



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3860

by Rep. David B. Reis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Acupuncture Practice Act from January 1, 2018 to January 1, 2028. Amends the Acupuncture Practice Act. Provides that all applicants and licensees shall provide a valid address and email address, which shall serve as the address and email address of record, and shall inform the Department of any change of address or email address through specified means. Provides that members of the Board of Acupuncture may not serve more than 2 consecutive full terms (rather than for more than 8 years). Eliminates certain powers and duties of the Board. Eliminates a requirement that the Department of Financial and Professional Regulation seek the input of the Board on certain matters. Removes a provision allowing the Department to require a person seeking to resume active status to complete a period of evaluated clinical experience. Changes references to "registration" to references to "license". Provides that the Department has the authority and power to investigate any and all licensed activity. Removes a requirement that the Department mail a registration renewal form to registrants 60 days before the expiration of the current registration and a notice that a registration has lapsed. Makes changes to provisions concerning certification of the record to a court. Repeals provisions concerning maintaining a roster of licensed and disciplined persons. Makes other changes. Effective immediately.

LRB100 05733 SMS 15755 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Acts repealed on January 1, 2018.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8 Acts are repealed on January 1, 2018: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 Act is repealed on January 1, 2028:

9 The Acupuncture Practice Act.

10 Section 10. The Acupuncture Practice Act is amended by
11 changing Sections 10, 25, 30, 35, 40, 60, 70, 105, 110, 120,
12 130, 140, 152, 160, 170, 175, 190, and 200 and by adding
13 Sections 12 and 142 as follows:

14 (225 ILCS 2/10)

15 (Section scheduled to be repealed on January 1, 2018)

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

17 "Acupuncture" means the evaluation or treatment of persons
18 affected through a method of stimulation of a certain point or
19 points on or immediately below the surface of the body by the
20 insertion of pre-sterilized, single-use, disposable needles,
21 unless medically contraindicated, with or without the
22 application of heat, electronic stimulation, or manual
23 pressure to prevent or modify the perception of pain, to

1 normalize physiological functions, or for the treatment of
2 certain diseases or dysfunctions of the body and includes
3 activities referenced in Section 15 of this Act for which a
4 written referral is not required. Acupuncture does not include
5 radiology, electrosurgery, chiropractic technique, physical
6 therapy, naprapathic technique, use or prescribing of any
7 drugs, medications, herbal preparations, nutritional
8 supplements, serums, or vaccines, or determination of a
9 differential diagnosis. An acupuncturist licensed ~~registered~~
10 under this Act who is not also licensed as a physical therapist
11 under the Illinois Physical Therapy Act shall not hold himself
12 or herself out as being qualified to provide physical therapy
13 or physiotherapy services. An acupuncturist shall refer to a
14 licensed physician or dentist, any patient whose condition
15 should, at the time of evaluation or treatment, be determined
16 to be beyond the scope of practice of the acupuncturist.

17 "Acupuncturist" means a person ~~who practices acupuncture~~
18 ~~and~~ who is licensed by the Department under this Act to
19 practice acupuncture.

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

24 "Board" means the Board of Acupuncture appointed by the
25 Secretary.

26 "Dentist" means a person licensed under the Illinois Dental

1 Practice Act.

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

4 "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file, as maintained
7 by the Department's licensure maintenance unit.

8 "Physician" means a person licensed under the Medical
9 Practice Act of 1987.

10 "Referral by written order" for purposes of this Act means
11 a diagnosis, substantiated by signature of a physician or
12 dentist, identifying a patient's condition and recommending
13 treatment by acupuncture as defined in this Act. The diagnosis
14 shall remain in effect until changed by the physician or
15 dentist who may, through express direction in the referral,
16 maintain management of the patient.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 "State" includes:

20 (1) the states of the United States of America;

21 (2) the District of Columbia; and

22 (3) the Commonwealth of Puerto Rico.

23 (Source: P.A. 95-450, eff. 8-27-07.)

24 (225 ILCS 2/12 new)

25 Sec. 12. Address of record; email address of record. All

1 applicants and licensees shall:

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

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

10 (225 ILCS 2/25)

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

12 Sec. 25. Powers and duties of Department. The Department
13 shall exercise powers and duties under this Act as follows:

14 (1) Review applications to ascertain the
15 qualifications of applicants for licensure.

