

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 1. Short title. This Act may be cited as the
5 Registered Surgical Assistant and Registered Surgical
6 Technologist Title Protection Act.

7 Section 5. Legislative purpose. The purpose of this Act
8 is to protect and benefit the public by setting standards of
9 qualifications, education, training, and experience for those
10 who seek to hold the title of registered surgical assistant
11 and registered surgical technologist.

12 Section 10. Definitions. As used in this Act:

13 "Department" means the Department of Professional
14 Regulation.

15 "Direct supervision" means supervision by an operating
16 physician, licensed podiatrist, or licensed dentist who is
17 physically present and who personally directs delegated acts
18 and remains available to personally respond to an emergency
19 until the patient is released from the operating room. A
20 registered professional nurse may also provide direct
21 supervision within the scope of his or her license. A
22 registered surgical assistant or registered surgical
23 technologist shall perform duties as assigned.

24 "Director" means the Director of Professional Regulation.

25 "Physician" or "operating physician" means a person
26 licensed to practice medicine in all of its branches under
27 the Medical Practice Act of 1987.

28 "Registered surgical assistant" means a person who (i) is
29 not licensed to practice medicine in all of its branches,
30 (ii) is certified by the National Surgical Assistant

1 Association on the Certification of Surgical Assistants, the
2 Liaison Council on Certification for the Surgical
3 Technologist as a certified first assistant, or the American
4 Board of Surgical Assisting, (iii) performs duties under
5 direct supervision, (iv) provides services only in a licensed
6 hospital, ambulatory treatment center, or office of a
7 physician licensed to practice medicine in all its branches,
8 and (v) is registered under this Act.

9 "Registered surgical technologist" means a person who (i)
10 is not a physician licensed to practice medicine in all of
11 its branches, (ii) is certified by the Liaison Council on
12 Certification for the Surgical Technologist, (iii) performs
13 duties under direct supervision, (iv) provides services only
14 in a licensed hospital, ambulatory treatment center, or
15 office of a physician licensed to practice medicine in all
16 its branches, and (v) is registered under this Act.

17 Section 15. Powers and duties of the Department.

18 (a) The Department shall exercise the powers and duties
19 prescribed by the Civil Administrative Code of Illinois and
20 shall exercise any other powers and duties necessary for
21 effectuating the purposes of this Act.

22 (b) The Department may adopt rules consistent with the
23 provisions of this Act for its administration and enforcement
24 and may prescribe forms that shall be issued in connection
25 with this Act. The rules may include but are not limited to
26 criteria for registration, professional conduct, and
27 discipline.

28 Section 20. Illinois Administrative Procedure Act;
29 rules.

30 (a) The Illinois Administrative Procedure Act is
31 expressly adopted and incorporated in this Act as if all of
32 the provisions of the Illinois Administrative Procedure Act

1 were included in this Act, except that the provision of
2 subsection (d) of Section 10-65 of the Illinois
3 Administrative Procedure Act that provides that at hearings
4 the registrant has the right to show compliance with all
5 lawful requirements for retention, continuation, or renewal
6 of the registration is specifically excluded. For purposes of
7 this Act, the notice required under Section 10-25 of the
8 Illinois Administrative Procedure Act is deemed sufficient
9 when mailed to the last known address of a party.

10 (b) The Director may promulgate rules for the
11 administration and enforcement of this Act and may prescribe
12 forms to be issued in connection with this Act.

13 Section 25. Application for registration. An application
14 for an initial registration shall be made to the Department
15 in writing on forms prescribed by the Department and shall be
16 accompanied by the required nonrefundable fee. An application
17 shall require information that, in the judgment of the
18 Department, will enable the Department to evaluate the
19 qualifications of an applicant for registration.

20 If an applicant fails to obtain a certificate of
21 registration under this Act within 3 years after filing his
22 or her application, the application shall be denied. The
23 applicant may make a new application, which shall be
24 accompanied by the required nonrefundable fee.

