

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 Acts repealed January 1, 2008 and December 31,
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 The Clinical Social Work and Social Work Practice Act.

12 ~~The Home Medical Equipment and Services Provider~~
13 ~~License Act.~~

14 The Nursing and Advanced Practice Nursing 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~~
19 ~~Disciplinary 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1 (b) The following Acts are repealed on December 31, 2008:

2 The Medical Practice Act of 1987.

3 The Environmental Health Practitioner Licensing Act.

4 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
5 94-1085, eff. 1-19-07; revised 1-22-07.)

6 (5 ILCS 80/4.28 new)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following
8 Acts are repealed on January 1, 2018:

9 The Home Medical Equipment and Services Provider License
10 Act.

11 The Marriage and Family Therapy Licensing Act.

12 The Nursing Home Administrators Licensing and Disciplinary
13 Act.

14 The Physician Assistant Practice Act of 1987.

15 Section 10. The Home Medical Equipment and Services
16 Provider License Act is amended by changing Sections 10, 20,
17 25, 65, 75, 80, 85, 90, 95, 110, 115, 120, 125, 130, 135, and
18 145 as follows:

19 (225 ILCS 51/10)

20 (Section scheduled to be repealed on January 1, 2008)

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

22 (1) "Department" means the Department of Financial and
23 Professional Regulation.

1 (2) "Secretary" "~~Director~~" means the Secretary
2 ~~Director~~ of Financial and Professional Regulation.

3 (3) "Board" means the Home Medical Equipment and
4 Services Board.

5 (4) "Home medical equipment and services provider" or
6 "provider" means a legal entity, as defined by State law,
7 engaged in the business of providing home medical equipment
8 and services, whether directly or through a contractual
9 arrangement, to an unrelated sick or disabled individual
10 where that individual resides.

11 (5) "Home medical equipment and services" means the
12 delivery, installation, maintenance, replacement, or
13 instruction in the use of medical equipment used by a sick
14 or disabled individual to allow the individual to be
15 maintained in his or her residence.

16 (6) "Home medical equipment" means technologically
17 sophisticated medical devices, apparatuses, machines, or
18 other similar articles bearing a label that states
19 "Caution: federal law requires dispensing by or on the
20 order of a physician.", which are usable in a home care
21 setting, including but not limited to:

22 (A) oxygen and oxygen delivery systems;

23 (B) ventilators;

24 (C) respiratory disease management devices,
25 excluding compressor driven nebulizers;

26 (D) wheelchair seating systems;

- 1 (E) apnea monitors;
- 2 (F) transcutaneous electrical nerve stimulator
- 3 (TENS) units;
- 4 (G) low air-loss cutaneous pressure management
- 5 devices;
- 6 (H) sequential compression devices;
- 7 (I) neonatal home phototherapy devices;
- 8 (J) enteral feeding pumps; and
- 9 (K) other similar equipment as defined by the
- 10 Board.

11 "Home medical equipment" also includes hospital beds and

12 electronic and computer-driven wheelchairs, excluding

13 scooters.

14 (7) "Address of record" means the designated address

15 recorded by the Department in the applicant's or licensee's

16 application file or license file maintained by the

17 Department's licensure maintenance unit. It is the duty of

18 the applicant or licensee to inform the Department of any

19 change of address, and such changes must be made either

20 through the Department's website or by contacting the

21 Department's licensure maintenance unit.

22 (Source: P.A. 90-532, eff. 11-14-97.)

23 (225 ILCS 51/20)

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

25 Sec. 20. Powers and duties of the Department.

1 (a) The Department shall exercise the powers and duties
2 prescribed by the Civil Administrative Code of Illinois for the
3 administration of licensure Acts and shall exercise other
4 powers and duties necessary for effectuating the purposes of
5 this Act.

6 (b) The Department may adopt rules to administer and
7 enforce this Act, including but not limited to fees for
8 original licensure and renewal and restoration of licenses, and
9 may prescribe forms to be issued to implement this Act. At a
10 minimum, the rules adopted by the Department shall include
11 standards and criteria for licensure and for professional
12 conduct and discipline. The Department shall consult with the
13 Board in adopting rules. Notice of proposed rulemaking shall be
14 transmitted to the Board, and the Department shall review the
15 Board's response and any recommendations made in the response.
16 The Department shall notify the Board in writing with proper
17 explanation of deviations from the Board's recommendations and
18 response.

19 (c) The Department may at any time seek the advice and
20 expert knowledge of the Board on any matter relating to the
21 administration of this Act.

22 (d) (Blank). ~~The Department shall issue a quarterly report~~
23 ~~to the Board of the status of all complaints related to the~~
24 ~~profession and filed with the Department.~~

25 (Source: P.A. 90-532, eff. 11-14-97.)

1 (225 ILCS 51/25)

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

3 Sec. 25. Home Medical Equipment and Services Board. The
4 Secretary ~~Director~~ shall appoint a Home Medical Equipment and
5 Services Board, in consultation with a state association
6 representing the home medical equipment and services industry,
7 to serve in an advisory capacity to the Secretary ~~Director~~. The
8 Board shall consist of 7 members. Four members shall be home
9 medical equipment and services provider representatives, ~~2 of~~
10 ~~whom represent businesses grossing less than \$500,000 per year~~
11 ~~in revenues, 2 of whom represent businesses grossing \$500,000~~
12 ~~or more per year in revenues, and at least one of whom shall~~
13 ~~also~~ be a pharmacy-based provider. The 3 remaining members
14 shall include one home care clinical specialist, one
15 respiratory care practitioner, and one public member ~~consumer~~
16 ~~of home medical equipment and services.~~

17 Members shall serve 4 year terms and until their successors
18 are appointed and qualified, ~~except that of the initial~~
19 ~~appointments, the consumer member shall be appointed to serve~~
20 ~~for one year, 2 members shall be appointed to serve for 2~~
21 ~~years, 3 members shall be appointed to serve for 3 years, and~~
22 ~~one member who is a home medical equipment and services~~
23 ~~provider representative shall be appointed to serve for 4~~
24 ~~years, and until their successors are appointed and qualified.~~
25 No member shall be reappointed to the Board for a term that
26 would cause continuous service on the Board to exceed 8 years.

1 Appointments to fill vacancies shall be made in the same manner
2 as original appointments, for the unexpired portion of the
3 vacated term.

4 The home medical equipment and services provider
5 representatives appointed to the Board shall have engaged in
6 the provision of home medical equipment and services or related
7 home care services for at least 3 years prior to their
8 appointment, shall be currently engaged in providing home
9 medical equipment and services in the State of Illinois, and
10 must have no record of convictions related to fraud or abuse
11 under either State or federal law.

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

14 The Board shall annually elect one of its members as
15 chairperson and vice chairperson.

16 Members of the Board shall receive as compensation a
17 reasonable sum as determined by the Secretary ~~Director~~ for each
18 day actually engaged in the duties of the office, and shall be
19 reimbursed for authorized expenses incurred in performing the
20 duties of the office.

21 The Secretary ~~Director~~ may terminate the appointment of any
22 member for cause which in the opinion of the Secretary ~~Director~~
23 reasonably justifies the termination.

24 ~~Through consultation with members of a state association~~
25 ~~for the home medical equipment and services industry, the Board~~
26 ~~may recommend to the Department rules that specify the medical~~

1 ~~equipment to be included under this Act, that set standards for~~
2 ~~the licensure, professional conduct, and discipline of~~
3 ~~entities that provide home medical equipment and services, and~~
4 ~~that govern the safety and quality of home medical equipment~~
5 ~~and services. The Director shall consider the recommendations~~
6 ~~of the Board.~~

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

10 A majority of Board members currently appointed shall
11 constitute a quorum. A vacancy in the membership of the Board
12 shall not impair the rights of a quorum to exercise the rights
13 and perform all of the duties of the Board.

14 (Source: P.A. 90-532, eff. 11-14-97.)

15 (225 ILCS 51/65)

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

17 Sec. 65. Fees; returned checks. An entity who delivers a
18 check or other payment to the Department that is returned to
19 the Department unpaid by the financial institution upon which
20 it is drawn shall pay to the Department, in addition to the
21 amount already owed to the Department, a fine of \$50. The fines
22 imposed by this Section are in addition to any other discipline
23 provided under this Act for unlicensed practice or practice on
24 a nonrenewed license. The Department shall notify the entity
25 that fees and fines shall be paid to the Department by

1 certified check or money order within 30 calendar days of the
2 notification. If, after the expiration of 30 days from the date
3 of the notification, the entity has failed to submit the
4 necessary remittance, the Department shall automatically
5 terminate the license or deny the application without a
6 hearing. If the entity seeks a license after termination or
7 denial, the entity shall apply to the Department for
8 restoration or issuance of the license and pay all fees and
9 fines owed to the Department. The Department may establish a
10 fee for the processing of an application for restoration of a
11 license to pay all expenses of processing that application. The
12 Secretary ~~Director~~ may waive the fines due under this Section
13 in individual cases where the Secretary ~~Director~~ finds that the
14 fines would be unreasonable or unnecessarily burdensome.

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

16 (225 ILCS 51/75)

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

18 Sec. 75. Refused issuance, suspension, or revocation of
19 license. The Department may refuse to issue, renew, or restore
20 a license, or may revoke, suspend, place on probation,
21 reprimand, impose a fine not to exceed \$10,000 ~~\$1,000~~ for each
22 violation, or take other disciplinary or non-disciplinary
23 action as the Department may deem proper with regard to a
24 licensee for any one or combination of the following reasons:

25 (1) Making a material misstatement in furnishing

1 information to the Department.

2 (2) Violation ~~Negligent or intentional disregard~~ of
3 this Act or its rules.

4 (3) Conviction of or entry of a plea of guilty or nolo
5 contendere to any a crime that is a felony under the laws
6 of the United States or any state or territory thereof ~~that~~
7 ~~is a felony~~ or a misdemeanor, an essential element of which
8 is dishonesty, ~~or conviction of a crime~~ that is directly
9 related to the practice of the profession ~~provision of home~~
10 ~~medical equipment and services~~.

11 (4) Making a misrepresentation to obtain licensure or
12 to violate a provision of this Act.

13 (5) Gross negligence in practice under this Act.

14 (6) Engaging in a pattern of practice or other behavior
15 that demonstrates incapacity or incompetence to practice
16 under this Act.

17 (7) Aiding, assisting, or willingly permitting another
18 person in violating any provision of this Act or its rules.

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

21 (9) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (10) Discipline by another state, District of
25 Columbia, territory, or foreign nation, if at least one of
26 the grounds for the discipline is the same or substantially

1 equivalent to one set forth in this Act.