16 (2) Adopt rules consistent with the provisions of this
17 Act for its administration and enforcement and may
18 prescribe forms that shall be used in connection with this
19 Act. The rules may define standards and criteria for
20 professional conduct and discipline. The Department shall
21 consult with the Board in adopting rules. ~~Notice of~~
22 ~~proposed rulemaking shall be transmitted to the Board, and~~
23 ~~the Department shall review the Board's response and any~~
24 ~~recommendations made in the response.~~

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

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

3 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

4 (225 ILCS 2/30)

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

6 Sec. 30. Illinois Administrative Procedure Act. The
7 Illinois Administrative Procedure Act is hereby expressly
8 adopted and incorporated herein as if all of the provisions of
9 that Act were included in this Act, except that the provision
10 of subsection (d) of Section 10-65 of the Illinois
11 Administrative Procedure Act, which provides that at hearings
12 the licensee has the right to show compliance with all lawful
13 requirements for retention or continuation or renewal of the
14 license, is specifically excluded. For the purposes of this
15 Act, the notice required under Section 10-25 of the Illinois
16 Administrative Procedure Act is deemed sufficient when mailed
17 to the address of record. ~~shall apply to all administrative~~
18 ~~rules and procedures of the Department under this Act, except~~
19 ~~that in the case of a conflict between the Illinois~~
20 ~~Administrative Procedure Act and this Act, the provisions of~~
21 ~~this Act shall control.~~

22 (Source: P.A. 89-706, eff. 1-31-97.)

23 (225 ILCS 2/35)

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

1 Sec. 35. Board of Acupuncture. The Secretary shall appoint
2 a Board of Acupuncture to consist of 7 persons who shall ~~be~~
3 ~~appointed by and shall~~ serve in an advisory capacity to the
4 Secretary. Four members must hold an active license to engage
5 in the practice of acupuncture in this State, one member shall
6 be a chiropractic physician licensed under the Medical Practice
7 Act of 1987 who is actively engaged in the practice of
8 acupuncture, one member shall be a physician licensed to
9 practice medicine in all of its branches in Illinois, and one
10 member must be a member of the public who is not licensed under
11 this Act or a similar Act of another jurisdiction and who has
12 no connection with the profession.

13 Members shall serve 4-year terms and until their successors
14 are appointed and qualified. No member may be appointed to more
15 than 2 consecutive full terms ~~shall be reappointed to the Board~~
16 ~~for a term that would cause his or her continuous service on~~
17 ~~the Board to be longer than 8 consecutive years.~~ Appointments
18 to fill vacancies shall be made in the same manner as original
19 appointments for the unexpired portion of the vacated term.
20 Initial terms shall begin upon the effective date of this
21 amendatory Act of 1997.

22 The Board may annually elect a chairperson and a
23 vice-chairperson who shall preside in the absence of the
24 chairperson. The membership of the Board should reasonably
25 reflect representation from the geographic areas in this State.
26 The Secretary may terminate the appointment of any member for

1 cause. The Secretary may give due consideration to all
2 recommendations of the Board. A majority of the Board members
3 currently appointed shall constitute a quorum. A vacancy in the
4 membership of the Board shall not impair the right of a quorum
5 to exercise the right and perform all the duties of the Board.
6 Members of the Board shall have no liability in any action
7 based upon any disciplinary proceeding or other activity
8 performed in good faith as a member of the Board.

9 (Source: P.A. 95-450, eff. 8-27-07.)

10 (225 ILCS 2/40)

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

12 Sec. 40. Application for licensure. Applications for
13 original licensure as an acupuncturist shall be made to the
14 Department in writing on forms prescribed by the Department and
15 shall be accompanied by the required fee, which shall not be
16 refundable.

17 ~~Until December 31, 2001, applicants shall submit with the~~
18 ~~application proof of passing the National Certification~~
19 ~~Commission for Acupuncture and Oriental Medicine examination~~
20 ~~or a substantially equivalent examination approved by the~~
21 ~~Department or meeting any other qualifications established by~~
22 ~~the Department.~~

23 The ~~On and after January 1, 2002, the Department may shall~~
24 issue a license to an applicant who submits with the
25 application proof that the applicant satisfies ~~of~~ each of the

1 following requirements for licensure:

2 (1) (A) graduation from a school accredited by the
3 Accreditation Commission for Acupuncture and Oriental
4 Medicine or a similar accrediting body approved by the
5 Department; or (B) completion of a comprehensive
6 educational program approved by the Department; and

7 (2) passing the National Certification Commission for
8 Acupuncture and Oriental Medicine examination or a
9 substantially equivalent examination approved by the
10 Department.

