

1 AN ACT concerning regulation.

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

4 Section 1. Legislative findings. The General Assembly  
5 finds that:

6 (1) Many states have had successful medication  
7 aide-certified (MA-C) programs for many years.

8 (2) A medication aide-certified assists with  
9 medication administration while under the supervision of a  
10 registered professional nurse (RN) in a long-term care  
11 facility.

12 Section 5. The Nursing Home Care Act is amended by adding  
13 Section 3-305.5 as follows:

14 (210 ILCS 45/3-305.5 new)

15 Sec. 3-305.5. Violation of the Nurse Practice Act. A  
16 facility that fails to submit any required report under Section  
17 80-10 of the Nurse Practice Act is subject to discipline under  
18 this Article.

19 Section 10. The Nurse Practice Act is amended by adding  
20 Article 80 as follows:

1 (225 ILCS 65/Art. 80 heading new)

2 ARTICLE 80. MEDICATION AIDE PILOT PROGRAM

3 (225 ILCS 65/80-5 new)

4 Sec. 80-5. Definitions. For the purposes of this Article  
5 only:

6 "Direct-care assignment" means an assignment as defined  
7 for staffing requirements as direct care staff under 77 CFR  
8 300.1230.

9 "Medication aide" means a person who has met the  
10 qualifications for licensure under this Article who assists  
11 with medication administration while under the supervision of a  
12 registered professional nurse (RN) in a long-term care  
13 facility.

14 "Qualified employer" means a long-term care facility  
15 licensed by the Department of Public Health that meets the  
16 qualifications set forth in Section 80-10.

17 (225 ILCS 65/80-10 new)

18 Sec. 80-10. Pilot program.

19 (a) The Department shall administer and enforce a Licensed  
20 Medication Aide Pilot Program. The program shall last for a  
21 period of 3 years, as determined by rule. During the 3-year  
22 pilot program, the Department shall license and regulate  
23 licensed medication aides. As part of the pilot program, no  
24 more than 10 skilled nursing homes, which shall be

1 geographically located throughout the State, shall be  
2 authorized to employ licensed medication aides, as approved by  
3 the Department. The Department may consult with the Department  
4 of Public Health as necessary to properly administer and  
5 enforce this Article.

6 (b) To be approved as a qualified facility for the duration  
7 of the pilot program, a facility must:

8 (1) be licensed in good standing as a skilled nursing  
9 facility by the Department of Public Health;

10 (2) have an overall Five Star Quality Rating of 3, 4,  
11 or 5 from the most recent data available on the Centers for  
12 Medicare and Medicaid Services' website;

13 (3) certify that the employment of a licensed  
14 medication aide will not replace or diminish the employment  
15 of a registered nurse or licensed practical nurse at the  
16 facility;

17 (4) certify that a registered nurse will be on-duty and  
18 present in the facility to delegate and supervise the  
19 medication administration by a licensed medication aide at  
20 all times;

21 (5) certify that, with the exception of licensed health  
22 care professionals, only licensed medication aides will be  
23 employed in the capacity of administering medication; and

24 (6) provide information regarding patient safety,  
25 efficiency, and errors as determined by the Department;  
26 failure to submit any required report may be grounds for

1 discipline or sanctions under this Act, the Nursing Home  
2 Administrators Licensing and Disciplinary Act, or the  
3 Nursing Home Care Act.

4 The Department shall submit a report regarding patient  
5 safety, efficiency, and errors, as determined by rule, to the  
6 General Assembly no later than 6 months after termination of  
7 the pilot program.

8 (225 ILCS 65/80-15 new)

9 Sec. 80-15. Licensure requirement; exempt activities.

10 (a) On and after January 1, 2015, no person shall practice  
11 as a medication aide or hold himself or herself out as a  
12 licensed medication aide in this State unless he or she is  
13 licensed under this Article.

