Session 3

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Session 3
State Law & Standing Orders: ILLINOIS

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Overview

Purpose

• State Law and Practice Acts
• State Law Review:
  – Terms equivalent to Standing Orders
  – Terms equivalent to Vaccination
  – Elements of Immunization Practice
• Immunization Practice in Illinois
• Supervision Requirements
• Practice Settings
• Notable Provisions in Illinois Law
• Summary
Purpose

Ensure supervising physicians understand:

- Immunization practice = medical practice
- All states have laws governing how physicians delegate medical tasks to health professionals
- Laws may address:
  - The medical practice eligible for delegation
  - Which professionals may participate
  - Level of required supervision
  - Where the practice may occur
- Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines
Reviewed all relevant legal references governing:

• Medical Assistants
• Midwives
• Nurses
  – Advanced Practice Nurse
  – Clinical Nurse Specialist
  – Nurse Practitioner
  – Practical Nurse
  – Registered Nurse
  – Vocational Nurse
• Pharmacists
• Physician Assistants
State Law Review

Terms equivalent to “standing orders”:

Collaboration:
• With collaboration
• Collaborative practice
• Collaborative practice agreement
• Collaborative authority
• Collaborating provider

Delegation
• Delegated authority
• Delegation order, agreement

Protocol
• Prescriber-approved protocols
ILLINOIS law includes the term “standing orders”

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>• Written collaborative agreement for all APNs engaged in clinical practice</td>
</tr>
<tr>
<td>• Midwife</td>
<td>• Written collaborative agreement not required in a hospital or ambulatory surgical treatment center if authorized by medical staff committee</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td>• Supervision agreement   Collaborative agreement</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>• Standing delegation order   Standing medical order</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May conduct basic nursing practice as delegated</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May act as prescribed by licensed physician, dentist, podiatrist, optometrist, physician assistant</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>May act with a valid prescription or standing order</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>May act under delegation within a written supervision agreement; guideline; collaborative agreement, an order; A standing medical order; or standing delegation order</td>
</tr>
</tbody>
</table>
Terms equivalent to “vaccination”:

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance*
- Medication**
- Pharmacological agents
- Prescription drugs or devices
- Schedule VI controlled substances

* **LEGEND DRUGS** are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.


**MEDICATION** includes drugs and pharmaceuticals and may be administered by injection or other methods.
<table>
<thead>
<tr>
<th>Professional</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advanced Practice Nurse</strong></td>
<td>• Drugs; Legend drugs/Substances</td>
</tr>
<tr>
<td>• Midwife</td>
<td>• Medications</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td>• Immunization</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td><strong>Medical Assistant</strong></td>
<td>Immunizations; Medications</td>
</tr>
<tr>
<td></td>
<td><em>(Prohibited under Illinois case law)</em></td>
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<tr>
<td><strong>Practical Nurse</strong></td>
<td>Medication</td>
</tr>
<tr>
<td><strong>Registered Nurse</strong></td>
<td>Immunization; Medications</td>
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<tr>
<td><strong>Vocational Nurse</strong></td>
<td>Silent</td>
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<tr>
<td><strong>Pharmacist</strong></td>
<td>Immunization; Medications</td>
</tr>
<tr>
<td><strong>Physician Assistant</strong></td>
<td>Immunization</td>
</tr>
</tbody>
</table>
State Law Review

Immunization Practice includes:

**Assessment:** Screening, examining, diagnosing, treating
- **EXCLUDES:** merely collecting or reporting data, interviewing or taking patient history

**Prescription:** Oral, written or electronic
- **EXCLUDES:** simply transmitting a prescription issued by another provider

**Administration:** Injection, oral, nasal
- **EXCLUDES:** Dispensing medication
<table>
<thead>
<tr>
<th>Health Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>• Midwife</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td>DELEGATED</td>
<td></td>
<td></td>
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<tr>
<td>• Nurse Practitioner</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Medical Assistant</td>
<td>PROHIBITED</td>
<td>SILENT</td>
<td>PROHIBITED</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>DELEGATED</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>SILENT</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
</tr>
</tbody>
</table>
State Law Review

Supervision Requirements include:

Medical Assistant
Direct, within close proximity of supervisor, undefined supervision, at physician’s discretion

Midwife
Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

Nurses in Advanced Practice
Collaborative agreement with supervising physician/system governs entire practice
State Law Review (cont.)