11 An applicant has 3 years from the date of his or her
12 application to complete the application process. If the process
13 has not been completed in 3 years, the application shall be
14 denied, the fee shall be forfeited, and the applicant must
15 reapply and meet the requirements in effect at the time of
16 reapplication.

17 (Source: P.A. 93-999, eff. 8-23-04.)

18 (225 ILCS 2/60)

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

20 Sec. 60. Exhibition of license upon request; change of
21 address. A licensee shall, whenever requested, exhibit his or
22 her license to any representative of the Department ~~and shall~~
23 ~~notify the Department of the address or addresses, and of every~~
24 ~~change of address, where the licensee practices acupuncture.~~

25 (Source: P.A. 95-450, eff. 8-27-07.)

1 (225 ILCS 2/70)

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

3 Sec. 70. Renewal, ~~reinstatement,~~ or restoration of
4 license; continuing education; military service. The
5 expiration date and renewal period for each license issued
6 under this Act shall be set by rule. The holder of a license
7 may renew that license during the month preceding its
8 expiration date by paying the required fee.

9 In order to renew or restore a license, applicants shall
10 provide proof of having met the requirements of continuing
11 education set forth in the rules of the Department. Continuing
12 education sponsors approved by the Department may not use an
13 individual to engage in clinical demonstration, unless that
14 individual is actively licensed under this Act or licensed by
15 another state or country as set forth in Section 20.1 of this
16 Act.

17 A person who has permitted his or her license to expire or
18 who has had his or her license on inactive status may have the
19 license restored by submitting an application to the
20 Department, by meeting continuing education requirements, and
21 by filing proof acceptable to the Department of fitness to have
22 the license restored, which may include sworn evidence
23 certifying to active practice in another jurisdiction
24 satisfactory to the Department and by paying the required
25 restoration fee. If the person has not maintained an active

1 practice in another jurisdiction satisfactory to the
2 Department, the Department shall determine, ~~by an evaluation~~
3 ~~program established by rule,~~ his or her fitness to resume
4 active status and ~~may require the person to complete a period~~
5 ~~of evaluated clinical experience and~~ may require successful
6 completion of a practical examination.

7 Any acupuncturist whose license expired while he or she was
8 (1) in federal service on active duty with the Armed Forces of
9 the United States or the State Militia called into service or
10 training or (2) in training or education under the supervision
11 of the United States preliminary to induction into the military
12 service, however, may have his or her license ~~registration~~
13 restored without paying any lapsed renewal fees if within 2
14 years after honorable termination of service, training, or
15 education, he or she furnishes the Department with satisfactory
16 evidence that he or she has been so engaged and that his or her
17 service, training, or education has been terminated.

18 (Source: P.A. 95-450, eff. 8-27-07.)

19 (225 ILCS 2/105)

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

21 Sec. 105. Unlicensed practice; civil penalty.

22 (a) A person who practices, offers to practice, attempts to
23 practice, or holds himself or herself out to practice as a
24 licensed acupuncturist without being licensed under this Act
25 shall, in addition to any other penalty provided by law, pay a

1 civil penalty to the Department in an amount not to exceed
2 \$10,000 for each offense as determined by the Department. The
3 civil penalty shall be assessed by the Department after a
4 hearing is held in accordance with the provisions set forth in
5 this Act regarding the provision of a hearing for the
6 discipline of a licensee.

7 (b) The Department has the authority and power to
8 investigate any and all unlicensed activity.

9 (c) The civil penalty shall be paid within 60 days after
10 the effective date of the order imposing the civil penalty. The
11 order shall constitute a judgment and may be filed and
12 execution had thereon in the same manner as any judgment from
13 any court of record.

14 (Source: P.A. 95-450, eff. 8-27-07.)

15 (225 ILCS 2/110)

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

17 Sec. 110. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or to renew, place
19 on probation, suspend, revoke or take other disciplinary or
20 non-disciplinary action as deemed appropriate including the
21 imposition of fines not to exceed \$10,000 for each violation,
22 as the Department may deem proper, with regard to a license for
23 any one or combination of the following causes:

24 (1) Violations of this ~~the~~ Act or its rules.