14 (b) Nothing in this Article shall be construed as  
15 preventing or restricting the practice, services, or  
16 activities of:

17 (1) any person licensed in this State by any other law  
18 from engaging in the profession or occupation for which he  
19 or she is licensed;

20 (2) any person employed as a medication aide by the  
21 government of the United States, if such person practices  
22 as a medication aide solely under the direction or control  
23 of the organization by which he or she is employed; or

24 (3) any person pursuing a course of study leading to a  
25 certificate in medication aide at an accredited or approved

1 educational program if such activities and services  
2 constitute a part of a supervised course of study and if  
3 such person is designated by a title which clearly  
4 indicates his or her status as a student or trainee.

5 (c) Nothing in this Article shall be construed to limit the  
6 delegation of tasks or duties by a physician, dentist, advanced  
7 practice nurse, or podiatric physician as authorized by law.

8 (225 ILCS 65/80-20 new)

9 Sec. 80-20. Scope of practice.

10 (a) A licensed medication aide may only practice in a  
11 qualified facility.

12 (b) Licensed medication aides must be supervised by and  
13 receive delegation by a registered nurse that is on-duty and  
14 present in the facility at all times.

15 (c) Licensed medication aides shall not have a direct-care  
16 assignment when scheduled to work as a licensed medication  
17 aide, but may assist residents as needed.

18 (d) Licensed medication aides shall not administer any  
19 medication until a physician has conducted an initial  
20 assessment of the resident.

21 (e) Licensed medication aides shall not administer any  
22 Schedule II controlled substances as set forth in the Illinois  
23 Controlled Substances Act, and may not administer any  
24 subcutaneous, intramuscular, intradermal, or intravenous  
25 medication.

1 (225 ILCS 65/80-25 new)

2 Sec. 80-25. Unlicensed practice; violation; civil penalty.

3 (a) In addition to any other penalty provided by law, any  
4 person who practices, offers to practice, attempts to practice,  
5 or holds oneself out to practice as a medication aide without  
6 being licensed under this Act shall, in addition to any other  
7 penalty provided by law, pay a civil penalty to the Department  
8 in an amount not to exceed \$10,000 for each offense as  
9 determined by the Department. The civil penalty shall be  
10 assessed by the Department after a hearing is held in  
11 accordance with the provisions set forth in this Act regarding  
12 the provision of a hearing for the discipline of a licensee.

13 (b) The Department has the authority and power to  
14 investigate any and all unlicensed activity.

15 (c) The civil penalty shall be paid within 60 days after  
16 the effective date of the order imposing the civil penalty. The  
17 order shall constitute a judgment and may be filed and  
18 execution had thereon in the same manner as any judgment from  
19 any court of record.

20 (225 ILCS 65/80-30 new)

21 Sec. 80-30. Applications for original licensure.  
22 Applications for original licensure shall be made to the  
23 Department in writing on forms prescribed by the Department and  
24 shall be accompanied by the required fee, which shall not be

1 returnable. The application shall require such information as,  
2 in the judgment of the Department, will enable the Department  
3 to pass on the qualifications of the applicant for licensure.  
4 Applicants have 3 years after the date of application to  
5 complete the application process. If the process has not been  
6 completed within 3 years, the application shall be denied, the  
7 fee forfeited, and the applicant must reapply and meet the  
8 requirements in effect at the time of reapplication.

9 (225 ILCS 65/80-35 new)

10 Sec. 80-35. Examinations. The Department shall authorize  
11 examinations of applicants for a license under this Article at  
12 the times and place as it may designate. The examination shall  
13 be of a character to give a fair test of the qualifications of  
14 the applicant to practice as a medication aide.

15 Applicants for examination as a medication aide shall be  
16 required to pay, either to the Department or the designated  
17 testing service, a fee covering the cost of providing the  
18 examination. Failure to appear for the examination on the  
19 scheduled date, at the time and place specified, after the  
20 applicant's application for examination has been received and  
21 acknowledged by the Department or the designated testing  
22 service, shall result in the forfeiture of the examination fee.

23 If an applicant fails to pass an examination for  
24 registration under this Act within 3 years after filing his or  
25 her application, the application shall be denied. The applicant

1 may thereafter make a new application accompanied by the  
2 required fee; however, the applicant shall meet all  
3 requirements in effect at the time of subsequent application  
4 before obtaining licensure. The Department may employ  
5 consultants for the purposes of preparing and conducting  
6 examinations.

