



Sen. William R. Haine

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09400SB0930sam002

LRB094 04555 RAS 47052 a

1 AMENDMENT TO SENATE BILL 930

2 AMENDMENT NO. _____. Amend Senate Bill 930 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Barber, Cosmetology, Esthetics, and Nail Technology
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 ~~The Illinois Physical Therapy Act.~~

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following

1 Act is repealed on January 1, 2016:

2 The Illinois Physical Therapy Act.

3 Section 10. The Illinois Physical Therapy Act is amended by
4 changing Sections 1, 6, 8, 8.1, 12, 15, 17, 19, 20, 22, 23, 25,
5 26, 27, and 29 as follows:

6 (225 ILCS 90/1) (from Ch. 111, par. 4251)

7 (Section scheduled to be repealed on January 1, 2006)

8 Sec. 1. Definitions. As used in this Act:

9 (1) "Physical therapy" means all of the following:

10 (A) Examining, evaluating, and testing individuals who
11 may have mechanical, physiological, or developmental
12 impairments, functional limitations, disabilities, or
13 other health and movement-related conditions, classifying
14 these disorders, determining a rehabilitation prognosis
15 and plan of therapeutic intervention, and assessing the
16 on-going effects of the interventions.

17 (B) Alleviating impairments, functional limitations,
18 or disabilities by designing, implementing, and modifying
19 therapeutic interventions that may include, but are not
20 limited to, the evaluation or treatment of a person through
21 the use of the effective properties of physical measures
22 and heat, cold, light, water, radiant energy, electricity,
23 sound, and air and use of therapeutic massage, therapeutic
24 exercise, mobilization, and rehabilitative procedures,
25 with or without assistive devices, for the purposes of
26 preventing, correcting, or alleviating a physical or
27 mental impairment, functional limitation, or disability.

28 (C) Reducing the risk of injury, impairment,
29 functional limitation, or disability, including the
30 promotion and maintenance of fitness, health, and
31 wellness.

32 (D) Engaging in administration, consultation,

1 education, and research. ~~the evaluation or treatment of a~~
2 ~~person by the use of the effective properties of physical~~
3 ~~measures and heat, cold, light, water, radiant energy,~~
4 ~~electricity, sound, and air; and the use of therapeutic~~
5 ~~massage, therapeutic exercise, mobilization, and the~~
6 ~~rehabilitative procedures with or without assistive~~
7 ~~devices for the purposes of preventing, correcting, or~~
8 ~~alleviating a physical or mental disability, or promoting~~
9 ~~physical fitness and well being.~~

10 Physical therapy includes, but is not limited to: (a)
11 performance of specialized tests and measurements, (b)
12 administration of specialized treatment procedures, (c)
13 interpretation of referrals from physicians, dentists,
14 advanced practice nurses, physician assistants, and
15 podiatrists, (d) establishment, and modification of physical
16 therapy treatment programs, (e) administration of topical
17 medication used in generally accepted physical therapy
18 procedures when such medication is prescribed by the patient's
19 physician, licensed to practice medicine in all its branches,
20 the patient's physician licensed to practice podiatric
21 medicine, the patient's advanced practice nurse, the patient's
22 physician assistant, or the patient's dentist, and (f)
23 supervision or teaching of physical therapy. Physical therapy
24 does not include radiology, electrosurgery, chiropractic
25 technique or determination of a differential diagnosis;
26 provided, however, the limitation on determining a
27 differential diagnosis shall not in any manner limit a physical
28 therapist licensed under this Act from performing an evaluation
29 pursuant to such license. Nothing in this Section shall limit a
30 physical therapist from employing appropriate physical therapy
31 techniques that he or she is educated and licensed to perform.
32 A physical therapist shall refer to a licensed physician,
33 advanced practice nurse, physician assistant, dentist, or
34 podiatrist any patient whose medical condition should, at the

1 time of evaluation or treatment, be determined to be beyond the
2 scope of practice of the physical therapist.

3 (2) "Physical therapist" means a person who practices
4 physical therapy and who has met all requirements as provided
5 in this Act.

6 (3) "Department" means the Department of Professional
7 Regulation.

8 (4) "Director" means the Director of Professional
9 Regulation.

