



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 385

2 AMENDMENT NO. _____. Amend Senate Bill 385 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Midwifery Licensure Act.

6 Section 5. Purpose. The practice of midwifery in
7 out-of-hospital settings is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. The purpose of the Act is to
10 protect and benefit the public by setting standards for the
11 qualifications, education, training, and experience of those
12 who seek to obtain licensure and hold the title of Licensed
13 Midwife, to promote high standards of professional performance
14 for those licensed to practice midwifery in out-of-hospital
15 settings in this State, and to protect the public from
16 unprofessional conduct by persons licensed to practice

1 midwifery, as defined in this Act. This Act shall be liberally
2 construed to best carry out these purposes.

3 Section 10. Exemptions.

4 (a) This Act does not prohibit a person licensed under any
5 other Act in this State from engaging in the practice for which
6 he or she is licensed or from delegating services as provided
7 for under that other Act.

8 (b) Nothing in this Act shall be construed to prohibit or
9 require licensing under this Act, with regard to any of the
10 following:

11 (1) The gratuitous rendering of services.

12 (2) The rendering of services by a person if such
13 attendance is in accordance with the person's religious
14 faith and is rendered to persons with a similar religious
15 faith as an exercise and enjoyment of their religious
16 freedom.

17 (3) Midwifery that is included in the educational
18 programs of student midwives working under the direct
19 supervision of a preceptor approved by the North American
20 Registry of Midwives.

21 Section 15. Definitions. In this Act:

22 "American Midwifery Certification Board" or "AMCB" means
23 the national certifying body for certified nurse-midwives
24 (CNM) and certified midwives (CM) or its successor.

1 "Board" means the Illinois Midwifery Board.

2 "Certified professional midwife" means a person who has met
3 the standards for certification set by the North American
4 Registry of Midwives and has been awarded the Certified
5 Professional Midwife (CPM) credential.

6 "Department" means the Department of Financial and
7 Professional Regulation.

8 "Licensed midwife" means a person who has been granted a
9 license under this Act to engage in the practice of midwifery.

10 "National Association of Certified Professional Midwives"
11 or "NACPM" means the professional organization, or its
12 successor, that promotes the growth and development of the
13 profession of certified professional midwives.

14 "North American Registry of Midwives" or "NARM" means the
15 accredited international agency, or its successor, that has
16 established and has continued to administer certification for
17 the credentialing of certified professional midwives.

18 "Practice of midwifery" means providing the necessary
19 supervision, care, education, and advice to women during the
20 antepartum, intrapartum, and postpartum period, conducting
21 deliveries independently, and caring for the newborn, with such
22 care including without limitation preventative measures, the
23 detection of abnormal conditions in the mother and the child,
24 the procurement of medical assistance, and the execution of
25 emergency measures in the absence of medical help. "Practice of
26 midwifery" includes non-prescriptive family planning.

1 "Secretary" means the Secretary of Financial and
2 Professional Regulation.

3 Section 17. Unlicensed practice. Beginning 2 years after
4 the effective date of this Act, no person may practice, attempt
5 to practice, or hold himself or herself out to practice as a
6 licensed midwife unless he or she is licensed as a midwife
7 under this Act.

8 Section 20. Title. A licensed midwife may identify himself
9 or herself as a Licensed Midwife or a Licensed Homebirth
10 Midwife and may use the abbreviation L.M. A licensed midwife
11 who carries the CPM credential may alternately identify himself
12 or herself as a Licensed Certified Professional Midwife or
13 Licensed CPM and may use the abbreviation CPM, LM.

14 A licensed midwife who carries the CNM credential may
15 alternately identify himself or herself as a Licensed Certified
16 Nurse-Midwife or Licensed CNM and may use the abbreviation CNM,
17 LM. A licensed midwife who carries the CM credential may
18 alternately identify himself or herself as a Licensed Certified
19 Midwife or Licensed CM and may use the abbreviation CM, LM.

20 Section 25. Informed consent.

21 (a) A licensed midwife shall, at an initial consultation
22 with a client, provide a copy of the rules adopted by the
23 Department under this Act and disclose to the client orally and

1 in writing all of the following:

2 (1) The licensed midwife's experience and training.

3 (2) Whether the licensed midwife has malpractice
4 liability insurance coverage and the policy limits of any
5 such coverage.

6 (3) A written protocol for the handling of medical
7 emergencies, including transportation to a hospital,
8 particular to each client.

9 (4) A recommendation that the client obtain a physical
10 examination from an appropriately licensed provider.

11 (5) Any other information required by the Department by
12 rule.

13 (b) A copy of the informed consent document, signed and
14 dated by the client, must be kept in each client's chart.

15 Section 30. Vicarious liability. No other licensed
16 midwife, doctor of medicine, doctor of osteopathy,
17 acupuncturist, chiropractor, midwife, nurse-midwife, emergency
18 medical personnel, first responder, or hospital or agent
19 thereof shall be liable for an injury resulting from an act or
20 omission by a licensed midwife, even if he or she has consulted
21 with or accepted a referral from the licensed midwife.

22 Except as otherwise provided by law, no licensed midwife,
23 doctor of medicine, doctor of osteopathy, acupuncturist,
24 chiropractor, midwife, nurse-midwife, emergency medical
25 personnel, first responder, or hospital or agent thereof may be

1 exempt from liability for his or her own subsequent and
2 independent negligent, grossly negligent, or willful or wanton
3 acts or omissions.

4 Section 35. Advertising.

5 (a) Any person licensed under this Act may advertise the
6 availability of professional midwifery services in the public
7 media or on premises where professional services are rendered,
8 if the advertising is truthful and not misleading and is in
9 conformity with any rules adopted by the Department.

10 (b) A licensee must include in every advertisement for
11 midwifery services regulated under this Act his or her title as
12 it appears on the license or the initials authorized under this
13 Act.

14 Section 40. Powers and duties of the Department;
15 rulemaking.

16 (a) The Department shall adopt all rules necessary for the
17 implementation and administration of this Act, including rules
18 establishing criteria for licensure, professional conduct, and
19 discipline; however, the Department must consult with the Board
20 regarding rulemaking and review any responses and
21 recommendations made by the Board. Initial rules concerning the
22 licensed practice of midwifery must be adopted on or before
23 January 1, 2008.