25 Section 30. Social Security Number on registration
26 application. In addition to any other information required to
27 be contained in the application, every application for an
28 original, renewal, or restored certificate of registration
29 under this Act shall include the applicant's Social Security
30 Number.

31 Section 35. Title protection. No person shall hold

1 himself or herself out as a registered surgical assistant or
2 registered surgical technologist without being so registered
3 by the Department. This is title protection and not licensure
4 by the Department.

5 Section 40. Application of Act. This Act shall not be
6 construed to prohibit the following:

7 (1) A person licensed in this State under any other
8 Act from engaging in the practice for which he or she is
9 licensed, including but not limited to a physician
10 licensed to practice medicine in all its branches,
11 physician assistant, advanced practice registered nurse,
12 or nurse performing surgery-related tasks within the
13 scope of his or her license, nor are these individuals
14 required to be registered under this Act.

15 (2) A person from engaging in practice as a
16 surgical assistant or surgical technologist in the
17 discharge of his or her official duties as an employee of
18 the United States government.

19 (3) One or more registered surgical assistants from
20 forming a professional service corporation in accordance
21 with the Professional Service Corporation Act and
22 applying for licensure as a corporation providing
23 surgical assistant services.

24 (4) A student engaging in practice as a surgical
25 assistant or surgical technologist under the direct
26 supervision of a physician licensed to practice medicine
27 in all of its branches as part of his or her program of
28 study at a school approved by the Department or in
29 preparation to qualify for the examination as prescribed
30 under Sections 45 and 50 of this Act.

31 (5) A person from assisting in surgery at an
32 operating physician's discretion, including but not
33 limited to medical students and residents, nor are

1 medical students and residents required to be registered
2 under this Act.

3 (6) A hospital, health system or network,
4 ambulatory surgical treatment center, physician licensed
5 to practice medicine in all its branches, physician
6 medical group, or other entity that provides
7 surgery-related services from employing individuals that
8 the entity considers competent to assist in surgery.
9 These entities are not required to utilize registered
10 surgical assistants or registered surgical technologists
11 when providing surgery-related services to patients.
12 Nothing in this subsection shall be construed to limit
13 the ability of an employer to utilize the services of any
14 person to assist in surgery within the employment setting
15 consistent with the individual's skill and training.

16 Section 45. Registration requirements; surgical
17 assistant. A person shall qualify for registration as a
18 surgical assistant if he or she has applied in writing on the
19 prescribed form, has paid the required fees, and meets all of
20 the following requirements:

21 (1) Is at least 21 years of age.

22 (2) Has not violated a provision of Section 95 of
23 this Act. In addition the Department may take into
24 consideration any felony conviction of the applicant, but
25 a conviction shall not operate as an absolute bar to
26 registration.

27 (3) Has completed a medical education program
28 approved by the Department or has graduated from a United
29 States Military Program that emphasized surgical
30 assisting.

31 (4) Has successfully completed a national
32 certifying examination approved by the Department.

33 (5) Is currently certified by the National Surgical

1 Assistant Association on the Certification of Surgical
2 Assistants, the Liaison Council on Certification for the
3 Surgical Technologist as a certified first assistant, or
4 the American Board of Surgical Assisting.

5 Section 50. Registration requirements; surgical
6 technologist. A person shall qualify for registration as a
7 surgical technologist if he or she has applied in writing on
8 the prescribed form, has paid the required fees, and meets
9 all of the following requirements:

10 (1) Is at least 18 years of age.

11 (2) Has not violated a provision of Section 95 of
12 this Act. In addition the Department may take into
13 consideration any felony conviction of the applicant, but
14 a conviction shall not operate as an absolute bar to
15 registration.

16 (3) Has completed a surgical technologist program
17 approved by the Department.

18 (4) Has successfully completed the surgical
19 technologist national certification examination provided
20 by the Liaison Council on Certification for the Surgical
21 Technologist or its successor agency.

22 (6) Is currently certified by the Liaison Council
23 on Certification for the Surgical Technologist or its
24 successor agency and has met the requirements set forth
25 for certification.

