

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 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008. The following  
8 Acts are repealed on January 1, 2008:

9 The Acupuncture Practice Act.

10 The Clinical Social Work and Social Work Practice Act.

11 The Home Medical Equipment and Services Provider License  
12 Act.

13 The Nursing and Advanced Practice Nursing Act.

14 The Illinois Petroleum Education and Marketing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and Disciplinary  
19 Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

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

23 The Structural Pest Control Act.

1 (Source: P.A. 94-754, eff. 5-10-06.)

2 (5 ILCS 80/4.28 new)

3 Sec. 4.28. Act repealed on January 1, 2018. The following  
4 Act is repealed on January 1, 2018:

5 The Podiatric Medical Practice Act of 1987.

6 Section 10. The Podiatric Medical Practice Act of 1987 is  
7 amended by changing Sections 3, 5, 6, 7, 10, 11.5, 12, 14, 18,  
8 21, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 38, and 41 as  
9 follows:

10 (225 ILCS 100/3) (from Ch. 111, par. 4803)

11 (Section scheduled to be repealed on January 1, 2008)

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

13 (A) Any person licensed to practice medicine and  
14 surgery in all of its branches in this State under the  
15 Medical Practice Act of 1987 from engaging in the practice  
16 for which he or she is licensed.

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

21 (C) The practice of podiatric medicine that is included  
22 in their program of study by students enrolled in any  
23 approved college of podiatric medicine or in refresher

1 courses approved by the Department.

2 (D) The practice of podiatric medicine by one who has  
3 applied in writing to the Department, in form and substance  
4 satisfactory to the Department, for a license as a  
5 podiatric physician and has complied with all the  
6 provisions under Section 10 ~~9~~ of this Act, except the  
7 passing of an examination to be eligible to receive such  
8 license, until the decision of the Department that the  
9 applicant has failed to pass the next available examination  
10 authorized by the Department or has failed to take the next  
11 available examination authorized by the Department, or the  
12 withdrawal of the application.

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

21 (1) the expiration of 6 months after the filing of  
22 such written application,

23 (2) the withdrawal of such application, or

24 (3) the denial of such application by the  
25 Department.

26 (F) The provision of emergency care without fee by a

1           podiatric physician assisting in an emergency as provided  
2           in Section 4.

3           An applicant for a license to practice podiatric medicine,  
4 practicing under the exceptions set forth in paragraphs (D) or  
5 (E), may use the title podiatric physician, podiatrist, doctor  
6 of podiatric medicine, or chiropodist as set forth in Section 5  
7 of this Act.

8 (Source: P.A. 90-14, eff. 7-1-97; 90-76, eff. 12-30-97.)

9           (225 ILCS 100/5) (from Ch. 111, par. 4805)

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

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

12           (A) "Department" means the Department of Financial and  
13 Professional Regulation.

14           (B) "Secretary" "~~Director~~" means the Secretary ~~Director~~ of  
15 Financial and Professional Regulation.

16           (C) "Board" means the Podiatric Medical Licensing Board  
17 appointed by the Secretary ~~Director~~.

18           (D) "Podiatric medicine" or "podiatry" means the diagnosis,  
19 medical, physical, or surgical treatment of the ailments of the  
20 human foot, including amputations; provided that amputations  
21 of the human foot are limited to 10 centimeters proximal to the  
22 tibial talar articulation. "Podiatric medicine" or "podiatry"  
23 includes the provision of topical and local anesthesia and  
24 moderate and deep sedation, as defined by Department rule  
25 adopted under the Medical Practice Act of 1987 ~~with the~~

1 ~~exception of administration of general anesthetics and the~~  
2 ~~amputation of the human foot.~~ For the purposes of this Act, the  
3 terms podiatric medicine, podiatry and chiropody have the same  
4 definition.

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

7 (F) "Podiatric physician" means a physician licensed to  
8 practice podiatric medicine.

9 (G) "Postgraduate training" means a minimum one year  
10 postdoctoral structured and supervised educational experience  
11 approved by the Council on Podiatric Medical Education of the  
12 American Podiatric Medical Association which includes  
13 residencies and preceptorships.

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

15 (225 ILCS 100/6) (from Ch. 111, par. 4806)

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

17 Sec. 6. Powers and duties of the Department. The Department  
18 shall exercise the powers and duties prescribed by the Civil  
19 Administrative Code of Illinois for the administration of  
20 licensing acts and shall exercise such other powers and duties  
21 conferred by this Act.

22 The Secretary ~~Director~~ may promulgate rules consistent  
23 with the provisions of this Act, for the administration and  
24 enforcement thereof and may prescribe forms that shall be  
25 issued in connection therewith.

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

2 (225 ILCS 100/7) (from Ch. 111, par. 4807)

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

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

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

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

19 In making appointments to the Board the Secretary ~~Director~~  
20 shall give due consideration to recommendations by the Illinois  
21 Podiatric Medical Association and shall promptly give due  
22 notice to the Illinois Podiatric Medical Association of any  
23 vacancy in the membership of the Board.

