

1 AN ACT concerning the practice of nursing.

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

4 Section 5. The Nursing and Advanced Practice Nursing Act
5 is amended by changing Sections 5-23 and 10-30 and adding
6 Section 15-13 as follows:

7 (225 ILCS 65/5-23)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 5-23. Criminal background check. After the
10 effective date of this amendatory Act of the 91st General
11 Assembly, the Department shall require an applicant for
12 initial licensure under this Act to submit to a criminal
13 background check by the Illinois State Police and the Federal
14 Bureau of Investigation as part of the qualification for
15 licensure. If an applicant's criminal background check
16 indicates criminal conviction, the applicant must further
17 submit to a fingerprint-based criminal background check. The
18 Department shall adopt rules to implement this Section.

19 (Source: P.A. 91-369, eff. 1-1-00.)

20 (225 ILCS 65/10-30)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 10-30. Qualifications for licensure.

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

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

30 (1) submit a completed written application, on

1 forms provided by the Department and fees as established
2 by the Department;

3 (2) for registered nurse licensure, have graduated
4 from a completed--an--approved professional nursing
5 education program approved by the Department of not less
6 than--2--academic--years--and--have--graduated--from--the
7 program;

8 (2.5) for licensed practical nurse licensure, have
9 graduate from a completed-an-approved practical nursing
10 education program approved by the Department of not less
11 than--one--academic--year--and--have--graduated--from--the
12 program;

13 (3) have not violated the provisions of Section
14 10-45 of this Act. The Department may take into
15 consideration any felony conviction of the applicant, but
16 such a conviction shall not operate as an absolute bar to
17 licensure;

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

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

28 If an applicant neglects, fails, or refuses to take an
29 examination or fails to pass an examination for a license
30 under this Act within 3 years after filing the application,
31 the application shall be denied. However, the applicant may
32 make a new application accompanied by the required fee and
33 provide evidence of meeting the requirements in force at the
34 time of the new application.

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

12 An applicant shall have one year from the date of
13 notification of successful completion of the examination to
14 apply to the Department for a license. If an applicant fails
15 to apply within one year, the applicant shall be required to
16 again take and pass the examination unless licensed in
17 another jurisdiction of the United States within one year of
18 passing the examination.

19 (c) An applicant for licensure by endorsement who is a
20 registered professional nurse or a licensed practical nurse
21 licensed by examination under the laws of another state or
22 territory of the United States or a foreign country,
23 jurisdiction, territory, or province shall:

24 (1) submit a completed written application, on
25 forms supplied by the Department, and fees as established
26 by the Department;

27 (2) for registered nurse licensure, have graduated
28 from a completed--an--approved professional nursing
29 education program approved by the Department of-not-less
30 than--2--academic--years--and--have--graduated--from--the
31 program;

32 (2.5) for licensed practical nurse licensure, have
33 graduated from a completed-an-approved practical nursing
34 education program approved by the Department of-not--less

1 than--one--academic--year--and--have--graduated--from--the
2 program;

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

6 (4) have passed the examination authorized by the
7 Department;

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

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

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

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

1 (2) holds an active, unencumbered license in
2 another state; and

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

5 (e) (Blank).

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

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

24 (2) proof of a current, active license in at least
25 one other jurisdiction and proof that each current active
26 license or temporary license held by the applicant within
27 the last 5 years is unencumbered;

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

30 (4) the required temporary license permit fee.

31 (g) The Department may refuse to issue an applicant a
32 temporary license authorized pursuant to this Section if,
33 within 14 working days following its receipt of an
34 application for a temporary license, the Department

1 determines that:

2 (1) the applicant has been convicted of a crime
3 under the laws of a jurisdiction of the United States:
4 (i) which is a felony; or (ii) which is a misdemeanor
5 directly related to the practice of the profession,
6 within the last 5 years;

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

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

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

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

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

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

32 (3) it determines that it intends to deny licensure
33 by endorsement.

34 ~~A--temporary--license--or--renewed--temporary--license--shall~~

1 ~~expire-(i)-upon-issuance-of-an-Illinois-license-or-(ii)--upon~~
 2 ~~notification-that-the-Department-intends-to-deny-licensure-by~~
 3 ~~endorsement.~~ A temporary license shall expire 6 months from
 4 the date of issuance. Further renewal may be granted by the
 5 Department in hardship cases, as defined by rule and upon
 6 approval of the Director. However, a temporary license shall
 7 automatically expire upon issuance of the Illinois license or
 8 upon notification that the Department intends to deny
 9 licensure, whichever occurs first. ~~No-extensions-shall-be~~
 10 ~~granted-beyond-the-6-month--period--unless--approved--by--the~~
 11 ~~Director.---Notification-by-the-Department-under-this-Section~~
 12 ~~shall-be-by-certified-or-registered-mail.~~

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

19 (Source: P.A. 92-39, eff. 6-29-01.)

20 (225 ILCS 65/15-13 new)

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

22 Sec. 15-13. License pending status.

23 (a) A graduate of an advanced practice nursing program
 24 may practice in the State of Illinois in the role of
 25 certified clinical nurse specialist, certified nurse midwife,
 26 certified nurse practitioner, or certified registered nurse
 27 anesthetist for not longer than 6 months provided he or she
 28 submits all of the following:

29 (1) An application for licensure as an advanced
 30 practice nurse in Illinois.

31 (2) Proof of an application to take the national
 32 certification examination in the specialty.

33 (3) Proof of completion of a graduate advanced

1 practice education program that allows the applicant to
2 be eligible for national certification in a clinical
3 advanced practice nursing speciality and that allows the
4 applicant to be eligible for licensure in Illinois in the
5 area of his or her specialty.

6 (4) Proof that he or she is licensed in Illinois as
7 a registered professional nurse.

8 (5) Proof that he or she has a completed proposed
9 collaborative agreement or practice agreement as required
10 under Section 15-15 or 15-25 of this Act.

11 (6) The license application fee as set by rule.

12 (b) License pending status shall preclude delegation of
13 prescriptive authority.

14 (c) A graduate practicing in accordance with this
15 Section must use the title "license pending certified
16 clinical nurse specialist", "license pending certified nurse
17 midwife", "license pending certified nurse practitioner", or
18 "license pending certified registered nurse anesthetist",
19 whichever is applicable.

20 (225 ILCS 65/10-40 rep.)

21 Section 10. The Nursing and Advanced Practice Nursing Act
22 is amended by repealing Section 10-40.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.