7 (225 ILCS 65/80-40 new)

8 Sec. 80-40. Licensure by examination. An applicant for  
9 licensure by examination to practice as a licensed medication  
10 aide must:

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

14 (2) be age 18 or older;

15 (3) have a high school diploma or a certificate of  
16 general education development (GED);

17 (4) demonstrate the able to speak, read, and write the  
18 English language, as determined by rule;

19 (5) demonstrate competency in math, as determined by  
20 rule;

21 (6) be currently certified in good standing as a  
22 certified nursing assistant and provide proof of 2,000  
23 hours of practice as a certified nursing assistant within 3  
24 years before application for licensure;

25 (7) submit to the criminal history records check



1 required under Section 50-35 of this Act;

2 (8) have not engaged in conduct or behavior determined  
3 to be grounds for discipline under this Act;

4 (9) be currently certified to perform cardiopulmonary  
5 resuscitation by the American Heart Association or  
6 American Red Cross;

7 (10) have successfully completed a course of study  
8 approved by the Department as defined by rule; to be  
9 approved, the program must include a minimum of 60 hours of  
10 classroom-based medication aide education, a minimum of 10  
11 hours of simulation laboratory study, and a minimum of 30  
12 hours of registered nurse-supervised clinical practicum  
13 with progressive responsibility of patient medication  
14 assistance;

15 (11) have successfully completed the Medication Aide  
16 Certification Examination or other examination authorized  
17 by the Department; and

18 (12) submit proof of employment by a qualifying  
19 facility.

20 (225 ILCS 65/80-45 new)

21 Sec. 80-45. Expiration of license. The expiration date for  
22 each license to practice as a licensed medication aide shall be  
23 set by the rule. Licenses under this Article may not be renewed  
24 or restored.

1 (225 ILCS 65/80-50 new)

2 Sec. 80-50. Administration and enforcement. Licenses  
3 issued under this Article are subject to Article 70, including  
4 grounds for disciplinary action under Section 70-5.

5 (225 ILCS 65/80-55 new)

6 Sec. 80-55. Title. Any person who is issued a license as a  
7 medication aide under the terms of this Act shall use the words  
8 "licensed medication aide" in connection with his or her name  
9 to denote his or her licensure under this Act.

10 (225 ILCS 65/80-60 new)

11 Sec. 80-60. Rules. The Department shall file rules to  
12 administer this Article within 90 days of the effective date of  
13 this Act.

14 Section 15. The Nursing Home Administrators Licensing and  
15 Disciplinary Act is amended by changing Section 17 as follows:

16 (225 ILCS 70/17) (from Ch. 111, par. 3667)

17 Sec. 17. Grounds for disciplinary action.

18 (a) The Department may impose fines not to exceed \$10,000  
19 or may refuse to issue or to renew, or may revoke, suspend,  
20 place on probation, censure, reprimand or take other  
21 disciplinary or non-disciplinary action with regard to the  
22 license of any person, for any one or combination of the

1 following causes:

2 (1) Intentional material misstatement in furnishing  
3 information to the Department.

4 (2) Conviction of or entry of a plea of guilty or nolo  
5 contendere to any crime that is a felony under the laws of  
6 the United States or any state or territory thereof or a  
7 misdemeanor of which an essential element is dishonesty or  
8 that is directly related to the practice of the profession  
9 of nursing home administration.

10 (3) Making any misrepresentation for the purpose of  
11 obtaining a license, or violating any provision of this  
12 Act.

13 (4) Immoral conduct in the commission of any act, such  
14 as sexual abuse or sexual misconduct, related to the  
15 licensee's practice.

16 (5) Failing to respond within 30 days, to a written  
17 request made by the Department for information.

18 (6) Engaging in dishonorable, unethical or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud or harm the public.

21 (7) Habitual use or addiction to alcohol, narcotics,  
22 stimulants, or any other chemical agent or drug which  
23 results in the inability to practice with reasonable  
24 judgment, skill or safety.

25 (8) Discipline by another U.S. jurisdiction if at least  
26 one of the grounds for the discipline is the same or

1 substantially equivalent to those set forth herein.

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

5 (10) Willfully making or filing false records or  
6 reports in his or her practice, including but not limited  
7 to false records filed with State agencies or departments.