24 (b) All rules adopted by the Department under this Act must

1 be consistent with standards regarding the practice of
2 midwifery established by the National Association of Certified
3 Professional Midwives or a successor organization whose
4 essential documents include without limitation subject matter
5 concerning scope of practice, standards of practice, informed
6 consent, appropriate consultation, collaboration or referral,
7 and acknowledgement of a woman's right to self determination
8 concerning her maternity care.

9 (c) Rules adopted by the Department must provide for the
10 following:

11 (1) the scope of practice and services provided
12 regarding the use of equipment, procedures, and
13 medications;

14 (2) the administration by a licensed midwife of oxygen
15 during the practice of midwifery;

16 (3) the issuance of temporary permits to practice
17 midwifery pending qualification for licensure; and

18 (4) the administration during the practice of
19 midwifery, of oxytocin (Pitocin) and Methergine solely as
20 postpartum anti-hemorrhagic agents, rhogam for the
21 prevention of Rh sensitization, intravenous fluids for
22 stabilization, vitamin K, eye prophylactics, and other
23 drugs or procedures in keeping with current midwifery
24 standards, as determined by the Department, and the
25 procurement of prescriptions for such medications by a
26 licensed midwife.

1 (d) The rules adopted by the Department under this Section
2 may not:

3 (1) require a licensed midwife to have a nursing or
4 nurse-midwifery degree or diploma;

5 (2) require a licensed midwife to practice midwifery
6 under the supervision of or in collaboration with another
7 healthcare provider;

8 (3) require a licensed midwife to enter into an
9 agreement, written or otherwise, with another health care
10 provider; and

11 (4) permit a licensed midwife to use forceps, a vacuum
12 extraction, or Cytotec or its generic equivalent.

13 (e) The Department shall, on a quarterly basis, issue a
14 status report to the Board of all complaints submitted to
15 the Department related to the midwifery profession.

16 Section 45. Illinois Midwifery Board.

17 (a) There is created under the authority of the Department
18 the Illinois Midwifery Board, which shall consist of 7 members
19 appointed by the Secretary, 4 of whom shall be licensed
20 midwives who carry the CPM credential, except that initial
21 appointees must have at least 3 years of experience in the
22 practice of midwifery in an out-of-hospital setting, be
23 certified by the North American Registry of Midwives, and meet
24 the qualifications for licensure set forth in this Act; one of
25 whom shall be an obstetrician licensed under the Medical

1 Practice Act of 1987 who has a minimum of 2 years of experience
2 working or consulting with homebirth providers or,
3 alternately, a family practice physician licensed under the
4 Medical Practice Act of 1987 who has a minimum of 2 years of
5 experience providing homebirth services; one of whom shall be a
6 certified nurse midwife who has at least 2 years of experience
7 in providing home birth services; and one of whom shall be a
8 knowledgeable public member who has given birth with the
9 assistance of a certified professional midwife in an
10 out-of-hospital birth setting. Board members shall serve
11 4-year terms, except that in the case of initial appointments,
12 terms shall be staggered as follows: 3 members shall serve for
13 4 years, 2 members shall serve for 3 years, and 2 members shall
14 serve for 2 years. The Board shall annually elect a chairperson
15 and vice chairperson.

16 (b) Any appointment made to fill a vacancy shall be for the
17 unexpired portion of the term. Appointments to fill vacancies
18 shall be made in the same manner as original appointments. No
19 Board member may be reappointed for a term that would cause his
20 or her continuous service on the Board to exceed 9 years.

21 (c) Board membership must have reasonable representation
22 from different geographic areas of this State.

23 (d) The members of the Board shall be reimbursed for all
24 legitimate, necessary, and authorized expenses incurred in
25 attending the meetings of the Board.

26 (e) The Secretary may remove any member for cause at any

1 time prior to the expiration of his or her term.

2 (f) A majority of the Board members currently appointed
3 shall constitute a quorum. A vacancy in the membership of the
4 Board shall not impair the right of a quorum to perform all of
5 the duties of the Board.

6 (g) The Board shall provide the Department with
7 recommendations concerning the administration of this Act and
8 perform each of the following duties:

9 (1) Recommend to the Department the adoption and, from
10 time to time, the revision of any rules that may be
11 necessary to carry out the provisions of this Act,
12 including those that are designed to protect the health,
13 safety, and welfare of the public.

14 (2) Conduct hearings and disciplinary conferences on
15 disciplinary charges of licensees.

16 (3) Report to the Department, upon completion of a
17 hearing, the disciplinary actions recommended to be taken
18 against a person found in violation this Act.

19 (4) Recommend the approval, denial of approval, and
20 withdrawal of approval of required education and
21 continuing educational programs.

22 (h) The Secretary shall give due consideration to all
23 recommendations of the Board. If the Secretary takes action
24 contrary to a recommendation of the Board, the Secretary must
25 promptly provide a written explanation of that action.

26 (i) The Board may recommend to the Secretary that one or

1 more licensed midwives be selected by the Secretary to assist
2 in any investigation under this Act. Compensation shall be
3 provided to any licensee who provides assistance under this
4 subsection (i), in an amount determined by the Secretary.

5 (j) Members of the Board shall be immune from suit in an
6 action based upon a disciplinary proceeding or other activity
7 performed in good faith as a member of the Board, except for
8 willful or wanton misconduct.

9 Section 50. Qualifications.

10 (a) A person is qualified for licensure as a midwife if
11 that person meets each of the following qualifications:

12 (1) He or she has successfully completed a program of
13 midwifery education approved by the North American
14 Registry of Midwives which includes both didactic and
15 clinical experience, the sum of which, on average, takes 3
16 to 5 years to complete.

