



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5898

Introduced 2/10/2010, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

225 ILCS 15/2	from Ch. 111, par. 5352
225 ILCS 15/5.1 new	
225 ILCS 15/5.2 new	
225 ILCS 15/5.3 new	
225 ILCS 15/5.4 new	
225 ILCS 15/5.5 new	
225 ILCS 15/5.6 new	
225 ILCS 15/5.7 new	
225 ILCS 15/5.8 new	
225 ILCS 15/15	from Ch. 111, par. 5365
225 ILCS 65/50-10	was 225 ILCS 65/5-10
720 ILCS 570/102	from Ch. 56 1/2, par. 1102

Amends the Clinical Psychologist Licensing Act. Provides that the Clinical Psychologists Licensing and Disciplinary Board shall grant certification as medical psychologists to doctoral level psychologists licensed under the Act who meet the additional education and training requirements under the Act, and that this certification shall grant medical psychologists prescriptive authority to prescribe and dispense those drugs used in the treatment of mental, emotional, and psychological disorders. Sets forth provisions concerning the additional education and training requirements, application requirements, renewal, prescribing practices, controlled substance prescriptive authority, and State Board of Pharmacy interaction. Amends the Nurse Practice Act and the Illinois Controlled Substances Act to make related changes.

LRB096 17941 ASK 33309 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

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

4 Section 5. The Clinical Psychologist Licensing Act is
5 amended by changing Sections 2 and 15 and by adding Sections
6 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, and 5.8 as follows:

7 (225 ILCS 15/2) (from Ch. 111, par. 5352)

8 (Section scheduled to be repealed on January 1, 2017)

9 Sec. 2. Definitions. As used in this Act:

10 (1) "Department" means the Department of Financial and
11 Professional Regulation.

12 (2) "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 (3) "Board" means the Clinical Psychologists Licensing
15 and Disciplinary Board appointed by the Secretary.

16 (4) "Person" means an individual, association,
17 partnership or corporation.

18 (5) "Clinical psychology" means the independent
19 evaluation, classification and treatment of mental,
20 emotional, behavioral or nervous disorders or conditions,
21 developmental disabilities, alcoholism and substance
22 abuse, disorders of habit or conduct, the psychological
23 aspects of physical illness. The practice of clinical

1 psychology includes psychoeducational evaluation, therapy,
2 remediation and consultation, the use of psychological and
3 neuropsychological testing, assessment, psychotherapy,
4 psychoanalysis, hypnosis, biofeedback, and behavioral
5 modification when any of these are used for the purpose of
6 preventing or eliminating psychopathology, or for the
7 amelioration of psychological disorders of individuals or
8 groups. "Clinical psychology" does not include the use of
9 hypnosis by unlicensed persons pursuant to Section 3.

10 (6) A person represents himself to be a "clinical
11 psychologist" within the meaning of this Act when he or she
12 holds himself out to the public by any title or description
13 of services incorporating the words "psychological",
14 "psychologic", "psychologist", "psychology", or "clinical
15 psychologist" or under such title or description offers to
16 render or renders clinical psychological services as
17 defined in paragraph (7) of this Section to individuals,
18 corporations, or the public for remuneration.

19 (7) "Clinical psychological services" refers to any
20 services under paragraph (5) of this Section if the words
21 "psychological", "psychologic", "psychologist",
22 "psychology" or "clinical psychologist" are used to
23 describe such services by the person or organization
24 offering to render or rendering them.

25 (8) "Drugs" has the meaning given to that term in the
26 Pharmacy Practice Act of 1987.

1 (9) "Medicines" has the meaning given to that term in
2 the Pharmacy Practice Act of 1987.

3 (10) "Prescription" means an order for a drug,
4 laboratory test, or any medicines, devices, or treatments,
5 including controlled substances, as defined by State law.

6 (11) "Prescriptive authority" means the authority to
7 prescribe and dispense drugs, medicines, or other
8 treatment procedures.

9 (12) "Medical psychologist" means a licensed, doctoral
10 level psychologist who has undergone specialized training,
11 has passed an examination accepted by the Board, and has
12 received a current certificate granting prescriptive
13 authority that has not been revoked or suspended from the
14 Board.

15 This Act shall not apply to persons lawfully carrying on
16 their particular profession or business under any valid
17 existing regulatory Act of the State.

18 (Source: P.A. 94-870, eff. 6-16-06.)

19 (225 ILCS 15/5.1 new)

20 Sec. 5.1. Certification to prescribe drugs. The Board shall
21 certify medical psychologists to prescribe and dispense drugs
22 under the direction of a supervising physician. The medical
23 psychologist shall prescribe only those drugs which are used in
24 the treatment of mental, emotional and psychological disorders
25 in accordance with applicable State and federal laws which are

1 approved by the FDA for the treatment of any condition in the
2 most recent edition of the Diagnostic and Treatment Manual of
3 the American Psychiatric Association. The medical psychologist
4 shall prescribe only those drugs for which the medical
5 psychologist has been trained and which have been approved by
6 the medical psychologist's supervising physician. Only
7 conditions listed in the Diagnostic and Statistical Manual of
8 the American Psychiatric Association shall be treated using
9 drugs by the Prescribing Psychologist.