10 (5) "Board" ~~"Committee"~~ means the Physical Therapy
11 Licensing and Disciplinary Board ~~Examining Committee~~ approved
12 by the Director.

13 (6) "Referral" means a written or oral authorization for
14 physical therapy services for a patient by a physician,
15 dentist, advanced practice nurse, physician assistant, or
16 podiatrist who maintains medical supervision of the patient and
17 makes a diagnosis or verifies that the patient's condition is
18 such that it may be treated by a physical therapist.

19 (7) "Documented current and relevant diagnosis" for the
20 purpose of this Act means a diagnosis, substantiated by
21 signature or oral verification of a physician, dentist,
22 advanced practice nurse, physician assistant, or podiatrist,
23 that a patient's condition is such that it may be treated by
24 physical therapy as defined in this Act, which diagnosis shall
25 remain in effect until changed by the physician, dentist,
26 advanced practice nurse, physician assistant, or podiatrist.

27 (8) "State" includes:

28 (a) the states of the United States of America;

29 (b) the District of Columbia; and

30 (c) the Commonwealth of Puerto Rico.

31 (9) "Physical therapist assistant" means a person licensed
32 to assist a physical therapist and who has met all requirements
33 as provided in this Act and who works under the supervision of
34 a licensed physical therapist to assist in implementing the

1 physical therapy treatment program as established by the
2 licensed physical therapist. The patient care activities
3 provided by the physical therapist assistant shall not include
4 the interpretation of referrals, evaluation procedures, or the
5 planning or major modification of patient programs.

6 (10) "Physical therapy aide" means a person who has
7 received on the job training, specific to the facility in which
8 he is employed, but who has not completed an approved physical
9 therapist assistant program.

10 (11) "Advanced practice nurse" means a person licensed
11 under the Nursing and Advanced Practice Nursing Act who has a
12 collaborative agreement with a collaborating physician that
13 authorizes referrals to physical therapists.

14 (12) "Physician assistant" means a person licensed under
15 the Physician Assistant Practice Act of 1987 who has been
16 delegated authority to make referrals to physical therapists.

17 (Source: P.A. 92-651, eff. 7-11-02; 93-1010, eff. 8-24-04.)

18 (225 ILCS 90/6) (from Ch. 111, par. 4256)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 6. Duties and functions of Director and Board
21 ~~Committee~~. The Director shall appoint a Physical Therapy
22 Licensing and Disciplinary Board ~~Committee~~ as follows: Seven
23 persons who shall be appointed by and shall serve in an
24 advisory capacity to the Director. Six members must be actively
25 engaged in the practice of physical therapy in this State for a
26 minimum of 5 years and one member must be a member of the
27 public who is not licensed under this Act, or a similar Act of
28 another jurisdiction.

29 Members shall serve 4 year terms and until their successors
30 are appointed and qualified, ~~except that of the initial~~
31 ~~appointments, 2 members shall be appointed to serve for 2~~
32 ~~years, 2 shall be appointed to serve for 3 years and the~~
33 ~~remaining shall be appointed to serve for 4 years and until~~

1 ~~their successors are appointed and qualified.~~ No member shall
2 be reappointed to the Board Committee for a term which would
3 cause his continuous service on the Board Committee to be
4 longer than 9 successive years. Appointments to fill vacancies
5 shall be made in the same manner as original appointments, for
6 the unexpired portion of the vacated term. ~~Initial terms shall~~
7 ~~begin upon the effective date of this amendatory Act of 1987~~
8 ~~and Committee members in office on that date shall be eligible~~
9 ~~for appointment to specific terms as indicated herein.~~

10 For the initial appointment of the Board Committee, the
11 Director shall give priority to filling the public member terms
12 as vacancies become available.

13 Members of the Board Committee shall be immune from suit in
14 any action based upon any disciplinary proceedings or other
15 activities performed in good faith as members of the Board
16 Committee.

17 A vacancy in the membership of the Board Committee shall
18 not impair the right of a quorum to exercise all the rights and
19 perform all the duties of the Board Committee.

20 The members of the Board Committee are entitled to receive
21 as compensation a reasonable sum as determined by the Director
22 for each day actually engaged in the duties of the office and
23 all legitimate and necessary expenses incurred in attending the
24 meetings of the Board Committee.