24 Appointments to fill vacancies shall be made in the same  
25 manner as original appointments, for the unexpired portion of

1 the vacated term.

2 The Board shall annually elect a chairperson and  
3 vice-chairperson.

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

6 Members of the Board shall be immune from suit in any  
7 action based upon any disciplinary proceedings or other  
8 activities performed in good faith as members of the Board.

9 The members of the Board may ~~shall each~~ receive as  
10 compensation a reasonable sum as determined by the Secretary  
11 ~~Director~~ for each day actually engaged in the duties of the  
12 office, and all legitimate and necessary expenses incurred in  
13 attending the meetings of the Board.

14 The Secretary ~~Director~~ may terminate the appointment of any  
15 member for cause that in the opinion of the Secretary ~~Director~~  
16 reasonably justifies such termination.

17 The Secretary ~~Director~~ shall consider the recommendations  
18 of the Board on questions involving standards of professional  
19 conduct, discipline, and qualifications of candidates and  
20 licensees under this Act.

21 Notice of proposed rulemaking shall be transmitted to the  
22 Board and the Department shall review the response of the Board  
23 and any recommendations made in the response. The Department  
24 may, at any time, seek the expert advice and knowledge of the  
25 Board on any matter relating to the administration or  
26 enforcement of this Act.

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

2 (225 ILCS 100/10) (from Ch. 111, par. 4810)

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

4 Sec. 10. Qualifications for licensure. A person shall be  
5 qualified for licensure as a podiatric physician:

6 (A) who has applied for licensure on forms prepared and  
7 furnished by the Department;

8 (B) who is at least 21 years of age;

9 (C) who has not engaged in or is not engaged in any  
10 practice or conduct that constitutes grounds for  
11 discipline under this Act, including without limitation  
12 grounds set forth in Section 24 of this Act, or rules  
13 adopted under this Act ~~is of good moral character. In~~  
14 ~~determining moral character under this Section, the~~  
15 ~~Department may take into consideration any felony~~  
16 ~~conviction of the applicant, but such a conviction shall~~  
17 ~~not operate as a bar to licensure;~~

18 (D) who is a graduate of an approved college of  
19 podiatric medicine and has attained the academic degree of  
20 doctor of podiatric medicine (D.P.M.);

21 (E) who has successfully completed an examination  
22 authorized by the Department; and

23 (F) who has successfully completed a minimum of one  
24 year postgraduate training as defined in Section 5 of this  
25 Act. The postgraduate training requirement shall be



1 effective July 1, 1992.

2 (Source: P.A. 89-387, eff. 8-20-95; 90-76, eff. 12-30-97.)

3 (225 ILCS 100/11.5)

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

5 Sec. 11.5. Unlicensed practice; violation; civil penalty.

6 (a) Any person who practices, offers to practice, attempts  
7 to practice, or holds oneself out to practice podiatry without  
8 being licensed under this Act shall, in addition to any other  
9 penalty provided by law, pay a civil penalty to the Department  
10 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as  
11 determined by the Department. The civil penalty shall be  
12 assessed by the Department after a hearing is held in  
13 accordance with the provisions set forth in this Act regarding  
14 the provision of a hearing for the discipline of a licensee.

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

17 (c) The civil penalty shall be paid within 60 days after  
18 the effective date of the order imposing the civil penalty. The  
19 order shall constitute a judgment and may be filed and  
20 execution had thereon in the same manner as any judgment from  
21 any court of record.

22 (Source: P.A. 89-474, eff. 6-18-96.)

23 (225 ILCS 100/12) (from Ch. 111, par. 4812)

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

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

2           (A) Podiatric physicians otherwise qualified for  
3 licensure, with the exception of completion of one year of  
4 postgraduate training and the exception of the successful  
5 completion of the written practical examination required under  
6 Section 10, may be granted a one year temporary license to  
7 practice podiatric medicine provided that the applicant can  
8 demonstrate that he or she has been accepted and is enrolled in  
9 a recognized postgraduate training program during the period  
10 for which the temporary license is sought. Such temporary  
11 licenses shall be valid for one year from the date of issuance  
12 for the practice site issued and may be renewed once. In  
13 addition, an applicant may request a one-year extension  
14 pursuant to the rules of the Department. Such applicants shall  
15 apply in writing on those forms prescribed by the Department  
16 and shall submit with the application the required application  
17 fee. Other examination fees that may be required under Section  
18 8 must also be paid by temporary licensees.

19           (B) Application for visiting professor permits shall be  
20 made to the Department in writing on forms prescribed by the  
21 Department and be accompanied by the required fee. Requirements  
22 for a visiting professor permit issued under this Section shall  
23 be determined by the Department by rule. Visiting professor  
24 permits shall be valid for one year from the date of issuance  
25 or until such time as the faculty appointment is terminated,  
26 whichever occurs first, and may be renewed once.

