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CLIENT ADVISORY

Healthcare Providers Adopted Legislation October 2009

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Prescriptive Authority – Physician Assistants

The Pharmacy Practice Act and The Physician Assistant Practice Act are amended to require that Physician Assistants must have a written supervision agreement and written delegation of prescriptive authority with their supervising physician. The Act now allows physician assistants to have prescriptive authority with a licensed podiatrist. In addition, the Department of Financial Regulation requires that physician assistants have delegated authority to prescribe Schedule III through Schedule V controlled substances. The Department also places restrictions on the amount and dosage of Schedule II drugs which can be prescribed by either a physician assistant.

Effective August 11, 2009. *See Public Act 096-0268.*

Prescriptive Authority – Advanced Practice Nurses

The Nurse Practice Act is amended to require that advanced practice nurses have a written delegation of prescriptive authority with their supervising physician. This requirement is in addition to the requirement that supervising physicians and advanced practice enter into written collaborative agreements. The Act now allows advanced practice nurses to have prescriptive authority with a licensed podiatrist. In addition, the Department of Financial Regulation requires that advanced practice nurses have delegated authority to prescribe Schedule III through Schedule V controlled substances. The Department also places restrictions on the amount and dosage of Schedule II drugs which can be prescribed by an advanced practice nurse.

Effective August 10, 2009. *See Public Act 096-0189.*

Respite Care Centers

The Alternative Health Care Delivery Act is amended by increasing the total number of children's respite care center alternative health care models in the State's

current demonstration program from 8 to 9, two of which shall be located in the City of Chicago. A respite center alternative health care model provides support that families may need to keep their child with a disability or chronic illness at home.

Effective August 4, 2009. *See Public Act 096-0129.*

EMS Act

The Emergency Medical Services (EMS) Systems Act is amended to require the Department of Public Health to issue an annual Freestanding Emergency Center (FEC) license to any facility that has received a permit from the Illinois Health Facilities Planning Board to establish a Freestanding Emergency Center if the application for the permit has been deemed complete by the Department of Public Health by March 1, 2009, and meets other previous requirements under the Act. The Act also removes a previous requirements that EMS licensed facilities must maintain helicopter landing capabilities approved by appropriate State and federal authorities.

Effective June 30, 2009. *See Public Act 096-0023.*

Health Care Surrogate Act

The Health Care Surrogate Act is amended to include a provisions which allows surrogates to have the authority to make decisions for the patient until removed by the patient who no longer lacks decisional capacity, appointment of a guardian of the person, or the patient's death.

Effective August 14, 2009. *See Public Act 096-0492.*

Healthcare Worker Awards

The Illinois Act on the Aging is amended to allow the Department to present one award annually to older direct care workers in each of the following categories:

Older American Act Services, Home Health Services, Community Care Program Services, Nursing Homes, and programs that provide housing with services licensed or certified by the State. The Department shall solicit nominations from associations representing providers of the named services or settings and trade associations representing applicable direct care workers.

Effective August 13, 2009. *See Public Act 096-0376.*

The Safe Pharmaceutical Disposal Act

The Safe Pharmaceutical Disposal Act requires that health care institutions are prohibited from discharging, disposing of, flushing, pouring, or emptying any unused medication into a public wastewater collection system or septic system. Exceptions include medications contained in intravenous fluids, syringes, or transdermal patches. The medication protocols of all health care institutions must be consistent with this Act. For purposes of the Act, “health care institutions” are defined as “any public or private institution or agency licensed or certified by State law to provide health care. The term includes hospitals, nursing homes, residential health care facilities, home health care agencies, hospice programs operating in this State, institutions, facilities, or agencies that provide services to persons with mental health illnesses, and institutions, facilities, or agencies that provide services for persons with developmental disabilities.”

Effective January 1, 2010. *See Public Act 096-0221.*

MEDS Disposal

The Environmental Protection Act is amended to establish The Medication Education Disposal Solutions (MEDS) collaboration. MEDS is established for the purpose of partnering with public and private sector constituents to promote the environmentally responsible disposal of unwanted and expired medications.

Effective August 13, 2009. *See Public Act 096-0369.*

2-1-1 Service Act

The Act creates a 211 health and human services help line for the people of Illinois. The hotline will be a 24-

hour, one-stop telephone number that will connect citizens to a variety of social services. 211 will serve as a help line that connects callers with vital services and programs across Illinois and allow the Illinois Department of Human Services to identify a lead organization to plan and implement the statewide information and referral system for health and human services.

Effective January 1, 2010. *See Public Act 096-0599.*

Health Care Facility Closures

The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is Amended to require that a hospital must provide a written pre-closing statement to the Department no less than 90 days before permanently closing its facility. The facility must provide the Department of public Health with specific information related to patient records and transfer, security disposal of medication hazardous waste.

