

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 ~~The Podiatric Medical Practice Act of 1987.~~

11 The Acupuncture Practice Act.

12 The Illinois Speech-Language Pathology and Audiology
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Pharmacy Practice Act.

18 ~~The Home Medical Equipment and Services Provider License
19 Act.~~

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Acts repealed on January 1, 2028. The following
8 Acts are repealed on January 1, 2028:

9 The Home Medical Equipment and Services Provider License
10 Act.

11 The Podiatric Medical Practice Act of 1987.

12 Section 10. The Home Medical Equipment and Services
13 Provider License Act is amended by changing Sections 10, 15,
14 20, 25, 30, 75, 95, 100, 110, 115, 125, 135, 150, and 165 and by
15 adding Sections 13 and 185 as follows:

16 (225 ILCS 51/10)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 10. Definitions. As used in this Act:

19 (1) "Department" means the Department of Financial and
20 Professional Regulation.

21 (2) "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 (3) "Board" means the Home Medical Equipment and

1 Services Board.

2 (4) "Home medical equipment and services provider" or
3 "provider" means a legal entity, as defined by State law,
4 engaged in the business of providing home medical equipment
5 and services, whether directly or through a contractual
6 arrangement, to an unrelated sick individual or an
7 unrelated individual with a disability where that
8 individual resides.

9 (5) "Home medical equipment and services" means the
10 delivery, installation, maintenance, replacement, or
11 instruction in the use of medical equipment used by a sick
12 individual or an individual with a disability to allow the
13 individual to be maintained in his or her residence.

14 (6) "Home medical equipment" means technologically
15 sophisticated medical devices, apparatuses, machines, or
16 other similar articles bearing a label that states
17 "Caution: federal law requires dispensing by or on the
18 order of a physician.", which are usable in a home care
19 setting, including but not limited to:

20 (A) oxygen and oxygen delivery systems;

21 (B) ventilators;

22 (C) respiratory disease management devices,
23 excluding compressor driven nebulizers;

24 (D) wheelchair seating systems;

25 (E) apnea monitors;

26 (F) transcutaneous electrical nerve stimulator

1 (TENS) units;
2 (G) low air-loss cutaneous pressure management
3 devices;
4 (H) sequential compression devices;
5 (I) neonatal home phototherapy devices;
6 (J) enteral feeding pumps; and
7 (K) other similar equipment as defined by the
8 Board.

9 "Home medical equipment" also includes hospital beds
10 and electronic and computer-driven wheelchairs, excluding
11 scooters.

12 (7) "Address of record" means the designated address
13 recorded by the Department in the applicant's or licensee's
14 application file or license file maintained by the
15 Department's licensure maintenance unit. ~~It is the duty of
16 the applicant or licensee to inform the Department of any
17 change of address, and such changes must be made either
18 through the Department's website or by contacting the
19 Department's licensure maintenance unit.~~

20 (8) "Email address of record" means the designated
21 email address recorded by the Department in the applicant's
22 application file or the licensee's license file, as
23 maintained by the Department's licensure maintenance unit.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 (225 ILCS 51/13 new)

1 Sec. 13. Address of record; email address of record. All
2 applicants and licensees shall:

3 (1) provide a valid address and email address to the
4 Department, which shall serve as the address of record and
5 email address of record, respectively, at the time of
6 application for licensure or renewal of a license; and

7 (2) inform the Department of any change of address of
8 record or email address of record within 14 days after such
9 change either through the Department's website or by
10 contacting the Department's licensure maintenance unit.

11 (225 ILCS 51/15)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 15. Licensure requirement; exempt activities.

14 (a) No entity shall provide or hold itself out as providing
15 home medical equipment and services, or use the title "home
16 medical equipment and services provider" in connection with his
17 or her profession or business, without a license issued by the
18 Department under this Act.

19 (b) Nothing in this Act shall be construed as preventing or
20 restricting the practices, services, or activities of the
21 following, unless those practices, services, or activities
22 include providing home medical equipment and services through a
23 separate legal entity:

24 (1) a person licensed or registered in this State by
25 any other law engaging in the profession or occupation for

1 which he or she is licensed or registered;

2 (2) a home medical services provider entity that is
3 accredited under home care standards by a recognized
4 accrediting body;

5 (3) home health agencies that do not have a Part B
6 Medicare supplier number or that do not engage in the
7 provision of home medical equipment and services;

8 (4) hospitals, excluding hospital-owned and
9 hospital-related providers of home medical equipment and
10 services;

11 (5) manufacturers and wholesale distributors of home
12 medical equipment who do not sell directly to a patient;

13 (6) health care practitioners who lawfully prescribe
14 or order home medical equipment and services, or who use
15 home medical equipment and services to treat their
16 patients, including but not limited to physicians, nurses,
17 physical therapists, respiratory therapists, occupational
18 therapists, speech-language pathologists, optometrists,
19 chiropractors, and podiatric physicians;

20 (7) pharmacists, pharmacies, and home infusion
21 pharmacies that are not engaged in the sale or rental of
22 home medical equipment and services;

23 (8) hospice programs that do not involve the sale or
24 rental of home medical equipment and services;

25 (9) nursing homes;

26 (10) veterinarians;

1 (11) dentists; and

2 (12) emergency medical service providers.

3 (Source: P.A. 98-214, eff. 8-9-13.)

4 (225 ILCS 51/20)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 20. Powers and duties of the Department.

7 (a) The Department shall exercise the powers and duties
8 prescribed by the Civil Administrative Code of Illinois for the
9 administration of licensure Acts and shall exercise other
10 powers and duties necessary for effectuating the purposes of
11 this Act.

12 (b) The Department may adopt rules to administer and
13 enforce this Act, including but not limited to fees for
14 original licensure and renewal and restoration of licenses, and
15 may prescribe forms to be issued to implement this Act. At a
16 minimum, the rules adopted by the Department shall include
17 standards and criteria for licensure and for professional
18 conduct and discipline. The Department may ~~shall~~ consult with
19 the Board in adopting rules. ~~Notice of proposed rulemaking~~
20 ~~shall be transmitted to the Board, and the Department shall~~
21 ~~review the Board's response and any recommendations made in the~~
22 ~~response. The Department shall notify the Board in writing with~~
23 ~~proper explanation of deviations from the Board's~~
24 ~~recommendations and response.~~

25 (c) The Department may at any time seek the advice and

1 expert knowledge of the Board on any matter relating to the
2 administration of this Act.

3 (d) (Blank).

4 (Source: P.A. 95-703, eff. 12-31-07.)

5 (225 ILCS 51/25)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 25. Home Medical Equipment and Services Board. The
8 Secretary shall appoint a Home Medical Equipment and Services
9 Board, in consultation with a state association representing
10 the home medical equipment and services industry, to serve in
11 an advisory capacity to the Secretary. The Board shall consist
12 of 7 members. Four members shall be home medical equipment and
13 services provider representatives, at least one of whom shall
14 be a pharmacy-based provider. The 3 remaining members shall
15 include one home care clinical specialist, one respiratory care
16 practitioner, and one public member. The public member shall
17 not be engaged in any way, directly or indirectly, as a
18 provider of health care.

19 Members shall serve 4-year ~~4-year~~ terms and until their
20 successors are appointed and qualified. No member shall be
21 reappointed to the Board for a term that would cause continuous
22 service on the Board to exceed 8 years. Appointments to fill
23 vacancies shall be made in the same manner as original
24 appointments, for the unexpired portion of the vacated term.

25 The home medical equipment and services provider

1 representatives appointed to the Board shall have engaged in
2 the provision of home medical equipment and services or related
3 home care services for at least 3 years prior to their
4 appointment, shall be currently engaged in providing home
5 medical equipment and services in the State of Illinois, and
6 must have no record of convictions related to fraud or abuse
7 under either State or federal law.