17 (A) The didactic component of the educational
18 program required under item (1) of this Section must
19 include the procurement of knowledge, which may be
20 demonstrated in either a classroom or clinical
21 setting, of at least all of the following subject
22 matters:

23 (i) Midwifery counseling, education, and
24 communication, including childbirth education; the
25 physical and emotional process of pregnancy and

1 birth; informed consent; confidentiality; diet,
2 nutrition, and vitamins; prenatal testing and lab
3 work; female reproductive anatomy and physiology;
4 prenatal exercise; breast self-exams;
5 environmental and teratogenic hazards to
6 pregnancy; the benefits and risks of birth site
7 options; preparing for birth at home or at a birth
8 center; and an emergency care plan.

9 (ii) General healthcare skills, including
10 universal precautions and aseptic techniques;
11 recognizing and managing symptoms of shock; adult
12 and infant cardio-pulmonary resuscitation (CPR);
13 the benefits and risks of ultrasound; and the
14 appropriate use of medications in childbirth, such
15 as lidocaine or other numbing agents for repair of
16 lacerations, medical oxygen, methergine and
17 pitocin to prevent postpartum hemorrhage, eye
18 prophylaxis, RhoGam, and Vitamin K.

19 (iii) The appropriate use and care of
20 equipment, including bags and masks; bulb
21 syringes; delee suction; hemostats; lancets;
22 suturing equipment; urinary catheters; and
23 vacutainer collection tubes.

24 (iv) The appropriate evaluation of laboratory
25 records, including records related to hematocrit;
26 blood sugar; HIV; Hepatitis B and C; Rubella;

1 Syphilis; Group B Strep; Gonorrhea cultures; blood
2 type and Rh factors; Rh antibodies; Chlamydia, and
3 PAP smears.

4 (v) Maternal health assessment, including
5 health, reproductive, and family health history
6 and complete initial physical examinations to
7 identify normalcy, including examinations related
8 to the head, eyes, ears, nose, and throat; weight
9 and height; vital signs; thyroid; lymph glands;
10 breasts; reflexes; heart and lungs; abdominal
11 palpitations; kidney pain; pelvic landmarks,
12 uterus, cervix, and vagina; musculo-skeletal
13 system; and vascular system.

14 (vi) Prenatal care, including routine prenatal
15 examinations for health and well-being; signs and
16 symptoms of infection; vital signs; nutritional
17 status; blood work or lab results; urine for
18 glucose, protein, and ketones; fetal heart rate;
19 assessment of fetal growth and well-being; and
20 fetal position by palpation.

21 (vii) The recognition of and response to or
22 referral for potential complications, including
23 bleeding; hypertension; any abnormal signs in the
24 prenatal exam, including without limitation blood
25 work and growth; malpresentation; multiple
26 gestation; vaginal birth after cesarean; pre-term

1 labor; post-date pregnancy; and premature rupture
2 of membranes.

3 (viii) Labor, birth, and immediate postpartum,
4 including signs of prodromal or active labor;
5 maternal comfort measures for labor; maternal
6 vital signs; normal and abnormal labor patterns;
7 fetal lie, presentation, position, and descent;
8 effacement and dilation of the cervix; and normal,
9 spontaneous, and vaginal birth.

10 (ix) The appropriate response to abnormal
11 conditions in labor, including signs of fetal
12 distress; variations in presentation; maternal
13 exhaustion; and excessive bleeding.

14 (x) The immediate care and assessment of the
15 newborn.

16 (xi) The immediate care and assessment of the
17 mother.

18 (xii) The delivery of the placenta.

19 (xiii) The assessment and repair of the
20 perineum.

21 (xiv) Postpartum, including the daily and
22 weekly assessment of the mother and newborn;
23 breastfeeding support; the filing of birth
24 certificates; and assessing, treating, or
25 referring for postpartum depression, uterine or
26 breast infections, and abnormal newborn jaundice.

1 (xv) Well baby care, including the assessment
2 of normal or abnormal newborn conditions and
3 referral, as necessary, in first six weeks, such as
4 respirations; temperature; heart rate and rhythm;
5 appropriate weight gain; appropriate size and
6 growth; reflexes; elimination patterns; feeding
7 patterns; thrush; jaundice; diaper rash; cradle
8 cap; colic; and any significant deviation from
9 normalcy.

10 (xvi) Metabolic screening for the newborn.

11 (B) The clinical component of the educational
12 process must do each of the following:

13 (i) Include prenatal, intrapartal, and
14 postpartal care as well as newborn care.

15 (ii) Be at least one year in duration.

16 (iii) Be equivalent to 1,350 clinical contact
17 hours under the direct supervision of one or more
18 preceptors approved by the North American Registry
19 of Midwives.

20 (iv) Be based upon a job analyses designed and
21 implemented in accordance with the standards set
22 by the National Commission on Certifying Agencies
23 or its successor, which identifies core topics
24 that must be mastered for the performance of
25 midwifery skills in an out-of-hospital setting.

26 (v) Require the student to receive an

1 assessment of competency as an assistant at a
2 minimum of 20 births and as the primary midwife at
3 a minimum of 75 prenatal exams, 20 initial exams,
4 20 births, 20 newborn exams, and 40 postpartum
5 exams.

6 (vi) Include certification in adult CPR and
7 infant CPR or neonatal resuscitation.

8 (vii) Document clinical experience in an
9 out-of-hospital setting.

10 (2) He or she has passed an 8-hour written and
11 practical skills examination for the practice of midwifery
12 that has been developed following the standards set by the
13 National Commission for Certifying Agencies or a successor
14 organization and is administered by the North American
15 Registry of Midwives.

16 (3) He or she holds a valid CPM credential granted by
17 the North American Registry of Midwives.

18 (b) An individual who has not completed the requirements of
19 subsection (a) of this Section shall be deemed qualified for
20 licensure as a midwife if that person holds a valid CNM or CM
21 credential granted by the American Midwifery Certification
22 Board and practices midwifery in an out-of-hospital setting.

23 Section 55. Conditional licensure. For a period of one year
24 after the effective date of this Act, the Department may issue
25 a conditional license to an applicant who submits acceptable

1 proof to the Department that he or she has practiced midwifery
2 prior to the effective date of this Act and has applied to the
3 North American Registry of Midwives for certification as a
4 certified professional midwife. A conditional license issued
5 under this Section shall automatically terminate one year after
6 the date of issue unless the applicant has, by such time,
7 successfully completed the certification examination provided
8 by the North American Registry of Midwives.