25 (2) Conviction by ~~or~~ plea of guilty or nolo contendere,

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

10 (3) Making any misrepresentation for the purpose of
11 obtaining a license.

12 (4) Aiding or assisting another person in violating any
13 provision of this Act or its rules.

14 (5) Failing to provide information within 60 days in
15 response to a written request made by the Department which
16 has been sent by certified or registered mail to the
17 licensee's ~~last known~~ address of record or by email to the
18 licensee's email address of record.

19 (6) Discipline by another U.S. jurisdiction or foreign
20 nation, if at least one of the grounds for the discipline
21 is the same or substantially equivalent to one set forth in
22 this Section.

23 (7) Solicitation of professional services by means
24 other than permitted under this Act.

25 (8) Failure to provide a patient with a copy of his or
26 her record upon the written request of the patient.

1 (9) Gross negligence in the practice of acupuncture.

2 (10) Habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in an acupuncturist's inability to practice
5 with reasonable judgment, skill, or safety.

6 (11) A finding that licensure has been applied for or
7 obtained by fraudulent means.

8 (12) A pattern of practice or other behavior that
9 demonstrates incapacity or incompetence to practice under
10 this Act.

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

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

21 (15) The use of any words, abbreviations, figures or
22 letters (such as Acupuncturist, Licensed Acupuncturist,
23 Certified Acupuncturist, C.A., Act., Lic. Act., or Lic.
24 Ac.) with the intention of indicating practice as a
25 licensed acupuncturist without a valid license as an
26 acupuncturist issued under this Act.

1 (16) Using claims of superior quality of care to entice
2 the public or advertising fee comparisons of available
3 services with those of other persons providing acupuncture
4 services.

5 (17) Advertising of professional services that the
6 offeror of the services is not licensed to render.
7 Advertising of professional services that contains false,
8 fraudulent, deceptive, or misleading material or
9 guarantees of success, statements that play upon the vanity
10 or fears of the public, or statements that promote or
11 produce unfair competition.

12 (18) Having treated ailments of human beings other than
13 by the practice of acupuncture as defined in this Act, or
14 having treated ailments of human beings as a licensed
15 acupuncturist pursuant to a referral by written order that
16 provides for management of the patient by a physician or
17 dentist without having notified the physician or dentist
18 who established the diagnosis that the patient is receiving
19 acupuncture treatment.

20 (19) Unethical, unauthorized, or unprofessional
21 conduct as defined by rule.

22 (20) Physical illness, mental illness, or other
23 impairment that results in the inability to practice the
24 profession with reasonable judgment, skill, and safety,
25 including, without limitation, deterioration through the
26 aging process, mental illness, or disability.

1 (21) Violation of the Health Care Worker Self-Referral
2 Act.

3 The entry of an order by a circuit court establishing that
4 any person holding a license under this Act is subject to
5 involuntary admission or judicial admission as provided for in
6 the Mental Health and Developmental Disabilities Code operates
7 as an automatic suspension of that license. That person may
8 have his or her license restored only upon the determination by
9 a circuit court that the patient is no longer subject to
10 involuntary admission or judicial admission and the issuance of
11 an order so finding and discharging the patient and upon the
12 Board's recommendation to the Department that the license be
13 restored. Where the circumstances so indicate, the Board may
14 recommend to the Department that it require an examination
15 prior to restoring a suspended license.

16 The Department may refuse to issue or renew the license of
17 any person who fails to (i) file a return or to pay the tax,
18 penalty or interest shown in a filed return or (ii) pay any
19 final assessment of the tax, penalty, or interest as required
20 by any tax Act administered by the Illinois Department of
21 Revenue, until the time that the requirements of that tax Act
22 are satisfied.

23 In enforcing this Section, the Department ~~or Board~~ upon a
24 showing of a possible violation may compel an individual
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

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

17 If the Department ~~or Board~~ finds an individual unable to
18 practice because of the reasons set forth in this Section, the
19 Department ~~or Board~~ may require that individual to submit to
20 care, counseling, or treatment by physicians approved or
21 designated by the Department ~~or Board~~, as a condition, term, or
22 restriction for continued, restored ~~reinstated~~, or renewed
23 licensure to practice; or, in lieu of care, counseling, or
24 treatment, the Department may file, ~~or the Board may recommend~~
25 ~~to the Department to file~~, a complaint to immediately suspend,
26 revoke, or otherwise discipline the license of the individual.

