the medication aide. Nothing in this Section
23 shall be construed to grant a facility immunity from
24 liability based upon the actions of the medication aide.

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

29 (Source: P.A. 93-265, eff. 7-22-03.)