9 Section 60. Application; temporary licensure.

10 (a) Application for an original license must be made to the
11 Department in writing on forms prescribed by the Department and
12 must be accompanied by the required fee, which shall be
13 nonrefundable. The application shall require all information
14 that, in the judgment of the Department, shall enable the
15 Department to pass on the qualifications of an applicant for
16 licensure.

17 (b) Applicants for licensure under this Act have 2 years
18 after the date of application to complete the application
19 process. If the process has not been completed in 2 years, the
20 application shall be denied and the fee forfeited, and the
21 applicant must reapply and meet all requirements in effect at
22 the time of reapplication.

23 (c) Pending the issuance of a license, the Department may
24 grant an applicant a temporary license to practice midwifery as
25 a licensed midwife if the Department is satisfied that the

1 applicant holds an active, unencumbered license in good
2 standing in another jurisdiction.

3 Section 65. Social Security Number on application. In
4 addition to any other information required to be contained in
5 the application, every application for an original, renewal,
6 reinstated, or restored license under this Act shall include
7 the applicant's Social Security Number.

8 Section 70. Licensure by endorsement. Upon the payment of
9 any applicable licensure fees, the Department may issue a
10 license under this Act to an applicant licensed, registered, or
11 certified under the laws of another jurisdiction if the
12 requirements for licensure, registration, or certification in
13 that jurisdiction are, on the date of licensure, registration,
14 or certification, substantially equivalent to the requirements
15 of this Act.

16 Section 75. Continuing education.

17 (a) The Department shall adopt rules of continuing
18 education for persons licensed under this Act that require at
19 least 25 hours of continuing education and 5 hours of peer
20 review, per 3-year license renewal cycle.

21 (b) The rules shall require the licensed midwife to
22 maintain CPM certification by meeting all the requirements set
23 forth by the North American Registry of Midwives or to maintain

1 CNM or CM certification by meeting all the requirements set
2 forth by the American Midwifery Certification Board.

3 (c) Each licensee is responsible for maintaining records of
4 completion of continuing education and shall be prepared to
5 produce the records when requested by the Department.

6 (d) Continuing education requirements may be waived in
7 cases of extreme hardship, as defined by rules of the
8 Department.

9 Section 80. Inactive status.

10 (a) A licensed midwife who notifies the Department in
11 writing on forms prescribed by the Department may elect to
12 place his or her license on an inactive status and shall be
13 excused from payment of renewal fees until he or she notifies
14 the Department in writing of his or her intent to restore the
15 license.

16 (b) A licensed midwife whose license is on inactive status
17 may not practice licensed midwifery in the State of Illinois.

18 (c) A licensed midwife requesting restoration from
19 inactive status shall be required to pay the current renewal
20 fee and to restore his or her license, as provided by the
21 Department by rule.

22 (d) Any licensee who engages in the practice of midwifery
23 while his or her license is lapsed or on inactive status shall
24 be considered to be practicing without a license, which shall
25 be grounds for discipline.

1 Section 85. Renewal, reinstatement, or restoration of
2 licensure; military service.

3 (a) The expiration date and renewal period for each license
4 issued under this Act shall be set by the Department by rule.

5 (b) All renewal applicants shall provide proof of having
6 met the requirements of continuing education set forth by the
7 North American Registry of Midwives or the American Midwifery
8 Certification Board. The Department shall, by rule, provide for
9 an orderly process for the reinstatement of licenses that have
10 not been renewed due to failure to meet continuing education
11 requirements.

12 (c) Any licensed midwife who has permitted his or her
13 license to expire or who has had his or her license on inactive
14 status may have his or her license restored by making
15 application to the Department and filing proof acceptable to
16 the Department of fitness to have the license restored and by
17 paying the required fees. Proof of fitness may include evidence
18 attesting to active lawful practice in another jurisdiction.

19 (d) The Department shall determine, by an evaluation
20 program established by rule, fitness for restoration of a
21 license under this Section and shall establish procedures and
22 requirements for restoration.

23 (e) Any licensed midwife whose license expired while he or
24 she was (i) in federal service on active duty with the Armed
25 Forces of the United States or the State Militia and called

1 into service or training or (ii) in training or education under
2 the supervision of the United States preliminary to induction
3 into the military service may have his or her license restored
4 without paying any lapsed renewal fees, if, within 2 years
5 after honorable termination of service, training, or
6 education, he or she furnishes the Department with satisfactory
7 evidence to the effect that he or she has been so engaged.

8 Section 90. Roster. The Department shall maintain a roster
9 of the names and addresses of all licensees and of all persons
10 whose licenses have been suspended or revoked. This roster
11 shall be available upon written request and payment of the
12 required fee.

13 Section 95. Fees.

14 (a) The Department shall, by rule, provide for a schedule
15 of fees for the administration and enforcement of this Act,
16 including without limitation original licensure, renewal, and
17 restoration, which fees shall be nonrefundable.

18 (b) All fees collected under this Act shall be deposited
19 into the General Professions Dedicated Fund and appropriated to
20 the Department for the ordinary and contingent expenses of the
21 Department in the administration of this Act.

22 Section 100. Returned checks; fines. Any person who
23 delivers a check or other payment to the Department that is

1 returned to the Department unpaid by the financial institution
2 upon which it is drawn shall pay to the Department, in addition
3 to the amount already owed to the Department, a fine of \$50.
4 The fines imposed by this Section are in addition to any other
5 discipline provided under this Act for unlicensed practice or
6 practice on a non-renewed license. The Department shall notify
7 the person that fees and fines shall be paid to the Department
8 by certified check or money order within 30 calendar days after
9 the notification. If, after the expiration of 30 days from the
10 date of the notification, the person has failed to submit the
11 necessary remittance, the Department shall automatically
12 terminate the license or deny the application, without hearing.
13 If, after termination or denial, the person seeks a license, he
14 or she shall apply to the Department for restoration or
15 issuance of the license and pay all fees and fines due to the
16 Department. The Department may establish a fee for the
17 processing of an application for restoration of a license to
18 defray all expenses of processing the application. The
19 Secretary may waive the fines due under this Section in
20 individual cases where the Secretary finds that the fines would
21 be unreasonable or unnecessarily burdensome.