8 The membership of the Board should reasonably reflect
9 representation from the geographic areas in this State.

10 The Board shall annually elect one of its members as
11 chairperson and vice chairperson.

12 Each Board member shall be paid his or her necessary
13 expenses while engaged in the performance of his or her duties.
14 ~~Members of the Board shall receive as compensation a reasonable~~
15 ~~sum as determined by the Secretary for each day actually~~
16 ~~engaged in the duties of the office, and shall be reimbursed~~
17 ~~for authorized expenses incurred in performing the duties of~~
18 ~~the office.~~

19 The Secretary may terminate the appointment of any member
20 for cause which in the opinion of the Secretary reasonably
21 justifies the termination. The Secretary shall be the sole
22 arbiter of whether the cause reasonably justifies termination.

23 Members of the Board shall be immune from suit in an action
24 based upon any disciplinary proceedings or other activities
25 performed in good faith as members of the Board.

26 A majority of Board members currently appointed shall

1 constitute a quorum. A vacancy in the membership of the Board
2 shall not impair the rights of a quorum to exercise the rights
3 and perform all of the duties of the Board.

4 (Source: P.A. 95-703, eff. 12-31-07.)

5 (225 ILCS 51/30)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 30. Application for original licensure. Applications
8 for original licensure shall be made to the Department in
9 writing or electronically and signed by the applicant on forms
10 prescribed by the Department or by electronic form and shall be
11 accompanied by a nonrefundable fee set by rule of the
12 Department. The Department may require from an applicant
13 information that, in its judgment, will enable the Department
14 to pass on the qualifications of the applicant for licensure.

15 An applicant has 3 years from the date of application to
16 complete the application process. If the process has not been
17 completed in 3 years, the application shall be denied, the fee
18 shall be forfeited, and the applicant must reapply and meet the
19 requirements in effect at the time of reapplication.

20 (Source: P.A. 90-532, eff. 11-14-97.)

21 (225 ILCS 51/75)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 75. Refused issuance, suspension, ~~or~~ revocation, or
24 other discipline of license.

1 (a) The Department may refuse to issue, renew, or restore a
2 license, or may revoke, suspend, place on probation, reprimand,
3 impose a fine not to exceed \$10,000 for each violation, or take
4 other disciplinary or non-disciplinary action as the
5 Department may deem proper with regard to a licensee for any
6 one or combination of the following reasons:

7 (1) Making a material misstatement in furnishing
8 information to the Department.

9 (2) Violation of this Act or its rules.

10 (3) Conviction of the licensee or any owner or officer
11 of the licensee by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing for any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States that (i)
17 is a felony under the laws of this State or (ii) is a
18 misdemeanor, an essential element of which is dishonesty,
19 or that is directly related to the home medical and
20 equipment services. Conviction of or entry of a plea of
21 guilty or nolo contendere to any crime that is a felony
22 under the laws of the United States or any state or
23 territory thereof or a misdemeanor, an essential element of
24 which is dishonesty or that is directly related to the
25 practice of the profession.

26 (4) Making a misrepresentation to obtain licensure or

1 to violate a provision of this Act.

2 (5) Gross negligence in practice under this Act.

3 (6) Engaging in a pattern of practice or other behavior
4 that demonstrates incapacity or incompetence to practice
5 under this Act.

6 (7) Aiding, assisting, or willingly permitting another
7 person in violating any provision of this Act or its rules.

8 (8) Failing, within 30 days, to provide information in
9 response to a written request made by the Department.

10 (9) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public.

13 (10) Adverse action taken ~~Discipline~~ by another state,
14 District of Columbia, territory, or foreign nation, if at
15 least one of the grounds for the discipline is the same or
16 substantially equivalent to one set forth in this Act.

17 (11) Directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate, or other form of compensation
20 for any services not actually or personally rendered.

21 (12) A finding that the licensee, after having its
22 license placed on probationary status, has violated the
23 terms of probation.

24 (13) Willfully making or filing false records or
25 reports in the course of providing home medical equipment
26 and services, including but not limited to false records or

1 reports filed with State agencies or departments.

2 (14) Solicitation of business services, other than
3 according to permitted advertising.

4 (15) The use of any words, abbreviations, figures, or
5 letters with the intention of indicating practice as a home
6 medical equipment and services provider without a license
7 issued under this Act.

8 (16) Failure to file a return, or to pay the tax,
9 penalty, or interest shown in a filed return, or to pay any
10 final assessment of tax, penalty, or interest, as required
11 by any tax Act administered by the Department of Revenue,
12 until such time as the requirements of any such tax Act are
13 satisfied.

14 (17) Failure to comply with federal or State laws and
15 regulations concerning home medical equipment and services
16 providers.

17 (18) Solicitation of professional services using false
18 or misleading advertising.

19 (19) Failure to display a license in accordance with
20 Section 45.

21 (20) Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in the inability to practice with reasonable
24 judgment, skill, or safety by an owner or officer of the
25 licensee.

26 (21) Physical illness, mental illness, or disability,

1 including without limitation deterioration through the
2 aging process and loss of motor skill, that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety by an owner or officer of the
5 licensee.

6 All fines imposed under this Section shall be paid within
7 60 days after the effective date of the order imposing the fine
8 or in accordance with the terms set forth in the order imposing
9 the fine.

10 (Source: P.A. 95-703, eff. 12-31-07.)

11 (225 ILCS 51/95)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 95. Investigations; notice and hearing.

14 (a) The Department may investigate the actions of an
15 applicant or of an entity holding or claiming to hold a
16 license.

17 (b) The Department shall, before refusing to issue or renew
18 a license or disciplining a licensee, at least 30 days prior to
19 the date set for the hearing, notify in writing the applicant
20 or licensee of the nature of the charges and that a hearing
21 will be held on the date designated. The Department shall
22 direct the applicant or licensee to file a written answer to
23 the Board under oath within 20 days after the service of the
24 notice and inform the applicant or licensee that failure to
25 file an answer will result in default being taken against the

1 applicant or licensee and that the license may be suspended,
2 revoked, placed on probationary status, or other disciplinary
3 action may be taken, including limiting the scope, nature, or
4 extent of business, as the Secretary may deem proper. Written
5 notice may be served by personal delivery, ~~or certified or~~
6 ~~registered~~ mail to the applicant or licensee at his or her
7 address of record, or email to the applicant or licensee's
8 email address of record. If the entity fails to file an answer
9 after receiving notice, the entity's license may, in the
10 discretion of the Department, be suspended, revoked, or placed
11 on probationary status, or the Department may take whatever
12 disciplinary or non-disciplinary action it deems proper,
13 including limiting the scope, nature, or extent of the entity's
14 business, or imposing a fine, without a hearing, if the act or
15 acts charged constitute sufficient grounds for such action
16 under this Act. At the time and place fixed in the notice, the
17 Board shall proceed to hear the charges, and the parties or
18 their counsel shall be accorded ample opportunity to present
19 such statements, testimony, evidence, and argument as may be
20 pertinent to the charges or to their defense. The Board may
21 continue a hearing from time to time.

22 (c) An individual or organization acting in good faith, and
23 not in a willful and wanton manner, by participating in
24 proceedings of the Board, or by serving as a member of the
25 Board, shall not, as a result of such actions, be subject to
26 criminal prosecution or civil damages.

1 (d) Members of the Board shall be indemnified by the State
2 for any actions occurring within the scope of services on the
3 Board, done in good faith and not willful and wanton in nature.
4 The Attorney General shall defend all such actions unless he or
5 she determines either that there would be a conflict of
6 interest in such representation or that the actions complained
7 of were not in good faith or were willful and wanton.

8 If the Attorney General declines representation, the
9 member has the right to employ counsel of his or her choice,
10 whose fees shall be provided by the State, after approval by
11 the Attorney General, unless there is a determination by a
12 court that the member's actions were not in good faith or were
13 willful and wanton.

14 The member must notify the Attorney General within 7 days
15 after receipt of notice of the initiation of any action
16 involving services of the Board. Failure to so notify the
17 Attorney General shall constitute an absolute waiver of the
18 right to a defense and indemnification.

19 The Attorney General shall determine, within 7 days after
20 receiving such notice, whether he or she will undertake to
21 represent the member.

22 (Source: P.A. 95-703, eff. 12-31-07.)