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

2 (225 ILCS 100/14) (from Ch. 111, par. 4814)

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

4 Sec. 14. Continuing education requirement. Podiatric  
5 physicians licensed to practice in Illinois shall, as a  
6 requirement for renewal of license, complete continuing  
7 education at the rate of at least 50 ~~25~~ hours per year. Such  
8 hours shall be earned (1) from courses offered by sponsors  
9 validated by the Illinois Podiatric Medical Association  
10 Continuing Education Committee and approved by the Podiatric  
11 Medical Licensing Board; or (2) by continuing education  
12 activities as defined in the rules of the Department. Podiatric  
13 physicians shall, at the request of the Department, provide  
14 proof of having met the requirements of continuing education  
15 under this Section. The Department shall by rule provide an  
16 orderly process for the reinstatement of licenses which have  
17 not been renewed due to the licensee's failure to meet  
18 requirements of this Section. The requirements of continuing  
19 education may be waived by the Secretary ~~Director~~, upon  
20 recommendation by the Board, in whole or in part for such good  
21 cause, including but not limited to illness or hardship, as  
22 defined by the rules of the Department.

23 The Department shall establish by rule a means for the  
24 verification of completion of the continuing education  
25 required by this Section. This verification may be accomplished

1 through audits of records maintained by registrants; by  
2 requiring the filing of continuing education certificates with  
3 the Department; or by other means established by the  
4 Department.

5 (Source: P.A. 92-750, eff. 1-1-03.)

6 (225 ILCS 100/18) (from Ch. 111, par. 4818)

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

8 Sec. 18. Fees.

9 (a) The following fees are not refundable.

10 (1) The fee for a certificate of licensure is \$400. The  
11 fee for a temporary permit or Visiting Professor permit  
12 under Section 12 of this Act is \$250.

13 (2) In addition, applicants for any examination shall  
14 be required to pay, either to the Department or to the  
15 designated testing service, a fee covering the cost of  
16 providing the examination. Failure to appear for the  
17 examination on the scheduled date, at the time and place  
18 specified, after the applicant's application for  
19 examination has been received and acknowledged by the  
20 Department or the designated testing service, shall result  
21 in the forfeiture of the examination fee.

22 (3) The fee for the renewal of a certificate of  
23 licensure shall be calculated at the rate of \$200 per year.  
24 The fee for the renewal of a temporary permit or Visiting  
25 Professor permit shall be calculated at the rate of \$125

1 per year.

2 (4) The fee for the restoration of a certificate of  
3 licensure other than from inactive status is \$100 plus  
4 payment of all lapsed renewal fees, but not to exceed \$910.

5 (5) The fee for the issuance of a duplicate certificate  
6 of licensure, for the issuance of a replacement certificate  
7 for a certificate which has been lost or destroyed or for  
8 the issuance of a certificate with a change of name or  
9 address other than during the renewal period is \$20. No fee  
10 is required for name and address changes on Department  
11 records when no duplicate certificate is issued.

12 (6) The fee for a certification of a licensee's record  
13 for any purpose is \$20.

14 (7) The fee to have the scoring of an examination  
15 administered by the Department reviewed and verified is \$20  
16 plus any fees charged by the applicable testing service.

17 (8) The fee for a wall certificate showing licensure  
18 shall be the actual cost of producing such certificates.

19 (9) The fee for a roster of persons licensed as  
20 podiatric physicians in this State shall be the actual cost  
21 of producing such a roster.

22 (10) The annual fee for continuing education sponsors  
23 is \$1,000, however colleges, universities and State  
24 agencies shall be exempt from payment of this fee.

25 (b) Any person who delivers a check or other payment to the  
26 Department that is returned to the Department unpaid by the

1 financial institution upon which it is drawn shall pay to the  
2 Department, in addition to the amount already owed to the  
3 Department, a fine of \$50. The fines imposed by this Section  
4 are in addition to any other discipline provided under this Act  
5 for unlicensed practice or practice on a nonrenewed license.  
6 The Department shall notify the person that payment of fees and  
7 fines shall be paid to the Department by certified check or  
8 money order within 30 calendar days of the notification. If,  
9 after the expiration of 30 days from the date of the  
10 notification, the person has failed to submit the necessary  
11 remittance, the Department shall automatically terminate the  
12 license or certificate or deny the application, without  
13 hearing. If, after termination or denial, the person seeks a  
14 license, he or she shall apply to the Department for  
15 restoration or issuance of the license and pay all fees and  
16 fines due to the Department. The Department may establish a fee  
17 for the processing of an application for restoration of a  
18 license to pay all expenses of processing this application. The  
19 Secretary ~~Director~~ may waive the fines due under this Section  
20 in individual cases where the Secretary ~~Director~~ finds that the  
21 fines would be unreasonable or unnecessarily burdensome.

22 (Source: P.A. 92-146, eff. 1-1-02.)

