The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments were published in the January 4, 2013 Illinois Register. The 45 day comment period will end February 18, 2013.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

1) Heading of the Part: Nurse Practice Act
2) Code Citation: 68 Ill. Adm. Code 1300
3) Section Number: Proposed Action:
   1300.20 Amendment
4) Statutory Authority: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking reflects discussions between the Department of Financial and Professional Regulation (IDFPR), Illinois Department of Public Health (IDPH) and other interested parties to address the unanticipated negative impact on dialysis clinics (which are regulated by IDPH) by changes made to the delegation section (225 ILCS 65/50-75) of the Nurse Practice Act from Public Act 95-639 (effective since October 5, 2007). IDPH had been citing dialysis providers per IDFPR’s interpretation of that Section of the Act regarding the delegation of nursing activities or “tasks” in selected situations-in this particular case, allowing trained dialysis technicians to initiate dialysis through a central venous catheter (CVC). It has since been determined by both IDPH and IDFPR that clarification is needed concerning that Section of the Act.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

The proposed rulemaking will allow for delegation of nursing activities to individuals that hold a current certification as a dialysis technician while working under supervision in a Medicare-certified End Stage Renal Dialysis Facility.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace emergency rules currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed amendments pending on this Part? No

11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813  Fax: 217/557-4451

All written comments received within 45 days of this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing and/or delegating dialysis.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Dialysis skills/training
14) Regulatory Agenda on which this rulemaking was summarized: July 2012

The full text of the Proposed Amendment begins on the next page:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300
NURSE PRACTICE ACT

SUBPART A: GENERAL PROVISIONS

Section
1300.10 Definitions
1300.20 Nursing Delegation
1300.30 Fees
1300.40 Renewals
1300.50 Restoration
1300.60 Granting Variances
1300.70 Fines
1300.80 Public Access to Records and Meetings
1300.90 Unethical or Unprofessional Conduct
1300.100 Refusal to Issue a Nurse License Based on Criminal History Record
1300.110 Mandatory Reporting of Impaired Nurses
1300.120 Impaired Nurse − Disciplinary and Non-Disciplinary
1300.130 Continuing Education

SUBPART B: LICENSED PRACTICAL NURSE

Section
1300.200 Application for Examination or Licensure
1300.210 LPN Licensure Examination
1300.220 LPN Licensure by Endorsement
1300.230 Approval of Programs
1300.240 Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.250 LPN Scope of Practice
1300.260 Standards for Professional Conduct for LPNs

SUBPART C: REGISTERED NURSE

Section
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

1300.300 Application for Examination or Licensure
1300.310 RN Licensure Examination
1300.320 RN Licensure by Endorsement
1300.330 Nurse Externship
1300.340 Approval of Programs
1300.350 Standards of Professional Conduct for Registered Professional Nurses
1300.360 RN Scope of Practice
1300.370 Provision of Conscious Sedation by Registered Nurses in Ambulatory Surgical Treatment Centers

SUBPART D: ADVANCED PRACTICE NURSE

Section
1300.400 Application for Licensure
1300.410 Written Collaborative Agreements
1300.420 Collaboration and Consultation
1300.430 Prescriptive Authority
1300.440 APN Scope of Practice
1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center
1300.460 Advanced Practice Nursing in Hospitals or Ambulatory Surgical Treatment Centers
1300.470 Advertising
1300.480 Reports Relating to APN Professional Conduct and Capacity
1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse
1300.EXHIBIT A Sample Written Collaborative Agreement

AUTHORITY: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 34 Ill. Reg. 14012, effective September 17, 2010; amended at 37 Ill. Reg._____, effective____________________.

Section 1300.20 Nursing Delegation

a) For the purposes of this Section:

"Delegation" means transferring to an individual the authority to perform a selected nursing activity or task, in a selected situation.
"Nursing Activity" means any work requiring the use of knowledge acquired by completion of an approved program for licensure, including advanced education, continuing education, and experience as a licensed practical nurse or professional nurse, as defined by this Part.

b) Nursing shall be practiced by licensed practical nurses, registered professional nurses, and advanced practice nurses. In the delivery of nursing care, nurses work with many other licensed professionals and other persons. An advanced practice nurse may delegate to registered professional nurses, licensed practical nurses, and others persons.

c) A registered professional nurse shall not delegate any nursing activity requiring the specialized knowledge, judgment, and skill of a licensed nurse to an unlicensed person, including medication administration. A registered professional nurse may delegate nursing activities to other registered professional nurses or licensed practical nurses.

d) A registered nurse may delegate tasks to other licensed and unlicensed persons. A licensed practical nurse who has been delegated a nursing activity shall not re-delegate the nursing activity. A registered professional nurse or advanced practice nurse retains the right to refuse to delegate or to stop or rescind a previously authorized delegation. (Section 50-75 of the Act)

e) Practice in End Stage Renal Dialysis Facilities

1) For the purposes of this Section only an individual working as a dialysis technician in a Medicare-certified End Stage Renal Dialysis Facility or a facility regulated under the End Stage Renal Dialysis Facilities Act shall be considered a licensed individual for the purposes of delegation only under Section 50-75 of the Act. A person working to acquire the experience necessary to obtain certification under subsection (e)(2) may practice in accordance with this subsection (e) for a period of no more than 18 months so long as his or her practice is in compliance with the experience standards set forth by the entities listed in subsection (e)(2).

2) Delegation under this subsection (e) shall only be allowed if the individual receiving delegation currently holds, or is in the process of acquiring, the necessary experience to apply for and achieve one of the following certifications:
NOTICE OF PROPOSED AMENDMENT

A) Certified Clinical Hemodialysis Technician (CCHT) by the Nephrology Nursing Certification Commission (NNCC);

B) Certified Hemodialysis Technician (CHT) by the Board of Nephrology Examiners Nursing and Technology (BONENT);

C) Certified in Clinical Nephrology Technology (CCNT) by the National Nephrology Certification Organization (NNCO).

3) Delegation under this subsection (e) shall not include medication administration except for saline flushes and application of topical anesthetics. All patient care provided by a certified dialysis technician practicing under this subsection (e) shall be under the direct and immediate on-site supervision of a licensed physician, advanced practice nurse, physician assistant or registered nurse.

4) Delegation under this subsection (e) shall also comply with any rules adopted under the End Stage Renal Dialysis Facilities Act.

5) Nothing in this subsection (e) shall be construed to apply to any other facility or practice setting. This subsection (e) shall not be construed as granting a license under the Act and shall not allow individuals receiving delegation under this subsection (e) to use any title regulated by the Act.

(Source: Amended at 37 Ill. Reg. ______, effective ___________)