2 (11) Directly or indirectly giving to or receiving from
3 any person, firm, corporation, partnership, or association
4 any fee, commission, rebate, or other form of compensation
5 for any services not actually or personally rendered.

6 (12) A finding that the licensee, after having its
7 license placed on probationary status, has violated the
8 terms of probation.

9 (13) Willfully making or filing false records or
10 reports in the course of providing home medical equipment
11 and services, including but not limited to false records or
12 reports filed with State agencies or departments.

13 (14) Solicitation of business services, other than
14 according to permitted advertising.

15 (15) The use of any words, abbreviations, figures, or
16 letters with the intention of indicating practice as a home
17 medical equipment and services provider without a license
18 issued under this Act.

19 (16) Failure to file a return, or to pay the tax,
20 penalty, or interest shown in a filed return, or to pay any
21 final assessment of tax, penalty, or interest, as required
22 by any tax Act administered by the Department of Revenue,
23 until such time as the requirements of any such tax Act are
24 satisfied.

25 (17) Failure to comply with federal or State laws and
26 regulations concerning home medical equipment and services

1 providers.

2 (18) Solicitation of professional services using false
3 or misleading advertising.

4 (19) Failure to display a license in accordance with
5 Section 45.

6 (20) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill, or safety.

10 (21) Physical illness, mental illness, or disability,
11 including without limitation deterioration through the
12 aging process and loss of motor skill, that results in the
13 inability to practice the profession with reasonable
14 judgment, skill, or safety.

15 (Source: P.A. 90-532, eff. 11-14-97.)

16 (225 ILCS 51/80)

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

18 Sec. 80. Cease and desist order.

19 (a) If any entity violates a provision of this Act, the
20 Secretary ~~Director~~ may, in the name of the People of the State
21 of Illinois, through the Attorney General of the State of
22 Illinois, petition for an order enjoining the violation or for
23 an order enforcing compliance with this Act. Upon the filing of
24 a verified petition in court, the court may issue a temporary
25 restraining order, without notice or bond, and may

1 preliminarily and permanently enjoin the violation, and if it
2 is established that the entity has violated or is violating the
3 injunction, the court may punish the offender for contempt of
4 court. Proceedings under this Section shall be in addition to,
5 and not in lieu of, all other remedies and penalties provided
6 by this Act.

7 (b) If an entity holds itself out as a provider of home
8 medical equipment and services without a license issued under
9 this Act, an interested party or any person injured thereby, in
10 addition to the Secretary ~~Director~~, may petition for relief as
11 provided in subsection (a) of this Section.

12 (c) Whenever in the opinion of the Department an entity
13 violates a provision of this Act, the Department may issue a
14 rule to show cause why an order to cease and desist should not
15 be entered against the entity. The rule shall clearly set forth
16 the grounds relied upon by the Department and shall provide a
17 period of 7 days from the date of the rule to file an answer to
18 the satisfaction of the Department. Failure to answer to the
19 satisfaction of the Department shall cause an order to cease
20 and desist to be issued immediately.

21 (Source: P.A. 90-532, eff. 11-14-97.)

22 (225 ILCS 51/85)

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

24 Sec. 85. Unlicensed practice; civil penalty.

25 (a) An entity who practices, offers to practice, attempts

1 to practice, or holds itself out to practice as a home medical
2 equipment and services provider without being licensed under
3 this Act shall, in addition to any other penalty provided by
4 law, pay a civil penalty to the Department in an amount not to
5 exceed \$10,000 ~~\$5,000~~ for each offense as determined by the
6 Department. The civil penalty shall be assessed by the
7 Department after a hearing is held in accordance with the
8 provisions set forth in this Act regarding the provision of a
9 hearing for the discipline of a licensee. The civil penalty
10 shall be paid within 60 days after the effective date of the
11 order imposing the civil penalty. The order shall constitute a
12 judgment and may be filed and executed in the same manner as
13 any judgment from any court of record.

14 (b) The Department may investigate any unlicensed
15 activity.

16 (Source: P.A. 90-532, eff. 11-14-97.)

17 (225 ILCS 51/90)

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

19 Sec. 90. Inspections ~~Mandatory inspections~~. The Department
20 may ~~shall~~ inspect a licensee for compliance with the
21 requirements of this Act and ~~within 3 years after the date of~~
22 ~~initial licensure and at least once every 3 years thereafter,~~
23 ~~unless the licensee can demonstrate proof of renewal of~~
24 ~~accreditation with a recognized national accrediting body. The~~
25 ~~Department shall~~ conduct random inspections upon renewal of a

1 license, for cause or as necessary to assure the integrity and
2 effectiveness of the licensing process. ~~Upon failure to pass~~
3 ~~inspection, a provider's license shall be suspended or denied~~
4 ~~as applicable, pending review by the Board. The Department may~~
5 ~~authorize qualified individuals to conduct inspections. The~~
6 ~~Department shall set by rule, and pay to an inspector, a fee~~
7 ~~for each inspection. An entity that fails to pass an inspection~~
8 ~~is subject to penalties under Section 80. Upon notice of~~
9 ~~failure to pass an inspection, a provider shall have 30 days to~~
10 ~~appeal the inspection results. On appeal, a provider shall have~~
11 ~~the right to an inspection review or to a new inspection in~~
12 ~~accordance with procedures adopted by the Department. A home~~
13 ~~medical equipment and services provider licensed within 2 years~~
14 ~~after the effective date of this Act is exempt from the~~
15 ~~inspection requirements of this Section during that 2-year~~
16 ~~period.~~

17 (Source: P.A. 90-532, eff. 11-14-97.)

18 (225 ILCS 51/95)

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

20 Sec. 95. Investigations; notice and hearing.

21 (a) The Department may investigate the actions of an
22 applicant or of an entity holding or claiming to hold a
23 license.

24 (b) The Department shall, before refusing to issue or renew
25 a license or disciplining a licensee, at least 30 days prior to

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

1 charges or to their defense. The Board may continue a hearing
2 from time to time.

3 (Source: P.A. 90-532, eff. 11-14-97.)

4 (225 ILCS 51/110)

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

6 Sec. 110. Findings and recommendations. At the conclusion
7 of the hearing the Board shall present to the Secretary
8 ~~Director~~ a written report of its findings and recommendations.
9 The report shall contain a finding of whether or not the
10 accused entity violated this Act or failed to comply with the
11 conditions required in this Act. The Board shall specify the
12 nature of the violation or failure to comply, and shall make
13 its recommendations to the Secretary ~~Director~~.

14 The report of findings and recommendations of the Board may
15 ~~shall~~ be the basis for the Department's order of refusal or for
16 the granting of licensure unless the Secretary ~~Director~~ shall
17 determine that the Board's report is contrary to the manifest
18 weight of the evidence, in which case the Secretary ~~Director~~
19 may issue an order in contravention of the Board's report. The
20 finding is not admissible in evidence against the entity in a
21 criminal prosecution brought for the violation of this Act, but
22 the hearing and finding are not a bar to a criminal prosecution
23 brought for the violation of this Act.

24 (Source: P.A. 90-532, eff. 11-14-97.)

1 (225 ILCS 51/115)

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

3 Sec. 115. Rehearing on motion. In a case involving the
4 refusal to issue or renew a license or the discipline of a
5 licensee, a copy of the Board's report shall be served upon the
6 respondent by the Department, either personally or as provided
7 in this Act for the service of the notice of hearing. Within 20
8 days after such service, the respondent may present to the
9 Department a motion in writing for a rehearing, which shall
10 specify the particular grounds for the rehearing. If no motion
11 for rehearing is filed, then upon the expiration of the time
12 specified for filing the motion, or if a motion for rehearing
13 is denied, then upon such denial the Secretary ~~Director~~ may
14 enter an order in accordance with recommendations of the Board
15 except as provided in Section 120 of this Act. ~~If the~~
16 ~~respondent shall order from the reporting service and pay for a~~
17 ~~transcript of the record with the time for filing a motion for~~
18 ~~rehearing, the 20 day period within which such a motion may be~~
19 ~~filed shall commence upon the delivery of the transcript to the~~
20 ~~respondent.~~

21 (Source: P.A. 90-532, eff. 11-14-97.)

22 (225 ILCS 51/120)

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

24 Sec. 120. Rehearing on order of Secretary ~~Director~~.
25 Whenever the Secretary ~~Director~~ is satisfied that substantial

1 justice has not been done in the revocation or suspension of a
2 license or refusal to issue or renew a license, the Secretary
3 ~~Director~~ may order a rehearing by the same or another Board.

4 (Source: P.A. 90-532, eff. 11-14-97.)

5 (225 ILCS 51/125)

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

7 Sec. 125. Hearing officer. The Secretary ~~Director~~ has the
8 authority to appoint an attorney duly licensed to practice law
9 in the State of Illinois to serve as the hearing officer in an
10 action for refusal to issue or renew a license, or for the
11 discipline of a licensee. The Secretary ~~Director~~ shall notify
12 the Board of an appointment. The hearing officer shall have
13 full authority to conduct the hearing. The hearing officer
14 shall report his or her findings and recommendations to the
15 Board and the Secretary ~~Director~~. The Board shall have 60 days
16 from receipt of the report to review the report of the hearing
17 officer and present its findings of fact, conclusions of law
18 and recommendation to the Secretary ~~Director~~. If the Board
19 fails to present its report within the 60 day period, the
20 respondent may request in writing a direct appeal to the
21 Secretary, in which case the Secretary shall, within 7 calendar
22 days after the request, issue an order directing the Board to
23 issue its findings of fact, conclusions of law, and
24 recommendations to the Secretary within 30 calendar days after
25 such order. If the Board fails to issue its findings of fact,

1 conclusions of law, and recommendations within that time frame
2 to the Secretary after the entry of such order, the Secretary
3 shall, within 30 calendar days thereafter, issue an order based
4 upon the report of the hearing officer and the record of the
5 proceedings or issue an order remanding the matter back to the
6 hearing officer for additional proceedings in accordance with
7 the order. If (i) a direct appeal is requested, (ii) the Board
8 fails to issue its findings of fact, conclusions of law, and
9 recommendations within the 30-day mandate from the Secretary or
10 the Secretary fails to order the Board to do so, and (iii) the
11 Secretary fails to issue an order within 30 calendar days
12 thereafter, then the hearing officer's report is deemed
13 accepted and a final decision of the Secretary. Notwithstanding
14 any other provision of this Section, if the Secretary, upon
15 review, determines that substantial justice has not been done
16 in the revocation, suspension, or refusal to issue or renew a
17 license or other disciplinary action taken as the result of the
18 entry of the hearing officer's report, the Secretary may order
19 a rehearing by the same or other examiners ~~the Director shall~~
20 ~~issue an order based on the report of the hearing officer.~~ If
21 the Secretary ~~Director~~ determines that the Board's report is
22 contrary to the manifest weight of the evidence, he or she may
23 issue an order in contravention of the Board's report.