25 The membership of the Board Committee should reasonably
26 reflect representation from the geographic areas in this State.

27 The Director may terminate the appointment of any member
28 for cause which in the opinion of the Director reasonably
29 justifies such termination.

30 The Director shall consider the recommendations of the
31 Board Committee on questions involving standards of
32 professional conduct, discipline and qualifications of
33 candidates and licensees under this Act.

34 Nothing shall limit the ability of the Board Committee to

1 provide recommendations to the Director in regard to any matter
2 affecting the administration of this Act. The Director shall
3 give due consideration to all recommendations of the Board
4 ~~Committee~~. If the Director takes action contrary to a
5 recommendation of the Board ~~Committee~~, the Director shall
6 promptly provide a written explanation of that action.

7 (Source: P.A. 89-387, eff. 1-1-96.)

8 (225 ILCS 90/8) (from Ch. 111, par. 4258)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 8. Qualifications for licensure as a Physical
11 Therapist.

12 (a) A person is qualified to receive a license as a
13 physical therapist if that person has applied in writing, on
14 forms prescribed by the Department, has paid the required fees,
15 and meets all of the following requirements:

16 (1) He or she is at least 18 years of age and of good
17 moral character. In determining moral character, the
18 Department may take into consideration any felony
19 conviction of the applicant, but such a conviction shall
20 not operate automatically as a complete bar to a license.

21 (2) He or she has graduated from a curriculum in
22 physical therapy approved by the Department. In approving a
23 curriculum in physical therapy, the Department shall
24 consider, but not be bound by, accreditation by the
25 Commission on Accreditation in Physical Therapy Education.
26 A person who graduated from a physical therapy program
27 outside the United States or its territories shall have his
28 or her degree validated as equivalent to a physical therapy
29 degree conferred by a regionally accredited college or
30 university in the United States. The Department may
31 establish by rule a method for the completion of course
32 deficiencies.

33 (3) He or she has passed an examination approved by the

1 Department to determine his fitness for practice as a
2 physical therapist, or is entitled to be licensed without
3 examination as provided in Sections 10 and 11 of this Act.
4 A person who graduated from a physical therapy program
5 outside the United States or its territories and whose
6 first language is not English shall submit certification of
7 passage of the Test of English as a Foreign Language
8 (TOEFL) and the Test of Spoken English (TSE) as defined by
9 rule prior to taking the licensure examination.

10 (b) The Department reserves the right and may request a
11 personal interview of an applicant before the Board ~~Committee~~
12 to further evaluate his or her qualifications for a license.

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

14 (225 ILCS 90/8.1) (from Ch. 111, par. 4258.1)

15 (Section scheduled to be repealed on January 1, 2006)

16 Sec. 8.1. Qualifications for licensure as a physical
17 therapist assistant. A person is qualified to receive a license
18 as a physical therapist assistant if that person has applied in
19 writing, on forms prescribed by the Department, has paid the
20 required fees and:

21 (1) Is at least 18 years of age and of good moral
22 character. In determining moral character, the Department
23 may take into consideration any felony conviction of the
24 applicant, but such a conviction shall not operate
25 automatically as a complete bar to a license;

26 (2) Has graduated from a ~~2-year college level~~ physical
27 therapist ~~therapy~~ assistant program approved by the
28 Department and attained, at a minimum, an associate's
29 degree from the program. In approving such a physical
30 therapist assistant program the Department shall consider
31 but not be bound by accreditation by the Commission on
32 Accreditation in Physical Therapy Education. Any person
33 who graduated from a physical therapist ~~therapy~~ assistant

1 program outside the United States or its territories shall
2 have his or her degree validated as equivalent to a
3 physical therapy assistant degree conferred by a
4 regionally accredited college or university in the United
5 States. The Department may establish by rule a method for
6 the completion of course deficiencies; and

7 (3) Has successfully completed the examination
8 authorized by the Department. A person who graduated from a
9 physical therapist ~~therapy~~ assistant program outside the
10 United States or its territories and whose first language
11 is not English shall submit certification of passage of the
12 Test of English as a Foreign Language (TOEFL) and the Test
13 of Spoken English (TSE) as defined by rule prior to taking
14 the licensure examination.