23 (225 ILCS 100/21) (from Ch. 111, par. 4821)

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

25 Sec. 21. Advertising.

1 (A) Any podiatric physician may advertise the availability  
2 of podiatric medical services in the public media or on the  
3 premises where such services are rendered. Such advertising  
4 shall be limited to the following information:

5 (a) the podiatric medical services available;

6 (b) publication of the podiatric physician's name,  
7 title, office hours, address and telephone;

8 (c) information pertaining to areas of practice  
9 specialization, including appropriate board certification  
10 as approved by the Board in accordance with the rules for  
11 the administration of this Act or limitation of  
12 professional practice;

13 (d) information on usual and customary fees for routine  
14 podiatric medical services offered, which information  
15 shall include notification that fees may be adjusted due to  
16 complications or unforeseen circumstances;

17 (e) announcement of the opening of, change of, absence  
18 from, or return to business;

19 (f) announcement of additions to or deletions from  
20 professional podiatric staff;

21 (g) the issuance of business or appointment cards;

22 (h) other information about the podiatric physician,  
23 podiatric practice or the types of podiatric services that  
24 the podiatric physician offers to perform that a reasonable  
25 person might regard as relevant in determining whether to  
26 seek the podiatric physician's services.

1 (B) It is unlawful for any podiatric physician licensed  
2 under this Act:

3 (1) to use ~~testimonials or~~ claims of superior quality  
4 of care to entice the public;

5 (2) to advertise in any way to practice podiatric  
6 medicine without causing pain or deformity; or

7 (3) to advertise or offer gifts as an inducement to  
8 secure patient patronage. Podiatric physicians may  
9 advertise or offer free examinations or free podiatric  
10 medical services; it shall be unlawful, however, for any  
11 podiatric physician to charge a fee to any patient or any  
12 third party payor for any podiatric medical service  
13 provided at the time that such free examination or free  
14 podiatric medical services are provided.

15 (C) This Act does not authorize the advertising of  
16 podiatric medical services when the offeror of such services is  
17 not a podiatric physician. Nor shall the podiatric physician  
18 use statements that contain false, fraudulent, deceptive or  
19 misleading material or guarantees of success, statements that  
20 play upon the vanity or fears of the public, or statements that  
21 promote or produce unfair competition.

22 (D) A licensee shall include in every advertisement for  
23 services regulated under this Act his or her title as provided  
24 by rule or the initials authorized under this Act.

25 (Source: P.A. 90-76, eff. 12-30-97; 91-310, eff. 1-1-00.)



1 (225 ILCS 100/24) (from Ch. 111, par. 4824)

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

3 Sec. 24. Grounds for disciplinary action. ~~Refusal to issue~~  
4 ~~or suspension or revocation of license; grounds.~~ The Department  
5 may refuse to issue, may refuse to renew, may refuse to  
6 restore, may suspend, or may revoke any license, or may place  
7 on probation, reprimand or take other disciplinary or  
8 non-disciplinary action as the Department may deem proper,  
9 including fines not to exceed \$10,000 ~~\$5,000~~ for each violation  
10 upon anyone licensed under this Act for any of the following  
11 reasons:

12 (1) Making a material misstatement in furnishing  
13 information to the Department.

14 (2) Violations of this Act, or of the rules or regulations  
15 promulgated hereunder.

16 (3) Conviction of or entry of a plea of guilty or nolo  
17 contendere to any crime that is a felony under the laws of the  
18 any United States or any state or territory of the United  
19 States ~~jurisdiction~~ that is ~~a felony or~~ a misdemeanor, of which  
20 an essential element is dishonesty, or of any crime that is  
21 directly related to the practice of the profession.

22 (4) Making any misrepresentation for the purpose of  
23 obtaining licenses, or violating any provision of this Act or  
24 the rules promulgated thereunder pertaining to advertising.

25 (5) Professional incompetence.

26 (6) Gross or repeated malpractice or negligence.

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

3           (8) Failing, within 30 ~~60~~ days, to provide information in  
4 response to a written request made by the Department.

5           (9) Engaging in dishonorable, unethical or unprofessional  
6 conduct of a character likely to deceive, defraud or harm the  
7 public.

8           (10) Habitual or excessive use of alcohol, narcotics,  
9 stimulants or other chemical agent or drug that results in the  
10 inability to practice podiatric medicine with reasonable  
11 judgment, skill or safety.

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

15           (12) Directly or indirectly giving to or receiving from any  
16 person, firm, corporation, partnership or association any fee,  
17 commission, rebate or other form of compensation for any  
18 professional services not actually or personally rendered.  
19 This shall not be deemed to include rent or other remunerations  
20 paid to an individual, partnership, or corporation, by a  
21 licensee, for the lease, rental or use of space, owned or  
22 controlled, by the individual, partnership or corporation.

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

26           (14) Abandonment of a patient.