24 (Source: P.A. 90-532, eff. 11-14-97.)

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

2 Sec. 130. Order or certified copy. An order or a certified
3 copy of an order, over the seal of the Department and
4 purporting to be signed by the Secretary ~~Director~~, shall be
5 prima facie proof that:

6 (1) the signature is the genuine signature of the
7 Secretary ~~Director~~;

8 (2) the Secretary ~~Director~~ is duly appointed and
9 qualified; and

10 (3) the Board and its members are qualified to act.

11 This proof may be rebutted.

12 (Source: P.A. 90-532, eff. 11-14-97.)

13 (225 ILCS 51/135)

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

15 Sec. 135. Restoration of license. At any time after the
16 suspension or revocation of a license, the Department may
17 restore the license to the accused entity upon the written
18 recommendation of the Board unless, after an investigation and
19 a hearing, the Board determines that restoration is not in the
20 public interest. Restoration under this Section requires the
21 filing of all applications and payment of all fees required by
22 the Department.

23 (Source: P.A. 90-532, eff. 11-14-97.)

24 (225 ILCS 51/145)

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

2 Sec. 145. Temporary suspension of a license. The Secretary
3 ~~Director~~ may temporarily suspend the license of a home medical
4 equipment and services provider without a hearing,
5 simultaneously with the institution of proceedings for a
6 hearing provided for in Section 95 of this Act, if the
7 Secretary ~~Director~~ finds that evidence in his or her possession
8 indicates that the home medical equipment and services
9 provider's continuation in business would constitute an
10 imminent danger to the public. If the Secretary ~~Director~~
11 temporarily suspends the license of a home medical equipment
12 and services provider without a hearing, a hearing by the Board
13 must be held within 30 days of the suspension.

14 (Source: P.A. 90-532, eff. 11-14-97.)

15 Section 15. The Marriage and Family Therapy Licensing Act
16 is amended by changing Sections 10, 25, 30, 60, 85, 90, 95,
17 105, 110, 115, 120, 125, 130, and 145 and by adding Section 91
18 as follows:

19 (225 ILCS 55/10) (from Ch. 111, par. 8351-10)

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

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

22 "Address of record" means the designated address recorded
23 by the Department in the applicant's or licensee's application
24 file or license file maintained by the Department's licensure

1 maintenance unit. It is the duty of the applicant or licensee
2 to inform the Department of any change of address, and such
3 changes must be made either through the Department's website or
4 by contacting the Department's licensure maintenance unit.

5 "Advertise" means, but is not limited to, issuing or
6 causing to be distributed any card, sign or device to any
7 person; or causing, permitting or allowing any sign or marking
8 on or in any building, structure, newspaper, magazine or
9 directory, or on radio or television; or advertising by any
10 other means designed to secure public attention.

11 "Approved program" means an approved comprehensive program
12 of study in marriage and family therapy in a regionally
13 accredited educational institution approved by the Department
14 for the training of marriage and family therapists.

15 "Associate licensed marriage and family therapist" means a
16 person to whom an associate marriage and family therapist
17 license has been issued under this Act.

18 "Board" means the Illinois Marriage and Family Therapy
19 Licensing and Disciplinary Board.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 ~~"Director" means the Director of the Department of~~
23 ~~Professional Regulation.~~

24 "License" means that which is required to practice marriage
25 and family therapy under this Act, the qualifications for which
26 include specific education, acceptable experience and

1 examination requirements.

2 "Licensed marriage and family therapist" means a person to
3 whom a marriage and family therapist license has been issued
4 under this Act.

5 "Marriage and family therapy" means the evaluation and
6 treatment of mental and emotional problems within the context
7 of human relationships. Marriage and family therapy involves
8 the use of psychotherapeutic methods to ameliorate
9 interpersonal and intrapersonal conflict and to modify
10 perceptions, beliefs and behavior in areas of human life that
11 include, but are not limited to, premarriage, marriage,
12 sexuality, family, divorce adjustment, and parenting.

13 "Person" means any individual, firm, corporation,
14 partnership, organization, or body politic.

15 "Practice of marriage and family therapy" means the
16 rendering of marriage and family therapy services to
17 individuals, couples, and families as defined in this Section,
18 either singly or in groups, whether the services are offered
19 directly to the general public or through organizations, either
20 public or private, for a fee, monetary or otherwise.

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 "Title or description" means to hold oneself out as a
24 licensed marriage and family therapist or an associate licensed
25 marriage and family therapist to the public by means of stating
26 on signs, mailboxes, address plates, stationery,

1 announcements, calling cards or other instruments of
2 professional identification.

3 (Source: P.A. 91-362, eff. 1-1-00.)

4 (225 ILCS 55/25) (from Ch. 111, par. 8351-25)

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

6 Sec. 25. Marriage and Family Therapy Licensing and
7 Disciplinary Board.

8 (a) There is established within the Department the Marriage
9 and Family Therapy Licensing and Disciplinary Board to be
10 appointed by the Secretary ~~Director~~. The Board shall be
11 composed of 7 persons who shall serve in an advisory capacity
12 to the Secretary ~~Director~~. The Board shall elect a chairperson
13 and a vice chairperson.

14 (b) In appointing members of the Board, the Secretary
15 ~~Director~~ shall give due consideration to recommendations by
16 members of the profession of marriage and family therapy and by
17 the statewide organizations solely representing the interests
18 of marriage and family therapists.

19 (c) Five members of the Board shall be marriage and family
20 therapists who have been in active practice for at least 5
21 years immediately preceding their appointment, or engaged in
22 the education and training of masters, doctoral, or
23 post-doctoral students of marriage and family therapy, or
24 engaged in marriage and family therapy research. Each marriage
25 or family therapy teacher or researcher shall have spent the

1 majority of the time devoted to the study or research of
2 marriage and family therapy during the 2 years immediately
3 preceding his or her appointment to the Board. The appointees
4 shall be licensed under this Act.

5 (d) Two members shall be representatives of the general
6 public who have no direct affiliation or work experience with
7 the practice of marriage and family therapy and who clearly
8 represent consumer interests.

9 (e) Board members shall be appointed for terms of 4 years
10 each, except that any person chosen to fill a vacancy shall be
11 appointed only for the unexpired term of the Board member whom
12 he or she shall succeed. Upon the expiration of this term of
13 office, a Board member shall continue to serve until a
14 successor is appointed and qualified. No member shall be
15 reappointed to the Board for a term that would cause continuous
16 service on the Board to be longer than 8 years.

17 (f) The membership of the Board shall reasonably reflect
18 representation from the various geographic areas of the State.

19 (g) Members of the Board shall be immune from suit in any
20 action based upon any disciplinary proceedings or other
21 activities performed in good faith as members of the Board.

22 (h) The Secretary ~~Director~~ may remove any member of the
23 Board for any cause that, in the opinion of the Secretary
24 ~~Director~~, reasonably justifies termination.

25 (i) The Secretary ~~Director~~ may consider the
26 recommendations of the Board on questions of standards of

1 professional conduct, discipline, and qualification of
2 candidates or licensees under this Act.

3 (j) The members of the Board shall be reimbursed for all
4 legitimate, necessary, and authorized expenses.

5 (k) A majority of the Board members currently appointed
6 shall constitute a quorum. A vacancy in the membership of the
7 Board shall not impair the right of a quorum to exercise all
8 the rights and perform all the duties of the Board.

9 (Source: P.A. 90-61, eff. 12-30-97.)

10 (225 ILCS 55/30) (from Ch. 111, par. 8351-30)

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

12 Sec. 30. Application.

13 (a) Applications for original licensure shall be made to
14 the Department in writing on forms prescribed by the Department
15 and shall be accompanied by the appropriate documentation and
16 the required fee, which fee is nonrefundable. Any application
17 shall require such information as, in the judgment of the
18 Department, will enable the Department to pass on the
19 qualifications of the applicant for licensing.

20 (b) Applicants have 3 years from the date of application to
21 complete the application process. If the application has not
22 been completed within 3 years, the application shall be denied,
23 the fee shall be forfeited, and the applicant must reapply and
24 meet the requirements in effect at the time of reapplication.

25 (c) A license shall not be denied to an applicant because

1 of the applicant's race, religion, creed, national origin,
2 political beliefs or activities, age, sex, sexual orientation,
3 or physical disability that does not affect a person's ability
4 to practice with reasonable judgment, skill, or safety
5 impairment.

6 (Source: P.A. 90-61, eff. 12-30-97.)

7 (225 ILCS 55/60) (from Ch. 111, par. 8351-60)

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

9 Sec. 60. Payments; penalty for insufficient funds. Any
10 person who delivers a check or other payment to the Department
11 that is returned to the Department unpaid by the financial
12 institution upon which it is drawn shall pay to the Department,
13 in addition to the amount already owed to the Department, a
14 fine of \$50. The fines imposed by this Section are in addition
15 to any other discipline provided under this Act prohibiting
16 unlicensed practice or practice on a nonrenewed license. The
17 Department shall notify the person that payment of fees and
18 fines shall be paid to the Department by certified check or
19 money order within 30 calendar days after notification. If,
20 after the expiration of 30 days from the date of the
21 notification, the person has failed to submit the necessary
22 remittance, the Department shall automatically terminate the
23 license or deny the application, without hearing. If, after
24 termination or denial, the person seeks a license, he or she
25 shall apply to the Department for restoration or issuance of

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

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

9 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

11 Sec. 85. Refusal, revocation, or suspension.

12 (a) The Department may refuse to issue or renew, or may
13 revoke a license, or may suspend, place on probation, fine, or
14 take any disciplinary or non-disciplinary action as the
15 Department may deem proper, including fines not to exceed
16 \$10,000 ~~\$1000~~ for each violation, with regard to any licensee
17 for any one or combination of the following causes:

18 (1) Material misstatement in furnishing information to
19 the Department.

20 (2) Violations of this Act or its rules.

21 (3) Conviction of or entry of a plea of guilty or nolo
22 contendere to any crime that is a felony under the laws of
23 the United States or any state or territory thereof or that
24 ~~is (i) a felony, (ii) a misdemeanor,~~ of which an essential
25 element ~~of which~~ is dishonesty, ~~or (iii) a crime that is~~

1 directly related to the practice of the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining a license or violating any provision of this Act
4 or its rules.

5 (5) Professional incompetence ~~or gross negligence~~.

6 (6) Gross negligence ~~Malpractice~~.

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

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

11 (9) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public as defined by the rules of the
14 Department, or violating the rules of professional conduct
15 adopted by the Board and published by the Department.

16 (10) Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 that results in the inability to practice with reasonable
19 judgment, skill, or safety.