23 (225 ILCS 51/100)

24 (Section scheduled to be repealed on January 1, 2018)

25 Sec. 100. Shorthand reporter ~~Stenographer~~; transcript. The

1 Department, at its expense, shall provide a shorthand reporter
2 to take down the testimony and preserve a record of all
3 proceedings at the formal hearing of any case involving the
4 refusal to issue or renew a license or the discipline of a
5 licensee. The notice of hearing, complaint, and all other
6 documents in the nature of pleadings, written motions filed in
7 the proceedings, the transcript of testimony, the report of the
8 Board, and the order of the Department shall be the record of
9 the proceeding.

10 (Source: P.A. 90-532, eff. 11-14-97.)

11 (225 ILCS 51/110)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 110. Findings and recommendations. At the conclusion
14 of the hearing the Board shall present to the Secretary a
15 written report of its findings and recommendations. The report
16 shall contain a finding of whether or not the accused entity
17 violated this Act or failed to comply with the conditions
18 required in this Act. The Board shall specify the nature of the
19 violation or failure to comply, and shall make its
20 recommendations to the Secretary.

21 The report of findings of fact, conclusions of law, and
22 recommendation of the Board shall be the basis for the
23 Department's order for refusing to issue, restore, or renew a
24 license, or otherwise disciplining a licensee, or for the
25 granting of a license. If the Secretary disagrees with the

1 report, findings of fact, conclusions of law, and
2 recommendations of the Board, the Secretary may issue an order
3 in contravention of the Board's recommendations. ~~The report of~~
4 ~~findings and recommendations of the Board may be the basis for~~
5 ~~the Department's order of refusal or for the granting of~~
6 ~~licensure unless the Secretary shall determine that the Board's~~
7 ~~report is contrary to the manifest weight of the evidence, in~~
8 ~~which case the Secretary may issue an order in contravention of~~
9 ~~the Board's report.~~ The finding is not admissible in evidence
10 against the entity in a criminal prosecution brought for the
11 violation of this Act, but the hearing and finding are not a
12 bar to a criminal prosecution brought for the violation of this
13 Act.

14 (Source: P.A. 95-703, eff. 12-31-07.)

15 (225 ILCS 51/115)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 115. Rehearing on motion. In a case involving the
18 refusal to issue or renew a license or the discipline of a
19 licensee, a copy of the Board's report shall be served upon the
20 respondent by the Department, either personally or as provided
21 in this Act for the service of the notice of hearing. Within 20
22 days after such service, the respondent may present to the
23 Department a motion in writing for a rehearing, which shall
24 specify the particular grounds for the rehearing. If no motion
25 for rehearing is filed, then upon the expiration of the time

1 specified for filing the motion, or if a motion for rehearing
2 is denied, then upon such denial the Secretary may enter an
3 order in accordance with recommendations of the Board except as
4 provided in Sections 110 and ~~Section~~ 120 of this Act.

5 (Source: P.A. 95-703, eff. 12-31-07.)

6 (225 ILCS 51/125)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 125. Hearing officer. The Secretary has the authority
9 to appoint an attorney duly licensed to practice law in the
10 State of Illinois to serve as the hearing officer in an action
11 for refusal to issue or renew a license, or for the discipline
12 of a licensee. ~~The Secretary shall notify the Board of an~~
13 ~~appointment.~~ The hearing officer shall have full authority to
14 conduct the hearing. The hearing officer shall report his or
15 her findings and recommendations to the Board and the
16 Secretary. The Board shall have 60 days from receipt of the
17 report to review the report of the hearing officer and present
18 its findings of fact, conclusions of law and recommendation to
19 the Secretary. If the Board fails to present its report within
20 the 60-day ~~60-day~~ period, the respondent may request in writing
21 a direct appeal to the Secretary, in which case the Secretary
22 may ~~shall, within 7 calendar days after the request, issue an~~
23 ~~order directing the Board to issue its findings of fact,~~
24 ~~conclusions of law, and recommendations to the Secretary within~~
25 ~~30 calendar days after such order. If the Board fails to issue~~

1 ~~its findings of fact, conclusions of law, and recommendations~~
2 ~~within that time frame to the Secretary after the entry of such~~
3 ~~order, the Secretary shall, within 30 calendar days thereafter,~~
4 issue an order based upon the report of the hearing officer and
5 the record of the proceedings or issue an order remanding the
6 matter back to the hearing officer for additional proceedings
7 in accordance with the order. ~~If (i) a direct appeal is~~
8 ~~requested, (ii) the Board fails to issue its findings of fact,~~
9 ~~conclusions of law, and recommendations within the 30 day~~
10 ~~mandate from the Secretary or the Secretary fails to order the~~
11 ~~Board to do so, and (iii) the Secretary fails to issue an order~~
12 ~~within 30 calendar days thereafter, then the hearing officer's~~
13 ~~report is deemed accepted and a final decision of the~~
14 ~~Secretary.~~ Notwithstanding any other provision of this
15 Section, if the Secretary, upon review, determines that
16 substantial justice has not been done in the revocation,
17 suspension, or refusal to issue or renew a license or other
18 disciplinary action taken as the result of the entry of the
19 hearing officer's or Board's report, the Secretary may order a
20 rehearing by the same or other examiners. If the Secretary
21 disagrees in any regard with the report of the Board, the
22 Secretary may issue an order in contravention thereof. ~~If the~~
23 ~~Secretary determines that the Board's report is contrary to the~~
24 ~~manifest weight of the evidence, he or she may issue an order~~
25 ~~in contravention of the Board's report.~~

26 (Source: P.A. 95-703, eff. 12-31-07.)

1 (225 ILCS 51/135)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 135. Restoration of license. At any time after the
4 successful completion of a term of probation, suspension, or
5 revocation of a license, the Department may restore the license
6 to the accused entity upon the written recommendation of the
7 Board unless, after an investigation and a hearing, the Board
8 determines that restoration is not in the public interest.
9 Restoration under this Section requires the filing of all
10 applications and payment of all fees required by the
11 Department.

12 (Source: P.A. 95-703, eff. 12-31-07.)

13 (225 ILCS 51/150)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 150. Administrative Review Law. All final
16 administrative decisions of the Department are subject to
17 judicial review pursuant to the provisions of the
18 Administrative Review Law, ~~as now or hereafter amended, and all~~
19 ~~rules adopted pursuant to that Law.~~ The term "administrative
20 decision" is defined as in Section 3-101 of the Code of Civil
21 Procedure.

22 Proceedings for judicial review shall be commenced in the
23 circuit court of the county in which the party applying for
24 relief resides, but if the party is not a resident of this

1 State, the venue shall be in Sangamon County.

2 The Department shall not be required to certify any record
3 to the court or file any answer in court or otherwise appear in
4 any court in a judicial review proceeding, unless and until the
5 Department has received from the plaintiff payment of the costs
6 of furnishing and certifying the record, which costs shall be
7 determined by the Department. Exhibits shall be certified
8 without cost. Failure on the part of the plaintiff to file a
9 receipt in court shall be grounds for dismissal of the action.
10 During the pendency and hearing of any and all judicial
11 proceedings incident to a disciplinary action, any sanctions
12 imposed upon the respondent by the Department because of acts
13 or omissions related to the delivery of direct patient care as
14 specified in the Department's final administrative decision
15 shall, as a matter of public policy, remain in full force and
16 effect in order to protect the public pending final resolution
17 of any of the proceedings.

18 (Source: P.A. 90-532, eff. 11-14-97.)

19 (225 ILCS 51/165)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 165. Illinois Administrative Procedure Act. The
22 Illinois Administrative Procedure Act is hereby expressly
23 adopted and incorporated in this Act as if all of the
24 provisions of that Act were included in this Act, except that
25 the provision of subsection (d) of Section 10-65 of the

1 Illinois Administrative Procedure Act, which provides that at
2 hearings the license holder has the right to show compliance
3 with all lawful requirements for retention, continuation, or
4 renewal of a license, is specifically excluded. For the
5 purposes of this Act, the notice required under Section 10-25
6 of the Illinois Administrative Procedure Act is deemed
7 sufficient when served personally upon, mailed to the ~~last~~
8 ~~known~~ address of record of, or emailed to the email address of
9 record of a party.

10 (Source: P.A. 90-532, eff. 11-14-97.)

