

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Kidney Disease Treatment Delegation Act.

Section 2. Purpose. The purpose of this Act is to safeguard individuals seeking kidney disease treatments in the State of Illinois by ensuring that the professionals who provide these services are licensed and trained.

Section 5. Definitions. In this Act:

"Advanced practice registered nurse" or "APRN" means a person who has met the qualifications for a (i) certified nurse midwife (CNM); (ii) certified nurse practitioner (CNP); (iii) certified registered nurse anesthetist (CRNA); or (iv) clinical nurse specialist (CNS) and has been licensed by the Department under the Nurse Practice Act.

"Central venous catheter procedure" includes providing dialysis through venous catheters, initiating and terminating dialysis through those catheters, connecting and disconnecting central venous catheter lines, and maintaining central venous catheters through dressing changes and other care.

"Certified dialysis technician" means a person with an

accredited high school diploma or State of Illinois High School Diploma who has been certified by the Nephrology Nursing Certification Commission as a certified clinical hemodialysis technician or by the Board of Nephrology Examiners Nursing and Technology as a certified hemodialysis technologist/technician.

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

"Kidney disease treatment center" has the meaning given to that term in subsection (5) of Section 3 of the Illinois Health Facilities Planning Act. "Kidney disease treatment center" includes a treatment center that provides dialysis through venous catheters, initiates and terminates dialysis through those catheters, connects and disconnects central venous catheter lines, and maintains central venous catheters through dressing changes and other care.

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

"Physician assistant" means a physician assistant licensed under the Physician Assistant Practice Act of 1987.

"Practical nurse", "licensed practical nurse", or "LPN" means a person who is licensed as a practical nurse under the Nurse Practice Act and practices practical nursing as defined in that Act.

"Registered nurse", "Registered Professional Nurse", or "RN" means a person who is licensed as a professional nurse

under the Nurse Practice Act and practices nursing as defined in that Act.

Section 10. Regulation of delegation in kidney disease treatment centers.

(a) Notwithstanding any provision of the Nurse Practice Act or any rule of the Department to the contrary, an individual working in a kidney disease treatment center shall be considered a licensed individual for the purposes of delegation under Section 50-75 of the Nurse Practice Act.

(b) Notwithstanding any provision of the Nurse Practice Act or any rule of the Department to the contrary, delegation under this Section, including, but not limited to, delegation of the performance of central venous catheter procedures in a kidney disease treatment center, shall only be allowed if the individual receiving delegation is a licensed practical nurse who has obtained the proper training, education, and experience or a certified dialysis technician who currently holds, or is in the process of acquiring, the necessary experience to apply for and obtain one of the following certifications:

(1) certified clinical hemodialysis technician by the Nephrology Nursing Certification Commission; or

(2) certified hemodialysis technologist/technician by the Board of Nephrology Examiners Nursing and Technology.

(c) Notwithstanding any provision of the Nurse Practice

Act or any rule of the Department to the contrary, delegation under this Section shall not include medication administration, except for the administration of heparin and saline for the purposes of performing dialysis treatments and flushing lines and the application of topical anesthetics. All patient care provided by a licensed practical nurse or a certified dialysis technician practicing under this Section shall be under the direct and immediate on-site supervision of a licensed physician, advanced practice registered nurse, physician assistant, or registered nurse. A certified dialysis technician shall not be permitted to administer heparin and saline to a patient with a central venous catheter.

Additionally, the following conditions must be present:

(1) the RN or APRN must complete an assessment of the patient's nursing care needs prior to the delegation and make modifications to the patient's nursing care needs during the course of dialysis treatment to address any patient problems and complications;

(2) the RN or APRN must have either instructed the certified dialysis technician or LPN in the delegated activity or verified the individual's competency to perform the activity; and

(3) clinical competency of an individual delegated to under this Section shall be documented and available and verified at least annually by the individual's employer. If the delegating party is a physician or physician

assistant, the physician or physician assistant shall act in a similar manner as required by the Medical Practice Act of 1987 and the Physician Assistant Practice Act of 1987.

(d) Delegation under this Section shall comply with Section 50-75 of the Nurse Practice Act and any rules adopted under the Illinois Health Facilities Planning Act, the Nurse Practice Act, and any other Illinois statute or rule regarding the operation of a kidney disease treatment center as described by this Section.

(e) Nothing in this Section shall be construed to apply to any other facility or practice setting. This Section shall not be construed as granting a license under the Nurse Practice Act and shall not allow individuals receiving delegation under this Section to use any title regulated by the Nurse Practice Act. Nothing in this Act shall be construed to limit the ability of a licensed physician to practice medicine in all its branches.

Section 15. Rulemaking. The Department is authorized to adopt rules for the administration and enforcement of this Act. The rules may define standards and criteria for the necessary training, education, and experience for licensed practical nurses to obtain before receiving delegation under this Act.

Section 20. The Nurse Practice Act is amended by changing Section 70-5 as follows:

(225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

(Section scheduled to be repealed on January 1, 2028)

Sec. 70-5. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed \$10,000 per violation, with regard to a license for any one or combination of the causes set forth in subsection (b) below. All fines collected under this Section shall be deposited in the Nursing Dedicated and Professional Fund.

(b) Grounds for disciplinary action include the following:

(1) Material deception in furnishing information to the Department.