20 (11) Discipline by another state, territory, or
21 country if at least one of the grounds for the discipline
22 is the same or substantially equivalent to those set forth
23 in this Act.

24 (12) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership or association
26 any fee, commission, rebate, or other form of compensation

1 for any professional services not actually or personally
2 rendered.

3 (13) A finding by the Department that the licensee,
4 after having his or her license placed on probationary
5 status, has violated the terms of probation.

6 (14) Abandonment of a patient without cause.

7 (15) Willfully making or filing false records or
8 reports relating to a licensee's practice, including but
9 not limited to false records filed with State agencies or
10 departments.

11 (16) Wilfully failing to report an instance of
12 suspected child abuse or neglect as required by the Abused
13 and Neglected Child Reporting Act.

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

20 (18) Physical illness or mental illness or impairment
21 ~~disability~~, including, but not limited to, deterioration
22 through the aging process, or loss of motor skill ~~abilities~~
23 ~~and skills~~ that results in the inability to practice the
24 profession with reasonable judgment, skill, or safety.

25 (19) Solicitation of professional services by using
26 false or misleading advertising.

1 (20) A finding that licensure has been applied for or
2 obtained by fraudulent means.

3 (21) Practicing or attempting to practice under a name
4 other than the full name as shown on the license or any
5 other legally authorized name.

6 (22) Gross overcharging for professional services
7 including filing statements for collection of fees or
8 moneys for which services are not rendered.

9 (b) The Department shall deny any application for a
10 license, ~~without hearing,~~ or renewal, without hearing, under
11 this Act to any person who has defaulted on an educational loan
12 guaranteed by the Illinois Student Assistance Commission;
13 however, the Department may issue a license or renewal if the
14 person in default has established a satisfactory repayment
15 record as determined by the Illinois Student Assistance
16 Commission.

17 (c) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 terminate only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of an order so finding and discharging the
24 patient, and upon the recommendation of the Board to the
25 Secretary ~~Director~~ that the licensee be allowed to resume his
26 or her practice as a licensed marriage and family therapist or

1 an associate marriage and family therapist.

2 (d) The Department may refuse to issue or may suspend the
3 license of any person who fails to file a return, pay the tax,
4 penalty, or interest shown in a filed return or pay any final
5 assessment of tax, penalty, or interest, as required by any tax
6 Act administered by the Illinois Department of Revenue, until
7 the time the requirements of the tax Act are satisfied.

8 (e) In enforcing this Section, the Department or Board upon
9 a showing of a possible violation may compel an individual
10 licensed to practice under this Act, or who has applied for
11 licensure under this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The Department or Board may order the examining
14 physician to present testimony concerning the mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The individual to be examined may have, at
21 his or her own expense, another physician of his or her choice
22 present during all aspects of this examination. Failure of an
23 individual to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of his or her license
25 until the individual submits to the examination if the
26 Department finds, after notice and hearing, that the refusal to

1 submit to the examination was without reasonable cause.

2 If the Department or Board finds an individual unable to
3 practice because of the reasons set forth in this Section, the
4 Department or Board may require that individual to submit to
5 care, counseling, or treatment by physicians approved or
6 designated by the Department or Board, as a condition, term, or
7 restriction for continued, reinstated, or renewed licensure to
8 practice; or, in lieu of care, counseling, or treatment, the
9 Department may file, or the Board may recommend to the
10 Department to file, a complaint to immediately suspend, revoke,
11 or otherwise discipline the license of the individual. An
12 individual whose license was granted, continued, reinstated,
13 renewed, disciplined or supervised subject to such terms,
14 conditions, or restrictions, and who fails to comply with such
15 terms, conditions, or restrictions, shall be referred to the
16 Secretary ~~Director~~ for a determination as to whether the
17 individual shall have his or her license suspended immediately,
18 pending a hearing by the Department.

19 In instances in which the Secretary ~~Director~~ immediately
20 suspends a person's license under this Section, a hearing on
21 that person's license must be convened by the Department within
22 30 ~~15~~ days after the suspension and completed without
23 appreciable delay. The Department and Board shall have the
24 authority to review the subject individual's record of
25 treatment and counseling regarding the impairment to the extent
26 permitted by applicable federal statutes and regulations

1 safeguarding the confidentiality of medical records.

2 An individual licensed under this Act and affected under
3 this Section shall be afforded an opportunity to demonstrate to
4 the Department or Board that he or she can resume practice in
5 compliance with acceptable and prevailing standards under the
6 provisions of his or her license.

7 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

8 (225 ILCS 55/90) (from Ch. 111, par. 8351-90)

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

10 Sec. 90. Violations; injunctions; cease and desist order.

11 (a) If any person violates a provision of this Act, the
12 Secretary ~~Director~~ may, in the name of the People of the State
13 of Illinois, through the Attorney General of the State of
14 Illinois, petition for an order enjoining the violation or for
15 an order enforcing compliance with this Act. Upon the filing of
16 a verified petition in court, the court may issue a temporary
17 restraining order, without notice or bond, and may
18 preliminarily and permanently enjoin the violation. If it is
19 established that the person has violated or is violating the
20 injunction, the Court may punish the offender for contempt of
21 court. Proceedings under this Section are in addition to, and
22 not in lieu of, all other remedies and penalties provided by
23 this Act.

24 (b) If any person practices as a marriage and family
25 therapist or an associate marriage and family therapist or

1 holds himself or herself out as such without having a valid
2 license under this Act, then any licensee, any interested party
3 or any person injured thereby may, in addition to the Secretary
4 ~~Director~~, petition for relief as provided in subsection (a) of
5 this Section.

6 (c) Whenever in the opinion of the Department any person
7 violates any provision of this Act, the Department may issue a
8 rule to show cause why an order to cease and desist should not
9 be entered against him or her. The rule shall clearly set forth
10 the grounds relied upon by the Department and shall provide a
11 period of 7 days from the date of the rule to file an answer to
12 the satisfaction of the Department. Failure to answer to the
13 satisfaction of the Department shall cause an order to cease
14 and desist to be issued immediately.

15 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

16 (225 ILCS 55/91 new)

17 Sec. 91. Unlicensed practice; violation; civil penalty.

18 (a) Any person who practices, offers to practice, attempts
19 to practice, or holds himself or herself out to practice as a
20 licensed marriage and family therapist without being licensed
21 under this Act shall, in addition to any other penalty provided
22 by law, pay a civil penalty to the Department in an amount not
23 to exceed \$10,000 for each offense, as determined by the
24 Department. The civil penalty shall be assessed by the
25 Department after a hearing is held in accordance with the

1 provisions set forth in this Act regarding the provision of a
2 hearing for the discipline of a licensee.

3 (b) The Department may investigate any and all unlicensed
4 activity.

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

10 (225 ILCS 55/95) (from Ch. 111, par. 8351-95)

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

12 Sec. 95. Investigation; notice and hearing. The Department
13 may investigate the actions or qualifications of any person or
14 persons holding or claiming to hold a license. Before
15 suspending, revoking, placing on probationary status, or
16 taking any other disciplinary action as the Department may deem
17 proper with regard to any license, at least 30 days before the
18 date set for the hearing, the Department shall (i) notify the
19 accused in writing of any charges made and the time and place
20 for a hearing on the charges before the Board, (ii) direct him
21 or her to file a written answer to the charges with the Board
22 under oath within 20 days after the service on him or her of
23 such notice, and (iii) inform him or her that if he or she
24 fails to file an answer, default will be taken against him or
25 her and his or her license may be suspended, revoked, placed on

1 probationary status, or other disciplinary action taken with
2 regard to the license, including limiting the scope, nature, or
3 extent of his or her practice, as the Department may deem
4 proper. In case the person, after receiving notice, fails to
5 file an answer, his or her license may, in the discretion of
6 the Department, be suspended, revoked, placed on probationary
7 status, or the Department may take whatever disciplinary action
8 deemed proper, including limiting the scope, nature, or extent
9 of the person's practice or the imposition of a fine, without a
10 hearing, if the act or acts charged constitute sufficient
11 grounds for such action under this Act. Written ~~This written~~
12 ~~notice and any notice in the subsequent proceedings~~ may be
13 served by personal delivery ~~to the accused person,~~ or by
14 registered or certified mail to the applicant or licensee at
15 his or her last address of record with ~~address last specified~~
16 ~~by the accused in his last notification to~~ the Department. In
17 case the person fails to file an answer after receiving notice,
18 his or her license may, in the discretion of the Department, be
19 suspended, revoked, or placed on probationary status, or the
20 Department may take whatever disciplinary action deemed
21 proper, including limiting the scope, nature, or extent of the
22 person's practice or the imposition of a fine, without a
23 hearing, if the act or acts charged constitute sufficient
24 grounds for such action under this Act. The written answer
25 shall be served by personal delivery, certified delivery, or
26 certified or registered mail to the Department. At the time and

1 place fixed in the notice, the Department shall proceed to hear
2 the charges and the parties or their counsel shall be accorded
3 ample opportunity to present such statements, testimony,
4 evidence, and argument as may be pertinent to the charges or to
5 the defense thereto. The Department may continue such hearing
6 from time to time. At the discretion of the Secretary ~~Director~~
7 after having first received the recommendation of the Board,
8 the accused person's license may be suspended or revoked, if
9 the evidence constitutes sufficient grounds for such action
10 under this Act.

11 (Source: P.A. 90-61, eff. 12-30-97; 90-655, eff. 7-30-98.)

12 (225 ILCS 55/105) (from Ch. 111, par. 8351-105)

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

14 Sec. 105. Subpoenas; oaths; attendance of witnesses. The
15 Department has the power to subpoena and to bring before it any
16 person and to take testimony either orally or by deposition, or
17 both, with the same fees and mileage and in the same manner as
18 prescribed in civil cases in the courts of this State.

19 The Secretary ~~Director~~, the designated hearing officer,
20 and every member of the Board has power to administer oaths to
21 witnesses at any hearing that the Department is authorized to
22 conduct and any other oaths authorized in any Act administered
23 by the Department. Any circuit court may, upon application of
24 the Department or its designee, or of the applicant or licensee
25 against whom proceedings under this Act are pending, enter an

1 order requiring the attendance of witnesses and their
2 testimony, and the production of documents, papers, files,
3 books and records in connection with any hearing or
4 investigation. The court may compel obedience to its order by
5 proceedings for contempt.

6 (Source: P.A. 87-783; 87-1237.)

7 (225 ILCS 55/110) (from Ch. 111, par. 8351-110)

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

9 Sec. 110. Recommendations for disciplinary action. At the
10 conclusion of the hearing, the Board shall present to the
11 Secretary ~~Director~~ a written report of its findings and
12 recommendations. The report shall contain a finding whether or
13 not the accused person violated this Act or failed to comply
14 with the conditions required in this Act. The Board shall
15 specify the nature of the violation or failure to comply, and
16 shall make its recommendations to the Secretary ~~Director~~.