11 (225 ILCS 51/185 new)

12 Sec. 185. Confidentiality. All information collected by
13 the Department in the course of an examination or investigation
14 of a licensee or applicant, including, but not limited to, any
15 complaint against a licensee filed with the Department and
16 information collected to investigate any such complaint, shall
17 be maintained for the confidential use of the Department and
18 shall not be disclosed. The Department may not disclose the
19 information to anyone other than law enforcement officials,
20 other regulatory agencies that have an appropriate regulatory
21 interest as determined by the Secretary, or to a party
22 presenting a lawful subpoena to the Department. Information and
23 documents disclosed to a federal, State, county, or local law
24 enforcement agency shall not be disclosed by the agency for any
25 purpose to any other agency or person. A formal complaint filed

1 against a licensee by the Department or any order issued by the
2 Department against a licensee or applicant shall be a public
3 record, except as otherwise prohibited by law.

4 Section 15. The Podiatric Medical Practice Act of 1987 is
5 amended by changing Sections 3, 5, 7, 12, 14, 15, 19, 24, 26,
6 27, 34, 36, 40, and 42 and by adding Sections 5.5 and 46 as
7 follows:

8 (225 ILCS 100/3) (from Ch. 111, par. 4803)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 3. Exceptions. This Act does not prohibit:

11 (A) Any person licensed in this State under the Medical
12 Practice Act of 1987 from engaging in the practice for
13 which he or she is licensed.

14 (B) The practice of podiatric medicine by a person who
15 is employed by the United States government or any bureau,
16 division or agency thereof while in the discharge of the
17 employee's official duties.

18 (C) The practice of podiatric medicine that is included
19 in their program of study by students enrolled in any
20 approved college of podiatric medicine or in refresher
21 courses approved by the Department.

22 (D) The practice of podiatric medicine by one who has
23 applied in writing or electronically to the Department, in
24 form and substance satisfactory to the Department, for a

1 license as a podiatric physician and has complied with all
2 the provisions under Section 10 of this Act, except the
3 passing of an examination to be eligible to receive such
4 license, until the decision of the Department that the
5 applicant has failed to pass the next available examination
6 authorized by the Department or has failed to take the next
7 available examination authorized by the Department, or the
8 withdrawal of the application.

9 (E) The practice of podiatric medicine by one who is a
10 podiatric physician under the laws of another state,
11 territory of the United States or country as described in
12 Section 18 of this Act, and has applied in writing or
13 electronically to the Department, in form and substance
14 satisfactory to the Department, for a license as a
15 podiatric physician and who is qualified to receive such
16 license under Section 13 or Section 9, until:

17 (1) the expiration of 6 months after the filing of
18 such written application,

19 (2) the withdrawal of such application, or

20 (3) the denial of such application by the
21 Department.

22 (F) The provision of emergency care without fee by a
23 podiatric physician assisting in an emergency as provided
24 in Section 4.

25 An applicant for a license to practice podiatric medicine,
26 practicing under the exceptions set forth in paragraphs (D) or

1 (E), may use the title podiatric physician, podiatrist, doctor
2 of podiatric medicine, or chiropodist as set forth in Section 5
3 of this Act.

4 (Source: P.A. 95-235, eff. 8-17-07; 95-738, eff. 1-1-09.)

5 (225 ILCS 100/5) (from Ch. 111, par. 4805)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 5. Definitions. As used in this Act:

8 (A) "Department" means the Department of Financial and
9 Professional Regulation.

10 (B) "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 (C) "Board" means the Podiatric Medical Licensing Board
13 appointed by the Secretary.

14 (D) "Podiatric medicine" or "podiatry" means the
15 diagnosis, medical, physical, or surgical treatment of the
16 ailments of the human foot, including amputations as defined in
17 this Section. "Podiatric medicine" or "podiatry" includes the
18 provision of topical and local anesthesia and moderate and deep
19 sedation, as defined by Department rule adopted under the
20 Medical Practice Act of 1987. For the purposes of this Act, the
21 terms podiatric medicine, podiatry and chiropody have the same
22 definition.

23 (E) "Human foot" means the ankle and soft tissue which
24 insert into the foot as well as the foot.

25 (F) "Podiatric physician" means a physician licensed to

1 practice podiatric medicine.

2 (G) "Postgraduate training" means a minimum one-year ~~one~~
3 ~~year~~ postdoctoral structured and supervised educational
4 experience approved by the Council on Podiatric Medical
5 Education of the American Podiatric Medical Association which
6 includes residencies and preceptorships.

7 (H) "Amputations" means amputations of the human foot, in
8 whole or in part, that are limited to 10 centimeters proximal
9 to the tibial talar articulation.

10 (I) "Email address of record" means the designated email
11 address recorded by the Department in the applicant's
12 application file or the licensee's license file, as maintained
13 by the Department's licensure maintenance unit.

14 (J) "Address of record" means the designated address
15 recorded by the Department in the applicant's or licensee's
16 application file or license file as maintained by the
17 Department's licensure maintenance unit.

18 (Source: P.A. 99-635, eff. 1-1-17.)

19 (225 ILCS 100/5.5 new)

20 Sec. 5.5. Address of record; email address of record. All
21 applicants and licensees shall:

22 (1) provide a valid address and email address to the
23 Department, which shall serve as the address of record and
24 email address of record, respectively, at the time of
25 application for licensure or renewal of a license; and

1 (2) inform the Department of any change of address of
2 record or email address of record within 14 days after such
3 change either through the Department's website or by
4 contacting the Department's licensure maintenance unit.

5 (225 ILCS 100/7) (from Ch. 111, par. 4807)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 7. Creation of the Board. The Secretary shall appoint
8 a Podiatric Medical Licensing Board as follows: 5 members must
9 be actively engaged in the practice of podiatric medicine in
10 this State for a minimum of 3 years and one member must be a
11 member of the general public who is not licensed under this Act
12 or a similar Act of another jurisdiction.

13 Members shall serve 3 year terms and serve until their
14 successors are appointed and qualified. No member shall be
15 reappointed to the Board for a term that would cause his or her
16 continuous service on the Board to be longer than 8 successive
17 years.

18 A majority of Board members currently appointed shall
19 constitute a quorum. A vacancy in the membership of the Board
20 shall not impair the right of a quorum to exercise the rights
21 and perform all of the duties of the Board.

22 In making appointments to the Board the Secretary shall
23 give due consideration to recommendations by the Illinois
24 Podiatric Medical Association and shall promptly give due
25 notice to the Illinois Podiatric Medical Association of any

1 vacancy in the membership of the Board.

2 Appointments to fill vacancies shall be made in the same
3 manner as original appointments, for the unexpired portion of
4 the vacated term.

5 The Board shall annually elect a chairperson and
6 vice-chairperson.

7 The membership of the Board should reasonably reflect
8 representation from the geographic areas in this State.

9 Members of the Board shall have no liability ~~be immune from~~
10 ~~suit~~ in any action based upon any disciplinary proceedings or
11 other activity ~~activities~~ performed in good faith as members of
12 the Board.

13 The members of the Board may receive as compensation a
14 reasonable sum as determined by the Secretary for each day
15 actually engaged in the duties of the office, and all
16 legitimate and necessary expenses incurred in attending the
17 meetings of the Board.

18 The Secretary may terminate the appointment of any member
19 for cause that in the opinion of the Secretary reasonably
20 justifies such termination.

21 The Secretary shall consider the recommendations of the
22 Board on questions involving standards of professional
23 conduct, discipline, and qualifications of candidates and
24 licensees under this Act.

25 Notice of proposed rulemaking shall be transmitted to the
26 Board and the Department shall review the response of the Board

1 and any recommendations made in the response. The Department
2 may, at any time, seek the expert advice and knowledge of the
3 Board on any matter relating to the administration or
4 enforcement of this Act.

5 (Source: P.A. 95-235, eff. 8-17-07.)

6 (225 ILCS 100/12) (from Ch. 111, par. 4812)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 12. Temporary license; qualifications and terms.