10 (225 ILCS 15/5.2 new)

11 Sec. 5.2. Application requirements for prescriptive
12 authority.

13 (a) The Department shall grant certification to a
14 psychologist who applies for prescriptive authority and
15 demonstrates by official transcript or other official evidence
16 satisfactory to the Board all of the following:

17 (1) completion of a doctoral program in psychology from
18 a regionally-accredited university or professional school
19 or, if the program is not accredited at the time of
20 graduation, completion of a doctoral program in psychology
21 that meets recognized acceptable professional standards as
22 determined by the Board;

23 (2) that he or she holds a current license to practice
24 psychology in the State;

25 (3) completion of an organized program of intensive

1 didactic instruction as defined by the Board within the
2 5-year period immediately before the date of application,
3 consisting of a minimum of 300 contact hours and consisting
4 of the following core areas of instruction: neuroscience,
5 pharmacology, psychopharmacology, physiology,
6 pathophysiology, appropriate and relevant physical and
7 laboratory assessment, and clinical pharmacotherapeutics;

8 (4) that he or she has obtained supervised and relevant
9 clinical experience sufficient to achieve competency in
10 the treatment of a diverse patient population under the
11 direction of qualified practitioners, as determined by the
12 Board, within the 5-year period immediately preceding the
13 date of application that includes the pharmacological
14 treatment of a minimum of 100 patients under the full
15 supervision and control of a designated qualified
16 practitioner, who will then certify the clinical
17 competency of the candidate for certification; and that he
18 or she has had a minimum of 80 hours of supervised training
19 in physical assessment under the full supervision and
20 control of a designated qualified practitioner, and

21 (5) that he or she has passed a certifying examination
22 stipulated by the Board.

23 (b) The Department shall grant certification to a
24 psychologist who applies for prescriptive authority, has
25 completed the requirements specified in subsection (a), except
26 that the academic requirements in paragraph (3) of subsection

1 (a) have been met more than 5 years prior to the application
2 for prescriptive authority, and has completed 12 hours of
3 continuing education during the year immediately prior to
4 application as required by subsection (b) of Section 5.3 of
5 this Act.

6 (225 ILCS 15/5.3 new)

7 Sec. 5.3. Renewal of prescriptive authority.

8 (a) The Board shall establish by rule a method for the
9 annual renewal of prescriptive authority at the time of or in
10 conjunction with the renewal of clinical psychology licenses.

11 (b) Each applicant for renewal of prescriptive authority
12 shall present satisfactory evidence to the Board demonstrating
13 the completion of 12 required hours of instruction relevant to
14 prescriptive authority during the year prior to application for
15 renewal.

16 (225 ILCS 15/5.4 new)

17 Sec. 5.4. Prescribing practices.

18 (a) Every prescription by a medical psychologist shall
19 comply with all applicable State and federal laws, be
20 identified as issued by the psychologist as a "medical
21 psychologist", and shall include the prescriber's
22 identification number assigned by the Board.

23 (b) Records of all prescriptions shall be maintained in
24 patient records.

1 (c) A medical psychologist shall not delegate the
2 prescribing of drugs to any other person.

3 (d) A medical psychologist shall maintain an ongoing
4 collaborative relationship with the health care practitioner
5 who oversees the patient's general medical care to ensure that
6 necessary medical examinations are conducted, the psychotropic
7 medication is appropriate for the patient's medical condition
8 and significant changes in the patient's medical or
9 psychological condition are discussed.

10 (e) For the purpose of this Section: "collaborative
11 relationship" means a cooperative working relationship between
12 a prescribing clinical psychologist and a health care
13 practitioner in the provision of patient care, including
14 diagnosis and cooperation in the management and delivery of
15 physical and mental health care; and "health care practitioner"
16 means a physician, osteopathic physician or nurse
17 practitioner.

18 (225 ILCS 15/5.5 new)

19 Sec. 5.5. Controlled substance prescriptive authority.

20 (a) When authorized to prescribe controlled substances,
21 each psychologist certified to prescribe shall file in a timely
22 manner any and all individual Drug Enforcement Administration
23 (DEA) registrations and numbers with the Board. Medical
24 Psychologists shall be designated as Mid-Level Practitioners,
25 shall be prohibited from prescribing narcotics and shall be

1 limited to the prescription of those drugs which appear on
2 Schedule 2N, 3N, 4 and 5 of the Federal Drug Enforcement
3 Agency's Schedule of Controlled Substances.

4 (b) The Board shall maintain current records of every
5 medical psychologist, including DEA registration and numbers.

6 (225 ILCS 15/5.6 new)

7 Sec. 5.6. Interaction with the Illinois State Board of
8 Pharmacy.

9 (a) The Board shall transmit to the Illinois State Board of
10 Pharmacy an annual list of medical psychologists containing the
11 following information:

12 (1) the name of the medical psychologist;

13 (2) the name and license number of the medical
14 psychologist's Supervising Physician and the supervising
15 physician's License Number;

16 (3) the medical psychologist's identification number
17 assigned by the Board; and

18 (4) the effective date of prescriptive authority.

19 (b) The Board shall promptly forward to the Illinois State
20 Board of Pharmacy the names and titles of psychologists added
21 to or deleted from the annual list of medical psychologists.

22 (c) The Board shall notify the Illinois State Board of
23 Pharmacy in a timely manner upon termination, suspension, or
24 reinstatement of a psychologist's prescriptive authority.

1 (225 ILCS 15/5.7 new)

2 Sec. 5.7. Collaboration with the patient's primary care
3 provider. The medical psychologist shall obtain approval from a
4 patient's primary care provider prior to starting, altering or
5 discontinuing any medication except in the case of an
6 emergency. In the case of an emergency the medical psychologist
7 shall obtain the approval of the patient's physician as quickly
8 as possible. The medical psychologist shall collaborate with
9 the patient's primary care provider while continuing to
10 practice under the supervision of the medical psychologist's
11 supervising physician.