26 Section 55. Supervision requirement. A person registered
27 under this Act shall practice as a surgical assistant only
28 under direct supervision.

29 Section 60. Expiration; restoration; renewal. The
30 expiration date and renewal period for each certificate of
31 registration issued under this Act shall be set by the

1 Department by rule. Renewal shall be conditioned on paying
2 the required fee and meeting other requirements as may be
3 established by rule.

4 A registrant who has permitted his or her registration to
5 expire or who has had his or her registration on inactive
6 status may have the registration restored by making
7 application to the Department, by filing proof acceptable to
8 the Department of his or her fitness to have the registration
9 restored, and by paying the required fees. Proof of fitness
10 may include sworn evidence certifying to active lawful
11 practice in another jurisdiction.

12 If the registrant has not maintained an active practice
13 in another jurisdiction satisfactory to the Department, the
14 Department shall determine, by an evaluation program
15 established by rule, his or her fitness for restoration of
16 the registration and shall establish procedures and
17 requirements for restoration. However, a registrant whose
18 registration expired while he or she was (1) in federal
19 service on active duty with the Armed Forces of the United
20 States or the State Militia called into service or training
21 or (2) in training or education under the supervision of the
22 United States before induction into the military service, may
23 have the registration restored without paying any lapsed
24 renewal fees if within 2 years after honorable termination of
25 the service, training, or education he or she furnishes the
26 Department with satisfactory evidence to the effect that he
27 or she has been so engaged and that his or her service,
28 training, or education has been so terminated.

29 Section 65. Inactive status. A registrant who notified
30 the Department in writing on forms prescribed by the
31 Department may elect to place his or her registration on
32 inactive status and shall, subject to rules of the
33 Department, be excused from payment of renewal fees until he

1 or she notifies the Department in writing of his or her
2 intention to restore the registration. A registrant
3 requesting restoration from inactive status shall pay the
4 current renewal fee and shall restore his or her registration
5 in accordance with Section 60 of this Act. A registrant whose
6 license is on inactive status shall not hold himself or
7 herself out as a registered surgical assistant or registered
8 surgical technologist. To do so shall be grounds for
9 discipline under Section 75 of this Act.

10 Section 70. Fees; returned checks.

11 (a) The Department shall set by rule fees for the
12 administration of this Act, including but not limited to fees
13 for initial and renewal registration and restoration of a
14 certificate of registration.

15 (b) A person who delivers a check or other payment to
16 the Department that is returned to the Department unpaid by
17 the financial institution upon which it is drawn shall pay to
18 the Department, in addition to the amount already owed to the
19 Department, a fine of \$50. The fines imposed by this Section
20 are in addition to any other discipline provided under this
21 Act. The Department shall notify the person that fees and
22 fines shall be paid to the Department by certified check or
23 money order within 30 calendar days of the notification. If,
24 after the expiration of 30 days from the date of the
25 notification, the person has failed to submit the necessary
26 remittance, the Department shall automatically terminate the
27 registration or deny the application without a hearing. If
28 the person seeks a license after termination or denial, he or
29 she shall apply to the Department for restoration or issuance
30 of the license and pay all fees and fines due to the
31 Department. The Department may establish a fee for the
32 processing of an application for restoration of a license to
33 defray the expenses of processing the application. The

1 Director may waive the fines due under this Section in
2 individual cases if the Director finds that the fines would
3 be unreasonable or unnecessarily burdensome.

4 (c) All of the fees and fines collected under this Act
5 shall be deposited into the General Professions Dedicated
6 Fund. All moneys in the Fund shall be used by the Department,
7 as appropriated, for the ordinary and contingent expenses of
8 the Department.

9 Section 75. Grounds for disciplinary action.

10 (a) The Department may refuse to issue, renew, or
11 restore a registration, may revoke or suspend a registration,
12 or may place on probation, censure, reprimand, or take other
13 disciplinary action with regard to a person registered under
14 this Act, including but not limited to the imposition of
15 fines not to exceed \$5,000 for each violation, for any one or
16 combination of the following causes:

17 (1) Making a material misstatement in furnishing
18 information to the Department.