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

1 hearing and finding are not a bar to a criminal prosecution
2 brought for the violation of this Act.

3 (Source: P.A. 87-783.)

4 (225 ILCS 55/115) (from Ch. 111, par. 8351-115)

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

6 Sec. 115. Rehearing. In any hearing involving disciplinary
7 action against a licensee, a copy of the Board's report shall
8 be served upon the respondent by the Department, either
9 personally or as provided in this Act for the service of the
10 notice of hearing. Within 20 calendar days after service, the
11 respondent may present to the Department a motion in writing
12 for a rehearing that shall specify the particular grounds for
13 rehearing. If no motion for rehearing is filed, then upon the
14 expiration of the time specified for filing a motion, or if a
15 motion for rehearing is denied, then upon denial, the Secretary
16 ~~Director~~ may enter an order in accordance with recommendations
17 of the Board, except as provided in this Act. If the respondent
18 orders from the reporting service, and pays for, a transcript
19 of the record within the time for filing a motion for
20 rehearing, the 20 calendar day period within which a motion may
21 be filed shall commence upon the delivery of the transcript to
22 the respondent.

23 (Source: P.A. 87-783; 87-1237; 88-45.)

24 (225 ILCS 55/120) (from Ch. 111, par. 8351-120)

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

2 Sec. 120. Hearing by other hearing officer ~~examiner~~.
3 Whenever the Secretary ~~Director~~ is not satisfied that
4 substantial justice has been done in the revocation, suspension
5 or refusal to issue or renew a license, the Secretary ~~Director~~
6 may order a rehearing by the same or other hearing officer
7 ~~examiners~~.

8 (Source: P.A. 87-783.)

9 (225 ILCS 55/125) (from Ch. 111, par. 8351-125)

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

11 Sec. 125. Appointment of a hearing officer. The Secretary
12 ~~Director~~ has 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 or renew
15 a license, or to discipline a licensee. The hearing officer has
16 full authority to conduct the hearing. The hearing officer
17 shall report his findings and recommendations to the Board and
18 the Secretary ~~Director~~. The Board has 60 calendar days from
19 receipt of the report to review the report of the hearing
20 officer and present its findings of fact, conclusions of law
21 and recommendations to the Secretary ~~Director~~. If the Board
22 fails to present its report within the 60 calendar day period,
23 the respondent may request in writing a direct appeal to the
24 Secretary, in which case the Secretary shall, within 7 calendar
25 days after the request, issue an order directing the Board to

1 issue its findings of fact, conclusions of law, and
2 recommendations to the Secretary within 30 calendar days after
3 such order. If the Board fails to issue its findings of fact,
4 conclusions of law, and recommendations within that time frame
5 to the Secretary after the entry of such order, the Secretary
6 shall, within 30 calendar days thereafter, issue an order based
7 upon the report of the hearing officer and the record of the
8 proceedings or issue an order remanding the matter back to the
9 hearing officer for additional proceedings in accordance with
10 the order. If (i) a direct appeal is requested, (ii) the Board
11 fails to issue its findings of fact, conclusions of law, and
12 recommendations within the 30-day mandate from the Secretary or
13 the Secretary fails to order the Board to do so, and (iii) the
14 Secretary fails to issue an order within 30 calendar days
15 thereafter, then the hearing officer's report is deemed
16 accepted and a final decision of the Secretary. Notwithstanding
17 any other provision of this Section, if the Secretary, upon
18 review, determines that substantial justice has not been done
19 in the revocation, suspension, or refusal to issue or renew a
20 license or other disciplinary action taken as the result of the
21 entry of the hearing officer's report, the Secretary may order
22 a rehearing by the same or other examiners ~~the Director may~~
23 ~~issue an order based on the report of the hearing officer.~~ If
24 the Secretary ~~Director~~ disagrees with the recommendation of the
25 Board or the hearing officer, the Secretary ~~Director~~ may issue
26 an order in contravention of the recommendation.

1 (Source: P.A. 87-783; 87-1237.)

2 (225 ILCS 55/130) (from Ch. 111, par. 8351-130)

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

4 Sec. 130. Order; certified copy. An order or a certified
5 copy thereof, over the seal of the Department and purporting to
6 be signed by the Secretary ~~Director~~, shall be prima facie
7 proof:

8 (a) that the signature is the genuine signature of the
9 Secretary ~~Director~~;

10 (b) that the Secretary ~~Director~~ is duly appointed and
11 qualified; and

12 (c) that the Board and its members are qualified to act.

13 (Source: P.A. 87-783.)

14 (225 ILCS 55/145) (from Ch. 111, par. 8351-145)

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

16 Sec. 145. Summary suspension. The Secretary ~~Director~~ may
17 summarily suspend the license of a marriage and family
18 therapist or an associate marriage and family therapist without
19 a hearing, simultaneously with the institution of proceedings
20 for a hearing provided for in this Act, if the Secretary
21 ~~Director~~ finds that evidence in his or her possession indicates
22 that a marriage and family therapist's or associate marriage
23 and family therapist's continuation in practice would
24 constitute an imminent danger to the public. In the event that

1 the Secretary ~~Director~~ summarily suspends the license of a
2 marriage and family therapist or an associate marriage and
3 family therapist without a hearing, a hearing by the Board must
4 be held within 30 calendar days after the suspension has
5 occurred.

6 (Source: P.A. 91-362, eff. 1-1-00.)

7 Section 20. The Nursing Home Administrators Licensing and
8 Disciplinary Act is amended by changing Sections 4, 5, 5.1, 6,
9 10.5, 11, 13, 15, 17, 18, 19, 20, 20.1, 21, 22, 24, 24.1, 26,
10 and 28 as follows:

11 (225 ILCS 70/4) (from Ch. 111, par. 3654)

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

13 Sec. 4. Definitions. For purposes of this Act, the
14 following definitions shall have the following meanings,
15 except where the context requires otherwise:

16 (1) "Act" means the Nursing Home Administrators
17 Licensing and Disciplinary Act.

18 (2) "Department" means the Department of Financial and
19 Professional Regulation.

20 (3) "Secretary" ~~"Director"~~ means the Secretary
21 ~~Director~~ of Financial and Professional Regulation.

22 (4) "Board" means the Nursing Home Administrators
23 Licensing and Disciplinary Board appointed by the
24 Governor.

1 (5) "Nursing home administrator" means the individual
2 licensed under this Act and directly responsible for
3 planning, organizing, directing and supervising the
4 operation of a nursing home, or who in fact performs such
5 functions, whether or not such functions are delegated to
6 one or more other persons.

7 (6) "Nursing home" or "facility" means any entity that
8 is required to be licensed by the Department of Public
9 Health under the Nursing Home Care Act, as amended, other
10 than a sheltered care home as defined thereunder, and
11 includes private homes, institutions, buildings,
12 residences, or other places, whether operated for profit or
13 not, irrespective of the names attributed to them, county
14 homes for the infirm and chronically ill operated pursuant
15 to the County Nursing Home Act, as amended, and any similar
16 institutions operated by a political subdivision of the
17 State of Illinois that provide, though their ownership or
18 management, maintenance, personal care, and nursing for 3
19 or more persons, not related to the owner by blood or
20 marriage, or any similar facilities in which maintenance is
21 provided to 3 or more persons who by reason of illness of
22 physical infirmity require personal care and nursing.

23 (7) "Maintenance" means food, shelter and laundry.

24 (8) "Personal care" means assistance with meals,
25 dressing, movement, bathing, or other personal needs, or
26 general supervision of the physical and mental well-being

1 of an individual who because of age, physical, or mental
2 disability, emotion or behavior disorder, or mental
3 retardation is incapable of managing his or her person,
4 whether or not a guardian has been appointed for such
5 individual. For the purposes of this Act, this definition
6 does not include the professional services of a nurse.

7 (9) "Nursing" means professional nursing or practical
8 nursing, as those terms are defined in the Nursing and
9 Advanced Practice Nursing Act, for sick or infirm persons
10 who are under the care and supervision of licensed
11 physicians or dentists.

12 (10) "Disciplinary action" means revocation,
13 suspension, probation, supervision, reprimand, required
14 education, fines or any other action taken by the
15 Department against a person holding a license.

16 (11) "Impaired" means the inability to practice with
17 reasonable skill and safety due to physical or mental
18 disabilities as evidenced by a written determination or
19 written consent based on clinical evidence including
20 deterioration through the aging process or loss of motor
21 skill, or abuse of drugs or alcohol, of sufficient degree
22 to diminish a person's ability to administer a nursing
23 home.

24 (12) "Address of record" means the designated address
25 recorded by the Department in the applicant's or licensee's
26 application file or license file maintained by the

1 Department's licensure maintenance unit. It is the duty of
2 the applicant or licensee to inform the Department of any
3 change of address, and such changes must be made either
4 through the Department's website or by contacting the
5 Department's licensure maintenance unit.

6 (Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

7 (225 ILCS 70/5) (from Ch. 111, par. 3655)

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

9 Sec. 5. Board.

10 (a) There is hereby created the Nursing Home Administrators
11 Licensing and Disciplinary Board. The Board shall consist of 7
12 ~~9~~ members appointed by the Governor. All shall be residents of
13 the State of Illinois. Two ~~Three~~ members shall be
14 representatives of the general public. Five ~~Six~~ members shall
15 be nursing home administrators who for at least 5 years prior
16 to their appointments were licensed under this Act. The public
17 members shall have no responsibility for management or
18 formation of policy of, nor any financial interest in, nursing
19 homes as defined in this Act, nor any other connection with the
20 profession. In appointing licensed nursing home
21 administrators, the Governor shall take into consideration the
22 recommendations of the nursing home professional associations.

23 (b) Members shall be appointed for a term of 4 years by the
24 Governor. The Governor shall fill any vacancy for the remainder
25 of the unexpired term. Any member of the Board may be removed

1 by the Governor for cause. Each member shall serve on the Board
2 until his or her successor is appointed and qualified. No
3 member of the Board shall serve more than 2 consecutive 4 year
4 terms.

5 In making appointments the Governor shall attempt to insure
6 that the various geographic regions of the State of Illinois
7 are properly represented.

8 (c) The Board shall annually elect one of its members as
9 chairperson and one as vice chairperson. No officer shall be
10 elected more than twice in succession to the same office. Each
11 officer shall serve until his or her successor has been elected
12 and qualified.

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

17 (e) Each member and member-officer of the Board may ~~shall~~
18 receive a per diem stipend as the Secretary ~~Director~~ shall
19 determine. Each member shall be paid their necessary expenses
20 while engaged in the performance of his or her duties.