22 Section 105. Unlicensed practice; civil penalty. Any
23 person who practices, offers to practice, attempts to practice,
24 or holds himself or herself out to practice midwifery or as a
25 midwife without being licensed under this Act shall, in

1 addition to any other penalty provided by law, pay a civil
2 penalty to the Department in an amount not to exceed \$5,000 for
3 each offense, as determined by the Department. The civil
4 penalty shall be assessed by the Department after a hearing is
5 held in accordance with the provisions set forth in this Act
6 regarding the provision of a hearing for the discipline of a
7 licensee. The civil penalty shall be paid within 60 days after
8 the effective date of the order imposing the civil penalty. The
9 order shall constitute a judgment and may be filed and
10 execution had thereon in the same manner as any judgment from
11 any court of record. The Department may investigate any
12 unlicensed activity.

13 Section 110. Exemption from civil liability. Exemption
14 from civil liability for emergency care and for services
15 rendered without compensation is as provided in the Good
16 Samaritan Act.

17 Section 115. Grounds for disciplinary action. The
18 Department may refuse to issue or to renew or may revoke,
19 suspend, place on probation, reprimand or take other
20 disciplinary action as the Department may deem proper,
21 including fines not to exceed \$5,000 for each violation, with
22 regard to any licensee or license for any one or combination of
23 the following causes:

- 24 (1) Violations of this Act or its rules.

1 (2) Material misstatement in furnishing information to
2 the Department.

3 (3) Conviction of any crime under the laws of any U.S.
4 jurisdiction that is (i) a felony, (ii) a misdemeanor, an
5 essential element of which is dishonesty, or (iii) directly
6 related to the practice of the profession.

7 (4) Making any misrepresentation for the purpose of
8 obtaining a license.

9 (5) Professional incompetence or gross negligence.

10 (6) Gross malpractice.

11 (7) Aiding or assisting another person in violating any
12 provision of this Act or its rules.

13 (8) Failing to provide information within 60 days in
14 response to a written request made by the Department.

15 (9) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public.

18 (10) Habitual or excessive use or addiction to alcohol,
19 narcotics, stimulants, or any other chemical agent or drug
20 that results in the inability to practice with reasonable
21 judgment, skill, or safety.

22 (11) Discipline by another U.S. jurisdiction or
23 foreign nation if at least one of the grounds for the
24 discipline is the same or substantially equivalent to those
25 set forth in this Act.

26 (12) Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership, or association
2 any fee, commission, rebate, or other form of compensation
3 for any professional services not actually or personally
4 rendered. This shall not be deemed to include rent or other
5 remunerations paid to an individual, partnership, or
6 corporation by a licensed midwife for the lease, rental, or
7 use of space, owned or controlled by the individual,
8 partnership, corporation, or association.

9 (13) A finding by the Department that the licensee,
10 after having his or her license placed on probationary
11 status, has violated the terms of probation.

12 (14) Abandonment of a patient without cause.

13 (15) Willfully making or filing false records or
14 reports relating to a licensee's practice, including, but
15 not limited to, false records filed with State agencies or
16 departments.

17 (16) Physical illness or mental illness, including,
18 but not limited to, deterioration through the aging process
19 or loss of motor skill that results in the inability to
20 practice the profession with reasonable judgment, skill,
21 or safety.

22 (17) Failure to provide a patient with a copy of his or
23 her record upon the written request of the patient.

24 (18) Conviction by any court of competent
25 jurisdiction, either within or without this State, of any
26 violation of any law governing the practice of licensed

1 midwifery or conviction in this or another state of any
2 crime that is a felony under the laws of this State or
3 conviction of a felony in a federal court, if the
4 Department determines, after investigation, that the
5 person has not been sufficiently rehabilitated to warrant
6 the public trust.

7 (19) A finding that licensure has been applied for or
8 obtained by fraudulent means.

9 (20) Being named as a perpetrator in an indicated
10 report by the Department of Healthcare and Family Services
11 under the Abused and Neglected Child Reporting Act and upon
12 proof by clear and convincing evidence that the licensee
13 has caused a child to be an abused child or a neglected
14 child, as defined in the Abused and Neglected Child
15 Reporting Act.

16 (21) Practicing or attempting to practice under a name
17 other than the full name shown on a license issued under
18 this Act.

19 (22) Immoral conduct in the commission of any act, such
20 as sexual abuse, sexual misconduct, or sexual
21 exploitation, related to the licensee's practice.

22 (23) Maintaining a professional relationship with any
23 person, firm, or corporation when the licensed midwife
24 knows or should know that a person, firm, or corporation is
25 violating this Act.

26 (24) Failure to provide satisfactory proof of having

1 participated in approved continuing education programs as
2 determined by the Board and approved by the Secretary.
3 Exceptions for extreme hardships are to be defined by the
4 Department by rule.

5 (b) The Department may refuse to issue or may suspend the
6 license of any person who fails to (i) file a tax return or to
7 pay the tax, penalty, or interest shown in a filed return or
8 (ii) pay any final assessment of the tax, penalty, or interest,
9 as required by any tax Act administered by the Illinois
10 Department of Revenue, until the time that the requirements of
11 that tax Act are satisfied.

12 (c) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. The suspension shall
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission,
18 the issuance of an order so finding and discharging the
19 patient, and the recommendation of the Board to the Secretary
20 that the licensee be allowed to resume his or her practice.

21 (d) In enforcing this Section, the Department, upon a
22 showing of a possible violation, may compel any person licensed
23 to practice under this Act or who has applied for licensure or
24 certification pursuant to this Act to submit to a mental or
25 physical examination, or both, as required by and at the
26 expense of the Department. The examining physicians shall be

1 those specifically designated by the Department. The
2 Department may order an examining physician to present
3 testimony concerning the mental or physical examination of the
4 licensee or applicant. No information shall be excluded by
5 reason of any common law or statutory privilege relating to
6 communications between the licensee or applicant and the
7 examining physician. The person to be examined may have, at his
8 or her own expense, another physician of his or her choice
9 present during all aspects of the examination. Failure of any
10 person to submit to a mental or physical examination when
11 directed shall be grounds for suspension of a license until the
12 person submits to the examination if the Department finds,
13 after notice and hearing, that the refusal to submit to the
14 examination was without reasonable cause.

