

HB4278



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4278

Introduced 12/19/05, by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

225 ILCS 65/10-30

Amends the Nursing and Advanced Practice Nursing Act. Provides that an applicant for licensed practical nurse licensure may have graduated from a United States Military Program that emphasized nursing. Effective immediately.

LRB094 15578 RAS 50778 b

A BILL FOR

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 Nursing and Advanced Practice Nursing Act is
5 amended by changing Section 10-30 as follows:

6 (225 ILCS 65/10-30)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 10-30. Qualifications for licensure.

9 (a) Each applicant who successfully meets the requirements
10 of this Section shall be entitled to licensure as a Registered
11 Nurse or Licensed Practical Nurse, whichever is applicable.

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

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

17 (2) for registered nurse licensure, have graduated
18 from a professional nursing education program approved by
19 the Department;

20 (2.5) for licensed practical nurse licensure, have
21 graduated from a practical nursing education program
22 approved by the Department or a United States Military
23 Program that emphasized nursing;

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

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

29 (5) pay, either to the Department or its designated
30 testing service, a fee covering the cost of providing the
31 examination. Failure to appear for the examination on the
32 scheduled date at the time and place specified after the

1 applicant's application for examination has been received
2 and acknowledged by the Department or the designated
3 testing service shall result in the forfeiture of the
4 examination fee.

5 If an applicant neglects, fails, or refuses to take an
6 examination or fails to pass an examination for a license under
7 this Act within 3 years after filing the application, the
8 application shall be denied. However, the applicant may make a
9 new application accompanied by the required fee and provide
10 evidence of meeting the requirements in force at the time of
11 the new application.

12 An applicant may take and successfully complete a
13 Department-approved examination in another jurisdiction.
14 However, an applicant who has never been licensed previously in
15 any jurisdiction that utilizes a Department-approved
16 examination and who has taken and failed to pass the
17 examination within 3 years after filing the application must
18 submit proof of successful completion of a
19 Department-authorized nursing education program or
20 recompletion of an approved registered nursing program or
21 licensed practical nursing program, as appropriate, prior to
22 re-application.

23 An applicant shall have one year from the date of
24 notification of successful completion of the examination to
25 apply to the Department for a license. If an applicant fails to
26 apply within one year, the applicant shall be required to again
27 take and pass the examination unless licensed in another
28 jurisdiction of the United States within one year of passing
29 the examination.

30 (c) An applicant for licensure by endorsement who is a
31 registered professional nurse or a licensed practical nurse
32 licensed by examination under the laws of another state or
33 territory of the United States or a foreign country,
34 jurisdiction, territory, or province shall:

35 (1) submit a completed written application, on forms
36 supplied by the Department, and fees as established by the

1 Department;

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

5 (2.5) for licensed practical nurse licensure, have
6 graduated from a practical nursing education program
7 approved by the Department;

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

11 (4) have passed the examination authorized by the
12 Department;

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

14 (d) All applicants for registered nurse licensure pursuant
15 to item (2) of subsection (b) and item (2) of subsection (c) of
16 this Section who are graduates of nursing educational programs
17 in a country other than the United States or its territories
18 shall have their nursing education credentials evaluated by a
19 Department-approved nursing credentialing evaluation service.
20 No such applicant may be issued a license under this Act unless
21 the applicant's program is deemed by the nursing credentialing
22 evaluation service to be equivalent to a professional nursing
23 education program approved by the Department. An applicant who
24 has graduated from a nursing educational program outside of the
25 United States or its territories and whose first language is
26 not English shall submit certification of passage of the Test
27 of English as a Foreign Language (TOEFL), as defined by rule.
28 The Department may, upon recommendation from the nursing
29 evaluation service, waive the requirement that the applicant
30 pass the TOEFL examination if the applicant submits
31 verification of the successful completion of a nursing
32 education program conducted in English.

33 (d-5) An applicant licensed in another state or territory
34 who is applying for licensure and has received her or his
35 education in a country other than the United States or its
36 territories shall have her or his nursing education credentials

1 evaluated by a Department-approved nursing credentialing
2 evaluation service. No such applicant may be issued a license
3 under this Act unless the applicant's program is deemed by the
4 nursing credentialing evaluation service to be equivalent to a
5 professional nursing education program approved by the
6 Department. An applicant who has graduated from a nursing
7 educational program outside of the United States or its
8 territories and whose first language is not English shall
9 submit certification of passage of the Test of English as a
10 Foreign Language (TOEFL), as defined by rule. The Department
11 may, upon recommendation from the nursing evaluation service,
12 waive the requirement that the applicant pass the TOEFL
13 examination if the applicant submits verification of the
14 successful completion of a nursing education program conducted
15 in English or the successful passage of an approved licensing
16 examination given in English.

17 (e) (Blank).

18 (f) Pending the issuance of a license under subsection (c)
19 of this Section, the Department may grant an applicant a
20 temporary license to practice nursing as a registered nurse or
21 as a licensed practical nurse if the Department is satisfied
22 that the applicant holds an active, unencumbered license in
23 good standing in another jurisdiction. If the applicant holds
24 more than one current active license, or one or more active
25 temporary licenses from other jurisdictions, the Department
26 shall not issue a temporary license until it is satisfied that
27 each current active license held by the applicant is
28 unencumbered. The temporary license, which shall be issued no
29 later than 14 working days following receipt by the Department
30 of an application for the temporary license, shall be granted
31 upon the submission of the following to the Department:

32 (1) a signed and completed application for licensure
33 under subsection (a) of this Section as a registered nurse
34 or a licensed practical nurse;

35 (2) proof of a current, active license in at least one
36 other jurisdiction and proof that each current active

1 license or temporary license held by the applicant within
2 the last 5 years is unencumbered;

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

5 (4) the required temporary license fee.

6 (g) The Department may refuse to issue an applicant a
7 temporary license authorized pursuant to this Section if,
8 within 14 working days following its receipt of an application
9 for a temporary license, the Department determines that:

10 (1) the applicant has been convicted of a crime under
11 the laws of a jurisdiction of the United States: (i) which
12 is a felony; or (ii) which is a misdemeanor directly
13 related to the practice of the profession, within the last
14 5 years;

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

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

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

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

28 (1) it determines that the applicant has been convicted
29 of a crime under the law of any jurisdiction of the United
30 States that is (i) a felony or (ii) a misdemeanor directly
31 related to the practice of the profession, within the last
32 5 years;

33 (2) it determines that within the last 5 years the
34 applicant has had a license or permit related to the
35 practice of nursing revoked, suspended, or placed on
36 probation by another jurisdiction, if at least one of the

1 grounds for revoking, suspending, or placing on probation
2 is the same or substantially equivalent to grounds in
3 Illinois; or

4 (3) it determines that it intends to deny licensure by
5 endorsement.

6 A temporary license shall expire 6 months from the date of
7 issuance. Further renewal may be granted by the Department in
8 hardship cases, as defined by rule and upon approval of the
9 Director. However, a temporary license shall automatically
10 expire upon issuance of the Illinois license or upon
11 notification that the Department intends to deny licensure,
12 whichever occurs first.

13 (i) Applicants have 3 years from the date of application to
14 complete the application process. If the process has not been
15 completed within 3 years from the date of application, the
16 application shall be denied, the fee forfeited, and the
17 applicant must reapply and meet the requirements in effect at
18 the time of reapplication.

19 (Source: P.A. 94-352, eff. 7-28-05.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.