12 Nothing in this Act shall limit the medical psychologist in
13 the practice of non-pharmacologic clinical psychology as
14 defined in the Psychology Licensing Act.

15 The Board shall develop and implement procedures for
16 reviewing educational and training credentials for that
17 certification process in accordance with current standards of
18 professional practice. The Board may seek the advice of other
19 State agencies with relevant experience in devising the
20 certification procedures and criteria.

21 (225 ILCS 15/5.8 new)

22 Sec. 5.8. Agreement with a supervising physician. The
23 medical psychologist shall practice the management of
24 psychotropic medications under the supervision of a physician,
25 licensed in the State, who is experienced in the management of

1 medications used in the treatment of mental disorders. For the
2 management of psychotropic medication, the medical
3 psychologist will:

4 (a) Obtain a written supervisory agreement that shall
5 describe the working relationship of the medical psychologist
6 with the supervising physician and shall authorize the
7 conditions to be treated and treatment protocols procedures to
8 be performed by the medical psychologist. The treatment to be
9 provided by the medical psychologist as defined by the
10 supervisory agreement shall be services that the supervising
11 physician generally provides to his or her patients in the
12 normal course of his or her clinical medical practice. The
13 agreement need not describe the exact steps that the Medical
14 Psychologist must take with respect to each specific condition,
15 disease, or symptom, but must specify which authorized
16 procedures require the Physician's approval prior to
17 proceeding. The supervisory relationship under an agreement
18 shall not be construed to require the personal presence of a
19 physician nor to require that the medical psychologist be
20 employed by the supervising physician.

21 (b) Maintain a copy of the signed, written supervisory
22 agreement which must be available to the Board upon request
23 from both the medical psychologist and the supervising
24 physician and shall be annually updated. The medical
25 psychologist shall inform each supervising physician of all
26 collaborative agreements he or she has signed and provide a

1 copy of these to any supervising physician, upon request. The
2 supervisory agreement must be renewed annually and signed by
3 both the supervising physician and the medical psychologist.

4 (225 ILCS 15/15) (from Ch. 111, par. 5365)

5 (Section scheduled to be repealed on January 1, 2017)

6 Sec. 15. Disciplinary action; grounds.

7 (a) The Department may refuse to issue, refuse to renew,
8 suspend, or revoke any license, or may place on probation,
9 censure, reprimand, or take other disciplinary action deemed
10 appropriate by the Department, including the imposition of
11 fines not to exceed \$10,000 for each violation, with regard to
12 any license issued under the provisions of this Act for any one
13 or a combination of the following reasons:

14 (1) Conviction of, or entry of a plea of guilty or nolo
15 contendere to, any crime that is a felony under the laws of
16 the United States or any state or territory thereof or that
17 is a misdemeanor of which an essential element is
18 dishonesty, or any crime that is directly related to the
19 practice of the profession.

20 (2) Gross negligence in the rendering of clinical
21 psychological services.

22 (3) Using fraud or making any misrepresentation in
23 applying for a license or in passing the examination
24 provided for in this Act.

25 (4) Aiding or abetting or conspiring to aid or abet a

1 person, not a clinical psychologist licensed under this
2 Act, in representing himself or herself as so licensed or
3 in applying for a license under this Act.

4 (5) Violation of any provision of this Act or the rules
5 promulgated thereunder.

6 (6) Professional connection or association with any
7 person, firm, association, partnership or corporation
8 holding himself, herself, themselves, or itself out in any
9 manner contrary to this Act.

10 (7) Unethical, unauthorized or unprofessional conduct
11 as defined by rule. In establishing those rules, the
12 Department shall consider, though is not bound by, the
13 ethical standards for psychologists promulgated by
14 recognized national psychology associations.

15 (8) Aiding or assisting another person in violating any
16 provisions of this Act or the rules promulgated thereunder.

17 (9) Failing to provide, within 60 days, information in
18 response to a written request made by the Department.

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

23 (11) Discipline by another state, territory, the
24 District of Columbia or foreign country, if at least one of
25 the grounds for the discipline is the same or substantially
26 equivalent to those set forth herein.

1 (12) Directly or indirectly giving or receiving from
2 any person, firm, corporation, association or partnership
3 any fee, commission, rebate or other form of compensation
4 for any professional service not actually or personally
5 rendered.

6 (13) A finding by the Board that the licensee, after
7 having his or her license placed on probationary status has
8 violated the terms of probation.

9 (14) Willfully making or filing false records or
10 reports, including but not limited to, false records or
11 reports filed with State agencies or departments.

12 (15) Physical illness, including but not limited to,
13 deterioration through the aging process, mental illness or
14 disability that results in the inability to practice the
15 profession with reasonable judgment, skill and safety.

16 (16) Willfully failing to report an instance of
17 suspected child abuse or neglect as required by the Abused
18 and Neglected Child Reporting Act.

19 (17) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 pursuant to the Abused and Neglected Child Reporting Act,
22 and upon proof by clear and convincing evidence that the
23 licensee has caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act.

26 (18) Violation of the Health Care Worker Self-Referral

1 Act.

2 (19) Making a material misstatement in furnishing
3 information to the Department, any other State or federal
4 agency, or any other entity.

5 (20) Failing to report to the Department any adverse
6 judgment, settlement, or award arising from a liability
7 claim related to an act or conduct similar to an act or
8 conduct that would constitute grounds for action as set
9 forth in this Section.

10 (21) Failing to report to the Department any adverse
11 final action taken against a licensee or applicant by
12 another licensing jurisdiction, including any other state
13 or territory of the United States or any foreign state or
14 country, or any peer review body, health care institution,
15 professional society or association related to the
16 profession, governmental agency, law enforcement agency,
17 or court for an act or conduct similar to an act or conduct
18 that would constitute grounds for disciplinary action as
19 set forth in this Section.

