



Sen. Susan Garrett

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LRB094 06895 RAS 43298 a

1 AMENDMENT TO SENATE BILL 86

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 86 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing and Advanced Practice Nursing Act  
5 is amended by adding Title 25 as follows:

6 (225 ILCS 65/Tit. 25 heading new)

7 TITLE 25. NURSE LICENSURE COMPACT

8 (225 ILCS 65/25-5 new)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 25-5. Nurse Licensure Compact. The State of Illinois  
11 ratifies and approves the Nurse Licensure Compact and enters  
12 into it with all other jurisdictions that legally join in the  
13 compact. The General Assembly finds that no amendment by the  
14 General Assembly to the provisions of the Compact contained in  
15 this Act shall become effective and binding upon the Compact  
16 and the Compact party states unless and until the Nurse  
17 Licensure Compact Administrators (NLCA) enact the amendment to  
18 the Articles of Organization of the NCLA. The Nurse Licensure  
19 Compact is, in form, substantially as follows:

20 ARTICLE I.

21 Findings and Declaration of Purpose

1       (a) The party states find that:

2           (1) the health and safety of the public are affected by  
3 the degree of compliance with and the effectiveness of  
4 enforcement activities related to state nurse licensure laws;

5           (2) violations of nurse licensure and other laws  
6 regulating the practice of nursing may result in injury or  
7 harm to the public;

8           (3) the expanded mobility of nurses and the use of  
9 advanced communication technologies as part of our  
10 nation's healthcare delivery system require greater  
11 coordination and cooperation among states in the areas of  
12 nurse licensure and regulation;

13           (4) new practice modalities and technology make  
14 compliance with individual state nurse licensure laws  
15 difficult and complex;

16           (5) the current system of duplicative licensure for  
17 nurses practicing in multiple states is cumbersome and  
18 redundant to both nurses and states.

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

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

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

24           (3) facilitate the exchange of information between  
25 party states in the areas of nurse regulation,  
26 investigation and adverse actions;

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

29           (5) invest all party states with the authority to hold  
30 a nurse accountable for meeting all state practice laws in  
31 the state in which the patient is located at the time care  
32 is rendered through the mutual recognition of party state  
33 licenses.

1                   ARTICLE II.

2                   Definitions

3           As used in this Compact:

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

5           (b) "Alternative program" means a voluntary,  
6 non-disciplinary monitoring program approved by a nurse  
7 licensing board.

8           (c) "Coordinated licensure information system" means an  
9 integrated process for collecting, storing, and sharing  
10 information on nurse licensure and enforcement activities  
11 related to nurse licensure laws, which is administered by a  
12 non-profit organization composed of and controlled by state  
13 nurse licensing boards.

14           (d) "Current significant investigative information" means:

15           (1) investigative information that a licensing board,  
16 after a preliminary inquiry that includes notification and  
17 an opportunity for the nurse to respond if required by  
18 state law, has reason to believe is not groundless and, if  
19 proved true, would indicate more than a minor infraction;  
20 or

21           (2) investigative information that indicates that the  
22 nurse represents an immediate threat to public health and  
23 safety regardless of whether the nurse has been notified  
24 and had an opportunity to respond.

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

27           (f) "Home state action" means any administrative, civil,  
28 equitable or criminal action permitted by the home state's laws  
29 which are imposed on a nurse by the home state's licensing  
30 board or other authority including actions against an  
31 individual's license such as: revocation, suspension,  
32 probation or any other action which affects a nurse's  
33 authorization to practice.

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

3       (h) "Multistate licensure privilege" means current,  
4 official authority from a remote state permitting the practice  
5 of nursing as either a registered nurse or a licensed  
6 practical/vocational nurse in such party state. All party  
7 states have the authority, in accordance with existing state  
8 due process law, to take actions against the nurse's privilege  
9 such as: revocation, suspension, probation or any other action  
10 which affects a nurse's authorization to practice.