8 (11) Physical illness, mental illness, or other  
9 impairment or disability, including, but not limited to,  
10 deterioration through the aging process, or loss of motor  
11 skill that results in the inability to practice the  
12 profession with reasonable judgment, skill or safety.

13 (12) Disregard or violation of this Act or of any rule  
14 issued pursuant to this Act.

15 (13) Aiding or abetting another in the violation of  
16 this Act or any rule or regulation issued pursuant to this  
17 Act.

18 (14) Allowing one's license to be used by an unlicensed  
19 person.

20 (15) (Blank).

21 (16) Professional incompetence in the practice of  
22 nursing home administration.

23 (17) Conviction of a violation of Section 12-19 or  
24 subsection (a) of Section 12-4.4a of the Criminal Code of  
25 1961 or the Criminal Code of 2012 for the abuse and  
26 criminal neglect of a long term care facility resident.

1           (18) Violation of the Nursing Home Care Act, the  
2           Specialized Mental Health Rehabilitation Act of 2013, or  
3           the ID/DD Community Care Act or of any rule issued under  
4           the Nursing Home Care Act, the Specialized Mental Health  
5           Rehabilitation Act of 2013, or the ID/DD Community Care  
6           Act. A final adjudication of a Type "AA" violation of the  
7           Nursing Home Care Act made by the Illinois Department of  
8           Public Health, as identified by rule, relating to the  
9           hiring, training, planning, organizing, directing, or  
10          supervising the operation of a nursing home and a  
11          licensee's failure to comply with this Act or the rules  
12          adopted under this Act, shall create a rebuttable  
13          presumption of a violation of this subsection.

14          (19) Failure to report to the Department any adverse  
15          final action taken against the licensee by a licensing  
16          authority of another state, territory of the United States,  
17          or foreign country; or by any governmental or law  
18          enforcement agency; or by any court for acts or conduct  
19          similar to acts or conduct that would constitute grounds  
20          for disciplinary action under this Section.

21          (20) Failure to report to the Department the surrender  
22          of a license or authorization to practice as a nursing home  
23          administrator in another state or jurisdiction for acts or  
24          conduct similar to acts or conduct that would constitute  
25          grounds for disciplinary action under this Section.

26          (21) Failure to report to the Department any adverse

1 judgment, settlement, or award arising from a liability  
2 claim related to acts or conduct similar to acts or conduct  
3 that would constitute grounds for disciplinary action  
4 under this Section.

5 (22) Failure to submit any required report under  
6 Section 80-10 of the Nurse Practice Act.

7 All proceedings to suspend, revoke, place on probationary  
8 status, or take any other disciplinary action as the Department  
9 may deem proper, with regard to a license on any of the  
10 foregoing grounds, must be commenced within 5 years next after  
11 receipt by the Department of (i) a complaint alleging the  
12 commission of or notice of the conviction order for any of the  
13 acts described herein or (ii) a referral for investigation  
14 under Section 3-108 of the Nursing Home Care Act.

15 The entry of an order or judgment by any circuit court  
16 establishing that any person holding a license under this Act  
17 is a person in need of mental treatment operates as a  
18 suspension of that license. That person may resume their  
19 practice only upon the entry of a Department order based upon a  
20 finding by the Board that they have been determined to be  
21 recovered from mental illness by the court and upon the Board's  
22 recommendation that they be permitted to resume their practice.

23 The Department, upon the recommendation of the Board, may  
24 adopt rules which set forth standards to be used in determining  
25 what constitutes:

26 (i) when a person will be deemed sufficiently

1 rehabilitated to warrant the public trust;

2 (ii) dishonorable, unethical or unprofessional conduct  
3 of a character likely to deceive, defraud, or harm the  
4 public;

5 (iii) immoral conduct in the commission of any act  
6 related to the licensee's practice; and

7 (iv) professional incompetence in the practice of  
8 nursing home administration.

9 However, no such rule shall be admissible into evidence in  
10 any civil action except for review of a licensing or other  
11 disciplinary action under this Act.