19 (2) Violating a provision of this Act or its rules.

20 (3) Conviction under the laws of a United States
21 jurisdiction of a crime that is a felony or a
22 misdemeanor, an essential element of which is dishonesty,
23 or of a crime that is directly related to the practice as
24 a surgical assistant or surgical technologist.

25 (4) Making a misrepresentation for the purpose of
26 obtaining, renewing, or restoring a registration.

27 (5) Wilfully aiding or assisting another person in
28 violating a provision of this Act or its rules.

29 (6) Failing to provide information within 60 days
30 in response to a written request made by the Department.

31 (7) Engaging in dishonorable, unethical, or
32 unprofessional conduct of a character likely to deceive,
33 defraud, or harm the public, as defined by rule of the

1 Department.

2 (8) Discipline by another United States
3 jurisdiction or foreign nation, if at least one of the
4 grounds for discipline is the same or substantially
5 equivalent to those set forth in this Section.

6 (9) Directly or indirectly giving to or receiving
7 from a person, firm, corporation, partnership, or
8 association a fee, commission, rebate, or other form of
9 compensation for professional services not actually or
10 personally rendered.

11 (10) A finding by the Department that the
12 registrant, after having his or her registration placed
13 on probationary status, has violated the terms of
14 probation.

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

18 (12) Wilfully making or signing a false statement,
19 certificate, or affidavit to induce payment.

20 (13) Wilfully failing to report an instance of
21 suspected child abuse or neglect as required under the
22 Abused and Neglected Child Reporting Act.

23 (14) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act and
26 upon proof by clear and convincing evidence that the
27 licensee has caused a child to be an abused child or
28 neglected child as defined in the Abused and Neglected
29 Child Reporting Act.

30 (15) Employment of fraud, deception, or any
31 unlawful means in applying for or securing a license as a
32 surgical assistant.

33 (16) Failure to report to the Department (A) any
34 adverse final action taken against the registrant by

1 another registering or licensing jurisdiction, government
2 agency, law enforcement agency, or any court or (B)
3 liability for conduct that would constitute grounds for
4 action as set forth in this Section.

5 (17) Habitual intoxication or addiction to the use
6 of drugs.

7 (18) Physical illness, including but not limited to
8 deterioration through the aging process or loss of motor
9 skills, which results in the inability to practice the
10 profession for which he or she is registered with
11 reasonable judgment, skill, or safety.

12 (19) Gross malpractice resulting in permanent
13 injury or death of a patient.

14 (20) Immoral conduct in the commission of an act
15 related to the registrant's practice, including but not
16 limited to sexual abuse, sexual misconduct, or sexual
17 exploitation.

18 (21) Violation of the Health Care Worker
19 Self-Referral Act.

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

26 (c) The determination by a circuit court that a
27 registrant is subject to involuntary admission or judicial
28 admission as provided in the Mental Health and Developmental
29 Disabilities Code operates as an automatic suspension. The
30 suspension will end only upon (1) a finding by a court that
31 the patient is no longer subject to involuntary admission or
32 judicial admission, (2) issuance of an order so finding and
33 discharging the patient, and (3) the recommendation of the
34 Department to the Director that the registrant be allowed to

1 resume his or her practice.

2 Section 80. Cease and desist order.

3 (a) If a person violates a provision of this Act, the
4 Director, in the name of the People of the State of Illinois
5 through the Attorney General of the State of Illinois, or the
6 State's Attorney of a county in which the violation occurs,
7 may petition for an order enjoining the violation or for an
8 order enforcing compliance with this Act. Upon the filing of
9 a verified petition in court, the court may issue a temporary
10 restraining order without notice or bond and may
11 preliminarily and permanently enjoin the violation. If it is
12 established that the registrant has violated or is violating
13 the injunction, the court may punish the offender for
14 contempt of court. Proceedings under this Section shall be in
15 addition to, and not in lieu of, all other remedies and
16 penalties provided by this Act.