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

14       (j) "Party state" means any state that has adopted this  
15 Compact.

16       (k) "Remote state" means a party state, other than the home  
17 state,

18           (1) where the patient is located at the time nursing  
19 care is provided, or,

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

23       (l) "Remote state action" means:

24           (1) any administrative, civil, equitable or criminal  
25 action permitted by a remote state's laws which are imposed  
26 on a nurse by the remote state's licensing board or other  
27 authority including actions against an individual's  
28 multistate licensure privilege to practice in the remote  
29 state, and

30           (2) cease and desist and other injunctive or equitable  
31 orders issued by remote states or the licensing boards  
32 thereof.

33       (m) "State" means a state, territory, or possession of the  
34 United States, the District of Columbia or the Commonwealth of

1 Puerto Rico.

2 (n) "State practice laws" means those individual party's  
3 state laws and regulations that govern the practice of nursing,  
4 define the scope of nursing practice, and create the methods  
5 and grounds for imposing discipline. "State practice laws" does  
6 not include the initial qualifications for licensure or  
7 requirements necessary to obtain and retain a license, except  
8 for qualifications or requirements of the home state.

9 ARTICLE III.

10 General Provisions and Jurisdiction

11 (a) A license to practice registered nursing issued by a  
12 home state to a resident in that state will be recognized by  
13 each party state as authorizing a multistate licensure  
14 privilege to practice as a registered nurse in such party  
15 state. A license to practice licensed practical/vocational  
16 nursing issued by a home state to a resident in that state will  
17 be recognized by each party state as authorizing a multistate  
18 licensure privilege to practice as a licensed  
19 practical/vocational nurse in such party state. In order to  
20 obtain or retain a license, an applicant must meet the home  
21 state's qualifications for licensure and license renewal as  
22 well as all other applicable state laws.

23 (b) Party states may, in accordance with state due process  
24 laws, limit or revoke the multistate licensure privilege of any  
25 nurse to practice in their state and may take any other actions  
26 under their applicable state laws necessary to protect the  
27 health and safety of their citizens. If a party state takes  
28 such action, it shall promptly notify the administrator of the  
29 coordinated licensure information system. The administrator of  
30 the coordinated licensure information system shall promptly  
31 notify the home state of any such actions by remote states.

32 (c) Every nurse practicing in a party state must comply

1 with the state practice laws of the state in which the patient  
2 is located at the time care is rendered. In addition, the  
3 practice of nursing is not limited to patient care, but shall  
4 include all nursing practice as defined by the state practice  
5 laws of a party state. The practice of nursing will subject a  
6 nurse to the jurisdiction of the nurse licensing board and the  
7 courts, as well as the laws, in that party state.

8 (d) This Compact does not affect additional requirements  
9 imposed by states for advanced practice registered nursing.  
10 However, a multistate licensure privilege to practice  
11 registered nursing granted by a party state shall be recognized  
12 by other party states as a license to practice registered  
13 nursing if one is required by state law as a precondition for  
14 qualifying for advanced practice registered nurse  
15 authorization.

16 (e) Individuals not residing in a party state shall  
17 continue to be able to apply for nurse licensure as provided  
18 for under the laws of each party state. However, the license  
19 granted to these individuals will not be recognized as granting  
20 the privilege to practice nursing in any other party state  
21 unless explicitly agreed to by that party state.

#### 22 ARTICLE IV.

##### 23 Applications for Licensure in a Party State

24 (a) Upon application for a license, the licensing board in  
25 a party state shall ascertain, through the coordinated  
26 licensure information system, whether the applicant has ever  
27 held, or is the holder of, a license issued by any other state,  
28 whether there are any restrictions on the multistate licensure  
29 privilege, and whether any other adverse action by any state  
30 has been taken against the license.

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

1       (c) A nurse who intends to change primary state of  
2 residence may apply for licensure in the new home state in  
3 advance of such change. However, new licenses will not be  
4 issued by a party state until after a nurse provides evidence  
5 of change in primary state of residence satisfactory to the new  
6 home state's licensing board.