(2) Material violations of any provision of this Act or violation of the rules of or final administrative action of the Secretary, after consideration of the recommendation of the Board.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under

the laws of any jurisdiction of the United States: (i) that is a felony; or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession.

(4) A pattern of practice or other behavior which demonstrates incapacity or incompetency to practice under this Act.

(5) Knowingly aiding or assisting another person in violating any provision of this Act or rules.

(6) Failing, within 90 days, to provide a response to a request for information in response to a written request made by the Department by certified or registered mail or by email to the email address of record.

(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, as defined by rule.

(8) Unlawful taking, theft, selling, distributing, or manufacturing of any drug, narcotic, or prescription device.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that could result in a licensee's inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to

those set forth in this Section.

(11) A finding that the licensee, after having her or his license placed on probationary status or subject to conditions or restrictions, has violated the terms of probation or failed to comply with such terms or conditions.

(12) Being named as a perpetrator in an indicated report by the Department of Children and Family Services and under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(13) Willful omission to file or record, or willfully impeding the filing or recording or inducing another person to omit to file or record medical reports as required by law.

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

(14) Gross negligence in the practice of practical, professional, or advanced practice registered nursing.

(15) Holding oneself out to be practicing nursing under any name other than one's own.

(16) Failure of a licensee to report to the Department any adverse final action taken against him or her by

another licensing jurisdiction of the United States or any foreign state or country, any peer review body, any health care institution, any professional or nursing society or association, any governmental agency, any law enforcement agency, or any court or a nursing liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

(17) Failure of a licensee to report to the Department surrender by the licensee of a license or authorization to practice nursing or advanced practice registered nursing in another state or jurisdiction or current surrender by the licensee of membership on any nursing staff or in any nursing or advanced practice registered nursing or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined by this Section.

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

(19) Failure to establish and maintain records of patient care and treatment as required by law.

(20) Fraud, deceit, or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

(21) Allowing another person or organization to use

the licensee's license to deceive the public.

(22) Willfully making or filing false records or reports in the licensee's practice, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(23) Attempting to subvert or cheat on a licensing examination administered under this Act.

(24) Immoral conduct in the commission of an act, including, but not limited to, sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(25) Willfully or negligently violating the confidentiality between nurse and patient except as required by law.

(26) Practicing under a false or assumed name, except as provided by law.

(27) The use of any false, fraudulent, or deceptive statement in any document connected with the licensee's practice.

(28) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered. Nothing in this paragraph (28)

affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (28) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(29) A violation of the Health Care Worker Self-Referral Act.

(30) Physical illness, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(31) Exceeding the terms of a collaborative agreement or the prescriptive authority delegated to a licensee by his or her collaborating physician or podiatric physician in guidelines established under a written collaborative agreement.

(32) Making a false or misleading statement regarding a licensee's skill or the efficacy or value of the medicine, treatment, or remedy prescribed by him or her in the course of treatment.

(33) Prescribing, selling, administering,

distributing, giving, or self-administering a drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(34) Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in a manner to exploit the patient for financial gain.

(35) Violating State or federal laws, rules, or regulations relating to controlled substances.

(36) Willfully or negligently violating the confidentiality between an advanced practice registered nurse, collaborating physician, dentist, or podiatric physician and a patient, except as required by law.

(37) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(38) Being named as an abuser in a verified report by the Department on Aging and under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(39) A violation of any provision of this Act or any rules adopted under this Act.

(40) Violating the Compassionate Use of Medical

Cannabis Program Act.

(41) Violating the Kidney Disease Treatment Delegation Act.

(b-5) The Department shall not revoke, suspend, summarily suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based solely upon the person providing, authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(b-10) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a person's authorization to practice under this Act based upon the person's license, registration, or permit being revoked or suspended, or the person being otherwise disciplined, by any other state if that revocation, suspension, or other form of discipline was based solely on the person violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is

consistent with the applicable standard of conduct for the person practicing in Illinois under this Act.

(b-15) The conduct specified in subsections (b-5) and (b-10) shall not trigger reporting requirements under Section 65-65 or constitute grounds for suspension under Section 70-60.

(b-20) An applicant seeking licensure, certification, or authorization under this Act who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having provided, authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that such action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of such applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or

judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) The Department may refuse to issue or may suspend or otherwise discipline the license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(e) In enforcing this Act, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Act or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a

mental or physical examination, when directed, shall result in an automatic suspension without hearing.

All substance-related violations shall mandate an automatic substance abuse assessment. Failure to submit to an assessment by a licensed physician who is certified as an addictionist or an advanced practice registered nurse with specialty certification in addictions may be grounds for an automatic suspension, as defined by rule.

If the Department finds an individual unable to practice or unfit for duty because of the reasons set forth in this subsection (e), the Department may require that individual to submit to a substance abuse evaluation or treatment by individuals or programs approved or designated by the Department, as a condition, term, or restriction for continued, restored, or renewed licensure to practice; or, in lieu of evaluation or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, restored, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this subsection (e), a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this subsection (e) shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with nursing standards under the provisions of his or her license.

(f) The Department may adopt rules to implement, administer, and enforce this Section.

(Source: P.A. 104-432, eff. 1-1-26.)

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