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

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

7 (17) Physical illness, mental illness, or other  
8 impairment, including but not limited to, deterioration  
9 through the aging process, or loss of motor skill that results  
10 in the inability to practice the profession with reasonable  
11 judgment, skill or safety.

12 (18) Solicitation of professional services other than  
13 permitted advertising.

14 (19) The determination by a circuit court that a licensed  
15 podiatric physician is subject to involuntary admission or  
16 judicial admission as provided in the Mental Health and  
17 Developmental Disabilities Code operates as an automatic  
18 suspension. Such suspension will end only upon a finding by a  
19 court that the patient is no longer subject to involuntary  
20 admission or judicial admission and issues an order so finding  
21 and discharging the patient; and upon the recommendation of the  
22 Podiatric Medical Licensing Board to the Secretary ~~Director~~  
23 that the licensee be allowed to resume his or her practice.

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

1           (21) Revocation or suspension or other action taken with  
2 respect to a podiatric medical license in another jurisdiction  
3 that would constitute disciplinary action under this Act.

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

7           (23) Gross, willful, and continued overcharging for  
8 professional services including filing false statements for  
9 collection of fees for those services, including, but not  
10 limited to, filing false statement for collection of monies for  
11 services not rendered from the medical assistance program of  
12 the Department of Healthcare and Family Services (formerly  
13 Department of Public Aid) under the Illinois Public Aid Code or  
14 other private or public third party payor.

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

21           (25) Willfully making or filing false records or reports in  
22 the practice of podiatric medicine, including, but not limited  
23 to, false records to support claims against the medical  
24 assistance program of the Department of Healthcare and Family  
25 Services (formerly Department of Public Aid) under the Illinois  
26 Public Aid Code.

1           (26) (Blank). ~~Mental illness or disability that results in~~  
2 ~~the inability to practice with reasonable judgment, skill or~~  
3 ~~safety.~~

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

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

8           (29) Failure to report to the Department any adverse final  
9 action taken against him or her by another licensing  
10 jurisdiction (another state or a territory of the United States  
11 or a foreign state or country) by a peer review body, by any  
12 health care institution, by a professional society or  
13 association related to practice under this Act, by a  
14 governmental agency, by a law enforcement agency, or by a court  
15 for acts or conduct similar to acts or conduct that would  
16 constitute grounds for action as defined in this Section.

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

24           Upon receipt of a written communication from the Secretary  
25 of Human Services, the Director of Healthcare and Family  
26 Services (formerly Director of Public Aid), or the Director of

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

18 Except for fraud in procuring a license, all ~~All~~  
19 proceedings to suspend, revoke, place on probationary status,  
20 or take any other disciplinary action as the Department may  
21 deem proper, with regard to a license on any of the foregoing  
22 grounds, must be commenced within 5 ~~3~~ years after receipt by  
23 the Department of a complaint alleging the commission of or  
24 notice of the conviction order for any of the acts described in  
25 this Section. Except for the grounds set forth in items (8),  
26 (9), (26), and (29) of this Section ~~fraud in procuring a~~

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

18 In enforcing this Section, the Department or Board upon a  
19 showing of a possible violation may compel an individual  
20 licensed to practice under this Act, or who has applied for  
21 licensure under this Act, to submit to a mental or physical  
22 examination, or both, as required by and at the expense of the  
23 Department. The Department or Board may order the examining  
24 physician to present testimony concerning the mental or  
25 physical examination of the licensee or applicant. No  
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the  
2 licensee or applicant and the examining physician. The  
3 examining physicians shall be specifically designated by the  
4 Board or Department. The individual to be examined may have, at  
5 his or her own expense, another physician of his or her choice  
6 present during all aspects of this examination. Failure of an  
7 individual to submit to a mental or physical examination, when  
8 directed, shall be grounds for suspension of his or her license  
9 until the individual submits to the examination if the  
10 Department finds, after notice and hearing, that the refusal to  
11 submit to the examination was without reasonable cause.

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



1 individual shall have his or her license suspended immediately,  
2 pending a hearing by the Department.

3 In instances in which the Secretary ~~Director~~ immediately  
4 suspends a person's license under this Section, a hearing on  
5 that person's license must be convened by the Department within  
6 30 ~~15~~ days after the suspension and completed without  
7 appreciable delay. The Department and Board shall have the  
8 authority to review the subject individual's record of  
9 treatment and counseling regarding the impairment to the extent  
10 permitted by applicable federal statutes and regulations  
11 safeguarding the confidentiality of medical records.

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

17 (Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97;  
18 revised 12-15-05.)

