

DEA Approval Necessary to Act on Recent Amendments to Illinois Law Granting APNs and PAs the Authority to Prescribe Schedule II Controlled Substances

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In August 2009, three Illinois Acts were amended, granting Advanced Practice Nurses (APNs) and Physician Assistants (PAs) the authority to prescribe Schedule II controlled substances. The Illinois Nurse Practice Act, Physician Assistant Act and Controlled Substances Act that had previously authorized the delegation of prescriptive authority (pursuant to a written collaborative or supervision agreement) only in regard to Schedule III-V controlled substances, now permit the delegation of such authority for Schedule II substances. Despite the state law amendments, however, APNs and PAs practicing in Illinois must await formal DEA approval before registering for updated state and federal controlled substances registration.

Under the amended Acts, APNs and PAs will have limited prescriptive authority. Specifically, APNs and PAs may be delegated no more than five Schedule II controlled substances by oral dosage and all prescriptions must be limited to no more than a 30-day oral dosage. In addition, only those controlled substances that the collaborating or supervising physician prescribes may be delegated, and the APN or PA must meet with the collaborating or supervising physician monthly to discuss the condition of those patients for whom a controlled substance is prescribed.

DEA approval is expected later this year. Upon approval, the Illinois Department of Financial and Professional Regulation will release updated forms and applications for revised controlled substances registration. After acquiring proper state registration, APNs and PAs will be required to apply for a revised or updated DEA number. Both must be obtained prior to acting upon the delegation of authority permitted under the recent statutory amendments.

For more information, please contact [Stephen T. Moore](#) or your regular [Hinshaw attorney](#).

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