20 The entry of an order by any circuit court establishing
21 that any person holding a license under this Act is subject to
22 involuntary admission or judicial admission as provided for in
23 the Mental Health and Developmental Disabilities Code,
24 operates as an automatic suspension of that license. That
25 person may have his or her license restored only upon the
26 determination by a circuit court that the patient is no longer

1 subject to involuntary admission or judicial admission and the
2 issuance of an order so finding and discharging the patient and
3 upon the Board's recommendation to the Department that the
4 license be restored. Where the circumstances so indicate, the
5 Board may recommend to the Department that it require an
6 examination prior to restoring any license so automatically
7 suspended.

8 The Department may refuse to issue or may suspend the
9 license of any person who fails to file a return, or to pay the
10 tax, penalty or interest shown in a filed return, or to pay any
11 final assessment of the tax penalty or interest, as required by
12 any tax Act administered by the Illinois Department of Revenue,
13 until such time as the requirements of any such tax Act are
14 satisfied.

15 In enforcing this Section, the Board upon a showing of a
16 possible violation may compel any person licensed to practice
17 under this Act, or who has applied for licensure or
18 certification pursuant to this Act, to submit to a mental or
19 physical examination, or both, as required by and at the
20 expense of the Department. The examining physicians or clinical
21 psychologists shall be those specifically designated by the
22 Board. The Board or the Department may order the examining
23 physician or clinical psychologist to present testimony
24 concerning this mental or physical examination of the licensee
25 or applicant. No information shall be excluded by reason of any
26 common law or statutory privilege relating to communications

1 between the licensee or applicant and the examining physician
2 or clinical psychologist. The person to be examined may have,
3 at his or her own expense, another physician or clinical
4 psychologist of his or her choice present during all aspects of
5 the examination. Failure of any person to submit to a mental or
6 physical examination, when directed, shall be grounds for
7 suspension of a license until the person submits to the
8 examination if the Board finds, after notice and hearing, that
9 the refusal to submit to the examination was without reasonable
10 cause.

11 If the Board finds a person unable to practice because of
12 the reasons set forth in this Section, the Board may require
13 that person to submit to care, counseling or treatment by
14 physicians or clinical psychologists approved or designated by
15 the Board, as a condition, term, or restriction for continued,
16 reinstated, or renewed licensure to practice; or, in lieu of
17 care, counseling or treatment, the Board may recommend to the
18 Department to file a complaint to immediately suspend, revoke
19 or otherwise discipline the license of the person. Any person
20 whose license was granted, continued, reinstated, renewed,
21 disciplined or supervised subject to such terms, conditions or
22 restrictions, and who fails to comply with such terms,
23 conditions or restrictions, shall be referred to the Secretary
24 for a determination as to whether the person shall have his or
25 her license suspended immediately, pending a hearing by the
26 Board.

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

10 A person licensed under this Act and affected under this
11 Section shall be afforded an opportunity to demonstrate to the
12 Board that he or she can resume practice in compliance with
13 acceptable and prevailing standards under the provisions of his
14 or her license.

15 (b) The Board shall prescribe by rule criteria for
16 disciplining, suspending, or revoking the prescriptive
17 authority of a medical psychologist. The Board shall have the
18 power and duty to require remediation, suspension, or
19 revocation of a psychologist's prescriptive authority for a
20 specified period of time to be determined at the discretion of
21 the Board in accordance with State law.

22 (Source: P.A. 94-870, eff. 6-16-06.)

23 Section 10. The Nurse Practice Act is amended by changing
24 Section 50-10 as follows:

1 (225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 50-10. Definitions. Each of the following terms, when
4 used in this Act, shall have the meaning ascribed to it in this
5 Section, except where the context clearly indicates otherwise:

6 "Academic year" means the customary annual schedule of
7 courses at a college, university, or approved school,
8 customarily regarded as the school year as distinguished from
9 the calendar year.

10 "Advanced practice nurse" or "APN" means a person who has
11 met the qualifications for a (i) certified nurse midwife (CNM);
12 (ii) certified nurse practitioner (CNP); (iii) certified
13 registered nurse anesthetist (CRNA); or (iv) clinical nurse
14 specialist (CNS) and has been licensed by the Department. All
15 advanced practice nurses licensed and practicing in the State
16 of Illinois shall use the title APN and may use speciality
17 credentials after their name.

18 "Approved program of professional nursing education" and
19 "approved program of practical nursing education" are programs
20 of professional or practical nursing, respectively, approved
21 by the Department under the provisions of this Act.

22 "Board" means the Board of Nursing appointed by the
23 Secretary.

24 "Collaboration" means a process involving 2 or more health
25 care professionals working together, each contributing one's
26 respective area of expertise to provide more comprehensive

1 patient care.

2 "Consultation" means the process whereby an advanced
3 practice nurse seeks the advice or opinion of another health
4 care professional.

5 "Credentialed" means the process of assessing and
6 validating the qualifications of a health care professional.

7 "Current nursing practice update course" means a planned
8 nursing education curriculum approved by the Department
9 consisting of activities that have educational objectives,
10 instructional methods, content or subject matter, clinical
11 practice, and evaluation methods, related to basic review and
12 updating content and specifically planned for those nurses
13 previously licensed in the United States or its territories and
14 preparing for reentry into nursing practice.