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

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

11           (2) moving from a non-party state to a party state, and  
12 obtains a license from the new home state, the individual  
13 state license issued by the non-party state is not affected  
14 and will remain in full force if so provided by the laws of  
15 the non-party state;

16           (3) moving from a party state to a non-party state, the  
17 license issued by the prior home state converts to an  
18 individual state license, valid only in the former home  
19 state, without the multistate licensure privilege to  
20 practice in other party states.

21                           ARTICLE V.

22                           Adverse Actions

23       In addition to the General Provisions described in Article  
24 III, the following provisions apply:

25       (a) The licensing board of a remote state shall promptly  
26 report to the administrator of the coordinated licensure  
27 information system any remote state actions including the  
28 factual and legal basis for such action, if known. The  
29 licensing board of a remote state shall also promptly report  
30 any significant current investigative information yet to  
31 result in a remote state action. The administrator of the  
32 coordinated licensure information system shall promptly notify

1 the home state of any such reports.

2 (b) The licensing board of a party state shall have the  
3 authority to complete any pending investigations for a nurse  
4 who changes primary state of residence during the course of  
5 such investigations. It shall also have the authority to take  
6 appropriate action(s), and shall promptly report the  
7 conclusions of such investigations to the administrator of the  
8 coordinated licensure information system. The administrator of  
9 the coordinated licensure information system shall promptly  
10 notify the new home state of any such actions.

11 (c) A remote state may take adverse action affecting the  
12 multistate licensure privilege to practice within that party  
13 state. However, only the home state shall have the power to  
14 impose adverse action against the license issued by the home  
15 state.

16 (d) For purposes of imposing adverse action, the licensing  
17 board of the home state shall give the same priority and effect  
18 to reported conduct received from a remote state as it would if  
19 such conduct had occurred within the home state. In so doing,  
20 it shall apply its own state laws to determine appropriate  
21 action.

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

25 (f) Nothing in this Compact shall override a party state's  
26 decision that participation in an alternative program may be  
27 used in lieu of licensure action and that such participation  
28 shall remain non-public if required by the party state's laws.  
29 Party states must require nurses who enter any alternative  
30 programs to agree not to practice in any other party state  
31 during the term of the alternative program without prior  
32 authorization from such other party state.

1                   Additional Authorities Invested  
2                   in Party State Nurse Licensing Boards

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

5           (a) if otherwise permitted by state law, recover from the  
6           affected nurse the costs of investigations and disposition of  
7           cases resulting from any adverse action taken against that  
8           nurse;

9           (b) issue subpoenas for both hearings and investigations  
10           which require the attendance and testimony of witnesses, and  
11           the production of evidence. Subpoenas issued by a nurse  
12           licensing board in a party state for the attendance and  
13           testimony of witnesses, and/or the production of evidence from  
14           another party state, shall be enforced in the latter state by  
15           any court of competent jurisdiction, according to the practice  
16           and procedure of that court applicable to subpoenas issued in  
17           proceedings pending before it. The issuing authority shall pay  
18           any witness fees, travel expenses, mileage and other fees  
19           required by the service statutes of the state where the  
20           witnesses and/or evidence are located;

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

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

25                                   ARTICLE VII.

26                   Coordinated Licensure Information System

27           (a) All party states shall participate in a cooperative  
28           effort to create a coordinated data base of all licensed  
29           registered nurses and licensed practical/vocational nurses.  
30           This system will include information on the licensure and  
31           disciplinary history of each nurse, as contributed by party

1 states, to assist in the coordination of nurse licensure and  
2 enforcement efforts.

3 (b) Notwithstanding any other provision of law, all party  
4 states' licensing boards shall promptly report adverse  
5 actions, actions against multistate licensure privileges, any  
6 current significant investigative information yet to result in  
7 adverse action, denials of applications, and the reasons for  
8 such denials, to the coordinated licensure information system.