15 If the Department finds an individual unable to practice
16 because of the reasons set forth in this subsection (d), the
17 Department may require that individual to submit to care,
18 counseling, or treatment by physicians approved or designated
19 by the Department, as a condition, term, or restriction for
20 continued, reinstated, or renewed licensure to practice or, in
21 lieu of care, counseling, or treatment, the Department may file
22 a complaint to immediately suspend, revoke, or otherwise
23 discipline the license of the individual. Any person whose
24 license was granted, reinstated, renewed, disciplined, or
25 supervised subject to such terms, conditions, or restrictions
26 and who fails to comply with such terms, conditions, or

1 restrictions shall be referred to the Secretary for a
2 determination as to whether or not the person shall have his or
3 her license suspended immediately, pending a hearing by the
4 Department.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 15 days after
8 the suspension and completed without appreciable delay. The
9 Department may review the person's record of treatment and
10 counseling regarding the impairment, to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 A person licensed under this Act and affected under this
14 subsection (d) shall be afforded an opportunity to demonstrate
15 to the Department that he or she can resume practice in
16 compliance with acceptable and prevailing standards under the
17 provisions of his or her license.

18 Section 120. Failure to pay restitution. The Department,
19 without further process or hearing, shall suspend the license
20 or other authorization to practice of any person issued under
21 this Act who has been certified by court order as not having
22 paid restitution to a person under Section 8A-3.5 of the
23 Illinois Public Aid Code or under Section 46-1 of the Criminal
24 Code of 1961. A person whose license or other authorization to
25 practice is suspended under this Section is prohibited from

1 practicing until restitution is made in full.

2 Section 125. Injunction; cease and desist order.

3 (a) If a person violates any provision of this Act, the
4 Secretary may, in the name of the People of the State of
5 Illinois, through the Attorney General or the State's Attorney
6 of any county in which the action is brought, petition for an
7 order enjoining the violation or enforcing compliance with this
8 Act. Upon the filing of a verified petition in court, the court
9 may issue a temporary restraining order, without notice or
10 bond, and may preliminarily and permanently enjoin the
11 violation. If it is established that the person has violated or
12 is violating the injunction, the court may punish the offender
13 for contempt of court. Proceedings under this Section shall be
14 in addition to, and not in lieu of, all other remedies and
15 penalties provided by this Act.

16 (b) If any person practices as a licensed midwife or holds
17 himself or herself out as a licensed midwife without being
18 licensed under the provisions of this Act then any licensed
19 midwife, any interested party, or any person injured thereby
20 may, in addition to the Secretary, petition for relief as
21 provided in subsection (a) of this Section.

22 (c) Whenever, in the opinion of the Department, any person
23 violates any provision of this Act, the Department may issue a
24 rule to show cause why an order to cease and desist should not
25 be entered against that person. The rule shall clearly set

1 forth the grounds relied upon by the Department and shall
2 provide a period of 7 days after the date of the rule to file an
3 answer to the satisfaction of the Department. Failure to answer
4 to the satisfaction of the Department shall cause an order to
5 cease and desist to be issued immediately.

6 Section 130. Violation; criminal penalty.

7 (a) Whoever knowingly practices or offers to practice
8 midwifery in this State without being licensed for that purpose
9 or exempt under this Act shall be guilty of a Class A
10 misdemeanor and, for each subsequent conviction, shall be
11 guilty of a Class 4 felony.

12 (b) Any person who is found to have violated any other
13 provision of this Act is guilty of a Class A misdemeanor.

14 (c) Notwithstanding any other provision of this Act, all
15 criminal fines, moneys, or other property collected or received
16 by the Department under this Section or any other State or
17 federal statute, including, but not limited to, property
18 forfeited to the Department under Section 505 of the Illinois
19 Controlled Substances Act or Section 85 of the Methamphetamine
20 Control and Community Protection Act, shall be deposited into
21 the Professional Regulation Evidence Fund.

22 Section 135. Investigation; notice; hearing. The
23 Department may investigate the actions of any applicant or of
24 any person or persons holding or claiming to hold a license

1 under this Act. Before refusing to issue or to renew or taking
2 any disciplinary action regarding a license, the Department
3 shall, at least 30 days prior to the date set for the hearing,
4 notify in writing the applicant or licensee of the nature of
5 any charges and that a hearing shall be held on a date
6 designated. The Department shall direct the applicant or
7 licensee to file a written answer with the Board under oath
8 within 20 days after the service of the notice and inform the
9 applicant or licensee that failure to file an answer shall
10 result in default being taken against the applicant or licensee
11 and that the license may be suspended, revoked, or placed on
12 probationary status or that other disciplinary action may be
13 taken, including limiting the scope, nature, or extent of
14 practice, as the Secretary may deem proper. Written notice may
15 be served by personal delivery or certified or registered mail
16 to the respondent at the address of his or her last
17 notification to the Department. If the person fails to file an
18 answer after receiving notice, his or her license may, in the
19 discretion of the Department, be suspended, revoked, or placed
20 on probationary status, or the Department may take any
21 disciplinary action deemed proper, including limiting the
22 scope, nature, or extent of the person's practice or the
23 imposition of a fine, without a hearing, if the act or acts
24 charged constitute sufficient grounds for such action under
25 this Act. At the time and place fixed in the notice, the Board
26 shall proceed to hear the charges and the parties or their

1 counsel shall be accorded ample opportunity to present such
2 statements, testimony, evidence, and argument as may be
3 pertinent to the charges or to their defense. The Board may
4 continue a hearing from time to time.