1 An individual whose license was granted, continued, restored
2 ~~reinstated~~, renewed, disciplined, or supervised subject to
3 such terms, conditions, or restrictions, and who fails to
4 comply with such terms, conditions, or restrictions, shall be
5 referred to the Secretary for a determination as to whether the
6 individual shall have his or her license suspended immediately,
7 pending a hearing by the Department.

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

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

22 (Source: P.A. 95-450, eff. 8-27-07.)

23 (225 ILCS 2/120)

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

25 Sec. 120. Checks or orders to Department dishonored because

1 of insufficient funds. Any person who issues or delivers a
2 check or other order to the Department that is not honored on 2
3 occasions by the financial institution upon which it is drawn
4 because of insufficient funds on account, the account is
5 closed, or a stop payment has been placed on the check or order
6 shall pay to the Department, in addition to the amount owing
7 upon the check or other order, a fee of \$50. If the check or
8 other order was issued or delivered in payment of a renewal or
9 issuance fee and the person whose license registration has
10 lapsed continues to practice acupuncture without paying the
11 renewal or issuance fee and the required \$50 fee under this
12 Section, an additional fee of \$100 shall be imposed. The fees
13 imposed by this Section are in addition to any other
14 disciplinary provision under this Act prohibiting practice on
15 an expired or non-renewed license registration. ~~The Department~~
16 ~~shall mail a registration renewal form to each registrant 60~~
17 ~~days before the expiration of the registrant's current~~
18 ~~registration. The Department shall notify a person whose~~
19 ~~registration has lapsed, within 30 days after the discovery of~~
20 ~~the lapse, that the individual is engaged in the unauthorized~~
21 ~~practice of acupuncture and of the amount due to the Department~~
22 ~~which shall include the lapsed renewal fee and all other fees~~
23 ~~required by this Section.~~ If after the expiration of 30 days
24 from the date of the notification a person whose license
25 registration has lapsed seeks a current license registration,
26 he or she shall thereafter apply to the Department for

1 restoration of the license ~~registration~~ and pay all fees due to
2 the Department. The Department may establish a fee for the
3 processing of an application for restoration of a license
4 ~~registration~~ that allows the Department to pay all costs and
5 expenses incident to the processing of this application. The
6 Secretary may waive the fees due under this Section in
7 individual cases where he or she finds that the fees would be
8 unreasonably or unnecessarily burdensome.

9 (Source: P.A. 95-450, eff. 8-27-07.)

10 (225 ILCS 2/130)

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

12 Sec. 130. Injunctions; criminal offenses; cease and desist
13 order.

14 (a) If any person violates the provisions of this Act, the
15 Secretary may, in the name of the People of the State of
16 Illinois, through the Attorney General of the State of Illinois
17 or the State's Attorney for any county in which the action is
18 brought, petition for an order enjoining the violation or for
19 an order enforcing compliance with this Act. Upon the filing of
20 a ~~verified~~ petition in court, the court may issue a temporary
21 restraining order, without notice or condition, and may
22 preliminarily and permanently enjoin the violation. If it is
23 established that the person has violated or is violating the
24 injunction, the court ~~Court~~ may punish the offender for
25 contempt of court. Proceedings under this Section shall be in

1 addition to, and not in lieu of, all other remedies and
2 penalties provided by this Act.

3 (b) Whenever in the opinion of the Department a person
4 violates a provision of this Act, the Department may issue a
5 rule to show cause why an order to cease and desist should not
6 be entered against that person. The rule shall clearly set
7 forth the grounds relied upon by the Department and shall allow
8 at least 7 days from the date of the rule to file an answer to
9 the satisfaction of the Department. Failure to answer to the
10 satisfaction of the Department shall cause an order to cease
11 and desist to be issued immediately.

12 (c) Other than as provided in Section 20 of this Act, if
13 any person practices as an acupuncturist or holds himself or
14 herself out as a licensed acupuncturist under this Act without
15 being issued a valid existing license by the Department, then
16 any licensed acupuncturist, any interested party, or any person
17 injured thereby may, in addition to the Secretary, petition for
18 relief as provided in subsection (a) of this Section.

19 (Source: P.A. 95-450, eff. 8-27-07.)