9 (c) Current significant investigative information shall be  
10 transmitted through the coordinated licensure information  
11 system only to party state licensing boards.

12 (d) Notwithstanding any other provision of law, all party  
13 states' licensing boards contributing information to the  
14 coordinated licensure information system may designate  
15 information that may not be shared with non-party states or  
16 disclosed to other entities or individuals without the express  
17 permission of the contributing state.

18 (e) Any personally identifiable information obtained by a  
19 party states' licensing board from the coordinated licensure  
20 information system may not be shared with non-party states or  
21 disclosed to other entities or individuals except to the extent  
22 permitted by the laws of the party state contributing the  
23 information.

24 (f) Any information contributed to the coordinated  
25 licensure information system that is subsequently required to  
26 be expunged by the laws of the party state contributing that  
27 information, shall also be expunged from the coordinated  
28 licensure information system.

29 (g) The Compact administrators, acting jointly with each  
30 other and in consultation with the administrator of the  
31 coordinated licensure information system, shall formulate  
32 necessary and proper procedures for the identification,  
33 collection and exchange of information under this Compact.



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

8       (b) No withdrawal shall affect the validity or  
9 applicability by the licensing boards of states remaining party  
10 to the Compact of any report of adverse action occurring prior  
11 to the withdrawal.

12       (c) Nothing contained in this Compact shall be construed to  
13 invalidate or prevent any nurse licensure agreement or other  
14 cooperative arrangement between a party state and a non-party  
15 state that is made in accordance with the other provisions of  
16 this Compact.

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

21                                   ARTICLE XI.

22                                   Construction and Severability

23       (a) This Compact shall be liberally construed so as to  
24 effectuate the purposes thereof. The provisions of this Compact  
25 shall be severable and if any phrase, clause, sentence or  
26 provision of this Compact is declared to be contrary to the  
27 constitution of any party state or of the United States or the  
28 applicability thereof to any government, agency, person or  
29 circumstance is held invalid, the validity of the remainder of  
30 this Compact and the applicability thereof to any government,  
31 agency, person or circumstance shall not be affected thereby.  
32 If this Compact shall be held contrary to the constitution of

1 any state party thereto, the Compact shall remain in full force  
2 and effect as to the remaining party states and in full force  
3 and effect as to the party state affected as to all severable  
4 matters.

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

7 (1) The party states may submit the issues in dispute  
8 to an arbitration panel which will be comprised of an  
9 individual appointed by the Compact administrator in the  
10 home state; an individual appointed by the Compact  
11 administrator in the remote state(s) involved; and an  
12 individual mutually agreed upon by the Compact  
13 administrators of all the party states involved in the  
14 dispute.

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

17 (225 ILCS 65/25-10 new)

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

19 Sec. 25-10. Costs of investigation and disposition of  
20 cases. To facilitate cross-state enforcement efforts, the  
21 General Assembly finds that it is necessary for Illinois to  
22 have the power to recover from the affected nurse the costs of  
23 investigations and disposition of cases resulting from adverse  
24 actions taken by this State against that nurse.

25 (225 ILCS 65/25-15 new)

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

27 Sec. 25-15. Statutory obligations. This Compact is  
28 designed to facilitate the regulation of nurses and does not  
29 relieve employers from complying with statutorily imposed  
30 obligations.

31 (225 ILCS 65/25-20 new)

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

2 Sec. 25-20. State labor laws. This Compact does not  
3 supersede existing State labor laws.

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

7 (225 ILCS 65/5-10)

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

9 Sec. 5-10. Definitions. Each of the following terms, when  
10 used in this Act, shall have the meaning ascribed to it in this  
11 Section, except where the context clearly indicates otherwise:

12 (a) "Department" means the Department of Professional  
13 Regulation.

14 (b) "Director" means the Director of Professional  
15 Regulation.

16 (c) "Board" means the Board of Nursing appointed by the  
17 Director.