Effective August 18, 2009. *See Public Act 096-0596.*

Visiting Physician Permits

The Medical Practice Act of 1987 is amended by A temporary visiting physician permit shall be valid for no longer than (i) 180 days from the date of issuance or (ii) until the time the medical, osteopathic, chiropractic, or clinical studies are completed, or the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting has concluded, whichever occurs first.

Effective August 13, 2009. *See Public Act 096-0398.*

Registry of Health Care Professionals

The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended to allow the Registry of health care professionals maintained by the Department of Public Health to be accessed for purposes of planning act of bioterrorism or other health emergency.

Effective January 1, 2010. *See Public Act 096-0377.*

Optometric License Renewal

The Illinois Optometric Practice Act of 1987 is amended to permit the Department of Professional Regulation to deny issuance or renewal of a license to any optometrist who willfully failing to report an instance of suspected abuse or neglect as required by law.

Effective January 1, 2010. *See Public Act 096-0378.*

Ocular Devise Dispensing

The Illinois Optometric Practice Act of 1987 is amended to clarify that nothing in the Act prohibits the dispensing and sale by an optometrist of ocular devices, such as contact lenses, that contain and deliver ocular pharmaceutical agents permitted for use or prescription.

Effective January 1, 2010. *See Public Act 096-0461.*

Assisted Living and Shared Housing Act

The Assisted Living and Shared Housing Act is Amended to clarify that nothing in this Act shall preclude a physician licensed under the Medical Practice Act of 1987 from providing services within the scope of his or her license to any resident of an assisted living facility.

Effective August 13, 2009. *See Public Act 096-0353.*

HFS Application Assistance

The Free Healthcare Benefits Application Assistance Act is amended to permit the Department of Healthcare and Family Services day and temporary labor service agencies, to enroll as unpaid application agents to assist enrollees in completing applications for public assistance.

Effective August 11, 2009. *See Public Act 096-0326.*

Telemedicine Brochure

The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is Amended to require the Department of Public Health, subject to appropriation, to develop, publish, and disseminate a brochure to educate the general public

on the use and availability in Illinois of telemedicine and the advantages of telemedicine in providing access to medical care in rural areas and in medically underserved areas.

Effective January 1, 2010. *See Public Act 096-0384.*

MRSA Prevention

The Act creates the MRSA Prevention, Control, and Reporting Act which requires Department of Human Services operated residential facility to follow the specific methicillin-resistant Staphylococcus aureus (MRSA) prevention, control, and reporting activities.

Effective August 14, 2009. *See Public Act 096-0438.*

Medical Staff Suspension

The Hospital Licensing Act is amended to require that in the event that a hospital or the medical staff imposes a summary suspension, the Medical Executive Committee, or other comparable governance committee of the medical staff as specified in the bylaws, must meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests such review. A summary suspension may not be implemented unless there is actual documentation or other reliable information that an immediate danger exists.

Effective August 14, 2009. *See Public Act 096-0445.*

Delegation of Patient Care Tasks

The Illinois Medical Practice Act of 1987 is amended to allow a physician to delegate patient care tasks or duties to a licensed practical nurse, a registered professional nurse, physicians assistant, advanced practice nurse or other licensed person practicing within the scope of his or her individual licensing Act. A physician may not delegate any patient care task or duty which is required by statute or rule to be performed by a physician.

The Act is further amended to allow a physician in an office or practice setting and within a physician-patient relationship to delegate patient care tasks or duties to an unlicensed person who possess appropriate training and experience, provided that a health care

professional, who is practicing within the scope of their licensing Act, is on site to provide assistance.

Effective January 1, 2010. *See Public Act 96-0618.*

Environmental Health Practitioner Licensing

The Illinois Environmental Health Practitioner Licensing Act is amended to allow a person whose license is expired or placed on inactive status for more than 5 years to restore the license by applying to the Department of Professional Regulation and filing proof of fitness to restore the license. The amendment lists documents that may be considered as proof of fitness.

This amendment also states that the Department of Professional Regulation will issue a license for a licensed environmental health practitioner to any applicant who holds a Registered Environmental Health Specialist/Registered Sanitarian credential in good standing with the National Environmental Health Association.

Effective August 25, 2009. *See Public Act 96-0671.*

Pharmacist Licensing

The Illinois Pharmacy Practice Act is amended to delete the term “pharmacy intern” and replace it with “student pharmacist.” The Act is further amended to include that a person who has graduated within the last 18 months from a first professional degree program in pharmacy in a school or college of pharmacy or a department of pharmacy of a university approved by the Department of Financial and Professional Regulation is considered a “student pharmacist.”

The amendment also sets forth that a student pharmacist, under supervision of a pharmacist, may assist in the practice of pharmacy and perform any functions delegated to him or her by the pharmacist.

