

AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by adding Section 3-220 as follows:

(210 ILCS 45/3-220 new)

Sec. 3-220. Certified medication aide program.

(a) Definitions. As used in this Section:

"Department" means the Department of Public Health.

"Certified medication aide" means a person who has met the qualifications for certification under this Section who assists with medication administration while under the supervision of a registered professional nurse in a skilled nursing facility.

"Qualified employer" means a facility licensed under this Act by the Department of Public Health that meets the qualifications set forth in subsection (c) of Section 3-220 of this Act.

(b) The Department shall administer and enforce a certified medication aide program, ensuring the regulation and certification of medication aides. In order for a facility to use certified medication aides, it must have the approval of the Department.

(c) To be approved as a qualified facility, a facility must:

(1) be licensed and in compliance when applying as a skilled nursing facility by the Department of Public Health;

(2) not appear on the Centers for Medicare and Medicaid Services Special Focus Facility List;

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

(4) certify that a registered nurse will be on duty and present in the facility to delegate and supervise the medication administration by a certified medication aide during the delegation times;

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

(6) provide information regarding patient safety, efficiency, and errors as determined by the Department by rule.

Failure to submit any required report shall be grounds for discipline or sanctions under this Act, the Nurse Practice Act, or the Nursing Home Administrators Licensing and Disciplinary Act.

(d) The Department shall submit a report regarding patient safety, efficiency, and errors, as determined by rule, to the General Assembly no later than one year after the full implementation of the program.

(e) Nothing in this Section shall be construed as preventing or restricting the practice, services, or activities of:

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

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

(3) any person pursuing a course of study leading to a certificate in medication aide at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study and if such person is designated by a title which clearly indicates the person's status as a student or trainee.

(f) Nothing in this Section shall be construed to limit the delegation of tasks or duties by a physician, dentist, advanced practice registered nurse, or podiatric physician as authorized by law.

(g) A certified medication aide may only practice in a qualified facility.

(h) Certified medication aides must be supervised by and receive delegation from a registered nurse that is on duty and present in the facility at all times when certified medication aides are administering medication.

(i) Certified medication aides shall not perform other duties during the duration of the medication distribution.

(j) Certified medication aides shall not administer any medication until a physician has conducted an initial assessment of the resident.

(k) Certified medication aides shall not administer any Schedule II controlled substances as set forth in the Illinois Controlled Substances Act and may not administer any subcutaneous, intramuscular, intradermal, or intravenous medication.

(l) In addition to any other penalty provided by law, any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a medication aide without being certified under this Section shall pay a civil penalty to the Department in an amount determined by the Department by rule.

(m) The Department has the authority and power to investigate any and all activity under this Section that is not certified.

(n) The civil penalty described in this Section shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a

judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(o) The Department shall authorize examinations of applicants for certification under this Section at the times and places it designates. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice as a certified medication aide.

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

(q) An applicant for certification by examination to practice as a certified medication aide must:

(1) submit a completed written application on forms provided by the Department and pay any fees as established by the Department;

(2) be age 18 or older;

(3) have a State of Illinois High School Diploma;

(4) demonstrate the ability to speak, read, and write the English language or language of the facility, as determined by rule;

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

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

(7) submit to the criminal history records check required under the Health Care Worker Background Check Act;

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

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

(10) have successfully completed a course of study that is approved by the Department by rule and that includes:

(A) a minimum of 60 hours of classroom-based certified medication aide education;

(B) a minimum of 10 hours of simulation laboratory study; and

(C) a minimum of 30 hours of registered nurse-supervised clinical practicum with progressive responsibility of patient medication assistance;

(11) have successfully completed the medication aide certification examination or other examination authorized

by the Department; and

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

(r) The expiration date for each certification to practice as a certified medication aide shall be set by rule.

(s) The Department may take disciplinary action against a medication aide, including, but not limited to, suspension or revocation of the medication aide's certification, for gross negligence. Violations and enforcement shall be as otherwise provided in Article III of this Act.

(t) Any person who is issued a certification as a medication aide under the terms of this Section shall use the words "certified medication aide" in connection with the person's name to denote the person's certification under this Section.

(u) To ensure transparency and the well-being of residents, a facility is required to provide information about medication administration via certified medication aides in its admission agreements so that residents and their families understand the addition of certified medication aides as members of the healthcare team.

(v) The Department shall propose rules to implement, administer, and enforce this Section within 180 days after the effective date of this amendatory Act of the 103rd General Assembly.