18 (d) "Academic year" means the customary annual schedule of  
19 courses at a college, university, or approved school,  
20 customarily regarded as the school year as distinguished from  
21 the calendar year.

22 (e) "Approved program of professional nursing education"  
23 and "approved program of practical nursing education" are  
24 programs of professional or practical nursing, respectively,  
25 approved by the Department under the provisions of this Act.

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

29 (g) "Assistant Nursing Act Coordinator" means a registered  
30 professional nurse appointed by the Director to assist in  
31 carrying out the administrative policies of the Department.

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

1 (i) "Practical nurse" or "licensed practical nurse" means a  
2 person who is licensed as a practical nurse under this Act or  
3 holds the privilege to practice under this Act and practices  
4 practical nursing as defined in paragraph (j) of this Section.  
5 Only a practical nurse licensed or granted the privilege to  
6 practice under this Act is entitled to use the title "licensed  
7 practical nurse" and the abbreviation "L.P.N."

8 (j) "Practical nursing" means the performance of nursing  
9 acts requiring the basic nursing knowledge, judgement, and  
10 skill acquired by means of completion of an approved practical  
11 nursing education program. Practical nursing includes  
12 assisting in the nursing process as delegated by and under the  
13 direction of a registered professional nurse. The practical  
14 nurse may work under the direction of a licensed physician,  
15 dentist, podiatrist, or other health care professional  
16 determined by the Department.

17 (k) "Registered Nurse" or "Registered Professional Nurse"  
18 means a person who is licensed as a professional nurse under  
19 this Act or holds the privilege to practice under this Act and  
20 practices nursing as defined in paragraph (l) of this Section.  
21 Only a registered nurse licensed or granted the privilege to  
22 practice under this Act is entitled to use the titles  
23 "registered nurse" and "registered professional nurse" and the  
24 abbreviation, "R.N."

25 (l) "Registered professional nursing practice" includes  
26 all nursing specialities and means the performance of any  
27 nursing act based upon professional knowledge, judgment, and  
28 skills acquired by means of completion of an approved  
29 registered professional nursing education program. A  
30 registered professional nurse provides nursing care  
31 emphasizing the importance of the whole and the interdependence  
32 of its parts through the nursing process to individuals,  
33 groups, families, or communities, that includes but is not  
34 limited to: (1) the assessment of healthcare needs, nursing

1 diagnosis, planning, implementation, and nursing evaluation;  
2 (2) the promotion, maintenance, and restoration of health; (3)  
3 counseling, patient education, health education, and patient  
4 advocacy; (4) the administration of medications and treatments  
5 as prescribed by a physician licensed to practice medicine in  
6 all of its branches, a licensed dentist, a licensed podiatrist,  
7 or a licensed optometrist or as prescribed by a physician  
8 assistant in accordance with written guidelines required under  
9 the Physician Assistant Practice Act of 1987 or by an advanced  
10 practice nurse in accordance with a written collaborative  
11 agreement required under the Nursing and Advanced Practice  
12 Nursing Act; (5) the coordination and management of the nursing  
13 plan of care; (6) the delegation to and supervision of  
14 individuals who assist the registered professional nurse  
15 implementing the plan of care; and (7) teaching and supervision  
16 of nursing students. The foregoing shall not be deemed to  
17 include those acts of medical diagnosis or prescription of  
18 therapeutic or corrective measures that are properly performed  
19 only by physicians licensed in the State of Illinois.

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

28 (n) "Professional assistance program for nurses" means a  
29 professional assistance program that meets criteria  
30 established by the Board of Nursing and approved by the  
31 Director, which provides a non-disciplinary treatment approach  
32 for nurses licensed under this Act whose ability to practice is  
33 compromised by alcohol or chemical substance addiction.

34 (o) "Privilege to practice" means the authorization to

1 practice as a practical nurse or a registered nurse in the  
2 State under Title 25 of this Act.

3 (p) "License" or "licensed" means the permission granted a  
4 person to practice nursing under this Act, including the  
5 privilege to practice.