21 (f) (Blank).

22 (g) (Blank).

23 (h) Members of the Board shall be immune from suit in any
24 action based upon any disciplinary proceedings or other acts
25 performed in good faith as members of the Board.

26 (i) (Blank).

1 (j) The Secretary ~~Director~~ shall give due consideration to
2 all recommendations of the Board. If the Secretary ~~Director~~
3 disagrees with or takes action contrary to the recommendation
4 of the Board, he or she shall provide the Board with a written
5 and specific explanation of his or her action.

6 (Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97.)

7 (225 ILCS 70/5.1)

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

9 Sec. 5.1. Powers and duties; rules. The Department shall
10 exercise the powers and duties prescribed by the Civil
11 Administrative Code of Illinois for administration of
12 licensing acts and shall exercise such other powers and duties
13 necessary for effectuating the purposes of this Act. The
14 Department shall adopt rules to implement, interpret, or make
15 specific the provisions and purposes of this Act and may
16 prescribe forms that shall be issued in connection with
17 rulemaking. The Department shall transmit the proposed
18 rulemaking to the Board.

19 The Department may solicit the advice of the Board on any
20 matter relating to the administration and enforcement of this
21 Act.

22 ~~The Director shall employ, in conformity with the Personnel~~
23 ~~Code, professional, technical, investigative, and clerical~~
24 ~~help on a full-time or part-time basis as necessary for the~~
25 ~~proper performance of its duties.~~

1 Upon the written request of the Department, the Department
2 of Public Health, the Department of Human Services or the
3 Department of State Police may cooperate and assist in any
4 investigation undertaken by the Board.

5 (Source: P.A. 90-61, eff. 12-30-97.)

6 (225 ILCS 70/6) (from Ch. 111, par. 3656)

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

8 Sec. 6. Application procedure. Applications for original
9 licenses shall be made to the Department in writing on forms
10 prescribed by the Department and shall be accompanied by the
11 required fee, which shall not be refundable. The application
12 shall require information as in the judgment of the Department
13 will enable the Department to pass on the qualifications of the
14 applicant for a license.

15 Applicants have 3 years after the date of application to
16 complete the application process. If the process has not been
17 completed in 3 years, the application shall be denied, the fee
18 forfeited, and the applicant must reapply and meet the
19 requirements in effect at the time of reapplication.

20 (Source: P.A. 90-61, eff. 12-30-97.)

21 (225 ILCS 70/10.5)

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

23 Sec. 10.5. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts

1 to practice, or holds oneself out to practice as a nursing home
2 administrator without being licensed under this Act shall, in
3 addition to any other penalty provided by law, pay a civil
4 penalty to the Department in an amount not to exceed \$10,000
5 ~~\$5,000~~ for each offense as determined by the Department. The
6 civil penalty shall be assessed by the Department after a
7 hearing is held in accordance with the provisions set forth in
8 this Act regarding the provision of a hearing for the
9 discipline of a licensee.

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

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

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

18 (225 ILCS 70/11) (from Ch. 111, par. 3661)

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

20 Sec. 11. Expiration; renewal; continuing education. The
21 expiration date and renewal period for each license issued
22 under this Act shall be set by rule.

23 Each licensee shall provide proof of having obtained 36
24 hours of continuing education in the 2 year period preceding
25 the renewal date of the license as a condition of license

1 renewal. The continuing education requirement may be waived in
2 part or in whole for such good cause as may be determined by
3 rule.

4 Any continuing education course for nursing home
5 administrators approved by the National Continuing Education
6 Review Service of the National Association of Boards of
7 Examiners of Nursing Home Administrators will be accepted
8 toward satisfaction of these requirements.

9 Any continuing education course for nursing home
10 administrators sponsored by the Life Services Network of
11 Illinois, Illinois Council on Long Term Care, County Nursing
12 Home Association of Illinois, Illinois Health Care
13 Association, Illinois Chapter of American College of Health
14 Care Administrators, and the Illinois Nursing Home
15 Administrators Association will be accepted toward
16 satisfaction of these requirements.

17 Any school, college or university, State agency, or other
18 entity may apply to the Department for approval as a continuing
19 education sponsor. Criteria for qualification as a continuing
20 education sponsor shall be established by rule.

21 It shall be the responsibility of each continuing education
22 sponsor to maintain records, as prescribed by rule, to verify
23 attendance.

24 The Department shall establish by rule a means for the
25 verification of completion of the continuing education
26 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 Any nursing home administrator who has permitted his or her
6 license to expire or who has had his or her license on inactive
7 status may have his or her license restored by making
8 application to the Department and filing proof acceptable to
9 the Department, as defined by rule, of his or her fitness to
10 have his or her license restored and by paying the required
11 fee. Proof of fitness may include evidence certifying to active
12 lawful practice in another jurisdiction satisfactory to the
13 Department and by paying the required restoration fee.

14 However, any nursing home administrator whose license
15 expired while he or she was (1) in federal service on active
16 duty with the Armed Forces of the United States, or the State
17 Militia called into service or training, or (2) in training or
18 education under the supervision of the United States
19 preliminary to induction into the military services, may have
20 his or her license renewed or restored without paying any
21 lapsed renewal fees if within 2 years after honorable
22 termination of such service, training or education, he or she
23 furnishes the Department with satisfactory evidence to the
24 effect that he or she has been so engaged and that his or her
25 service, training or education has been so terminated.

26 (Source: P.A. 90-61, eff. 12-30-97.)

1 (225 ILCS 70/13) (from Ch. 111, par. 3663)

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

3 Sec. 13. Endorsement. The Department may, in its
4 discretion, license as a nursing home administrator, without
5 examination, on payment of the required fee, an applicant who
6 is so licensed under the laws of another U.S. jurisdiction, if
7 the requirements for licensure in the other jurisdiction in
8 which the applicant was licensed were, at the date of his or
9 her licensure, substantially equivalent to the requirements
10 then in force in this State; or if the applicant's
11 qualifications were, at the date of his or her licensure in the
12 other jurisdiction, substantially equivalent to the
13 requirements then in force in this State.

14 Notwithstanding the provisions of this Section, all
15 applicants seeking licensure under this Section shall be
16 required to take and pass an examination testing the
17 applicant's knowledge of Illinois law relating to the practice
18 of nursing home administration.

19 ~~Applicants have 3 years from the date of application to~~
20 ~~complete the application process. If the process has not been~~
21 ~~completed in 3 years, the application shall be denied, the fee~~
22 ~~shall be forfeited, and the applicant must reapply and meet the~~
23 ~~requirements in effect at the time of reapplication.~~

24 (Source: P.A. 90-61, eff. 12-30-97.)

1 (225 ILCS 70/15) (from Ch. 111, par. 3665)

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

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

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

1 (225 ILCS 70/17) (from Ch. 111, par. 3667)

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

3 Sec. 17. Grounds for disciplinary action.

4 (a) The Department may impose fines not to exceed \$10,000
5 ~~\$1,000,~~ or may refuse to issue or to renew, or may revoke,
6 suspend, place on probation, censure, reprimand or take other
7 disciplinary or non-disciplinary action with regard to the
8 license of any person, for any one or combination of the
9 following causes:

10 (1) Intentional material misstatement in furnishing
11 information to the Department.

12 (2) Conviction of or entry of a plea of guilty or nolo
13 contendere to any crime that is a felony under the laws of
14 the United States or any state or territory thereof ~~that is~~
15 ~~a felony~~ or a misdemeanor of which an essential element is
16 dishonesty, ~~or of any crime~~ that is directly related to the
17 practice of the profession of nursing home administration.

18 (3) Making any misrepresentation for the purpose of
19 obtaining a license, or violating any provision of this
20 Act.

21 (4) Immoral conduct in the commission of any act, such
22 as sexual abuse or sexual misconduct, related to the
23 licensee's practice.

24 (5) Failing to respond within 30 ~~60~~ days, to a written
25 request made by the Department for information.

1 (6) Engaging in dishonorable, unethical or
2 unprofessional conduct of a character likely to deceive,
3 defraud or harm the public.

4 (7) Habitual use or addiction to alcohol, narcotics,
5 stimulants, or any other chemical agent or drug which
6 results in the inability to practice with reasonable
7 judgment, skill or safety.

8 (8) Discipline by another U.S. jurisdiction if at least
9 one of the grounds for the discipline is the same or
10 substantially equivalent to those set forth herein.

11 (9) A finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status has violated the terms of probation.

14 (10) Willfully making or filing false records or
15 reports in his or her practice, including but not limited
16 to false records filed with State agencies or departments.

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

22 (12) Disregard or violation of this Act or of any rule
23 issued pursuant to this Act.

24 (13) Aiding or abetting another in the violation of
25 this Act or any rule or regulation issued pursuant to this
26 Act.

1 (14) Allowing one's license to be used by an unlicensed
2 person.

3 (15) (Blank). ~~Conviction of any crime an essential~~
4 ~~element of which is misstatement, fraud or dishonesty, or~~
5 ~~conviction in this State or another state of any crime that~~
6 ~~is a felony under the laws of this State or conviction of a~~
7 ~~felony in a federal court.~~

8 (16) Professional incompetence in the practice of
9 nursing home administration.

10 (17) Conviction of a violation of Section 12-19 of the
11 Criminal Code of 1961 for the abuse and gross neglect of a
12 long term care facility resident.

13 (18) Violation of the Nursing Home Care Act or of any
14 rule issued under the Nursing Home Care Act.

15 All proceedings to suspend, revoke, place on probationary
16 status, or take any other disciplinary action as the Department
17 may deem proper, with regard to a license on any of the
18 foregoing grounds, must be commenced within 5 ~~3~~ years next
19 after receipt by the Department of (i) a complaint alleging the
20 commission of or notice of the conviction order for any of the
21 acts described herein or (ii) a referral for investigation
22 under Section 3-108 of the Nursing Home Care Act.

23 The entry of an order or judgment by any circuit court
24 establishing that any person holding a license under this Act
25 is a person in need of mental treatment operates as a
26 suspension of that license. That person may resume their

1 practice only upon the entry of a Department order based upon a
2 finding by the Board that they have been determined to be
3 recovered from mental illness by the court and upon the Board's
4 recommendation that they be permitted to resume their practice.

5 The Department, upon the recommendation of the Board, may
6 ~~shall~~ adopt rules which set forth standards to be used in
7 determining what constitutes:

8 (i) ~~(a)~~ when a person will be deemed sufficiently
9 rehabilitated to warrant the public trust;

10 (ii) ~~(b)~~ dishonorable, unethical or unprofessional
11 conduct of a character likely to deceive, defraud, or harm
12 the public;

13 (iii) ~~(c)~~ immoral conduct in the commission of any act
14 related to the licensee's practice; and

15 (iv) ~~(d)~~ professional incompetence in the practice of
16 nursing home administration.