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

1 aspects of the examination. Failure of any individual to submit  
2 to mental or physical examination, when directed, shall be  
3 grounds for suspension of his or her license until such time as  
4 the individual submits to the examination if the Department  
5 finds, after notice and hearing, that the refusal to submit to  
6 the examination was without reasonable cause.

7       If the Department or Board finds an individual unable to  
8 practice because of the reasons set forth in this Section, the  
9 Department or Board shall require such individual to submit to  
10 care, counseling, or treatment by physicians approved or  
11 designated by the Department or Board, as a condition, term, or  
12 restriction for continued, reinstated, or renewed licensure to  
13 practice; or in lieu of care, counseling, or treatment, the  
14 Department may file, or the Board may recommend to the  
15 Department to file, a complaint to immediately suspend, revoke,  
16 or otherwise discipline the license of the individual. Any  
17 individual whose license was granted pursuant to this Act or  
18 continued, reinstated, renewed, disciplined or supervised,  
19 subject to such terms, conditions or restrictions who shall  
20 fail to comply with such terms, conditions or restrictions  
21 shall be referred to the Secretary for a determination as to  
22 whether the licensee shall have his or her license suspended  
23 immediately, pending a hearing by the Department. In instances  
24 in which the Secretary immediately suspends a license under  
25 this Section, a hearing upon such person's license must be  
26 convened by the Board within 30 days after such suspension and



1 completed without appreciable delay. The Department and Board  
2 shall have the authority to review the subject administrator's  
3 record of treatment and counseling regarding the impairment, to  
4 the extent permitted by applicable federal statutes and  
5 regulations safeguarding the confidentiality of medical  
6 records.

7 An individual licensed under this Act, affected under this  
8 Section, shall be afforded an opportunity to demonstrate to the  
9 Department or Board that he or she can resume practice in  
10 compliance with acceptable and prevailing standards under the  
11 provisions of his or her license.

12 (b) Any individual or organization acting in good faith,  
13 and not in a wilful and wanton manner, in complying with this  
14 Act by providing any report or other information to the  
15 Department, or assisting in the investigation or preparation of  
16 such information, or by participating in proceedings of the  
17 Department, or by serving as a member of the Board, shall not,  
18 as a result of such actions, be subject to criminal prosecution  
19 or civil damages.

20 (c) Members of the Board, and persons retained under  
21 contract to assist and advise in an investigation, shall be  
22 indemnified by the State for any actions occurring within the  
23 scope of services on or for the Board, done in good faith and  
24 not wilful and wanton in nature. The Attorney General shall  
25 defend all such actions unless he or she determines either that  
26 there would be a conflict of interest in such representation or

1 that the actions complained of were not in good faith or were  
2 wilful and wanton.

3 Should the Attorney General decline representation, a  
4 person entitled to indemnification under this Section shall  
5 have the right to employ counsel of his or her choice, whose  
6 fees shall be provided by the State, after approval by the  
7 Attorney General, unless there is a determination by a court  
8 that the member's actions were not in good faith or were wilful  
9 and wanton.

10 A person entitled to indemnification under this Section  
11 must notify the Attorney General within 7 days of receipt of  
12 notice of the initiation of any action involving services of  
13 the Board. Failure to so notify the Attorney General shall  
14 constitute an absolute waiver of the right to a defense and  
15 indemnification.

16 The Attorney General shall determine within 7 days after  
17 receiving such notice, whether he or she will undertake to  
18 represent a person entitled to indemnification under this  
19 Section.

20 (d) The determination by a circuit court that a licensee is  
21 subject to involuntary admission or judicial admission as  
22 provided in the Mental Health and Developmental Disabilities  
23 Code, as amended, operates as an automatic suspension. Such  
24 suspension will end only upon a finding by a court that the  
25 patient is no longer subject to involuntary admission or  
26 judicial admission and issues an order so finding and

1 discharging the patient; and upon the recommendation of the  
2 Board to the Secretary that the licensee be allowed to resume  
3 his or her practice.

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

11 (f) The Department of Public Health shall transmit to the  
12 Department a list of those facilities which receive an "A"  
13 violation as defined in Section 1-129 of the Nursing Home Care  
14 Act.

15 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
16 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-104, eff.  
17 7-22-13.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.