15 (Source: P.A. 89-387, eff. 1-1-96.)

16 (225 ILCS 90/12) (from Ch. 111, par. 4262)

17 (Section scheduled to be repealed on January 1, 2006)

18 Sec. 12. Examinations. The Department shall examine
19 applicants for licenses as physical therapists or physical
20 therapist assistants at such times and places as it may
21 determine. At least 2 written examinations shall be given
22 during each calendar year for both physical therapists and
23 physical therapist assistants. The examination shall be
24 approved by the Department.

25 Following notification of eligibility for examination, an
26 applicant who fails to take the ~~next scheduled~~ examination for
27 a license under this Act within 60 days of the notification,
28 shall forfeit his or her fee, and his or her right to practice
29 as a physical therapist or physical therapist assistant until
30 such time as the applicant has passed the appropriate
31 examination. Any applicant failing the examination three times
32 in any jurisdiction will not be allowed to sit for another
33 examination until the applicant has presented satisfactory

1 evidence to the Board ~~committee~~ of appropriate remedial work as
2 set forth in the rules and regulations.

3 If an applicant neglects, fails or refuses to take an
4 examination or fails to pass an examination for a license or
5 otherwise fails to complete the application process under this
6 Act within 3 years after filing his application, the
7 application shall be denied. However, such applicant may make a
8 new application for examination accompanied by the required
9 fee, and must furnish proof of meeting qualifications for
10 examination in effect at the time of new application.

11 (Source: P.A. 89-387, eff. 1-1-96.)

12 (225 ILCS 90/15) (from Ch. 111, par. 4265)

13 (Section scheduled to be repealed on January 1, 2006)

14 Sec. 15. Restoration of expired licenses. A physical
15 therapist or physical therapist assistant who has permitted his
16 or her license to expire or who has had his or her license on
17 inactive status may have his or her license restored by making
18 application to the Department and filing proof acceptable to
19 the Department of his or her fitness to have his or her license
20 restored, including sworn evidence certifying to active
21 practice in another jurisdiction satisfactory to the
22 Department and by paying the required restoration fee.

23 If the physical therapist or physical therapist assistant
24 has not maintained an active practice in another jurisdiction
25 satisfactory to the Department, the Board ~~Committee~~ shall
26 determine, by an evaluation program established by rule his or
27 her fitness to resume active status and may require the
28 physical therapist or physical therapist assistant to complete
29 a period of evaluated clinical experience and may require
30 successful completion of an examination.

31 Any physical therapist or physical therapist assistant
32 whose license has been expired or placed on inactive status for
33 more than 5 years may have his or her license restored by

1 making application to the Department and filing proof
2 acceptable to the Department of his or her fitness to have his
3 or her license restored, including sworn evidence certifying to
4 active practice in another jurisdiction and by paying the
5 required restoration fee.

6 However, any physical therapist or physical therapist
7 assistant whose license has expired while he has been engaged
8 (1) in the federal service in active duty with the Army of the
9 United States, the United States Navy, the Marine Corps, the
10 Air Force, the Coast Guard, or the State Militia called into
11 the service or training of the United States of America, or (2)
12 in training or education under the supervision of the United
13 States preliminary to induction into the military service, may
14 have his license restored without paying any lapsed renewal
15 fees or restoration fee, if within 2 years after termination of
16 such service, training or education, other than by dishonorable
17 discharge, he furnishes the Department with an affidavit to the
18 effect that he has been so engaged and that his service,
19 training or education has been so terminated.

20 (Source: P.A. 89-387, eff. 1-1-96.)