The amendment further sets forth the licensure requirements for a pharmacist who has graduated from a pharmacy program outside of the United States.

The Department also may refuse to issue or renew or may revoke a license or registration if the licensee discloses protected health information in violation of any State or federal law.

Effective January 1, 2010. *See Public Act 96-0673.*

Postsurgical Recovery Care

The Illinois Alternative Health Care Delivery Act is amended to allow a postsurgical recovery care center which meets certain requirements to apply within 3 years after the effective date of this amendment for a Certificate of Need permit to operate as a hospital.

Effective August 25, 2009. *See Public Act 96-0669.*

Practicing Dentistry

The Illinois Dental Practice Act is amended to include, in the definition of acts constituting the meaning of the practice of dentistry, a person who takes impressions of human teeth or places his or her hands in the mouth of a person for the purpose of applying or assisting in the application of teeth whitening materials.

This Act is also amended to state that cardiopulmonary resuscitation certification training taken as part of licensing requirements can be counted towards continuing education hours requirements.

Effective August 24, 2009. *See Public Act 96-0617.*

Sexually Transmitted Disease

This public act amends the Medical Practice Act of 1987, the Nurse Practice Act and the Physician Assistant Practice Act of 1987 to state that no licensee may be disciplined for providing expedited partner therapy. Expedited partner therapy means providing prescription antibiotic drugs to partner(s) of persons diagnosed with a sexually transmissible disease without physical examination of the partner(s). This public act also states that the Department of Public Health will provide information and technical assistance to health care professionals who provide expedited partner therapy.

Effective January 1, 2010. *See Public Act 96-0613.*

Splitting Fees

The Medical Practice Act of 1987 and the Illinois Optometric Practice Act of 1987 is amended to prohibit a licensee from directly or indirectly splitting any professional fee or any form of compensation for

professional services with anyone in exchange for a referral. However, a licensee who practices medicine through or within any form of legal entity may apportion professional fees and other revenues received in accordance with the entity's policies.

Effective August 24, 2009. *See Public Act 96-608.*

Children's Healthcare Partnership Pilot Program

This public act establishes the Children's Healthcare Partnership Program in Sangamon County. This program will fund various health care services or community services provided by a single provider or a group of providers that have entered into an agreement to provide services at a single location.

Effective August 25, 2009. *See Public Act 96-0691.*

Patient Protection From Abuse

The Illinois Hospital Licensing Act is amended to state that no administrator, agent, or employee of a hospital or a member of its medical staff may abuse a patient in a hospital. This amendment further states that any suspicion of abuse shall be reported to the designated hospital administrator. The hospital shall submit the report to the Department of Public Health within 24 hours of obtaining such report. The amendment requires that the hospital through a designated hospital employee or agent, who is qualified to detect abuse, conduct an internal review to ensure the alleged victim's safety. The findings of the review shall be made available to the Department upon request.

Effective January 1, 2010. *See Public Act 96-0692.*

Youth HIV/AIDS Prevention Messages

This public act creates the Advisory Council on Youth HIV/AIDS Prevention Messages. This Council will advise the Department of Public Health on creating effective prevention messages to educate and deter youth from engaging in risky behaviors that may result in the transmission of HIV/AIDS.

Effective August 25, 2009. *See Public Act 96-0700.*

Laryngoscope Requirements

The Illinois Speech-Language Pathology and Audiology Practice Act is amended to include in the definition of the practice of speech language pathology "the use of rigid or flexible laryngoscopes for the sole purpose of observing and obtaining images of the pharynx and larynx." This amendment also lists requirements a speech-language pathologist must comply with to perform an endoscopic procedure using a rigid laryngoscope.

Effective August 25, 2009. *See Public Act 96-0719.*

Physician Assistant Committee

This public act amends the Physician Assistant Practice Act of 1987 to list certain matters that the physician assistant advisory committee may make recommendations on to the Department of Financial and Professional Regulation and the Medical Licensing Board regarding physician assistants.

Effective August 25, 2009. *See Public Act 96-0720.*

Emergency Medical Plan

This public act amends the Illinois Dental Practice Act to require each dental office to develop and implement a written emergency plan which includes staff responsibilities and office protocol. This amendment also requires that all dental offices that administer anesthesia or sedation must contain at least one automated external defibrillator on the premises at all times.

Effective January 1, 2010. *See Public Act 96-0748.*

Do-Not-Resuscitate Witness

The Health Care Surrogate Act is amended to require that a DNR Advance Directive be witnessed by one individual 18 years or older, who attests that the individual, or other legal person acting on the individual's behalf, has had an opportunity to read the form and has signed the form or acknowledged his or her signature or mark on the form in the witness's presence.