19 (225 ILCS 100/25) (from Ch. 111, par. 4825)

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

21 Sec. 25. Violations - Injunction - Cease and desist order.

22 A. If any person violates the provision of this Act, the  
23 Secretary ~~Director~~ may, in the name of the People of the State  
24 of Illinois, through the Attorney General of the State of  
25 Illinois, petition, for an order enjoining such violation or

1 for an order enforcing compliance with this Act. Upon the  
2 filing of a verified petition in such court, the court may  
3 issue a temporary restraining order, without notice or bond,  
4 and may preliminarily and permanently enjoin such violation,  
5 and if it is established that such person has violated or is  
6 violating the injunction, the court may punish the offender for  
7 contempt of court. Proceedings under this Section shall be in  
8 addition to, and not in lieu of, all other remedies and  
9 penalties provided by this Act.

10 B. If any person shall practice as a podiatric physician or  
11 hold himself out as a podiatric physician without being  
12 licensed under the provisions of this Act then any licensed  
13 podiatric physician, any interested party or any person injured  
14 thereby may, in addition to the Secretary ~~Director~~, petition  
15 for relief as provided in subsection A of this Section.

16 C. Whenever in the opinion of the Department any person  
17 violates any provision of this Act, the Department may issue a  
18 rule to show cause why an order to cease and desist should not  
19 be entered against him. The rule shall clearly set forth the  
20 grounds relied upon by the Department and shall provide a  
21 period of 7 days from the date of the rule to file an answer to  
22 the satisfaction of the Department. Failure to answer to the  
23 satisfaction of the Department shall cause an order to cease  
24 and desist to be issued forthwith.

25 (Source: P.A. 85-918.)

1 (225 ILCS 100/26) (from Ch. 111, par. 4826)

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

3 Sec. 26. Reports relating to professional conduct and  
4 capacity.

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

26 (A-5) The following persons and entities shall report to

1 the Department or the Board in the instances and under the  
2 conditions set forth in this subsection (A-5):

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

25 (2) The president or chief executive officer of any  
26 association or society of podiatric physicians licensed

1 under this Act, operating within this State shall report to  
2 the Board when the association or society renders a final  
3 determination relating to the professional competence or  
4 conduct of the podiatric physician.

5 (3) Every insurance company that offers policies of  
6 professional liability insurance to persons licensed under  
7 this Act, or any other entity that seeks to indemnify the  
8 professional liability of a podiatric physician licensed  
9 under this Act, shall report to the Board the settlement of  
10 any claim or cause of action, or final judgment rendered in  
11 any cause of action that alleged negligence in the  
12 furnishing of medical care by such licensed person when  
13 such settlement or final judgement is in favor of the  
14 plaintiff.

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

19 (5) All agencies, boards, commissions, departments, or  
20 other instrumentalities of the government of the State of  
21 Illinois shall report to the Board any instance arising in  
22 connection with the operations of such agency, including  
23 the administration of any law by such agency, in which a  
24 podiatric physician licensed under this Act has either  
25 committed an act or acts that may be a violation of this  
26 Act or that may constitute unprofessional conduct related

1 directly to patient care or that indicates that a podiatric  
2 physician licensed under this Act may be mentally or  
3 physically disabled in such a manner as to endanger  
4 patients under that physician's care.

5 (B) All reports required by this Act shall be submitted to  
6 the Board in a timely fashion. The reports shall be filed in  
7 writing within 60 days after a determination that a report is  
8 required under this Act. All reports shall contain the  
9 following information:

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

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

14 (3) The name or other means of identification of any  
15 patient or patients whose treatment is a subject of the  
16 report, provided, however, no medical records may be  
17 revealed without the written consent of the patient or  
18 patients.

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

22 (5) If court action is involved, the identity of the  
23 court in which the action is filed, along with the docket  
24 number and date of filing of the action.

25 (6) Any further pertinent information that the  
26 reporting party deems to be an aid in the evaluation of the

1 report.

2 Nothing contained in this Section shall waive or modify the  
3 confidentiality of medical reports and committee reports to the  
4 extent provided by law. Any information reported or disclosed  
5 shall be kept for the confidential use of the Board, the  
6 Board's attorneys, the investigative staff and other  
7 authorized Department staff, as provided in this Act, and shall  
8 be afforded the same status as is provided information  
9 concerning medical studies in Part 21 of Article VIII of the  
10 Code of Civil Procedure.

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

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

1 interest in such representation or that the actions complained  
2 of were not in good faith or were willful and wanton.

3 Should the Attorney General decline representation, the  
4 member shall have the right to employ counsel of his or her  
5 choice, whose fees shall be provided by the State, after  
6 approval by the Attorney General, unless there is a  
7 determination by a court that the member's actions were not in  
8 good faith or were wilful and wanton. The member must notify  
9 the Attorney General within 7 days of receipt of notice of the  
10 initiation of any action involving services of the Board.  
11 Failure to so notify the Attorney General shall constitute an  
12 absolute waiver of the right to a defense and indemnification.  
13 The Attorney General shall determine within 7 days after  
14 receiving such notice, whether he or she will undertake to  
15 represent the member.