21 (225 ILCS 90/17) (from Ch. 111, par. 4267)

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 17. (1) The Department may refuse to issue or to
24 renew, or may revoke, suspend, place on probation, reprimand,
25 or take other disciplinary action as the Department deems
26 appropriate, including the issuance of fines not to exceed
27 \$5000, with regard to a license for any one or a combination of
28 the following:

29 A. Material misstatement in furnishing information to
30 the Department or otherwise making misleading, deceptive,
31 untrue, or fraudulent representations in violation of this
32 Act or otherwise in the practice of the profession;

33 B. Violations of this Act, or of the rules or

1 regulations promulgated hereunder;

2 C. Conviction of any crime under the laws of the United
3 States or any state or territory thereof which is a felony
4 or which is a misdemeanor, an essential element of which is
5 dishonesty, or of any crime which is directly related to
6 the practice of the profession; conviction, as used in this
7 paragraph, shall include a finding or verdict of guilty, an
8 admission of guilt or a plea of nolo contendere;

9 D. Making any misrepresentation for the purpose of
10 obtaining licenses, or violating any provision of this Act
11 or the rules promulgated thereunder pertaining to
12 advertising;

13 E. A pattern of practice or other behavior which
14 demonstrates incapacity or incompetency to practice under
15 this Act;

16 F. Aiding or assisting another person in violating any
17 provision of this Act or Rules;

18 G. Failing, within 60 days, to provide information in
19 response to a written request made by the Department;

20 H. Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public. Unprofessional conduct shall
23 include any departure from or the failure to conform to the
24 minimal standards of acceptable and prevailing physical
25 therapy practice, in which proceeding actual injury to a
26 patient need not be established;

27 I. Unlawful distribution of any drug or narcotic, or
28 unlawful conversion of any drug or narcotic not belonging
29 to the person for such person's own use or benefit or for
30 other than medically accepted therapeutic purposes;

31 J. Habitual or excessive use or addiction to alcohol,
32 narcotics, stimulants, or any other chemical agent or drug
33 which results in a physical therapist's or physical
34 therapist assistant's inability to practice with

1 reasonable judgment, skill or safety;

2 K. Revocation or suspension of a license to practice
3 physical therapy as a physical therapist or physical
4 therapist assistant or the taking of other disciplinary
5 action by the proper licensing authority of another state,
6 territory or country;

7 L. Directly or indirectly giving to or receiving from
8 any person, firm, corporation, partnership or association
9 any fee, commission, rebate or other form of compensation
10 for any professional services not actually or personally
11 rendered. Nothing contained in this paragraph prohibits
12 persons holding valid and current licenses under this Act
13 from practicing physical therapy in partnership under a
14 partnership agreement, including a limited liability
15 partnership, a limited liability company, or a corporation
16 under the Professional Service Corporation Act or from
17 pooling, sharing, dividing, or apportioning the fees and
18 monies received by them or by the partnership, company, or
19 corporation in accordance with the partnership agreement
20 or the policies of the company or professional corporation;

21 M. A finding by the Board ~~Committee~~ that the licensee
22 after having his or her license placed on probationary
23 status has violated the terms of probation;

24 N. Abandonment of a patient;

25 O. Willfully failing to report an instance of suspected
26 child abuse or neglect as required by the Abused and
27 Neglected Child Reporting Act;

28 P. Willfully failing to report an instance of suspected
29 elder abuse or neglect as required by the Elder Abuse
30 Reporting Act;

31 Q. Physical illness, including but not limited to,
32 deterioration through the aging process, or loss of motor
33 skill which results in the inability to practice the
34 profession with reasonable judgement, skill or safety;

1 R. The use of any words (such as physical therapy,
2 physical therapist physiotherapy or physiotherapist),
3 abbreviations, figures or letters with the intention of
4 indicating practice as a licensed physical therapist
5 without a valid license as a physical therapist issued
6 under this Act;

7 S. The use of the term physical therapist assistant, or
8 abbreviations, figures, or letters with the intention of
9 indicating practice as a physical therapist assistant
10 without a valid license as a physical therapist assistant
11 issued under this Act;

12 T. Willfully violating or knowingly assisting in the
13 violation of any law of this State relating to the practice
14 of abortion;

15 U. Continued practice by a person knowingly having an
16 infectious, communicable or contagious disease;

17 V. Having treated ailments of human beings otherwise
18 than by the practice of physical therapy as defined in this
19 Act, or having treated ailments of human beings as a
20 licensed physical therapist independent of a documented
21 referral or a documented current and relevant diagnosis
22 from a physician, dentist, advanced practice nurse,
23 physician assistant, or podiatrist, or having failed to
24 notify the physician, dentist, advanced practice nurse,
25 physician assistant, or podiatrist who established a
26 documented current and relevant diagnosis that the patient
27 is receiving physical therapy pursuant to that diagnosis;