17 (b) If a person holds himself or herself out as a
18 surgical assistant or surgical technologist without being
19 registered under this Act, then any registrant under this
20 Act, interested party, or person injured thereby, in addition
21 to the Director or State's Attorney, may petition for relief
22 as provided in subsection (a) of this Section.

23 (c) If the Department determines that a person violated a
24 provision of this Act, the Department may issue a rule to
25 show cause why an order to cease and desist should not be
26 entered against him or her. The rule shall clearly set forth
27 the grounds relied upon by the Department and shall provide a
28 period of 7 days from the date of the rule to file an answer
29 to the satisfaction of the Department. Failure to answer to
30 the satisfaction of the Department shall cause an order to
31 cease and desist to be issued immediately.

32 Section 85. Investigation; notice; hearing. Certificates

1 of registration may be refused, revoked, suspended, or
2 otherwise disciplined in the manner provided by this Act and
3 not otherwise. The Department may upon its own motion and
4 shall upon the verified complaint in writing of any person
5 setting forth facts that if proven would constitute grounds
6 for refusal to issue or for suspension or revocation under
7 this Act, investigate the actions of a person applying for,
8 holding, or claiming to hold a certificate of registration.
9 The Department shall, before refusing to issue or renew,
10 suspending, or revoking a certificate of registration or
11 taking other discipline pursuant to Section 75 of this Act,
12 and at least 30 days prior to the date set for the hearing,
13 notify in writing the applicant or licensee of any charges
14 made, shall afford the applicant or registrant an opportunity
15 to be heard in person or by counsel in reference to the
16 charges, and direct the applicant or registrant to file a
17 written answer to the Department under oath within 20 days
18 after the service of the notice and inform the applicant or
19 registrant that failure to file an answer will result in
20 default being taken against the applicant or registrant and
21 that the certificate of registration may be suspended,
22 revoked, placed on probationary status, or other disciplinary
23 action may be taken, including limiting the scope, nature, or
24 extent of practice, as the Director may deem proper. Written
25 notice may be served by personal delivery to the applicant or
26 registrant or by mailing the notice by certified mail to his
27 or her last known place of residence or to the place of
28 business last specified by the applicant or registrant in his
29 or her last notification to the Department. If the person
30 fails to file an answer after receiving notice, his or her
31 certificate of registration may, in the discretion of the
32 Department, be suspended, revoked, or placed on probationary
33 status or the Department may take whatever disciplinary
34 action deemed proper, including limiting the delegated tasks

1 or the imposition of a fine, without a hearing, if the act or
2 acts charged constitute sufficient grounds for such action
3 under this Act. At the time and place fixed in the notice,
4 the Department shall proceed to hearing of the charges and
5 both the applicant or registrant and the complainant shall be
6 afforded ample opportunity to present, in person or by
7 counsel, any statements, testimony, evidence, and arguments
8 that may be pertinent to the charges or to their defense. The
9 Department may continue a hearing from time to time. The
10 Department may continue a hearing for a period not to exceed
11 30 days.

12 Section 90. Record of proceedings. The Department, at
13 its expense, shall preserve a record of all proceedings at a
14 formal hearing conducted pursuant to Section 85 of this Act.
15 The notice of hearing, complaint, and all other documents in
16 the nature of pleadings and written motions filed in the
17 proceedings, the transcript of testimony, the report of the
18 Department or hearing officer, and orders of the Department
19 shall be the record of the proceeding. The Department shall
20 supply a transcript of the record to a person interested in
21 the hearing on payment of the fee required under Section
22 2105-115 of the Department of Professional Regulation Law of
23 the Civil Administrative Code of Illinois.

24 Section 95. Order for production of documents. A circuit
25 court may, upon application of the Department or its
26 designee, or of the applicant or registration against whom
27 proceedings pursuant to Section 85 of this Act are pending,
28 enter an order requiring the attendance of witnesses and
29 their testimony and the production of documents, papers,
30 files, books, and records in connection with a hearing or
31 investigation authorized by this Act. The court may compel
32 obedience to its order through contempt proceedings.