Effective January 1, 2010. *See Public Act 96-0765.*

Organ Transplant Medication Notification

This public act creates the Organ Transplant Medication Notification Act. This Act states that when a prescribing physician has indicated on a prescription “may not substitute” a health insurance policy or health care service plan that covers immunosuppressant drugs may not require or cause a pharmacist to interchange another immunosuppressant drug without obtaining the consent of the prescribing physician and the patient.

Effective January 1, 2010. *See Public Act 96-0766.*

Premise Alert Program

This public act creates the Illinois Premise Alert Program. This Program offers people with disabilities or special needs or both the same access to public safety services provided to all citizens. This program will provide public safety workers with the guidance needed to respond and assist people with special needs or disabilities or both.

Effective August 28, 2009. *See Public Act 96-0788.*

Alternative Placements in Community-Based Settings

The Illinois Nursing Home Care Act is amended to include required information the Department must provide for alternative placements in community-based settings for individuals being discharged or transferred from facilities licensed under the Act.

Effective August 14, 2009. *See Public Act 96-0477.*

Hunger Relief Fund

This public act amends the Department of Human Services Act to include a new the Hunger Relief Fund. The Fund will enable the Department of Human Services to make grants to food banks for the purpose of purchasing food and related supplies. Additionally, the Illinois Income Tax Act has been revised to allow a taxpayer to indicate on his or her income tax return form if the taxpayer wishes to contribute to the Fund.

Effective August 24, 2009. *See Public Act 96-0604.*

Financing for Community Services Commission

This public act amends the date upon which the Governor must create a community services financing commission to require creation of the commission by September 1, 2009. The Governor must also provide support staff for this commission, and a report must be issued to the Governor and General Assembly no later than September 1, 2010. The Directors of the Divisions of Developmental Disabilities, Mental Health and Substance Abuse are also included as ex-officio non-voting members. The purpose of the commission is to review funding methodologies, identify gaps in funding, identify revenue and prioritize the use of that revenue for developmental disability, alcoholism and substance abuse, mental health and rehabilitation services.

Effective August 24, 2009. *See Public Act 96-0652.*

Public Guardian

This public act allows the Governor to appoint the same person to serve as public guardian and public administrator in one or more counties. Within 6 months of being appointed a public guardian, each appointed person shall be certified as a National Certified Guardian by the Center for Guardianship Certification.

Effective January 1, 2010. *See Public Act 96-0752.*

Court Jurisdiction in Adult Guardianship Cases

The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act was passed to allow for Illinois Courts to communicate and request assistance from courts in other states regarding guardianship and protective proceedings for adults subject to jurisdiction of Illinois Courts. Assistance may be required in for purposes including evidentiary hearings, assessments, release of records as well as in emergent circumstances.

Effective January 1, 2010. *See Public Act 096-0177.*

The Elder Abuse and Neglect Act

The Elder Abuse and Neglect Act is amended to extend the protections of the Act to persons making reports of elder abuse and neglect to include reports for of financial exploitation or self-neglect. The Act is

further amended to permit a provider agency, pursuant to a written agreement between a provider agency and the coroner or medical examiner, to furnish to the office of the coroner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, financial exploitation, or self-neglect.

Effective Date January 1, 2010. *See Public Act 096-0526.*

The Older Adult Services Act

The Older Adult Services Act is amended to require The Department on Aging and the Departments of Public Health and Healthcare and Family Services to develop a plan to restructure the State's service delivery system for older adults pursuant to this Act no later than September 30, 2010. The plan shall include a schedule for the implementation of the initiatives outlined in this Act and all other initiatives identified by the participating agencies to fulfill the purposes of this Act and shall protect the rights of all older Illinoisans to services based on their health circumstances and functioning level, regardless of whether they receive their care in their homes, in a community setting, or in a residential facility.

Effective Date August 11, 2009. *See Public Act 096-0248.*

Public Aid Code

The Illinois Public Aid Code is amended to create a new class of persons eligible for medical assistance. Now persons with a medically improved disability may be eligible for medical assistance provided that they meet Medicaid income and other guidelines.

Effective August 10, 2009. *See Public Act 096-0181.*

Emergency Physician Assistant Services

The Physician Assistant Practice Act of 1987 is amended to permit a physician assistant licensed in this Illinois or another state who is responding to a need for medical care created by an emergency situation or by a state or local disaster to render such care that the physician assistant is able to provide without supervision as required by statute.

Effective July 23, 2009. *See Public Act 096-0070.*

Dental Services

The Illinois Public Aid Code is amended to as it related to reimbursement for the authorized payment of dental services. The amendment expands the definition of “dental services” to include provided by an individual licensed to practice dentistry or dental surgery; for purposes of diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession.”

Effective January 1, 2010. *See Public Act 096-0156.*