28 W. Being named as a perpetrator in an indicated report
29 by the Department of Children and Family Services pursuant
30 to the Abused and Neglected Child Reporting Act, and upon
31 proof by clear and convincing evidence that the licensee
32 has caused a child to be an abused child or neglected child
33 as defined in the Abused and Neglected Child Reporting Act;

34 X. Interpretation of referrals, performance of

1 evaluation procedures, planning or making major
2 modifications of patient programs by a physical therapist
3 assistant;

4 Y. Failure by a physical therapist assistant and
5 supervising physical therapist to maintain continued
6 contact, including periodic personal supervision and
7 instruction, to insure safety and welfare of patients;

8 Z. Violation of the Health Care Worker Self-Referral
9 Act.

10 (2) The determination by a circuit court that a licensee is
11 subject to involuntary admission or judicial admission as
12 provided in the Mental Health and Developmental Disabilities
13 Code operates as an automatic suspension. Such suspension will
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of an order so finding and discharging the
17 patient; and upon the recommendation of the Board ~~Committee~~ to
18 the Director that the licensee be allowed to resume his
19 practice.

20 (3) 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.

27 (Source: P.A. 93-1010, eff. 8-24-04.)

28 (225 ILCS 90/19) (from Ch. 111, par. 4269)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 19. Investigations; notice and hearing. The
31 Department may investigate the actions of any applicant or of
32 any person or persons holding or claiming to hold a license.
33 The Department shall, before refusing to issue, to renew or

1 discipline a license pursuant to Section 17, at least 30 days
2 prior to the date set for the hearing, notify in writing the
3 applicant for, or holder of, a license of the nature of the
4 charges, that a hearing will be held on the date designated,
5 and direct the applicant or licensee to file a written answer
6 to the Board under oath within 20 days after the service of the
7 notice and inform the applicant or licensee that failure to
8 file an answer will result in default being taken against the
9 applicant or licensee and that the license or certificate may
10 be suspended, revoked, placed on probationary status, or other
11 disciplinary action may be taken, including limiting the scope,
12 nature or extent of practice, as the Director may deem proper.
13 Written notice may be served by personal delivery or certified
14 or registered mail to the respondent at the address of his last
15 notification to the Department. In case the person fails to
16 file an answer after receiving notice, his or her license or
17 certificate may, in the discretion of the Department, be
18 suspended, revoked, or placed on probationary status, or the
19 Department may take whatever disciplinary action deemed
20 proper, including limiting the scope, nature, or extent of the
21 person's practice or the imposition of a fine, without a
22 hearing, if the act or acts charged constitute sufficient
23 grounds for such action under this Act. At the time and place
24 fixed in the notice, the Board ~~Committee~~ shall proceed to hear
25 the charges and the parties or their counsel shall be accorded
26 ample opportunity to present such statements, testimony,
27 evidence and argument as may be pertinent to the charges or to
28 their defense. The Board ~~Committee~~ may continue a hearing from
29 time to time.

30 (Source: P.A. 89-387, eff. 1-1-96.)

31 (225 ILCS 90/20) (from Ch. 111, par. 4270)

32 (Section scheduled to be repealed on January 1, 2006)

33 Sec. 20. Stenographer - Transcript. The Department, at its

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

8 (Source: P.A. 84-595.)

9 (225 ILCS 90/22) (from Ch. 111, par. 4272)

10 (Section scheduled to be repealed on January 1, 2006)

11 Sec. 22. Findings and Recommendations. At the conclusion of
12 the hearing the Board ~~Committee~~ shall present to the Director a
13 written report of its findings and recommendations. The report
14 shall contain a finding whether or not the accused person
15 violated this Act or failed to comply with the conditions
16 required in this Act. The Board ~~Committee~~ shall specify the
17 nature of the violation or failure to comply, and shall make
18 its recommendations to the Director.

19 The report of findings and recommendations of the Board
20 ~~Committee~~ shall be the basis for the Department's order or
21 refusal or for the granting of a license or permit unless the
22 Director shall determine that the Board ~~Committee~~ report is
23 contrary to the manifest weight of the evidence, in which case
24 the Director may issue an order in contravention of the Board
25 ~~Committee~~ report. The finding is not admissible in evidence
26 against the person in a criminal prosecution brought for the
27 violation of this Act, but the hearing and finding are not a
28 bar to a criminal prosecution brought for the violation of this
29 Act.