1 Section 100. Subpoena power. The Department has the
2 power to subpoena and bring before it any person in this
3 State and to take testimony orally or by deposition, with the
4 same fees and mileage and in the same manner as prescribed by
5 law in judicial proceedings in civil cases in circuit courts
6 of this State. The Director shall have the authority to
7 administer, at any hearing that the Department is authorized
8 to conduct under this Act, oaths to witnesses and any other
9 oaths authorized to be administered by the Department under
10 this Act.

11 Section 105. Disciplinary report. At the conclusion of
12 the hearing, the Department shall present to the Director a
13 written report of its findings of fact, conclusions of law,
14 and recommendations. In the report, the Department shall make
15 a finding of whether or not the charged registrant or
16 applicant violated a provision of this Act or its rules and
17 shall specify the nature of the violation. In making its
18 recommendations for discipline, the Department may take into
19 consideration all facts and circumstances bearing upon the
20 reasonableness of the conduct of the respondent and the
21 potential for future harm to the public, including but not
22 limited to previous discipline of that respondent by the
23 Department, intent, degree of harm to the public and
24 likelihood of harm in the future, any restitution made, and
25 whether the incident or incidents complained of appear to be
26 isolated or a pattern of conduct. In making its
27 recommendations for discipline, the Department shall seek to
28 ensure that the severity of the discipline recommended bears
29 some reasonable relationship to the severity of the
30 violation.

31 Section 110. Motion for rehearing. In a case involving
32 the refusal to issue or renew a registration or the

1 discipline of a registrant, a copy of the Department's report
2 shall be served upon the respondent by the Department, either
3 personally or as provided under Section 20 of this Act for
4 the service of the notice of hearing. Within 20 days after
5 the service, the respondent may present to the Department a
6 motion in writing for a rehearing, which shall specify the
7 particular grounds for a rehearing. If no motion for
8 rehearing is filed, then upon the expiration of the time
9 specified for filing the motion, or if a motion for rehearing
10 is denied, then upon the denial the Director may enter an
11 order in accordance with recommendations of the Department,
12 except as provided in Section 115 or 120 of this Act. If the
13 respondent orders a transcript of the record from the
14 reporting service and pays for the transcript within the time
15 for filing a motion for rehearing, the 20-day period within
16 which such a motion may be filed shall commence upon the
17 delivery of the transcript to the respondent.

18 Section 115. Order of Director.

19 (a) The Director shall issue an order concerning the
20 disposition of the charges (i) following the expiration of
21 the filing period granted under Section 110 of this Act if no
22 motion for rehearing is filed or (ii) following a denial of a
23 timely motion for rehearing.

24 (b) The Director's order shall be based on the
25 recommendations contained in the Department report unless,
26 after giving due consideration to the Department's report,
27 the Director disagrees in any regard with the report of the
28 Department, in which case he or she may issue an order in
29 contravention of the report. The Director shall provide a
30 written report to the Department on any deviation from the
31 Department's report and shall specify with particularity the
32 reasons for his or her deviation in the final order. The
33 Department's report and Director's order are not admissible

1 in evidence against the person in a criminal prosecution
2 brought for a violation of this Act, but the hearing, report,
3 and order are not a bar to a criminal prosecution brought for
4 the violation of this Act.

5 Section 120. Hearing officer. The Director shall have
6 the authority to appoint an attorney licensed to practice law
7 in this State to serve as the hearing officer in a hearing
8 authorized under Section 90 of this Act. The hearing officer
9 shall have full authority to conduct the hearing. The hearing
10 officer shall report his or her findings of fact, conclusions
11 of law, and recommendations to the Department. If the
12 Director disagrees in any regard with the report of the
13 Department, he or she may issue an order in contravention of
14 the report. The Director shall provide a written explanation
15 to the Department on a deviation from the Department's report
16 and shall specify with particularity the reasons for his or
17 her deviation in the final order.

18 Section 125. Rehearing on order of Director. Whenever
19 the Director is not satisfied that substantial justice has
20 been achieved in the discipline of a registrant, the Director
21 may order a rehearing by the same or another hearing officer.