9 (A) Podiatric physicians otherwise qualified for
10 licensure, with the exception of completion of their
11 postgraduate training and the exception of the successful
12 completion of the written practical examination required under
13 Section 10, may be granted a 3-year temporary license to
14 practice podiatric medicine provided that the applicant can
15 demonstrate that he or she has been accepted and is enrolled in
16 a recognized postgraduate training program during the period
17 for which the temporary license is sought. Such temporary
18 licenses shall be valid for the duration of the program, not to
19 exceed 3 years, provided that the applicant continues in the
20 approved program and is in good standing at the practice site.
21 Such applicants shall apply in writing or electronically on
22 those forms prescribed by the Department and shall submit with
23 the application the required application fee. Other
24 examination fees that may be required under Section 8 must also
25 be paid by temporary licensees.

1 (B) Application for visiting professor permits shall be
2 made to the Department in writing or electronically on forms
3 prescribed by the Department and be accompanied by the required
4 fee. Requirements for a visiting professor permit issued under
5 this Section shall be determined by the Department by rule.
6 Visiting professor permits shall be valid for one year from the
7 date of issuance or until such time as the faculty appointment
8 is terminated, whichever occurs first, and may be renewed once.
9 (Source: P.A. 99-225, eff. 1-1-16.)

10 (225 ILCS 100/14) (from Ch. 111, par. 4814)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 14. Continuing education requirement. Podiatric
13 physicians licensed to practice in Illinois shall, as a
14 requirement for renewal of license, complete continuing
15 education at the rate of at least 50 hours per year. Such hours
16 shall be earned (1) from courses offered by sponsors validated
17 by the Illinois Podiatric Medical Association Continuing
18 Education Committee and approved by the ~~Podiatric Medical~~
19 ~~Licensing~~ Board; or (2) by continuing education activities as
20 defined in the rules of the Department. Podiatric physicians
21 shall, at the request of the Department, provide proof of
22 having met the requirements of continuing education under this
23 Section. The Department shall by rule provide an orderly
24 process for the restoration ~~reinstatement~~ of licenses which
25 have not been renewed due to the licensee's failure to meet

1 requirements of this Section. The requirements of continuing
2 education may be waived by the Secretary, upon recommendation
3 by the Board, in whole or in part for such good cause,
4 including but not limited to illness or hardship, as defined by
5 the rules of the Department.

6 The Department shall establish by rule a means for the
7 verification of completion of the continuing education
8 required by this Section. This verification may be accomplished
9 through audits of records maintained by registrants; by
10 requiring the filing of continuing education certificates with
11 the Department; or by other means established by the
12 Department.

13 (Source: P.A. 95-235, eff. 8-17-07.)

14 (225 ILCS 100/15) (from Ch. 111, par. 4815)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 15. Licenses; renewal; restoration; military service.

17 (A) The expiration date and renewal period for each license
18 issued under this Act shall be set by rule.

19 (B) Any podiatric physician who has permitted his or her
20 license to expire or who has had his license on inactive status
21 may have the license restored by making application to the
22 Department, providing proof of continuing education, and
23 filing proof acceptable to the Department of his or her fitness
24 to have the license restored, which may include evidence of
25 active lawful practice in another jurisdiction satisfactory to

1 the Department and by paying the required restoration fee.

2 (C) If the podiatric physician has not maintained an active
3 practice in another jurisdiction satisfactory to the
4 Department, the ~~Podiatric Medical Licensing~~ Board shall
5 determine, by an evaluation program established by rule his or
6 her fitness to resume active status and may require the
7 podiatric physician to complete an established period of
8 evaluated clinical experience and may require successful
9 completion of the practical examination, as provided by rule.

10 (D) However, any podiatric physician whose license expired
11 while he or she was (1) in Federal Service on active duty with
12 the Armed Forces of the United States or the Veterans
13 Administration or the State Militia called into service or
14 training, or (2) in training or education under the supervision
15 of the United States preliminary to induction into the military
16 service, may have the license renewed or restored without
17 paying any lapsed renewal fees if within 2 years after
18 honorable termination of such service, training or education,
19 except under conditions other than honorable, he or she
20 furnished the Department with satisfactory evidence to the
21 effect that he or she has been so engaged and that his or her
22 service, training or education has been so terminated.

23 (Source: P.A. 90-76, eff. 12-30-97.)

24 (225 ILCS 100/19) (from Ch. 111, par. 4819)

25 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 19. Disciplinary Fund. All fees and fines received by
2 the Department under this Act shall be deposited in the
3 Illinois State Podiatric Disciplinary Fund, a special fund
4 created hereunder in the State Treasury. Of the moneys
5 deposited into the Illinois State Podiatric Disciplinary Fund,
6 during each 2-year renewal period, \$200,000 of the money
7 received from the payment of renewal fees shall be used for
8 podiatric scholarships and residency programs under the
9 Podiatric Scholarship and Residency Act and the remainder shall
10 be appropriated to the Department for expenses of the
11 Department and of the ~~Podiatric Medical Licensing~~ Board and for
12 podiatric scholarships and residency programs under the
13 Podiatric Scholarship and Residency Act.

14 Moneys in the Illinois State Podiatric Disciplinary Fund
15 may be invested and reinvested in investments authorized for
16 the investment of funds of the State Employees' Retirement
17 System of Illinois.

18 All earnings received from such investments shall be
19 deposited in the Illinois State Podiatric Disciplinary Fund and
20 may be used for the same purposes as fees deposited in such
21 fund.

22 Moneys in the Fund may be transferred to the Professions
23 Indirect Cost Fund as authorized under Section 2105-300 of the
24 Department of Professional Regulation Law (20 ILCS
25 2105/2105-300).

26 Moneys set aside for podiatric scholarships and residency

1 programs under the Podiatric Scholarship and Residency Act, as
2 provided for in this Section, may not be transferred under
3 Section 8h of the State Finance Act.

4 Upon the completion of any audit of the Department as
5 prescribed by the Illinois State Auditing Act which includes an
6 audit of the Illinois State Podiatric Disciplinary Fund, the
7 Department shall make the audit open to inspection by any
8 interested person.

9 (Source: P.A. 94-726, eff. 1-20-06.)

10 (225 ILCS 100/24) (from Ch. 111, par. 4824)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 24. Grounds for disciplinary action. The Department
13 may refuse to issue, may refuse to renew, may refuse to
14 restore, may suspend, or may revoke any license, or may place
15 on probation, reprimand or take other disciplinary or
16 non-disciplinary action as the Department may deem proper,
17 including fines not to exceed \$10,000 for each violation upon
18 anyone licensed under this Act for any of the following
19 reasons:

20 (1) Making a material misstatement in furnishing
21 information to the Department.

22 (2) Violations of this Act, or of the rules adopted
23 under this Act ~~or regulations promulgated hereunder.~~

24 (3) Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or

1 sentencing, including, but not limited to, convictions,
2 preceding sentences of supervision, conditional discharge,
3 or first offender probation, under the laws of any
4 jurisdiction of the United States that is (i) a felony or
5 (ii) a misdemeanor, an essential element of which is
6 dishonesty, or that is directly related to the practice of
7 the profession. ~~Conviction of or entry of a plea of guilty~~
8 ~~or nolo contendere to any crime that is a felony under the~~
9 ~~laws of the United States or any state or territory of the~~
10 ~~United States that is a misdemeanor, of which an essential~~
11 ~~element is dishonesty, or of any crime that is directly~~
12 ~~related to the practice of the profession.~~

13 (4) Making any misrepresentation for the purpose of
14 obtaining licenses, or violating any provision of this Act
15 or the rules promulgated thereunder pertaining to
16 advertising.

17 (5) Professional incompetence.

18 (6) Gross or repeated malpractice or negligence.

19 (7) Aiding or assisting another person in violating any
20 provision of this Act or rules.

21 (8) Failing, within 30 days, to provide information in
22 response to a written request made by the Department.

23 (9) Engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public.

26 (10) Habitual or excessive use of alcohol, narcotics,

1 stimulants or other chemical agent or drug that results in
2 the inability to practice podiatric medicine with
3 reasonable judgment, skill or safety.

4 (11) Discipline by another United States jurisdiction
5 if at least one of the grounds for the discipline is the
6 same or substantially equivalent to those set forth in this
7 Section.