30 (Source: P.A. 84-595.)

31 (225 ILCS 90/23) (from Ch. 111, par. 4273)

32 (Section scheduled to be repealed on January 1, 2006)

1 Sec. 23. Rehearing. In any case involving the refusal to
2 issue, renew or discipline of a license, a copy of the Board's
3 ~~Committee's~~ report shall be served upon the respondent by the
4 Department, either personally or as provided in this Act for
5 the service of the notice of hearing. Within 20 days after such
6 service, the respondent may present to the Department a motion
7 in writing for a rehearing, which motion shall specify the
8 particular grounds therefor. If no motion for rehearing is
9 filed, then upon the expiration of the time specified for
10 filing such a motion, or if a motion for rehearing is denied,
11 then upon such denial the Director may enter an order in
12 accordance with recommendations of the Board ~~Committee~~ except
13 as provided in Section 22 of this Act. If the respondent shall
14 order from the reporting service, and pay for a transcript of
15 the record within the time for filing a motion for rehearing,
16 the 20 day period within which such a motion may be filed shall
17 commence upon the delivery of the transcript to the respondent.
18 (Source: P.A. 90-655, eff. 7-30-98.)

19 (225 ILCS 90/25) (from Ch. 111, par. 4275)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 25. Appointment of a Hearing Officer. The Director
22 shall have the authority to appoint any attorney duly licensed
23 to practice law in the State of Illinois to serve as the
24 hearing officer in any action for refusal to issue, renew or
25 discipline of a license or permit. The hearing officer shall
26 have full authority to conduct the hearing. At least one member
27 of the Board ~~Committee~~ shall attend each hearing. The hearing
28 officer shall report his findings and recommendations to the
29 Board ~~Committee~~ and the Director. The Board ~~Committee~~ shall
30 have 60 days from receipt of the report to review the report of
31 the hearing officer and present their findings of fact,
32 conclusions of law and recommendations to the Director. If the
33 Board ~~Committee~~ fails to present its report within the 60 day

1 period, the Director shall issue an order based on the report
2 of the hearing officer. If the Director determines that the
3 Board's ~~Committee's~~ report is contrary to the manifest weight
4 of the evidence, he may issue an order in contravention of the
5 Board's ~~Committee's~~ report.

6 (Source: P.A. 89-387, eff. 1-1-96.)

7 (225 ILCS 90/26) (from Ch. 111, par. 4276)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 26. Order or certified copy; prima facie proof. An
10 order or a certified copy thereof, over the seal of the
11 Department and purporting to be signed by the Director, shall
12 be prima facie proof that:

13 (a) the signature is the genuine signature of the
14 Director;

15 (b) the Director is duly appointed and qualified; and

16 (c) the Board ~~Committee~~ and the members thereof are
17 qualified to act.

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

19 (225 ILCS 90/27) (from Ch. 111, par. 4277)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 27. Restoration of Suspended or Revoked License. At
22 any time after the suspension or revocation of any license, the
23 Department may restore it to the accused person, upon the
24 written recommendation of the Board ~~Committee~~ unless after an
25 investigation and a hearing, the Board ~~Committee~~ determines
26 that restoration is not in the public interest.

27 (Source: P.A. 84-595.)

28 (225 ILCS 90/29) (from Ch. 111, par. 4279)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 29. Temporary Suspension of a License. The Director
31 may temporarily suspend the license of a physical therapist or

1 physical therapist assistant without a hearing, simultaneously
2 with the institution of proceedings for a hearing provided for
3 in Section 19 of this Act, if the Director finds that evidence
4 in his possession indicates that a physical therapist's or a
5 physical therapist assistant's continuation in practice would
6 constitute an imminent danger to the public. In the event that
7 the Director suspends, temporarily, the license of a physical
8 therapist or physical therapist assistant without a hearing, a
9 hearing by the Board ~~Committee~~ must be held within 30 calendar
10 days after such suspension has occurred.

11 (Source: P.A. 89-387, eff. 1-1-96.)".