5 Section 140. Formal hearing; preservation of record. The
6 Department, at its expense, shall preserve a record of all
7 proceedings at the formal hearing of any case. The notice of
8 hearing, complaint, and all other documents in the nature of
9 pleadings and written motions filed in the proceedings, the
10 transcript of testimony, the report of the Board or hearing
11 officer, and order of the Department shall be the record of the
12 proceeding. The Department shall furnish a transcript of the
13 record to any person interested in the hearing upon payment of
14 the fee required under Section 2105-115 of the Department of
15 Professional Regulation Law.

16 Section 145. Witnesses; production of documents; contempt.
17 Any circuit court may upon application of the Department or its
18 designee or of the applicant or licensee against whom
19 proceedings under Section 115 of this Act are pending, enter an
20 order requiring the attendance of witnesses and their testimony
21 and the production of documents, papers, files, books, and
22 records in connection with any hearing or investigation. The
23 court may compel obedience to its order by proceedings for
24 contempt.

1 Section 150. Subpoena; oaths. The Department shall have the
2 power to subpoena and bring before it any person in this State
3 and to take testimony either orally or by deposition or both
4 with the same fees and mileage and in the same manner as
5 prescribed in civil cases in circuit courts of this State. The
6 Secretary, the designated hearing officer, and every member of
7 the Board has the power to administer oaths to witnesses at any
8 hearing that the Department is authorized to conduct and any
9 other oaths authorized in any Act administered by the
10 Department. Any circuit court may, upon application of the
11 Department or its designee or upon application of the person
12 against whom proceedings under this Act are pending, enter an
13 order requiring the attendance of witnesses and their
14 testimony, and the production of documents, papers, files,
15 books, and records in connection with any hearing or
16 investigation. The court may compel obedience to its order by
17 proceedings for contempt.

18 Section 155. Findings of fact, conclusions of law, and
19 recommendations. At the conclusion of the hearing the Board
20 shall present to the Secretary a written report of its findings
21 of fact, conclusions of law, and recommendations. The report
22 shall contain a finding as to whether or not the accused person
23 violated this Act or failed to comply with the conditions
24 required under this Act. The Board shall specify the nature of

1 the violation or failure to comply and shall make its
2 recommendations to the Secretary.

3 The report of findings of fact, conclusions of law, and
4 recommendations of the Board shall be the basis for the
5 Department's order. If the Secretary disagrees in any regard
6 with the report of the Board, the Secretary may issue an order
7 in contravention of the report. The finding is not admissible
8 in evidence against the person in a criminal prosecution
9 brought for the violation of this Act, but the hearing and
10 findings are not a bar to a criminal prosecution brought for
11 the violation of this Act.

12 Section 160. Hearing officer. The Secretary may appoint any
13 attorney duly licensed to practice law in the State of Illinois
14 to serve as the hearing officer in any action for departmental
15 refusal to issue, renew, or license an applicant or for
16 disciplinary action against a licensee. The hearing officer
17 shall have full authority to conduct the hearing. The hearing
18 officer shall report his or her findings of fact, conclusions
19 of law, and recommendations to the Board and the Secretary. The
20 Board shall have 60 calendar days after receipt of the report
21 to review the report of the hearing officer and present its
22 findings of fact, conclusions of law, and recommendations to
23 the Secretary. If the Board fails to present its report within
24 the 60-day period, the Secretary may issue an order based on
25 the report of the hearing officer. If the Secretary disagrees

1 with the recommendation of the Board or the hearing officer, he
2 or she may issue an order in contravention of that
3 recommendation.

4 Section 165. Service of report; motion for rehearing. In
5 any case involving the discipline of a license, a copy of the
6 Board's report shall be served upon the respondent by the
7 Department, either personally or as provided in this Act for
8 the service of the notice of hearing. Within 20 days after the
9 service, the respondent may present to the Department a motion
10 in writing for a rehearing that shall specify the particular
11 grounds for rehearing. If no motion for rehearing is filed,
12 then upon the expiration of the time specified for filing a
13 motion, or if a motion for rehearing is denied, then upon the
14 denial, the Secretary may enter an order in accordance with
15 this Act. If the respondent orders from the reporting service
16 and pays for a transcript of the record within the time for
17 filing a motion for rehearing, the 20-day period within which
18 the motion may be filed shall commence upon the delivery of the
19 transcript to the respondent.

20 Section 170. Rehearing. Whenever the Secretary is
21 satisfied that substantial justice has not been done in the
22 revocation, suspension, or refusal to issue or renew a license,
23 the Secretary may order a rehearing by the same or another
24 hearing officer or by the Board.

1 Section 175. Prima facie proof. An order or a certified
2 copy thereof, over the seal of the Department and purporting to
3 be signed by the Secretary, shall be prima facie proof of the
4 following:

5 (1) that the signature is the genuine signature of the
6 Secretary;

7 (2) that such Secretary is duly appointed and
8 qualified; and

9 (3) that the Board and its members are qualified to
10 act.

11 Section 180. Restoration of license. At any time after the
12 suspension or revocation of any license, the Department may
13 restore the license to the accused person, unless after an
14 investigation and a hearing the Department determines that
15 restoration is not in the public interest.

16 Section 185. Surrender of license. Upon the revocation or
17 suspension of any license, the licensee shall immediately
18 surrender the license to the Department. If the licensee fails
19 to do so, the Department shall have the right to seize the
20 license.

21 Section 190. Summary suspension. The Secretary may
22 summarily suspend the license of a licensee under this Act

1 without a hearing, simultaneously with the institution of
2 proceedings for a hearing provided for in this Act, if the
3 Secretary finds that evidence in his or her possession
4 indicates that continuation in practice would constitute an
5 imminent danger to the public. In the event that the Secretary
6 summarily suspends a license without a hearing, a hearing by
7 the Department must be held within 30 days after the suspension
8 has occurred.

9 Section 195. Certificate of record. The Department shall
10 not be required to certify any record to the court or file any
11 answer in court or otherwise appear in any court in a judicial
12 review proceeding, unless there is filed in the court, with the
13 complaint, a receipt from the Department acknowledging payment
14 of the costs of furnishing and certifying the record. Failure
15 on the part of the plaintiff to file a receipt in court shall
16 be grounds for dismissal of the action.