16 (E) Upon the receipt of any report called for by this Act,  
17 other than those reports of impaired persons licensed under  
18 this Act required pursuant to the rules of the Board, the Board  
19 shall notify in writing, by certified mail, the podiatric  
20 physician who is the subject of the report. Such notification  
21 shall be made within 30 days of receipt by the Board of the  
22 report.

23 The notification shall include a written notice setting  
24 forth the podiatric physician's right to examine the report.  
25 Included in such notification shall be the address at which the  
26 file is maintained, the name of the custodian of the reports,



1 and the telephone number at which the custodian may be reached.  
2 The podiatric physician who is the subject of the report shall  
3 be permitted to submit a written statement responding,  
4 clarifying, adding to, or proposing the amending of the report  
5 previously filed. The statement shall become a permanent part  
6 of the file and must be received by the Board no more than 30  
7 days after the date on which the podiatric physician was  
8 notified of the existence of the original report.

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

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

23 Should the Board find that there are not sufficient facts  
24 to warrant further investigation, or action, the report shall  
25 be accepted for filing and the matter shall be deemed closed  
26 and so reported.

1           The individual or entity filing the original report or  
2 complaint and the podiatric physician who is the subject of the  
3 report or complaint shall be notified in writing by the Board  
4 of any final action on their report or complaint.

5           (F) The Board shall prepare on a timely basis, but in no  
6 event less than once every other month, a summary report of  
7 final disciplinary actions taken upon disciplinary files  
8 maintained by the Board. The summary reports shall be made  
9 available on the Department's web site ~~sent by the Board to~~  
10 ~~such institutions, associations and individuals as the~~  
11 ~~Director may determine.~~

12           (G) Any violation of this Section shall be a Class A  
13 misdemeanor.

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

1 (Source: P.A. 90-14, eff. 7-1-97; 90-76, eff. 12-30-97.)

2 (225 ILCS 100/27) (from Ch. 111, par. 4827)

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

4 Sec. 27. Investigations; notice and hearing. The  
5 Department may investigate the actions of any applicant or of  
6 any person or persons holding or claiming to hold a license.  
7 The Department shall, before suspending, revoking, placing on  
8 probationary status or taking any other disciplinary action as  
9 the Department may deem proper with regard to any licensee, at  
10 least 30 days prior to the date set for the hearing, notify the  
11 accused in writing of any charges made and the time and place  
12 for a hearing of the charges before the Board, direct him or  
13 her to file his or her written answer thereto to the Board  
14 under oath within 20 days after the service on him or her of  
15 such notice and inform her or him that if he or she fails to  
16 file such answer default will be taken against him or her and  
17 his or her license may be revoked, suspended, placed on  
18 probationary status, or subject to other disciplinary action,  
19 including limiting the scope, nature, or extent of his or her  
20 practice as the Department may deem proper.

21 In case the accused person, after receiving notice fails to  
22 file an answer, his or her license may, in the discretion of  
23 the Secretary ~~Director~~ having received the recommendation of  
24 the Board, be suspended, revoked, or placed on probationary  
25 status or the Secretary ~~Director~~ may take whatever disciplinary

1 action as he or she may deem proper including limiting the  
2 scope, nature, or extent of the accused person's practice  
3 without a hearing if the act or acts charged constitute  
4 sufficient grounds for such action under this Act.

5 Such written notice may be served by personal delivery or  
6 certified or registered mail to the respondent at the address  
7 on record with ~~of his or her last notification to~~ the  
8 Department. At the time and place fixed in the notice, the  
9 Board shall proceed to hear the charges and the parties or  
10 their counsel shall be accorded ample opportunity to present  
11 such statements, testimony, evidence and argument as may be  
12 pertinent to the charges or to the defense thereto. The Board  
13 may continue such hearing from time to time.

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

15 (225 ILCS 100/30) (from Ch. 111, par. 4830)

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

17 Sec. 30. Witness; subpoenas. The Department shall have the  
18 power to subpoena and bring before it any person in this State  
19 and to take testimony, either orally or by deposition, or both,  
20 with the same fees and mileage and in the same manner as  
21 prescribed by law in judicial proceedings in civil cases in  
22 circuit courts of this State.

23 The Secretary ~~Director~~, and any member of the Board, shall  
24 each have the power to administer oaths to witnesses at any  
25 hearing that the Department is authorized to conduct under this

1 Act, and any other oaths required or authorized to be  
2 administered by the Department hereunder.

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

4 (225 ILCS 100/31) (from Ch. 111, par. 4831)

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

6 Sec. 31. Notice of hearing - Findings and recommendations.

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

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

1 criminal prosecution brought for the violation of this Act.

2 (Source: P.A. 85-918.)

3 (225 ILCS 100/32) (from Ch. 111, par. 4832)

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

5 Sec. 32. Board - Rehearing. In any case involving the  
6 refusal to issue, renew or discipline of a license, a copy of  
7 the Board's report shall be served upon the respondent by the  
8 Department, either personally or as provided in this Act for  
9 the service of the notice of hearing. Within 20 days after such  
10 service, the respondent may present to the Department a motion  
11 in writing for a rehearing, which motion shall specify the  
12 particular grounds therefor.