15 "Dentist" means a person licensed to practice dentistry
16 under the Illinois Dental Practice Act.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Impaired nurse" means a nurse licensed under this Act who
20 is unable to practice with reasonable skill and safety because
21 of a physical or mental disability as evidenced by a written
22 determination or written consent based on clinical evidence,
23 including loss of motor skills, abuse of drugs or alcohol, or a
24 psychiatric disorder, of sufficient degree to diminish his or
25 her ability to deliver competent patient care.

26 "License-pending advanced practice nurse" means a

1 registered professional nurse who has completed all
2 requirements for licensure as an advanced practice nurse except
3 the certification examination and has applied to take the next
4 available certification exam and received a temporary license
5 from the Department.

6 "License-pending registered nurse" means a person who has
7 passed the Department-approved registered nurse licensure exam
8 and has applied for a license from the Department. A
9 license-pending registered nurse shall use the title "RN lic
10 pend" on all documentation related to nursing practice.

11 "Physician" means a person licensed to practice medicine in
12 all its branches under the Medical Practice Act of 1987.

13 "Podiatrist" means a person licensed to practice podiatry
14 under the Podiatric Medical Practice Act of 1987.

15 "Practical nurse" or "licensed practical nurse" means a
16 person who is licensed as a practical nurse under this Act and
17 practices practical nursing as defined in this Act. Only a
18 practical nurse licensed under this Act is entitled to use the
19 title "licensed practical nurse" and the abbreviation
20 "L.P.N.".

21 "Practical nursing" means the performance of nursing acts
22 requiring the basic nursing knowledge, judgement, and skill
23 acquired by means of completion of an approved practical
24 nursing education program. Practical nursing includes
25 assisting in the nursing process as delegated by a registered
26 professional nurse or an advanced practice nurse. The practical

1 nurse may work under the direction of a licensed physician,
2 dentist, podiatrist, or other health care professional
3 determined by the Department.

4 "Privileged" means the authorization granted by the
5 governing body of a healthcare facility, agency, or
6 organization to provide specific patient care services within
7 well-defined limits, based on qualifications reviewed in the
8 credentialing process.

9 "Registered Nurse" or "Registered Professional Nurse"
10 means a person who is licensed as a professional nurse under
11 this Act and practices nursing as defined in this Act. Only a
12 registered nurse licensed under this Act is entitled to use the
13 titles "registered nurse" and "registered professional nurse"
14 and the abbreviation, "R.N.".

15 "Registered professional nursing practice" is a scientific
16 process founded on a professional body of knowledge; it is a
17 learned profession based on the understanding of the human
18 condition across the life span and environment and includes all
19 nursing specialities and means the performance of any nursing
20 act based upon professional knowledge, judgment, and skills
21 acquired by means of completion of an approved professional
22 nursing education program. A registered professional nurse
23 provides holistic nursing care through the nursing process to
24 individuals, groups, families, or communities, that includes
25 but is not limited to: (1) the assessment of healthcare needs,
26 nursing diagnosis, planning, implementation, and nursing

1 evaluation; (2) the promotion, maintenance, and restoration of
2 health; (3) counseling, patient education, health education,
3 and patient advocacy; (4) the administration of medications and
4 treatments as prescribed by a physician licensed to practice
5 medicine in all of its branches, a licensed dentist, a licensed
6 podiatrist, a medical psychologist, or a licensed optometrist
7 or as prescribed by a physician assistant in accordance with
8 written guidelines required under the Physician Assistant
9 Practice Act of 1987 or by an advanced practice nurse in
10 accordance with Article 65 of this Act; (5) the coordination
11 and management of the nursing plan of care; (6) the delegation
12 to and supervision of individuals who assist the registered
13 professional nurse implementing the plan of care; and (7)
14 teaching nursing students. The foregoing shall not be deemed to
15 include those acts of medical diagnosis or prescription of
16 therapeutic or corrective measures.

17 "Professional assistance program for nurses" means a
18 professional assistance program that meets criteria
19 established by the Board of Nursing and approved by the
20 Secretary, which provides a non-disciplinary treatment
21 approach for nurses licensed under this Act whose ability to
22 practice is compromised by alcohol or chemical substance
23 addiction.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation.

26 "Unencumbered license" means a license issued in good

1 standing.

2 "Written collaborative agreement" means a written
3 agreement between an advanced practice nurse and a
4 collaborating physician, dentist, or podiatrist pursuant to
5 Section 65-35.

6 (Source: P.A. 95-639, eff. 10-5-07.)

7 Section 20. The Illinois Controlled Substances Act is
8 amended by changing Section 102 as follows:

9 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

10 Sec. 102. Definitions. As used in this Act, unless the
11 context otherwise requires:

12 (a) "Addict" means any person who habitually uses any drug,
13 chemical, substance or dangerous drug other than alcohol so as
14 to endanger the public morals, health, safety or welfare or who
15 is so far addicted to the use of a dangerous drug or controlled
16 substance other than alcohol as to have lost the power of self
17 control with reference to his addiction.

18 (b) "Administer" means the direct application of a
19 controlled substance, whether by injection, inhalation,
20 ingestion, or any other means, to the body of a patient,
21 research subject, or animal (as defined by the Humane
22 Euthanasia in Animal Shelters Act) by:

23 (1) a practitioner (or, in his presence, by his
24 authorized agent),

1 (2) the patient or research subject at the lawful
2 direction of the practitioner, or

3 (3) a euthanasia technician as defined by the Humane
4 Euthanasia in Animal Shelters Act.

5 (c) "Agent" means an authorized person who acts on behalf
6 of or at the direction of a manufacturer, distributor, or
7 dispenser. It does not include a common or contract carrier,
8 public warehouseman or employee of the carrier or warehouseman.