8 (12) Violation of the prohibition against fee
9 splitting in Section 24.2 of this Act.

10 (13) A finding by the ~~Podiatric Medical Licensing~~ Board
11 that the licensee, after having his or her license placed
12 on probationary status, has violated the terms of
13 probation.

14 (14) Abandonment of a patient.

15 (15) Willfully making or filing false records or
16 reports in his or her practice, including but not limited
17 to false records filed with state agencies or departments.

18 (16) Willfully failing to report an instance of
19 suspected child abuse or neglect as required by the Abused
20 and Neglected Child Report Act.

21 (17) Physical illness, mental illness, or other
22 impairment, including, but not limited to, deterioration
23 through the aging process, or loss of motor skill that
24 results in the inability to practice the profession with
25 reasonable judgment, skill or safety.

26 (18) Solicitation of professional services other than

1 permitted advertising.

2 (19) The determination by a circuit court that a
3 licensed podiatric physician is subject to involuntary
4 admission or judicial admission as provided in the Mental
5 Health and Developmental Disabilities Code operates as an
6 automatic suspension. Such suspension will end only upon a
7 finding by a court that the patient is no longer subject to
8 involuntary admission or judicial admission and issues an
9 order so finding and discharging the patient; and upon the
10 recommendation of the ~~Podiatric Medical Licensing~~ Board to
11 the Secretary that the licensee be allowed to resume his or
12 her practice.

13 (20) Holding oneself out to treat human ailments under
14 any name other than his or her own, or the impersonation of
15 any other physician.

16 (21) Revocation or suspension or other action taken
17 with respect to a podiatric medical license in another
18 jurisdiction that would constitute disciplinary action
19 under this Act.

20 (22) Promotion of the sale of drugs, devices,
21 appliances or goods provided for a patient in such manner
22 as to exploit the patient for financial gain of the
23 podiatric physician.

24 (23) Gross, willful, and continued overcharging for
25 professional services including filing false statements
26 for collection of fees for those services, including, but

1 not limited to, filing false statement for collection of
2 monies for services not rendered from the medical
3 assistance program of the Department of Healthcare and
4 Family Services (formerly Department of Public Aid) under
5 the Illinois Public Aid Code or other private or public
6 third party payor.

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

14 (25) Willfully making or filing false records or
15 reports in the practice of podiatric medicine, including,
16 but not limited to, false records to support claims against
17 the medical assistance program of the Department of
18 Healthcare and Family Services (formerly Department of
19 Public Aid) under the Illinois Public Aid Code.

20 (26) (Blank).

21 (27) Immoral conduct in the commission of any act
22 including, sexual abuse, sexual misconduct, or sexual
23 exploitation, related to the licensee's practice.

24 (28) Violation of the Health Care Worker Self-Referral
25 Act.

26 (29) Failure to report to the Department any adverse

1 final action taken against him or her by another licensing
2 jurisdiction ~~(another state or a territory~~ of the United
3 States or any ~~a~~ foreign state or country) ~~by a,~~ any peer
4 review body, ~~by~~ any health care institution, any ~~by a~~
5 professional society or association ~~related to practice~~
6 ~~under this Act,~~ any ~~by a~~ governmental agency, any ~~by a~~ law
7 enforcement agency, or any ~~by a~~ court for acts or conduct
8 similar to acts or conduct that would constitute grounds
9 for action as defined in this Section.

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

14 (31) Being named as a perpetrator in an indicated
15 report by the Department on Aging under the Adult
16 Protective Services Act, and upon proof by clear and
17 convincing evidence that the licensee has caused an
18 eligible adult to be abused, neglected, or financially
19 exploited as defined in the Adult Protective Services Act.

20 The Department may refuse to issue or may suspend the
21 license of any person who fails to file a return, or to pay the
22 tax, penalty or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required by
24 any tax Act administered by the Illinois Department of Revenue,
25 until such time as the requirements of any such tax Act are
26 satisfied.

1 Upon receipt of a written communication from the Secretary
2 of Human Services, the Director of Healthcare and Family
3 Services (formerly Director of Public Aid), or the Director of
4 Public Health that continuation of practice of a person
5 licensed under this Act constitutes an immediate danger to the
6 public, the Secretary may immediately suspend the license of
7 such person without a hearing. In instances in which the
8 Secretary immediately suspends a license under this Section, a
9 hearing upon such person's license must be convened by the
10 Board within 15 days after such suspension and completed
11 without appreciable delay, such hearing held to determine
12 whether to recommend to the Secretary that the person's license
13 be revoked, suspended, placed on probationary status or
14 restored ~~reinstated~~, or such person be subject to other
15 disciplinary action. In such hearing, the written
16 communication and any other evidence submitted therewith may be
17 introduced as evidence against such person; provided, however,
18 the person or his counsel shall have the opportunity to
19 discredit or impeach such evidence and submit evidence
20 rebutting the same.

21 Except for fraud in procuring a license, all proceedings to
22 suspend, revoke, place on probationary status, or take any
23 other disciplinary action as the Department may deem proper,
24 with regard to a license on any of the foregoing grounds, must
25 be commenced within 5 years after receipt by the Department of
26 a complaint alleging the commission of or notice of the

1 conviction order for any of the acts described in this Section.
2 Except for the grounds set forth in items (8), (9), (26), and
3 (29) of this Section, no action shall be commenced more than 10
4 years after the date of the incident or act alleged to have
5 been a violation of this Section. In the event of the
6 settlement of any claim or cause of action in favor of the
7 claimant or the reduction to final judgment of any civil action
8 in favor of the plaintiff, such claim, cause of action, or
9 civil action being grounded on the allegation that a person
10 licensed under this Act was negligent in providing care, the
11 Department shall have an additional period of 2 years from the
12 date of notification to the Department under Section 26 of this
13 Act of such settlement or final judgment in which to
14 investigate and commence formal disciplinary proceedings under
15 Section 24 of this Act, except as otherwise provided by law.
16 The time during which the holder of the license was outside the
17 State of Illinois shall not be included within any period of
18 time limiting the commencement of disciplinary action by the
19 Department.

20 In enforcing this Section, the Department or Board upon a
21 showing of a possible violation may compel an individual
22 licensed to practice under this Act, or who has applied for
23 licensure under this Act, to submit to a mental or physical
24 examination, or both, as required by and at the expense of the
25 Department. The Department or Board may order the examining
26 physician to present testimony concerning the mental or

1 physical examination of the licensee or applicant. No
2 information shall be excluded by reason of any common law or
3 statutory privilege relating to communications between the
4 licensee or applicant and the examining physician. The
5 examining physicians shall be specifically designated by the
6 Board or Department. The individual to be examined may have, at
7 his or her own expense, another physician of his or her choice
8 present during all aspects of this examination. Failure of an
9 individual to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of his or her license
11 until the individual submits to the examination if the
12 Department finds, after notice and hearing, that the refusal to
13 submit to the examination was without reasonable cause.

14 If the Department or Board finds an individual unable to
15 practice because of the reasons set forth in this Section, the
16 Department or Board may require that individual to submit to
17 care, counseling, or treatment by physicians approved or
18 designated by the Department or Board, as a condition, term, or
19 restriction for continued, restored ~~reinstated~~, or renewed
20 licensure to practice; or, in lieu of care, counseling, or
21 treatment, the Department may file, or the Board may recommend
22 to the Department to file, a complaint to immediately suspend,
23 revoke, or otherwise discipline the license of the individual.
24 An individual whose license was granted, continued, restored
25 ~~reinstated~~, renewed, disciplined or supervised subject to such
26 terms, conditions, or restrictions, and who fails to comply

1 with such terms, conditions, or restrictions, shall be referred
2 to the Secretary for a determination as to whether the
3 individual shall have his or her license suspended immediately,
4 pending a hearing by the Department.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 30 days after
8 the suspension and completed without appreciable delay. The
9 Department and Board shall have the authority to review the
10 subject individual's record of treatment and counseling
11 regarding the impairment to the extent permitted by applicable
12 federal statutes and regulations safeguarding the
13 confidentiality of medical records.