17 However, no such rule shall be admissible into evidence in
18 any civil action except for review of a licensing or other
19 disciplinary action under this Act.

20 In enforcing this Section, the Department or Board, upon a
21 showing of a possible violation, may compel any individual
22 licensed to practice under this Act, or who has applied for
23 licensure pursuant to this Act, to submit to a mental or
24 physical examination, or both, as required by and at the
25 expense of the Department. The examining physician or
26 physicians shall be those specifically designated by the

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

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

1 subject to such terms, conditions or restrictions who shall
2 fail to comply with such terms, conditions or restrictions
3 shall be referred to the Secretary ~~Director~~ for a determination
4 as to whether the licensee shall have his or her license
5 suspended immediately, pending a hearing by the Department. In
6 instances in which the Secretary ~~Director~~ immediately suspends
7 a license under this Section, a hearing upon such person's
8 license must be convened by the Board within 30 ~~15~~ days after
9 such suspension and completed without appreciable delay. The
10 Department and Board shall have the authority to review the
11 subject administrator's record of treatment and counseling
12 regarding the impairment, to the extent permitted by applicable
13 federal statutes and regulations safeguarding the
14 confidentiality of medical records.

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

20 (b) Any individual or organization acting in good faith,
21 and not in a wilful and wanton manner, in complying with this
22 Act by providing any report or other information to the
23 Department, or assisting in the investigation or preparation of
24 such information, or by participating in proceedings of the
25 Department, or by serving as a member of the Board, shall not,
26 as a result of such actions, be subject to criminal prosecution

1 or civil damages.

2 (c) Members of the Board, and persons retained under
3 contract to assist and advise in an investigation, shall be
4 indemnified by the State for any actions occurring within the
5 scope of services on or for the Board, done in good faith and
6 not wilful and wanton in nature. The Attorney General shall
7 defend all such actions unless he or she determines either that
8 there would be a conflict of interest in such representation or
9 that the actions complained of were not in good faith or were
10 wilful and wanton.

11 Should the Attorney General decline representation, a
12 person entitled to indemnification under this Section shall
13 have the right to employ counsel of his or her choice, whose
14 fees shall be provided by the State, after approval by the
15 Attorney General, unless there is a determination by a court
16 that the member's actions were not in good faith or were wilful
17 and wanton.

18 A person entitled to indemnification under this Section
19 must notify the Attorney General within 7 days of receipt of
20 notice of the initiation of any action involving services of
21 the Board. Failure to so notify the Attorney General shall
22 constitute an absolute waiver of the right to a defense and
23 indemnification.

24 The Attorney General shall determine within 7 days after
25 receiving such notice, whether he or she will undertake to
26 represent a person entitled to indemnification under this

1 Section.

2 (d) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission as
4 provided in the Mental Health and Developmental Disabilities
5 Code, as amended, operates as an automatic suspension. Such
6 suspension will end only upon a finding by a court that the
7 patient is no longer subject to involuntary admission or
8 judicial admission and issues an order so finding and
9 discharging the patient; and upon the recommendation of the
10 Board to the Secretary ~~Director~~ that the licensee be allowed to
11 resume his or her practice.

12 (e) The Department may refuse to issue or may suspend the
13 license of any person who fails to file a return, or to pay the
14 tax, penalty or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required by
16 any tax Act administered by the Department of Revenue, until
17 such time as the requirements of any such tax Act are
18 satisfied.

19 (f) The Department of Public Health shall transmit to the
20 Department a list of those facilities which receive an "A"
21 violation as defined in Section 1-129 of the Nursing Home Care
22 Act.

23 (Source: P.A. 89-197, eff. 7-21-95; 90-61, eff. 12-30-97.)

24 (225 ILCS 70/18) (from Ch. 111, par. 3668)

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

1 Sec. 18. Cease and desist order.

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

17 (b) If any person shall practice as a nursing home
18 administrator or hold himself or herself out as a nursing home
19 administrator without being licensed under the provisions of
20 this Act, then any licensed nursing home administrator, any
21 interested party, or any person injured thereby may, in
22 addition to the Secretary ~~Director~~, petition for relief as
23 provided in subsection (a) of this Section.

24 Whoever knowingly practices or offers to practice nursing
25 home administration in this State without being licensed for
26 that purpose shall be guilty of a Class A misdemeanor and for

1 each subsequent conviction shall be guilty of a Class 4 felony.

2 (c) Whenever in the opinion of the Department any person
3 not licensed in good standing violates any provision of this
4 Act, the Department may issue a rule to show cause why an order
5 to cease and desist should not be entered against him or her.
6 The rule shall clearly set forth the grounds relied upon by the
7 Department and shall provide a period of 7 working days from
8 the date of the rule to file an answer to the satisfaction of
9 the Department. Failure to answer to the satisfaction of the
10 Department shall cause an order to cease and desist to be
11 issued immediately.

12 (Source: P.A. 90-61, eff. 12-30-97.)

13 (225 ILCS 70/19) (from Ch. 111, par. 3669)

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

15 Sec. 19. Investigation; hearing notification. Upon the
16 motion of either the Department or the Board or upon the
17 verified complaint in writing of any person setting forth facts
18 that, if proven, would constitute grounds for suspension or
19 revocation under Section 17 of this Act, the Department shall
20 investigate the actions of any person, so accused, who holds or
21 represents that he or she holds a license. Such a person is
22 hereinafter called the accused.

23 The Department shall, before suspending, revoking, placing
24 on probationary status, or taking any other disciplinary action
25 as the Department may deem proper with regard to any license at

1 least 30 days prior to the date set for the hearing, notify the
2 accused in writing of any charges made and the time and place
3 for a hearing of the charges before the Board, direct them to
4 file their written answer to such notice to the Board under
5 oath within 30 days after the service on them of such notice
6 and inform them that if they fail to file such answer default
7 will be taken against them and their license may be suspended,
8 revoked, placed on probationary status, or have other
9 disciplinary action, including limiting the scope, nature or
10 extent of their practice, as the Department may deem proper
11 taken with regard thereto.

12 Written ~~Such written~~ notice ~~and any notice in such~~
13 ~~proceedings thereafter~~ may be served by personal delivery ~~of~~
14 ~~the same, personally, to the accused,~~ or by ~~mailing the same by~~
15 registered or certified mail to the applicant or licensee at
16 his or her last address of record with ~~address specified by the~~
17 ~~accused in their last notification to~~ the Department.

18 (Source: P.A. 90-61, eff. 12-30-97.)

19 (225 ILCS 70/20) (from Ch. 111, par. 3670)

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

21 Sec. 20. Board hearing; recommendation. At the time and
22 place fixed in the notice, the Board shall proceed to hear the
23 charges and the parties ~~both the accused person and the~~
24 ~~complainant~~ shall be accorded ample opportunity to present in
25 person, or by counsel, such statements, testimony, evidence and

1 argument as may be pertinent to the charges or to any defense
2 thereto. The Board may continue such hearing from time to time.
3 If the Board is not sitting at the time and place fixed in the
4 notice or at the time and place to which the hearing has been
5 continued, the Department shall continue such hearing for a
6 period not to exceed 30 days.

7 In case the accused person, after receiving notice, fails
8 to file an answer, the Board may recommend that his or her
9 license be suspended, revoked or placed on probationary status,
10 or the Board may recommend whatever disciplinary action as it
11 may deem proper, without a hearing, if the act or acts charged
12 constitute sufficient grounds for such action under this Act.

13 The Board has the authority to recommend to the Secretary
14 ~~Director~~ that probation be granted or that other disciplinary
15 action be taken as it deems proper. If disciplinary action,
16 other than suspension or revocation, is taken the Board may
17 recommend that the Secretary ~~Director~~ impose reasonable
18 limitations and requirements upon the accused to insure
19 compliance with the terms of the probation or other
20 disciplinary action, including but not limited to regular
21 reporting by the accused to the Department of their actions,
22 placing themselves under the care of a qualified physician for
23 treatment, or limiting their practice in such manner as the
24 Secretary ~~Director~~ may require.

25 (Source: P.A. 90-61, eff. 12-30-97.)

1 (225 ILCS 70/20.1)

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

3 Sec. 20.1. Summary suspension. The Secretary ~~Director~~ may
4 summarily suspend the license of a nursing home administrator
5 without a hearing, simultaneously with the institution of
6 proceedings for a hearing provided under this Act ~~Section~~ if
7 the Secretary ~~Director~~ finds that evidence in his or her
8 possession indicates that an administrator's continuation in
9 practice would constitute an immediate danger to the public. If
10 the Secretary ~~Director~~ summarily suspends the license of an
11 administrator without a hearing, a hearing shall be held within
12 30 days after the suspension has occurred.

13 (Source: P.A. 90-61, eff. 12-30-97.)

14 (225 ILCS 70/21) (from Ch. 111, par. 3671)

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

16 Sec. 21. Appointment of hearing officer. The Secretary
17 ~~Director~~ shall have the authority to appoint an attorney duly
18 licensed to practice law in the State of Illinois to serve as
19 the hearing officer in any action for refusal to issue, renew,
20 or discipline a license. The hearing officer shall have full
21 authority to conduct the hearing. ~~There shall be present at~~
22 ~~least one member of the Board at any such hearing.~~ The hearing
23 officer shall report his or her findings of fact, conclusions
24 of law, and recommendations to the Board. The Board shall have
25 60 days after receipt of the report to review the report of the

1 hearing officer and present its findings of fact, conclusions
2 of law, and recommendations to the Secretary ~~Director~~. If the
3 Board fails to present its report to the Secretary within the
4 60 day period, the respondent may request in writing a direct
5 appeal to the Secretary, in which case the Secretary shall,
6 within 7 calendar days after the request, issue an order
7 directing the Board to issue its findings of fact, conclusions
8 of law, and recommendations to the Secretary within 30 calendar
9 days after such order. If the Board fails to issue its findings
10 of fact, conclusions of law, and recommendations within that
11 time frame to the Secretary after the entry of such order, the
12 Secretary shall, within 30 calendar days thereafter, issue an
13 order based upon the report of the hearing officer and the
14 record of the proceedings or issue an order remanding the
15 matter back to the hearing officer for additional proceedings
16 in accordance with the order. If (i) a direct appeal is
17 requested, (ii) the Board fails to issue its findings of fact,
18 conclusions of law, and recommendations within the 30-day
19 mandate from the Secretary or the Secretary fails to order the
20 Board to do so, and (iii) the Secretary fails to issue an order
21 within 30 calendar days thereafter, then the hearing officer's
22 report is deemed accepted and a final decision of the
23 Secretary. Notwithstanding any other provision of this
24 Section, if the Secretary, upon review, determines that
25 substantial justice has not been done in the revocation,
26 suspension, or refusal to issue or renew a license or other

1 disciplinary action taken as the result of the entry of the
2 hearing officer's report, the Secretary may order a rehearing
3 by the same or other examiners ~~the Director may issue an order~~
4 ~~based on the report of the hearing officer. However, if the~~
5 ~~Board does present its report within the specified 60 days, the~~
6 ~~Director's order shall be based upon the report of the Board.~~
7 If the Secretary ~~Director~~ disagrees with the recommendation of
8 the Board or the hearing officer, the Secretary ~~Director~~ may
9 issue an order in contravention of the Board's report. The
10 Secretary ~~Director~~ shall promptly provide a written
11 explanation to the Board on any such disagreement.

