



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 85/35.2

from Ch. 111, par. 4155.2

Amends the Pharmacy Practice Act of 1987. Provides that the Department of Professional Regulation in an investigation of an applicant or licensed or registered person shall provide notice to the accused at least 40 (rather than 30) days prior to the date set for the hearing. Provides that the accused has 30 (rather than 20) days after service of the notice to file a written answer.

LRB093 19731 AMC 45472 b

1 AN ACT concerning professional regulation.

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

4 Section 5. The Pharmacy Practice Act of 1987 is amended by
5 changing Section 35.2 as follows:

6 (225 ILCS 85/35.2) (from Ch. 111, par. 4155.2)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 35.2. The Department's pharmacy investigators may
9 investigate the actions of any applicant or of any person or
10 persons holding or claiming to hold a license or registration.
11 The Department shall, before suspending, revoking, placing on
12 probationary status, or taking any other disciplinary action as
13 the Department may deem proper with regard to any license or
14 certificate, at least 40 ~~30~~ days prior to the date set for the
15 hearing, notify the accused in writing of any charges made and
16 the time and place for a hearing of the charges before the
17 Board, direct him to file his written answer thereto to the
18 Board under oath within 30 ~~20~~ days after the service on him of
19 such notice and inform him that if he fails to file such answer
20 default will be taken against him and his license or
21 certificate may be suspended, revoked, placed on probationary
22 status, or have other disciplinary action, including limiting
23 the scope, nature or extent of his practice, provided for
24 herein. Such written notice may be served by personal delivery
25 or certified or registered mail to the respondent at the
26 address of his last notification to the Department. At the time
27 and place fixed in the notice, the Board shall proceed to hear
28 the charges and the parties or their counsel shall be accorded
29 ample opportunity to present such statements, testimony,
30 evidence and argument as may be pertinent to the charges or to
31 the defense thereto. Such hearing may be continued from time to
32 time. In case the accused person, after receiving notice, fails

1 to file an answer, his license or certificate may in the
2 discretion of the Director, having received first the
3 recommendation of the Board, be suspended, revoked, placed on
4 probationary status, or the Director may take whatever
5 disciplinary action as he may deem proper as provided herein,
6 including limiting the scope, nature, or extent of said
7 person's practice, without a hearing, if the act or acts
8 charged constitute sufficient grounds for such action under
9 this Act.

10 (Source: P.A. 88-428.)