14 An individual licensed under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department or Board that he or she can resume practice in
17 compliance with acceptable and prevailing standards under the
18 provisions of his or her license.

19 (Source: P.A. 96-1158, eff. 1-1-11; 96-1482, eff. 11-29-10;
20 97-813, eff. 7-13-12.)

21 (225 ILCS 100/26) (from Ch. 111, par. 4826)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 26. Reports relating to professional conduct and
24 capacity.

25 (A) The Board shall by rule provide for the reporting to it

1 of all instances in which a podiatric physician licensed under
2 this Act who is impaired by reason of age, drug or alcohol
3 abuse or physical or mental impairment, is under supervision
4 and, where appropriate, is in a program of rehabilitation.
5 Reports shall be strictly confidential and may be reviewed and
6 considered only by the members of the Board, or by authorized
7 staff of the Department as provided by the rules of the Board.
8 Provisions shall be made for the periodic report of the status
9 of any such podiatric physician not less than twice annually in
10 order that the Board shall have current information upon which
11 to determine the status of any such podiatric physician. Such
12 initial and periodic reports of impaired physicians shall not
13 be considered records within the meaning of the State Records
14 Act and shall be disposed of, following a determination by the
15 Board that such reports are no longer required, in a manner and
16 at such time as the Board shall determine by rule. The filing
17 of such reports shall be construed as the filing of a report
18 for the purposes of subsection (C) of this Section. Failure to
19 file a report under this Section shall be a Class A
20 misdemeanor.

21 (A-5) The following persons and entities shall report to
22 the Department or the Board in the instances and under the
23 conditions set forth in this subsection (A-5):

24 (1) Any administrator or officer of any hospital,
25 nursing home or other health care agency or facility who
26 has knowledge of any action or condition which reasonably

1 indicates to him or her that a licensed podiatric physician
2 practicing in such hospital, nursing home or other health
3 care agency or facility is habitually intoxicated or
4 addicted to the use of habit forming drugs, or is otherwise
5 impaired, to the extent that such intoxication, addiction,
6 or impairment adversely affects such podiatric physician's
7 professional performance, or has knowledge that reasonably
8 indicates to him or her that any podiatric physician
9 unlawfully possesses, uses, distributes or converts
10 habit-forming drugs belonging to the hospital, nursing
11 home or other health care agency or facility for such
12 podiatric physician's own use or benefit, shall promptly
13 file a written report thereof to the Department. The report
14 shall include the name of the podiatric physician, the name
15 of the patient or patients involved, if any, a brief
16 summary of the action, condition or occurrence that has
17 necessitated the report, and any other information as the
18 Department may deem necessary. The Department shall
19 provide forms on which such reports shall be filed.

20 (2) The president or chief executive officer of any
21 association or society of podiatric physicians licensed
22 under this Act, operating within this State shall report to
23 the Board when the association or society renders a final
24 determination relating to the professional competence or
25 conduct of the podiatric physician.

26 (3) Every insurance company that offers policies of

1 professional liability insurance to persons licensed under
2 this Act, or any other entity that seeks to indemnify the
3 professional liability of a podiatric physician licensed
4 under this Act, shall report to the Board the settlement of
5 any claim or cause of action, or final judgment rendered in
6 any cause of action that alleged negligence in the
7 furnishing of medical care by such licensed person when
8 such settlement or final judgement is in favor of the
9 plaintiff.

10 (4) The State's Attorney of each county shall report to
11 the Board all instances in which a person licensed under
12 this Act is convicted or otherwise found guilty of the
13 commission of any felony.

14 (5) All agencies, boards, commissions, departments, or
15 other instrumentalities of the government of the State of
16 Illinois shall report to the Board any instance arising in
17 connection with the operations of such agency, including
18 the administration of any law by such agency, in which a
19 podiatric physician licensed under this Act has either
20 committed an act or acts that may be a violation of this
21 Act or that may constitute unprofessional conduct related
22 directly to patient care or that indicates that a podiatric
23 physician licensed under this Act may have a mental or
24 physical disability that may endanger patients under that
25 physician's care.

26 (B) All reports required by this Act shall be submitted to

1 the Board in a timely fashion. The reports shall be filed in
2 writing within 60 days after a determination that a report is
3 required under this Act. All reports shall contain the
4 following information:

5 (1) The name, address and telephone number of the
6 person making the report.

7 (2) The name, address and telephone number of the
8 podiatric physician who is the subject of the report.

9 (3) The name or other means of identification of any
10 patient or patients whose treatment is a subject of the
11 report, provided, however, no medical records may be
12 revealed without the written consent of the patient or
13 patients.

14 (4) A brief description of the facts that gave rise to
15 the issuance of the report, including the dates of any
16 occurrences deemed to necessitate the filing of the report.

17 (5) If court action is involved, the identity of the
18 court in which the action is filed, along with the docket
19 number and date of filing of the action.

20 (6) Any further pertinent information that the
21 reporting party deems to be an aid in the evaluation of the
22 report.

23 Nothing contained in this Section shall waive or modify the
24 confidentiality of medical reports and committee reports to the
25 extent provided by law. Any information reported or disclosed
26 shall be kept for the confidential use of the Board, the

1 Board's attorneys, the investigative staff and other
2 authorized Department staff, as provided in this Act, and shall
3 be afforded the same status as is provided information
4 concerning medical studies in Part 21 of Article VIII of the
5 Code of Civil Procedure.

6 (C) Any individual or organization acting in good faith,
7 and not in a willful and wanton manner, in complying with this
8 Act by providing any report or other information to the Board,
9 or assisting in the investigation or preparation of such
10 information, or by participating in proceedings of the Board,
11 or by serving as a member of the Board, shall not, as a result
12 of such actions, be subject to criminal prosecution or civil
13 damages.

14 (D) Members of the Board, the Board's attorneys, the
15 investigative staff, other podiatric physicians retained under
16 contract to assist and advise in the investigation, and other
17 authorized Department staff shall be indemnified by the State
18 for any actions occurring within the scope of services on the
19 Board, done in good faith and not willful and wanton in nature.
20 The Attorney General shall defend all such actions unless he or
21 she determines either that he or she would have a conflict of
22 interest in such representation or that the actions complained
23 of were not in good faith or were willful and wanton.

24 Should the Attorney General decline representation, the
25 member shall have the right to employ counsel of his or her
26 choice, whose fees shall be provided by the State, after

1 approval by the Attorney General, unless there is a
2 determination by a court that the member's actions were not in
3 good faith or were willful ~~wilful~~ and wanton. The member must
4 notify the Attorney General within 7 days of receipt of notice
5 of the initiation of any action involving services of the
6 Board. Failure to so notify the Attorney General shall
7 constitute an absolute waiver of the right to a defense and
8 indemnification. The Attorney General shall determine within 7
9 days after receiving such notice, whether he or she will
10 undertake to represent the member.

11 (E) Upon the receipt of any report called for by this Act,
12 other than those reports of impaired persons licensed under
13 this Act required pursuant to the rules of the Board, the Board
14 shall notify in writing, by ~~certified~~ mail or email, the
15 podiatric physician who is the subject of the report. Such
16 notification shall be made within 30 days of receipt by the
17 Board of the report.

18 The notification shall include a written notice setting
19 forth the podiatric physician's right to examine the report.
20 Included in such notification shall be the address at which the
21 file is maintained, the name of the custodian of the reports,
22 and the telephone number at which the custodian may be reached.
23 The podiatric physician who is the subject of the report shall
24 be permitted to submit a written statement responding,
25 clarifying, adding to, or proposing the amending of the report
26 previously filed. The statement shall become a permanent part

1 of the file and must be received by the Board no more than 30
2 days after the date on which the podiatric physician was
3 notified of the existence of the original report.

4 The Board shall review all reports received by it, together
5 with any supporting information and responding statements
6 submitted by persons who are the subject of reports. The review
7 by the Board shall be in a timely manner but in no event shall
8 the Board's initial review of the material contained in each
9 disciplinary file be less than 61 days nor more than 180 days
10 after the receipt of the initial report by the Board.