20 (225 ILCS 2/140)

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

22 Sec. 140. Investigation; notice; hearing. Licenses may be
23 refused, revoked, suspended, or otherwise disciplined in the
24 manner provided by this Act and not otherwise. The Department
25 may upon its own motion or upon the complaint of any person

1 setting forth facts that if proven would constitute grounds for
2 refusal to issue or renew or for suspension, revocation, or
3 other disciplinary action under this Act, investigate the
4 actions of a person applying for, holding, or claiming to hold
5 a license. The Department shall, before refusing to issue or
6 renew, suspending, revoking, or taking other disciplinary
7 action regarding a license or taking other discipline pursuant
8 to Section 110 of this Act, and at least 30 days prior to the
9 date set for the hearing, notify in writing the applicant or
10 licensee of any charges made, shall afford the applicant or
11 licensee an opportunity to be heard in person or by counsel in
12 reference to the charges, and direct the applicant or licensee
13 to file a written answer to the Department under oath within 20
14 days after the service of the notice and inform the applicant
15 or licensee that failure to file an answer will result in
16 default being taken against the applicant or licensee and that
17 the license may be suspended, revoked, placed on probationary
18 status, or other disciplinary action may be taken, including
19 limiting the scope, nature, or extent of practice, as the
20 Secretary may deem proper. Written notice may be served by: (1)
21 personal delivery to the applicant or licensee; ~~or by~~ (2)
22 mailing the notice by registered or certified mail to his or
23 her address of record ~~last known place of residence~~ or to the
24 place of business last specified by the applicant or licensee
25 in his or her last notification to the Department; or (3)
26 sending notice via email to the applicant's or licensee's email

1 address of record. If the person fails to file an answer after
2 receiving notice, his or her license may, in the discretion of
3 the Department, be suspended, revoked, or placed on
4 probationary status or the Department may take whatever
5 disciplinary action deemed proper, including limiting the
6 scope, nature, or extent of the person's practice or the
7 imposition of a fine, without a hearing, if the act or acts
8 charged constitute sufficient grounds for such action under
9 this Act. At the time and place fixed in the notice, the
10 Department shall proceed to hearing of the charges and both the
11 applicant or licensee and the complainant shall be afforded
12 ample opportunity to present, in person or by counsel, any
13 statements, testimony, evidence, and arguments that may be
14 pertinent to the charges or to their defense. The Department
15 may continue a hearing from time to time. If the Board is not
16 sitting at the time and place fixed in the notice or at the
17 time and place to which the hearing shall have been continued,
18 the Department may continue the hearing for a period not to
19 exceed 30 days.

20 (Source: P.A. 95-450, eff. 8-27-07.)

21 (225 ILCS 2/142 new)

22 Sec. 142. Confidentiality. All information collected by
23 the Department in the course of an examination or investigation
24 of a licensee or applicant, including, but not limited to, any
25 complaint against a licensee filed with the Department and

1 information collected to investigate any such complaint, shall
2 be maintained for the confidential use of the Department and
3 may not be disclosed. The Department may not disclose the
4 information to anyone other than law enforcement officials,
5 other regulatory agencies that have an appropriate regulatory
6 interest as determined by the Secretary of the Department, or a
7 party presenting a lawful subpoena to the Department.
8 Information and documents disclosed to a federal, State,
9 county, or local law enforcement agency may not be disclosed by
10 the agency for any purpose to any other agency or person. A
11 formal complaint filed by the Department against a licensee or
12 applicant is a public record, except as otherwise prohibited by
13 law.

14 (225 ILCS 2/152)

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

16 Sec. 152. Certification of record. The Department shall not
17 be required to certify any a record to the court, file any
18 answer in court, or otherwise appear in any court in a judicial
19 review proceeding, unless and until the Department has received
20 from the plaintiff payment of the costs of furnishing and
21 certifying the record, which costs shall be determined by the
22 Department. Exhibits shall be certified without cost ~~there is~~
23 ~~filed in the court with the complaint a receipt from the~~
24 ~~Department acknowledging payment of the costs of furnishing and~~
25 ~~certifying the record.~~ Failure on the part of the plaintiff to

1 file a receipt in court shall be grounds for dismissal of the
2 action.

3 (Source: P.A. 90-61, eff. 7-3-97.)