9 (c-1) "Anabolic Steroids" means any drug or hormonal
10 substance, chemically and pharmacologically related to
11 testosterone (other than estrogens, progestins, and
12 corticosteroids) that promotes muscle growth, and includes:

- 13 (i) boldenone,
14 (ii) chlorotestosterone,
15 (iii) chostebol,
16 (iv) dehydrochlormethyltestosterone,
17 (v) dihydrotestosterone,
18 (vi) drostanolone,
19 (vii) ethylestrenol,
20 (viii) fluoxymesterone,
21 (ix) formebulone,
22 (x) mesterolone,
23 (xi) methandienone,
24 (xii) methandranone,
25 (xiii) methandriol,
26 (xiv) methandrostenolone,

1 (xv) methenolone,
2 (xvi) methyltestosterone,
3 (xvii) mibolerone,
4 (xviii) nandrolone,
5 (xix) norethandrolone,
6 (xx) oxandrolone,
7 (xxi) oxymesterone,
8 (xxii) oxymetholone,
9 (xxiii) stanolone,
10 (xxiv) stanozolol,
11 (xxv) testolactone,
12 (xxvi) testosterone,
13 (xxvii) trenbolone, and
14 (xxviii) any salt, ester, or isomer of a drug or
15 substance described or listed in this paragraph, if
16 that salt, ester, or isomer promotes muscle growth.

17 Any person who is otherwise lawfully in possession of an
18 anabolic steroid, or who otherwise lawfully manufactures,
19 distributes, dispenses, delivers, or possesses with intent to
20 deliver an anabolic steroid, which anabolic steroid is
21 expressly intended for and lawfully allowed to be administered
22 through implants to livestock or other nonhuman species, and
23 which is approved by the Secretary of Health and Human Services
24 for such administration, and which the person intends to
25 administer or have administered through such implants, shall
26 not be considered to be in unauthorized possession or to

1 unlawfully manufacture, distribute, dispense, deliver, or
2 possess with intent to deliver such anabolic steroid for
3 purposes of this Act.

4 (d) "Administration" means the Drug Enforcement
5 Administration, United States Department of Justice, or its
6 successor agency.

7 (e) "Control" means to add a drug or other substance, or
8 immediate precursor, to a Schedule under Article II of this Act
9 whether by transfer from another Schedule or otherwise.

10 (f) "Controlled Substance" means a drug, substance, or
11 immediate precursor in the Schedules of Article II of this Act.

12 (g) "Counterfeit substance" means a controlled substance,
13 which, or the container or labeling of which, without
14 authorization bears the trademark, trade name, or other
15 identifying mark, imprint, number or device, or any likeness
16 thereof, of a manufacturer, distributor, or dispenser other
17 than the person who in fact manufactured, distributed, or
18 dispensed the substance.

19 (h) "Deliver" or "delivery" means the actual, constructive
20 or attempted transfer of possession of a controlled substance,
21 with or without consideration, whether or not there is an
22 agency relationship.

23 (i) "Department" means the Illinois Department of Human
24 Services (as successor to the Department of Alcoholism and
25 Substance Abuse) or its successor agency.

26 (j) "Department of State Police" means the Department of

1 State Police of the State of Illinois or its successor agency.

2 (k) "Department of Corrections" means the Department of
3 Corrections of the State of Illinois or its successor agency.

4 (l) "Department of Professional Regulation" means the
5 Department of Professional Regulation of the State of Illinois
6 or its successor agency.

7 (m) "Depressant" or "stimulant substance" means:

8 (1) a drug which contains any quantity of (i)
9 barbituric acid or any of the salts of barbituric acid
10 which has been designated as habit forming under section
11 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
12 U.S.C. 352 (d)); or

13 (2) a drug which contains any quantity of (i)
14 amphetamine or methamphetamine and any of their optical
15 isomers; (ii) any salt of amphetamine or methamphetamine or
16 any salt of an optical isomer of amphetamine; or (iii) any
17 substance which the Department, after investigation, has
18 found to be, and by rule designated as, habit forming
19 because of its depressant or stimulant effect on the
20 central nervous system; or

21 (3) lysergic acid diethylamide; or

22 (4) any drug which contains any quantity of a substance
23 which the Department, after investigation, has found to
24 have, and by rule designated as having, a potential for
25 abuse because of its depressant or stimulant effect on the
26 central nervous system or its hallucinogenic effect.

1 (n) (Blank).

2 (o) "Director" means the Director of the Department of
3 State Police or the Department of Professional Regulation or
4 his designated agents.

5 (p) "Dispense" means to deliver a controlled substance to
6 an ultimate user or research subject by or pursuant to the
7 lawful order of a prescriber, including the prescribing,
8 administering, packaging, labeling, or compounding necessary
9 to prepare the substance for that delivery.

10 (q) "Dispenser" means a practitioner who dispenses.

11 (r) "Distribute" means to deliver, other than by
12 administering or dispensing, a controlled substance.

13 (s) "Distributor" means a person who distributes.

14 (t) "Drug" means (1) substances recognized as drugs in the
15 official United States Pharmacopoeia, Official Homeopathic
16 Pharmacopoeia of the United States, or official National
17 Formulary, or any supplement to any of them; (2) substances
18 intended for use in diagnosis, cure, mitigation, treatment, or
19 prevention of disease in man or animals; (3) substances (other
20 than food) intended to affect the structure of any function of
21 the body of man or animals and (4) substances intended for use
22 as a component of any article specified in clause (1), (2), or
23 (3) of this subsection. It does not include devices or their
24 components, parts, or accessories.