11 When the Board makes its initial review of the materials
12 contained within its disciplinary files the Board shall, in
13 writing, make a determination as to whether there are
14 sufficient facts to warrant further investigation or action.
15 Failure to make such determination within the time provided
16 shall be deemed to be a determination that there are not
17 sufficient facts to warrant further investigation or action.

18 Should the Board find that there are not sufficient facts
19 to warrant further investigation, or action, the report shall
20 be accepted for filing and the matter shall be deemed closed
21 and so reported.

22 The individual or entity filing the original report or
23 complaint and the podiatric physician who is the subject of the
24 report or complaint shall be notified in writing by the Board
25 of any final action on their report or complaint.

26 (F) The Board shall prepare on a timely basis, but in no

1 event less than once every other month, a summary report of
2 final disciplinary actions taken upon disciplinary files
3 maintained by the Board. The summary reports shall be made
4 available on the Department's web site.

5 (G) Any violation of this Section shall be a Class A
6 misdemeanor.

7 (H) If any such podiatric physician violates the provisions
8 of this Section, an action may be brought in the name of the
9 People of the State of Illinois, through the Attorney General
10 of the State of Illinois, for an order enjoining such violation
11 or for an order enforcing compliance with this Section. Upon
12 filing of a verified petition in such court, the court may
13 issue a temporary restraining order without notice or bond and
14 may preliminarily or permanently enjoin such violation, and if
15 it is established that such podiatric physician has violated or
16 is violating the injunction, the Court may punish the offender
17 for contempt of court. Proceedings under this paragraph shall
18 be in addition to, and not in lieu of, all other remedies and
19 penalties provided for by this Section.

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (225 ILCS 100/27) (from Ch. 111, par. 4827)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 27. Investigations; notice and hearing. The
24 Department may investigate the actions of any applicant or of
25 any person or persons holding or claiming to hold a license.

1 The Department shall, before suspending, revoking, placing on
2 probationary status or taking any other disciplinary action as
3 the Department may deem proper with regard to any licensee, at
4 least 30 days prior to the date set for the hearing, notify the
5 accused in writing of any charges made and the time and place
6 for a hearing of the charges before the Board, direct him or
7 her to file his or her written answer thereto to the Board
8 under oath within 20 days after the service on him or her of
9 such notice and inform her or him that if he or she fails to
10 file such answer default will be taken against him or her and
11 his or her license may be revoked, suspended, placed on
12 probationary status, or subject to other disciplinary action,
13 including limiting the scope, nature, or extent of his or her
14 practice as the Department may deem proper.

15 In case the accused person, after receiving notice fails to
16 file an answer, his or her license may, in the discretion of
17 the Secretary having received the recommendation of the Board,
18 be suspended, revoked, or placed on probationary status or the
19 Secretary may take whatever disciplinary action as he or she
20 may deem proper including limiting the scope, nature, or extent
21 of the accused person's practice without a hearing if the act
22 or acts charged constitute sufficient grounds for such action
23 under this Act.

24 Written or electronic ~~Such written~~ notice may be served by
25 personal delivery, ~~or certified or registered mail,~~ or email to
26 the applicant or licensee ~~respondent~~ at his or her ~~the~~ address

1 ~~of on record or email address of record with the Department.~~ At
2 the time and placed fixed in the notice, the Board shall
3 proceed to hear the charges and the parties or their counsel
4 shall be accorded ample opportunity to present such statements,
5 testimony, evidence and argument as may be pertinent to the
6 charges or to the defense thereto. The Board may continue such
7 hearing from time to time.

8 (Source: P.A. 95-235, eff. 8-17-07.)

9 (225 ILCS 100/34) (from Ch. 111, par. 4834)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 34. Appointment of a hearing officer. The
12 ~~Notwithstanding the provisions of Section 32 of this Act, the~~
13 Secretary has ~~shall have~~ the authority to appoint any attorney
14 duly licensed to practice law in the State of Illinois to serve
15 as the hearing officer in any action for refusal to issue,
16 restore, or renew a license or discipline of a license.

17 ~~The Secretary shall notify the Board of any such~~
18 ~~appointment.~~ The hearing officer shall have full authority to
19 conduct the hearing. The hearing officer shall report his or
20 her findings of fact, conclusions of law and recommendations to
21 the Board and the Secretary. The Board shall review the report
22 of the hearing officer and present their findings of fact,
23 conclusions of law and recommendations to the Secretary. If the
24 Board fails to present its report, the Secretary may issue an
25 order based on the report of the hearing officer. If the

1 Secretary disagrees in any regard with the report of the Board
2 or hearing officer, he or she may issue an order in
3 contravention of the Board's report thereof. ~~The Secretary~~
4 ~~shall provide an explanation to the Board on any such~~
5 ~~deviation, and shall specify with particularity the reasons for~~
6 ~~such action in the final order.~~

7 (Source: P.A. 95-235, eff. 8-17-07.)

8 (225 ILCS 100/36) (from Ch. 111, par. 4836)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 36. Restoration of suspended or revoked license. At
11 any time after the suspension or revocation of any license, the
12 Department may restore it to the accused person upon the
13 written recommendation of the Board, unless after an
14 investigation and a hearing the Board determines that
15 restoration is not in the public interest. No person whose
16 license has been revoked as authorized in this Act may apply
17 for restoration of that license until such time as provided for
18 in the Civil Administrative Code of Illinois.

19 A license that has been suspended or revoked shall be
20 considered nonrenewed for purposes of restoration and a person
21 restoring his or her license from suspension or revocation must
22 comply with the requirements for restoration of a nonrenewed
23 license as set forth in Section 15 of this Act and any related
24 rules adopted.

25 (Source: P.A. 91-357, eff. 7-29-99.)

1 (225 ILCS 100/40) (from Ch. 111, par. 4840)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 40. Certification of record; costs. The Department
4 shall not be required to certify any record to the court or
5 file any answer in court or otherwise appear in any court in a
6 judicial review proceeding, unless and until the Department has
7 received from the plaintiff ~~there is filed in the court, with~~
8 ~~the complaint, a receipt from the Department acknowledging~~
9 payment of the costs of furnishing and certifying the record,
10 which costs shall be determined by the Department. Exhibits
11 shall be certified without cost. Failure on the part of the
12 plaintiff to file a receipt in court shall be grounds for
13 dismissal of the action.

14 (Source: P.A. 87-1031.)

15 (225 ILCS 100/42) (from Ch. 111, par. 4842)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 42. Illinois Administrative Procedure Act. The
18 Illinois Administrative Procedure Act is hereby expressly
19 adopted and incorporated herein as if all of the provisions of
20 that Act were included in this Act, except that the provision
21 of subsection (d) of Section 10-65 of the Illinois
22 Administrative Procedure Act that provides that at hearings the
23 licensee has the right to show compliance with all lawful
24 requirements for retention, continuation or renewal of the

1 license is specifically excluded. For the purpose of this Act
2 the notice required under Section 10-25 of the Illinois
3 Administrative Procedure Act is deemed sufficient when mailed
4 or emailed to the ~~last known~~ address of record or email address
5 of record ~~a party~~.

6 (Source: P.A. 88-45.)

7 (225 ILCS 100/46 new)

8 Sec. 46. Confidentiality. All information collected by the
9 Department in the course of an examination or investigation of
10 a licensee, registrant, or applicant, including, but not
11 limited to, any complaint against a licensee or registrant
12 filed with the Department and information collected to
13 investigate any such complaint, shall be maintained for the
14 confidential use of the Department and shall not be disclosed.
15 The Department may not disclose the information to anyone other
16 than law enforcement officials, other regulatory agencies that
17 have an appropriate regulatory interest as determined by the
18 Secretary, or a party presenting a lawful subpoena to the
19 Department. Information and documents disclosed to a federal,
20 State, county, or local law enforcement agency shall not be
21 disclosed by the agency for any purpose to any other agency or
22 person. A formal complaint filed against a licensee or
23 registrant by the Department or any order issued by the
24 Department against a licensee, registrant, or applicant shall
25 be a public record, except as otherwise prohibited by law.

1 (225 ILCS 100/20 rep.)

2 Section 20. The Podiatric Medical Practice Act of 1987 is
3 amended by repealing Section 20.

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