Supervision Requirements include:

**Practical Nurse**
Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

**Registered Nurse**
In collaboration with physician, dentist, podiatrist

**Vocational Nurse**
None listed

**Pharmacist**
Under own license or under delegated authority, protocol

**Physician Assistant**
With adequate physician supervision
## Supervision Requirements in ILLINOIS Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Provision</th>
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</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>Written collaborative agreement when engaged in clinical practice.</td>
</tr>
<tr>
<td>• Midwife</td>
<td></td>
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<tr>
<td>• Clinical Nurse Specialist</td>
<td></td>
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<td>• Nurse Practitioner</td>
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</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>May act if RN, APN, physician, PA, dentist, podiatrist delegates authority</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May administer medications as prescribed by a physician, physician assistant, dentist, podiatrist, optometrist</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>May act if physician issues a prescription or standing order</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Written supervision agreement is required</td>
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</tbody>
</table>
State Law Review

Permissible Practice Settings include:

Medical Assistant
- Public, private ambulatory care setting, delegating physician’s office, licensed clinics

Midwife
- Public/private clinical settings, physician’s offices

Nurses in Advanced Practice (APN; CNS; NP)
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Practical Nurse
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings
State Law Review (cont.)

Permissible Practice Settings include:

Registered Nurse
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Vocational Nurse
- Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Pharmacist
- Hospitals, pharmacies, other health care facilities, jails

Physician Assistant
- Clinical and community locations
<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>• Hospital</td>
</tr>
<tr>
<td>• Midwife</td>
<td>• Hospital affiliate</td>
</tr>
<tr>
<td>• Clinical Nurse Specialist</td>
<td>• Licensed ambulatory surgical treatment center</td>
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<td>• Nurse Practitioner</td>
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<tr>
<td>Registered Nurse</td>
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</table>
Notable Provisions in ILLINOIS Law

PHYSICIAN LIABILITY UNDER STANDING ORDERS

Physicians are not liable for the acts or omissions of an advanced practice nurse or physician assistant:

• Based solely on a supervision agreement, guidelines, collaborative agreement, an order, a standing medical order, a standing delegation order, or other order or guideline

• Unless the physician has reason to believe the APN or PA lacked the competency to perform the act or commits willful and wanton misconduct.
Notable Provisions in ILLINOIS Law

PHARMACISTS MAY ADMINISTER IMMUNIZATIONS TO CHILDREN

1. Upon completion of appropriate training, including how to address contraindications and adverse reactions
2. With notification to the patient's physician
3. Appropriate record retention, or pursuant to hospital pharmacy and therapeutics committee policies and procedures;
   - **Ages 10 through 13**: Influenza (inactivated and live attenuated intranasal vaccine) and Tdap vaccines, with a valid prescription or standing order
   - **Ages 14 and older**: Any vaccine pursuant to a valid prescription or standing order
Notable ILLINOIS Case Law

The case demonstrates the importance of establishing legal authorization before delegating medical care to non-physicians.

1. MEDICAL ASSISTANT’S EDUCATION:
   • 1) MA Program
   • 2) Relevant university classes
   • 3) Registered Nurse classes; all outside of Illinois

2. EMPLOYMENT:
   • 1) Multiple practices in Illinois for >20 years
   • 2) Supervising physician instructed the MA to administer vaccines

3. CONVICTION:
   • The MA was convicted of practicing nursing without a license
   • The MA violated the Illinois’ Nursing Act.

4. SANCTION:
   • 1 year of supervision; Fine: $250.00
Summary
Delegation of immunizations in ILLINOIS:

1. ADVANCED PRACTICE NURSE (Midwife, Clinical Nurse Specialist, Nurse Practitioner): May assess patient status under their own or delegated authority. May prescribe and administer drugs, immunizations, legend drugs under delegated authority.

2. PRACTICAL NURSE: May assess patient status and administer medications under delegated authority.

3. REGISTERED NURSE: May assess patient status under their own or delegated authority and administer immunizations and medications as prescribed.

4. PHARMACIST: May administer immunizations under standing orders.

5. PHYSICIAN ASSISTANT: May administer immunizations as under physician supervision.

Comments????
Citations

Citations


15. 225 Ill. Compiled Stat. 95/7.5 (2015) Prescriptions; written supervision agreements; prescriptive authority