22 Section 130. Order; prima facie proof. An order or a
23 certified copy of an order, over the seal of the Department
24 and purporting to be signed by the Director, shall be prima
25 facie proof that:

26 (1) the signature is the genuine signature of the
27 Director; and

28 (2) the Director is duly appointed and qualified.

29 Section 135. Restoration of registration. At any time
30 after the suspension or revocation of a certificate of

1 registration, the Department may restore it to the registrant
2 unless, after an investigation and a hearing, the Department
3 determines that restoration is not in the public interest.
4 Where circumstances of suspension or revocation so indicate,
5 the Department may require an examination of the registrant
6 before restoring his or her certificate of registration.

7 Section 140. Surrender of certificate of registration.
8 Upon the revocation or suspension of a certificate of
9 registration, the registrant shall immediately surrender the
10 certificate of registration to the Department. If the
11 registrant fails to do so, the Department shall have the
12 right to seize the certificate of registration.

13 Section 145. Temporary suspension. The Director may
14 temporarily suspend the registration of a surgical assistant
15 or surgical technologist without a hearing, simultaneously
16 with the institution of proceedings for a hearing provided
17 for in Section 85 of this Act, if the Director finds that
18 evidence in his or her possession indicates that continuation
19 in practice would constitute an imminent danger to the
20 public. If the Director temporarily suspends a license
21 without a hearing, a hearing by the Department shall be held
22 within 30 days after the suspension has occurred and shall be
23 concluded without appreciable delay.

24 Section 150. Certificate of record. The Department shall
25 not be required to certify any record to a court or file an
26 answer in court or otherwise appear in a court in a judicial
27 review proceeding unless there is filed in the court, with
28 the complaint, a receipt from the Department acknowledging
29 payment of the costs of furnishing and certifying the record.
30 Failure on the part of the plaintiff to file a receipt in
31 court shall be grounds for dismissal of the action.

1 Section 155. Administrative Review Law. All final
2 administrative decisions of the Department are subject to
3 judicial review under the Administrative Review Law and its
4 rules. The term "administrative decision" is defined as in
5 Section 3-101 of the Code of Civil Procedure. Proceedings for
6 judicial review shall be commenced in the circuit court of
7 the county in which the party seeking review resides. If the
8 party seeking review is not a resident of this State, venue
9 shall be in Sangamon County.

10 Section 160. Criminal penalties. A person who is found
11 to have knowingly violated Section 35 of this Act is guilty
12 of a Class A misdemeanor for a first offense and is guilty of
13 a Class 4 felony for a second or subsequent offense.

14 Section 165. Civil penalties.

15 (a) In addition to any other penalty provided by law, a
16 person who violates Section 35 of this Act shall pay a civil
17 penalty to the Department in an amount not to exceed \$5,000
18 for each offense as determined by the Department. The civil
19 penalty shall be assessed by the Department after a hearing
20 is held in accordance with the provisions set forth in this
21 Act regarding a hearing for the discipline of a licensee.

22 (b) The Department has the authority and power to
23 investigate any and all unregistered activity.

24 (c) The civil penalty assessed under this Act shall be
25 paid within 60 days after the effective date of the order
26 imposing the civil penalty. The order shall constitute a
27 judgment and may be filed and execution had on the judgment
28 in the same manner as a judgment from a court of record.

29 Section 170. Home rule powers. The regulation of
30 surgical assistants and surgical technologists is an
31 exclusive power and function of the State. A home rule unit

1 shall not regulate surgical assistants or surgical
2 technologists. This Section is a limitation under subsection
3 (h) of Section 6 of Article VII of the Illinois Constitution.

4 Section 900. The Regulatory Sunset Act is amended by
5 changing Section 4.24 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts repealed on January 1, 2014. The
8 following Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Public Accounting Act.

11 The Registered Surgical Assistant and Registered Surgical
12 Technologist Title Protection Act.

13 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

14 Section 999. Effective date. This Act takes effect July
15 1, 2004.