25 (t-5) "Euthanasia agency" means an entity certified by the
26 Department of Professional Regulation for the purpose of animal

1 euthanasia that holds an animal control facility license or
2 animal shelter license under the Animal Welfare Act. A
3 euthanasia agency is authorized to purchase, store, possess,
4 and utilize Schedule II nonnarcotic and Schedule III
5 nonnarcotic drugs for the sole purpose of animal euthanasia.

6 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
7 substances (nonnarcotic controlled substances) that are used
8 by a euthanasia agency for the purpose of animal euthanasia.

9 (u) "Good faith" means the prescribing or dispensing of a
10 controlled substance by a practitioner in the regular course of
11 professional treatment to or for any person who is under his
12 treatment for a pathology or condition other than that
13 individual's physical or psychological dependence upon or
14 addiction to a controlled substance, except as provided herein:
15 and application of the term to a pharmacist shall mean the
16 dispensing of a controlled substance pursuant to the
17 prescriber's order which in the professional judgment of the
18 pharmacist is lawful. The pharmacist shall be guided by
19 accepted professional standards including, but not limited to
20 the following, in making the judgment:

21 (1) lack of consistency of doctor-patient
22 relationship,

23 (2) frequency of prescriptions for same drug by one
24 prescriber for large numbers of patients,

25 (3) quantities beyond those normally prescribed,

26 (4) unusual dosages,

1 (5) unusual geographic distances between patient,
2 pharmacist and prescriber,

3 (6) consistent prescribing of habit-forming drugs.

4 (u-1) "Home infusion services" means services provided by a
5 pharmacy in compounding solutions for direct administration to
6 a patient in a private residence, long-term care facility, or
7 hospice setting by means of parenteral, intravenous,
8 intramuscular, subcutaneous, or intraspinal infusion.

9 (v) "Immediate precursor" means a substance:

10 (1) which the Department has found to be and by rule
11 designated as being a principal compound used, or produced
12 primarily for use, in the manufacture of a controlled
13 substance;

14 (2) which is an immediate chemical intermediary used or
15 likely to be used in the manufacture of such controlled
16 substance; and

17 (3) the control of which is necessary to prevent,
18 curtail or limit the manufacture of such controlled
19 substance.

20 (w) "Instructional activities" means the acts of teaching,
21 educating or instructing by practitioners using controlled
22 substances within educational facilities approved by the State
23 Board of Education or its successor agency.

24 (x) "Local authorities" means a duly organized State,
25 County or Municipal peace unit or police force.

26 (y) "Look-alike substance" means a substance, other than a

1 controlled substance which (1) by overall dosage unit
2 appearance, including shape, color, size, markings or lack
3 thereof, taste, consistency, or any other identifying physical
4 characteristic of the substance, would lead a reasonable person
5 to believe that the substance is a controlled substance, or (2)
6 is expressly or impliedly represented to be a controlled
7 substance or is distributed under circumstances which would
8 lead a reasonable person to believe that the substance is a
9 controlled substance. For the purpose of determining whether
10 the representations made or the circumstances of the
11 distribution would lead a reasonable person to believe the
12 substance to be a controlled substance under this clause (2) of
13 subsection (y), the court or other authority may consider the
14 following factors in addition to any other factor that may be
15 relevant:

16 (a) statements made by the owner or person in control
17 of the substance concerning its nature, use or effect;

18 (b) statements made to the buyer or recipient that the
19 substance may be resold for profit;

20 (c) whether the substance is packaged in a manner
21 normally used for the illegal distribution of controlled
22 substances;

23 (d) whether the distribution or attempted distribution
24 included an exchange of or demand for money or other
25 property as consideration, and whether the amount of the
26 consideration was substantially greater than the

1 reasonable retail market value of the substance.

2 Clause (1) of this subsection (y) shall not apply to a
3 noncontrolled substance in its finished dosage form that was
4 initially introduced into commerce prior to the initial
5 introduction into commerce of a controlled substance in its
6 finished dosage form which it may substantially resemble.

7 Nothing in this subsection (y) prohibits the dispensing or
8 distributing of noncontrolled substances by persons authorized
9 to dispense and distribute controlled substances under this
10 Act, provided that such action would be deemed to be carried
11 out in good faith under subsection (u) if the substances
12 involved were controlled substances.

13 Nothing in this subsection (y) or in this Act prohibits the
14 manufacture, preparation, propagation, compounding,
15 processing, packaging, advertising or distribution of a drug or
16 drugs by any person registered pursuant to Section 510 of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

18 (y-1) "Mail-order pharmacy" means a pharmacy that is
19 located in a state of the United States, other than Illinois,
20 that delivers, dispenses or distributes, through the United
21 States Postal Service or other common carrier, to Illinois
22 residents, any substance which requires a prescription.

23 (z) "Manufacture" means the production, preparation,
24 propagation, compounding, conversion or processing of a
25 controlled substance other than methamphetamine, either
26 directly or indirectly, by extraction from substances of

1 natural origin, or independently by means of chemical
2 synthesis, or by a combination of extraction and chemical
3 synthesis, and includes any packaging or repackaging of the
4 substance or labeling of its container, except that this term
5 does not include:

6 (1) by an ultimate user, the preparation or compounding
7 of a controlled substance for his own use; or

8 (2) by a practitioner, or his authorized agent under
9 his supervision, the preparation, compounding, packaging,
10 or labeling of a controlled substance:

11 (a) as an incident to his administering or
12 dispensing of a controlled substance in the course of
13 his professional practice; or

14 (b) as an incident to lawful research, teaching or
15 chemical analysis and not for sale.

16 (z-1) (Blank).