13 If no motion for rehearing is filed, then upon the  
14 expiration of the time specified for filing such a motion, or  
15 if a motion for rehearing is denied, then upon such denial the  
16 Secretary ~~Director~~ may enter an order in accordance with  
17 recommendations of the Board except as provided in Section 31  
18 of this Act. If the respondent shall order from the reporting  
19 service, and pay for a transcript of the record within the time  
20 for filing a motion for rehearing, the 20 day period within  
21 which such a motion may be filed shall commence upon the  
22 delivery of the transcript to the respondent.

23 (Source: P.A. 85-918.)

24 (225 ILCS 100/33) (from Ch. 111, par. 4833)

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

2 Sec. 33. Secretary ~~Director~~ - Rehearing. Whenever the  
3 Secretary ~~Director~~ is satisfied that substantial justice has  
4 not been done in the revocation, suspension or refusal to issue  
5 or renew a license, the Secretary ~~Director~~ may order a  
6 rehearing by the same or another hearing officer or Board.

7 (Source: P.A. 85-918.)

8 (225 ILCS 100/34) (from Ch. 111, par. 4834)

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

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

16 The Secretary ~~Director~~ shall notify the Board of any such  
17 appointment. The hearing officer shall have full authority to  
18 conduct the hearing. The hearing officer shall report his or  
19 her findings of fact, conclusions of law and recommendations to  
20 the Board and the Secretary ~~Director~~. The Board shall ~~have 60~~  
21 ~~days from receipt of the report to~~ review the report of the  
22 hearing officer and present their findings of fact, conclusions  
23 of law and recommendations to the ~~Board and the~~ Secretary  
24 ~~Director. The Board shall have 60 days after receipt of the~~  
25 ~~report to review the report of the hearing officer and present~~

1 ~~its findings of fact, conclusions of law, and recommendations~~  
2 ~~to the Director.~~ If the Board fails to present its report  
3 ~~within the 60 day period,~~ the Secretary ~~Director~~ may issue an  
4 order based on the report of the hearing officer. If the  
5 Secretary ~~Director~~ disagrees in any regard with the report of  
6 the Board or hearing officer, he or she may issue an order in  
7 contravention thereof. The Secretary ~~Director~~ shall provide an  
8 ~~a written~~ explanation to the Board on any such deviation, and  
9 shall specify with particularity the reasons for such action in  
10 the final order.

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

12 (225 ILCS 100/35) (from Ch. 111, par. 4835)

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

14 Sec. 35. Order or certified copy; prima facie proof. An  
15 order or a certified copy thereof, over the seal of the  
16 Department and purporting to be signed by the Secretary  
17 ~~Director~~, shall be prima facie proof that:

18 (a) the signature is the genuine signature of the  
19 Secretary ~~Director~~;

20 (b) the Secretary ~~Director~~ is duly appointed and  
21 qualified; and

22 (c) the Board and the members thereof are qualified to  
23 act.

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



1 (225 ILCS 100/38) (from Ch. 111, par. 4838)

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

3 Sec. 38. Temporary suspension of a license. The Secretary  
4 ~~Director~~ may temporarily suspend the license of a podiatric  
5 physician without a hearing, simultaneously with the  
6 institution of proceedings for a hearing provided for in  
7 Section 27 of this Act, if the Secretary ~~Director~~ finds that  
8 evidence in his or her possession indicates that a podiatric  
9 physician's continuation in practice would constitute an  
10 imminent danger to the public. In the event that the Secretary  
11 ~~Director~~ suspends, temporarily, this license of a podiatric  
12 physician without a hearing, a hearing by the Board must be  
13 held within 30 days after such suspension has occurred and  
14 shall be concluded without appreciable delay.

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

16 (225 ILCS 100/41) (from Ch. 111, par. 4841)

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

18 Sec. 41. Violations. Any person who is found to have  
19 violated any provisions of this Act is guilty of a Class A  
20 misdemeanor. All criminal fines, monies, or other property  
21 collected or received by the Department under this Section or  
22 any other State or federal statute, including, but not limited  
23 to, property forfeited to the Department under Section 505 of  
24 The Illinois Controlled Substances Act or Section 85 of the  
25 Methamphetamine Control and Community Protection Act, shall be

1 deposited into the Professional Regulation Evidence Fund.

2 The Board, with the advice of the Secretary ~~Director~~ and  
3 attorneys for the Department, may establish by rule a schedule  
4 of fines payable by those who have violated any provisions of  
5 this Act.

6 Fines assessed and collected for violations of this Act  
7 shall be deposited in the Illinois State Podiatric Medical  
8 Disciplinary Fund.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 (225 ILCS 100/13 rep.)

11 Section 15. The Podiatric Medical Practice Act of 1987 is  
12 amended by repealing Section 13.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.