6 (q) "Licensee" means a person who has been issued a license  
7 to practice nursing in the state or who holds the privilege to  
8 practice nursing in this State.

9 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;  
10 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

11 (225 ILCS 65/5-15)

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

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

25 This Act does not prohibit the following:

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

32 (b) Nursing that is included in their program of study  
33 by students enrolled in programs of nursing or in current

1 nurse practice update courses approved by the Department.

2 (c) The furnishing of nursing assistance in an  
3 emergency.

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

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

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

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

1 under this Act or a licensed physician, dentist or  
2 podiatrist. In no instance shall any such applicant  
3 practice or be employed in any supervisory capacity.

4 (h) The practice of practical nursing by one who is a  
5 licensed practical nurse under the laws of another U.S.  
6 jurisdiction and has applied in writing to the Department,  
7 in form and substance satisfactory to the Department, for a  
8 license as a licensed practical nurse and who is qualified  
9 to receive such license under Section 10-30, until (1) the  
10 expiration of 6 months after the filing of such written  
11 application, (2) the withdrawal of such application, or (3)  
12 the denial of such application by the Department.

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

1 capacity.

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

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

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

29 (m) Delegation to authorized direct care staff trained  
30 under Section 15.4 of the Mental Health and Developmental  
31 Disabilities Administrative Act.

32 An applicant for license practicing under the exceptions  
33 set forth in subparagraphs (g), (h), (i), and (j) of this  
34 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.

1 Pend. respectively and no other.

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

3 (225 ILCS 65/10-30)

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

5 Sec. 10-30. Qualifications for licensure.

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

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

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

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

17 (2.5) for licensed practical nurse licensure, have  
18 graduated ~~graduate~~ from a practical nursing education  
19 program approved by the Department;

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

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

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

33 If an applicant neglects, fails, or refuses to take an

1 examination or fails to pass an examination for a license under  
2 this Act within 3 years after filing the application, the  
3 application shall be denied. However, the applicant may make a  
4 new application accompanied by the required fee and provide  
5 evidence of meeting the requirements in force at the time of  
6 the new application.

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

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

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

30 (1) submit a completed written application, on forms  
31 supplied by the Department, and fees as established by the  
32 Department;

33 (2) for registered nurse licensure, have graduated  
34 from a professional nursing education program approved by

1 the Department;

2 (2.5) for licensed practical nurse licensure, have  
3 graduated from a practical nursing education program  
4 approved by the Department;

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

8 (4) have passed the examination authorized by the  
9 Department;

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

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

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

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

34 (2) holds an active, unencumbered license in another

1 state; and

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

4 (e) (Blank).

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

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

22 (2) proof of a current, active license in at least one  
23 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 temporary  
27 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 application  
32 for a temporary license, the Department determines that:

33 (1) the applicant has been convicted of a crime under  
34 the laws of a jurisdiction of the United States: (i) which

1 is a felony; or (ii) which is a misdemeanor directly  
2 related to the practice of the profession, within the last  
3 5 years;

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

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

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

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

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

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

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

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

1 expire upon issuance of the Illinois license or upon  
2 notification that the Department intends to deny licensure,  
3 whichever occurs first.

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

10 (j) A practical nurse licensed by a party state under the  
11 Nurse Licensure Compact under Title 25 of this Act is granted  
12 the privilege to practice practical nursing in this State. A  
13 registered nurse licensed by a party state under the Nurse  
14 Licensure Compact under Title 25 of this Act is granted the  
15 privilege to practice registered nursing in this State. A  
16 practical nurse or registered nurse who has been granted the  
17 privilege to practice nursing in this State under this  
18 subsection (j) may be required to notify the Department, prior  
19 to commencing employment in this State as a practical or  
20 registered nurse, of the identity and location of the nurse's  
21 prospective employer.

22 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02;  
23 revised 2-17-03.)

24 Section 99. Effective date. This Act takes effect January  
25 1, 2006."