17 (aa) "Narcotic drug" means any of the following, whether
18 produced directly or indirectly by extraction from substances
19 of natural origin, or independently by means of chemical
20 synthesis, or by a combination of extraction and chemical
21 synthesis:

22 (1) opium and opiate, and any salt, compound,
23 derivative, or preparation of opium or opiate;

24 (2) any salt, compound, isomer, derivative, or
25 preparation thereof which is chemically equivalent or
26 identical with any of the substances referred to in clause

1 (1), but not including the isoquinoline alkaloids of opium;

2 (3) opium poppy and poppy straw;

3 (4) coca leaves and any salts, compound, isomer, salt
4 of an isomer, derivative, or preparation of coca leaves
5 including cocaine or ecgonine, and any salt, compound,
6 isomer, derivative, or preparation thereof which is
7 chemically equivalent or identical with any of these
8 substances, but not including decocainized coca leaves or
9 extractions of coca leaves which do not contain cocaine or
10 ecgonine (for the purpose of this paragraph, the term
11 "isomer" includes optical, positional and geometric
12 isomers).

13 (bb) "Nurse" means a registered nurse licensed under the
14 Nurse Practice Act.

15 (cc) (Blank).

16 (dd) "Opiate" means any substance having an addiction
17 forming or addiction sustaining liability similar to morphine
18 or being capable of conversion into a drug having addiction
19 forming or addiction sustaining liability.

20 (ee) "Opium poppy" means the plant of the species *Papaver*
21 *somniferum* L., except its seeds.

22 (ff) "Parole and Pardon Board" means the Parole and Pardon
23 Board of the State of Illinois or its successor agency.

24 (gg) "Person" means any individual, corporation,
25 mail-order pharmacy, government or governmental subdivision or
26 agency, business trust, estate, trust, partnership or

1 association, or any other entity.

2 (hh) "Pharmacist" means any person who holds a license or
3 certificate of registration as a registered pharmacist, a local
4 registered pharmacist or a registered assistant pharmacist
5 under the Pharmacy Practice Act.

6 (ii) "Pharmacy" means any store, ship or other place in
7 which pharmacy is authorized to be practiced under the Pharmacy
8 Practice Act.

9 (jj) "Poppy straw" means all parts, except the seeds, of
10 the opium poppy, after mowing.

11 (kk) "Practitioner" means a physician licensed to practice
12 medicine in all its branches, dentist, optometrist,
13 podiatrist, veterinarian, medical psychologist under the
14 Clinical Psychologist Licensing Act, scientific investigator,
15 pharmacist, physician assistant, advanced practice nurse,
16 licensed practical nurse, registered nurse, hospital,
17 laboratory, or pharmacy, or other person licensed, registered,
18 or otherwise lawfully permitted by the United States or this
19 State to distribute, dispense, conduct research with respect
20 to, administer or use in teaching or chemical analysis, a
21 controlled substance in the course of professional practice or
22 research.

23 (ll) "Pre-printed prescription" means a written
24 prescription upon which the designated drug has been indicated
25 prior to the time of issuance.

26 (mm) "Prescriber" means a physician licensed to practice

1 medicine in all its branches, dentist, optometrist,
2 podiatrist, medical psychologist under the Clinical
3 Psychologist Licensing Act, or veterinarian who issues a
4 prescription, a physician assistant who issues a prescription
5 for a controlled substance in accordance with Section 303.05, a
6 written delegation, and a written supervision agreement
7 required under Section 7.5 of the Physician Assistant Practice
8 Act of 1987, or an advanced practice nurse with prescriptive
9 authority delegated under Section 65-40 of the Nurse Practice
10 Act and in accordance with Section 303.05, a written
11 delegation, and a written collaborative agreement under
12 Section 65-35 of the Nurse Practice Act.

13 (nn) "Prescription" means a lawful written, facsimile, or
14 verbal order of a physician licensed to practice medicine in
15 all its branches, dentist, podiatrist or veterinarian for any
16 controlled substance, of an optometrist for a Schedule III, IV,
17 or V controlled substance in accordance with Section 15.1 of
18 the Illinois Optometric Practice Act of 1987, of a physician
19 assistant for a controlled substance in accordance with Section
20 303.05, a written delegation, and a written supervision
21 agreement required under Section 7.5 of the Physician Assistant
22 Practice Act of 1987, or of an advanced practice nurse with
23 prescriptive authority delegated under Section 65-40 of the
24 Nurse Practice Act who issues a prescription for a controlled
25 substance in accordance with Section 303.05, a written
26 delegation, and a written collaborative agreement under

1 Section 65-35 of the Nurse Practice Act.

2 (oo) "Production" or "produce" means manufacture,
3 planting, cultivating, growing, or harvesting of a controlled
4 substance other than methamphetamine.

5 (pp) "Registrant" means every person who is required to
6 register under Section 302 of this Act.

7 (qq) "Registry number" means the number assigned to each
8 person authorized to handle controlled substances under the
9 laws of the United States and of this State.

10 (rr) "State" includes the State of Illinois and any state,
11 district, commonwealth, territory, insular possession thereof,
12 and any area subject to the legal authority of the United
13 States of America.

14 (ss) "Ultimate user" means a person who lawfully possesses
15 a controlled substance for his own use or for the use of a
16 member of his household or for administering to an animal owned
17 by him or by a member of his household.

18 (Source: P.A. 95-242, eff. 1-1-08; 95-639, eff. 10-5-07;
19 95-689, eff. 10-29-07; 95-876, eff. 8-21-08; 96-189, eff.
20 8-10-09; 96-268, eff. 8-11-09.)