4 (225 ILCS 2/160)

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

6 Sec. 160. Findings of facts, conclusions of law, and
7 recommendations. At the conclusion of the hearing, the Board
8 shall present to the Secretary a written report of its findings
9 of fact, conclusions of law, and recommendations. The report
10 shall contain a finding whether or not the accused person
11 violated this Act or failed to comply with the conditions
12 required in this Act. The Board shall specify the nature of the
13 violation or failure to comply and shall make its
14 recommendations to the Secretary.

15 The report of findings of fact, conclusions of law, and
16 recommendations of the Board may be the basis of the order of
17 the Department. If the Secretary disagrees in any regard with
18 the report of the Board, the Secretary may issue an order in
19 contravention of the report. ~~The Secretary shall provide notice~~
20 ~~to the Board on any deviation and the reasons for the~~
21 ~~deviation.~~ The finding is not admissible in evidence against
22 the person in a criminal prosecution brought for the violation
23 of this Act, but the hearing and findings are not a bar to a
24 criminal prosecution brought for the violation of this Act.

25 (Source: P.A. 95-450, eff. 8-27-07.)

1 (225 ILCS 2/170)

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

3 Sec. 170. Service of report; rehearing; order. In any case
4 involving the refusal to issue or renew a license or the
5 discipline of a license, a copy of the Board's ~~hearing~~
6 ~~officer's~~ report shall be served upon the respondent by the
7 Department, ~~either personally or~~ as provided in this Act for
8 the service of the notice of hearing. Within 20 days after the
9 service, the respondent may present to the Department a motion
10 in writing for a rehearing that shall specify the particular
11 grounds for rehearing. If no motion for rehearing is filed,
12 then upon the expiration of the time specified for filing such
13 a motion, or if a motion for rehearing is denied, then upon the
14 denial the Secretary may enter an order in accordance with
15 recommendations of the Board, except as provided in Section 175
16 of this Act. If the respondent orders from the reporting
17 service ~~office~~ and pays for a transcript of the record within
18 the time for filing a motion for rehearing, the 20-day ~~20-day~~
19 period within which the motion may be filed shall commence upon
20 the delivery of the transcript to the respondent.

21 (Source: P.A. 95-450, eff. 8-27-07.)

22 (225 ILCS 2/175)

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

24 Sec. 175. Substantial justice to be done; rehearing.

1 Whenever the Secretary is satisfied that substantial justice
2 has not been done in the revocation, suspension, or refusal to
3 issue, restore, or renew ~~discipline of~~ a license, or other
4 discipline of an applicant or licensee, the Secretary may order
5 a rehearing by the same or other examiners ~~another hearing~~
6 ~~officer.~~

7 (Source: P.A. 95-450, eff. 8-27-07.)

8 (225 ILCS 2/190)

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

10 Sec. 190. Surrender of license ~~registration~~. Upon the
11 revocation or suspension of any license ~~registration~~, the
12 licensee ~~registrant~~ shall immediately surrender the license
13 ~~registration~~ certificate to the Department. If the licensee
14 ~~registrant~~ fails to do so, the Department shall have the right
15 to seize the license ~~registration~~ certificate.

16 (Source: P.A. 95-450, eff. 8-27-07.)

17 (225 ILCS 2/200)

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

19 Sec. 200. Review under Administrative Review Law. All final
20 administrative decisions of the Department are subject to
21 judicial review under the Administrative Review Law and all
22 rules adopted under the Administrative Review Law. The term
23 "administrative decision" is defined as in Section 3-101 of the
24 Code of Civil Procedure.

1 Proceedings for judicial review shall be commenced in the
2 circuit court of the county in which the party applying for
3 review resides; however, if the party is not a resident of this
4 State, the venue shall be Sangamon County.

5 (Source: P.A. 89-706, eff. 1-31-97.)

6 (225 ILCS 2/90 rep.)

7 Section 15. The Acupuncture Practice Act is amended by
8 repealing Section 90.

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

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.28
- 4 5 ILCS 80/4.38 new
- 5 225 ILCS 2/10
- 6 225 ILCS 2/12 new
- 7 225 ILCS 2/25
- 8 225 ILCS 2/30
- 9 225 ILCS 2/35
- 10 225 ILCS 2/40
- 11 225 ILCS 2/60
- 12 225 ILCS 2/70
- 13 225 ILCS 2/105
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- 18 225 ILCS 2/142 new
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- 20 225 ILCS 2/160
- 21 225 ILCS 2/170
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- 24 225 ILCS 2/200
- 25 225 ILCS 2/90 rep.