17 Section 200. Administrative Review Law. All final
18 administrative decisions of the Department are subject to
19 judicial review under the Administrative Review Law and its
20 rules. The term "administrative decision" is defined as in
21 Section 3-101 of the Code of Civil Procedure.

22 Section 205. Illinois Administrative Procedure Act. The
23 Illinois Administrative Procedure Act is hereby expressly

1 adopted and incorporated in this Act as if all of the
2 provisions of such Act were included in this Act, except that
3 the provision of subsection (d) of Section 10-65 of the
4 Illinois Administrative Procedure Act that provides that at
5 hearings the licensee has the right to show compliance with all
6 lawful requirements for retention, continuation, or renewal of
7 the license is specifically excluded. For purposes of this Act,
8 the notice required under Section 10-25 of the Illinois
9 Administrative Procedure Act is deemed sufficient when mailed
10 to the last known address of a party.

11 Section 210. Home rule. Pursuant to paragraph (h) of
12 Section 6 of Article VII of the Illinois Constitution of 1970
13 the power to regulate and issue licenses for the practice of
14 midwifery shall, except as may otherwise be provided within and
15 pursuant to the provisions of this Act, be exercised by the
16 State and may not be exercised by any unit of local government,
17 including home rule units.

18 Section 215. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 900. The Regulatory Sunset Act is amended by adding
21 Section 4.28 as follows:

22 (5 ILCS 80/4.28 new)

1 Sec. 4.28. Act repealed on January 1, 2018. The following
2 Act is repealed on January 1, 2018:

3 The Midwifery Licensure Act.

4 Section 905. The Medical Practice Act of 1987 is amended by
5 changing Section 4 as follows:

6 (225 ILCS 60/4) (from Ch. 111, par. 4400-4)

7 (Section scheduled to be repealed on December 31, 2008)

8 Sec. 4. Exemptions.

9 (a) This Act does not apply to the following:

10 (1) persons lawfully carrying on their particular
11 profession or business under any valid existing regulatory
12 Act of this State, including without limitation persons
13 engaged in the practice of midwifery who are licensed under
14 the Midwifery Licensure Act;

15 (2) persons rendering gratuitous services in cases of
16 emergency; or

17 (3) persons treating human ailments by prayer or
18 spiritual means as an exercise or enjoyment of religious
19 freedom.

20 (b) (Blank).

21 (Source: P.A. 93-379, eff. 7-24-03.)

22 Section 910. The Nursing and Advanced Practice Nursing Act
23 is amended by changing Section 5-15 as follows:

1 (225 ILCS 65/5-15)

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

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

14 This Act does not prohibit the following:

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

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

24 (c) The furnishing of nursing assistance in an
25 emergency.

1 (d) The practice of nursing by a nurse who holds an
2 active license in another state when providing services to
3 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 the
6 family, domestic servants or housekeepers, or care of the
7 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 has
13 applied in writing to the Department in form and substance
14 satisfactory to the Department, for a license as a licensed
15 practical nurse and who has complied with all the
16 provisions under Section 10-30, except the passing of an
17 examination to be eligible to receive such license, until:
18 the decision of the Department that the applicant has
19 failed to pass the next available examination authorized by
20 the Department or has failed, without an approved excuse,
21 to take the next available examination authorized by the
22 Department or until the withdrawal of the application, but
23 not to exceed 3 months. An applicant practicing practical
24 nursing under this Section who passes the examination,
25 however, may continue to practice under this Section until
26 such time as he or she receives his or her license to

1 practice or until the Department notifies him or her that
2 the license has been denied. No applicant for licensure
3 practicing under the provisions of this paragraph shall
4 practice practical nursing except under the direct
5 supervision of a registered professional nurse licensed
6 under this Act or a licensed physician, dentist or
7 podiatrist. In no instance shall any such applicant
8 practice or be employed in any supervisory capacity.

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

18 (i) The practice of professional nursing by one who has
19 applied in writing to the Department in form and substance
20 satisfactory to the Department for a license as a
21 registered professional nurse and has complied with all the
22 provisions under Section 10-30 except the passing of an
23 examination to be eligible to receive such license, until
24 the decision of the Department that the applicant has
25 failed to pass the next available examination authorized by
26 the Department or has failed, without an approved excuse,

1 to take the next available examination authorized by the
2 Department or until the withdrawal of the application, but
3 not to exceed 3 months. An applicant practicing
4 professional nursing under this Section who passes the
5 examination, however, may continue to practice under this
6 Section until such time as he or she receives his or her
7 license to practice or until the Department notifies him or
8 her that the license has been denied. No applicant for
9 licensure practicing under the provisions of this
10 paragraph shall practice professional nursing except under
11 the direct supervision of a registered professional nurse
12 licensed under this Act. In no instance shall any such
13 applicant practice or be employed in any supervisory
14 capacity.

15 (j) The practice of professional nursing by one who is
16 a registered professional nurse under the laws of another
17 state, territory of the United States or country and has
18 applied in writing to the Department, in form and substance
19 satisfactory to the Department, for a license as a
20 registered professional nurse and who is qualified to
21 receive such license under Section 10-30, until (1) the
22 expiration of 6 months after the filing of such written
23 application, (2) the withdrawal of such application, or (3)
24 the denial of such application by the Department.

25 (k) The practice of professional nursing that is
26 included in a program of study by one who is a registered

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

13 (l) Any person licensed in this State under any other
14 Act from engaging in the practice for which she or he is
15 licensed, including without limitation any person engaged
16 in the practice of midwifery who is licensed under the
17 Midwifery Licensure Act.

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

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

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

1 Section 915. The Good Samaritan Act is amended by adding
2 Section 41 as follows:

3 (745 ILCS 49/41 new)

4 Sec. 41. Midwives; exemption from civil liability for
5 emergency care or services rendered without compensation. Any
6 person licensed as a midwife under the Midwifery Licensure Act
7 who in good faith provides emergency care without fee or
8 renders midwifery services without fee to a person shall not,
9 as a result of her or his acts or omissions, except for willful
10 or wanton misconduct on the part of the person, in providing
11 the care, be liable for civil damages.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.".