12 (Source: P.A. 90-61, eff. 12-30-97.)

13 (225 ILCS 70/22) (from Ch. 111, par. 3672)

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

15 Sec. 22. Subpoena power. The Board or Department has power
16 to subpoena and bring before it any person in this State and to
17 take testimony either orally or by deposition, or both, with
18 the same fees and mileage and in the same manner as is
19 prescribed by law for judicial proceedings in civil cases.

20 The Department, upon a determination that probable cause
21 exists that a violation of one or more of the grounds for
22 discipline listed in Section 17 has occurred or is occurring,
23 may subpoena the records of an individual licensed under this
24 Act provided that prior to the submission of such records to
25 the Board, all information indicating the identity of any

1 resident shall be removed and deleted. The use of such records
2 shall be restricted to members of the Board and appropriate
3 staff of the Department for the purpose of determining the
4 existence of one or more grounds for discipline of the nursing
5 home administrator as provided for by Section 17 of this Act.
6 Any such review of individual residents' records shall be
7 conducted by the Board in strict confidentiality, provided that
8 such resident records shall be admissible in a disciplinary
9 hearing, before the Department, when necessary to substantiate
10 the grounds for discipline alleged against the administrator
11 licensed under this Act, and provided further that nothing
12 herein shall be deemed to supersede the provisions of Part 21
13 of Article VIII of the Code of Civil Procedure, as now or
14 hereafter amended, to the extent applicable.

15 The Secretary ~~Director~~, the designated hearing officer,
16 and any member of the Board have the power to administer oaths
17 at any hearing that the Department is authorized to conduct and
18 any other oaths authorized in an Act administered by the
19 Department.

20 (Source: P.A. 90-61, eff. 12-30-97.)

21 (225 ILCS 70/24) (from Ch. 111, par. 3674)

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

23 Sec. 24. Motion for rehearing. The Board shall present to
24 the Secretary ~~Director~~ a written report of its findings and
25 recommendations. A copy of such report shall be served upon the

1 accused person, either personally or by certified mail. Within
2 20 days after such service, the accused person may present to
3 the Department a motion, in writing, for a rehearing, which
4 shall specify the particular grounds for rehearing. If the
5 accused person orders and pays for a transcript of the record
6 as provided in Section 23, the time elapsing thereafter and
7 before such transcript is ready for delivery to them shall not
8 be counted as part of such 30 days.

9 (Source: P.A. 90-61, eff. 12-30-97.)

10 (225 ILCS 70/24.1)

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

12 Sec. 24.1. Surrender of license; record; list of
13 disciplined licensees ~~disciplines~~. Upon the suspension,
14 revocation, placement on probationary status, or the taking of
15 any other disciplinary action deemed proper by the Board with
16 regard to a license, the accused shall surrender his or her
17 license to the Department, if ordered to do so by the
18 Department, and upon his or her failure or refusal to do so,
19 the Department may seize the license.

20 Each order of revocation, suspension, or other
21 disciplinary action shall contain a brief, concise statement of
22 the ground or grounds upon which the Department's action is
23 based, as well as the specific terms and conditions of such
24 action. This document shall be retained as a permanent record
25 by the Board and the Secretary ~~Director~~.

1 The Department shall at least annually publish a list of
2 the names of all persons disciplined under this Act in the
3 preceding 12 months. Such lists shall be mailed by the
4 Department to any person in the State upon request.

5 ~~In those instances where an order of revocation,~~
6 ~~suspension, or other disciplinary action has been rendered by~~
7 ~~virtue of a nursing home administrator's physical illness,~~
8 ~~including but not limited to deterioration through the aging~~
9 ~~process, or loss of motor skill that results in an inability to~~
10 ~~practice with reasonable judgment, skill, or safety, the~~
11 ~~Department shall only permit this document, and the record of~~
12 ~~the hearing incident thereto, to be observed, inspected,~~
13 ~~viewed, or copied pursuant to court order.~~

14 (Source: P.A. 90-61, eff. 12-30-97.)

15 (225 ILCS 70/26) (from Ch. 111, par. 3676)

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

17 Sec. 26. An order of revocation, suspension, placing the
18 license on probationary status, or other formal disciplinary
19 action as the Department may deem proper, or a certified copy
20 thereof, over the seal of the Department and purporting to be
21 signed by the Secretary ~~Director~~, is prima facie proof that:

22 (a) Such signature is the genuine signature of the
23 Secretary ~~Director~~;

24 (b) The Secretary ~~Director~~ is duly appointed and qualified;
25 and

1 (c) The Board and the members thereof are qualified.

2 Such proof may be rebutted.

3 (Source: P.A. 85-932.)

4 (225 ILCS 70/28) (from Ch. 111, par. 3678)

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

6 Sec. 28. Rehearing on order of Secretary ~~Director~~. Whenever
7 the Secretary ~~Director~~ believes justice has not been done in
8 the refusal to issue or renew a license or revocation,
9 suspension, or discipline of a license, he or she may order a
10 rehearing.

11 (Source: P.A. 90-61, eff. 12-30-97.)

12 Section 25. The Physician Assistant Practice Act of 1987 is
13 amended by changing Sections 3, 4, 7, 10.5, 11, 12, 14.1, 15,
14 21, 22, 22.1, 22.2, 22.5, 22.6, 22.7, 22.8, 22.9, 22.10, and
15 22.13 as follows:

16 (225 ILCS 95/3) (from Ch. 111, par. 4603)

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

18 Sec. 3. Administrative Procedure Act. The Illinois
19 Administrative Procedure Act is hereby expressly adopted and
20 incorporated herein as if all of the provisions of that Act
21 were included in this Act, except that the provision of
22 subsection (d) of Section 10-65 of the Illinois Administrative
23 Procedure Act that provides that at hearings the licensee has

1 the right to show compliance with all lawful requirements for
2 retention, continuation or renewal of the license is
3 specifically excluded. For the purposes of this Act the notice
4 required under Section 10-25 of the Administrative Procedure
5 Act is deemed sufficient when mailed to the last known address
6 of a party. The Secretary ~~Director~~ may promulgate rules for the
7 administration and enforcement of this Act and may prescribe
8 forms to be issued in connection with this Act.

9 (Source: P.A. 88-45.)

10 (225 ILCS 95/4) (from Ch. 111, par. 4604)

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

12 Sec. 4. In this Act:

13 1. "Department" means the Department of Financial and
14 Professional Regulation.

15 2. "Secretary ~~Director~~" means the Secretary ~~Director~~ of
16 Financial and Professional Regulation.

17 3. "Physician assistant" means any person not a physician
18 who has been certified as a physician assistant by the National
19 Commission on the Certification of Physician Assistants or
20 equivalent successor agency and performs procedures under the
21 supervision of a physician as defined in this Act. A physician
22 assistant may perform such procedures within the specialty of
23 the supervising physician, except that such physician shall
24 exercise such direction, supervision and control over such
25 physician assistants as will assure that patients shall receive

1 quality medical care. Physician assistants shall be capable of
2 performing a variety of tasks within the specialty of medical
3 care under the supervision of a physician. Supervision of the
4 physician assistant shall not be construed to necessarily
5 require the personal presence of the supervising physician at
6 all times at the place where services are rendered, as long as
7 there is communication available for consultation by radio,
8 telephone or telecommunications within established guidelines
9 as determined by the physician/physician assistant team. The
10 supervising physician may delegate tasks and duties to the
11 physician assistant. Delegated tasks or duties shall be
12 consistent with physician assistant education, training, and
13 experience. The delegated tasks or duties shall be specific to
14 the practice setting and shall be implemented and reviewed
15 under guidelines established by the physician or
16 physician/physician assistant team. A physician assistant,
17 acting as an agent of the physician, shall be permitted to
18 transmit the supervising physician's orders as determined by
19 the institution's by-laws, policies, procedures, or job
20 description within which the physician/physician assistant
21 team practices. Physician assistants shall practice only
22 within the established guidelines.

23 4. "Board" means the Medical Licensing Board constituted
24 under the Medical Practice Act of 1987.

25 5. "Disciplinary Board" means the Medical Disciplinary
26 Board constituted under the Medical Practice Act of 1987.

1 6. "Physician" means, for purposes of this Act, a person
2 licensed to practice medicine in all its branches under the
3 Medical Practice Act of 1987.

4 7. "Supervising Physician" means, for the purposes of this
5 Act, the primary supervising physician of a physician
6 assistant, who, within his specialty and expertise may delegate
7 a variety of tasks and procedures to the physician assistant.
8 Such tasks and procedures shall be delegated within established
9 guidelines. The supervising physician maintains the final
10 responsibility for the care of the patient and the performance
11 of the physician assistant.

12 8. "Alternate supervising physician" means, for the
13 purpose of this Act, any physician designated by the
14 supervising physician to provide supervision in the event that
15 he or she is unable to provide that supervision ~~for a period~~
16 ~~not to exceed 30 days unless the Department is notified in~~
17 ~~writing.~~ The Department may further define "alternate
18 supervising physician" by rule.

19 The alternate supervising physicians shall maintain all
20 the same responsibilities as the supervising physician.
21 Nothing in this Act shall be construed as relieving any
22 physician of the professional or legal responsibility for the
23 care and treatment of persons attended by him or by physician
24 assistants under his supervision. Nothing in this Act shall be
25 construed as to limit the reasonable number of alternate
26 supervising physicians, provided they are designated by the

1 supervising physician.

2 9. "Address of record" means the designated address
3 recorded by the Department in the applicant's or licensee's
4 application file or license file maintained by the Department's
5 licensure maintenance unit. It is the duty of the applicant or
6 licensee to inform the Department of any change of address, and
7 such changes must be made either through the Department's
8 website or by contacting the Department's licensure
9 maintenance unit.

10 (Source: P.A. 89-361, eff. 8-17-95.)

11 (225 ILCS 95/7) (from Ch. 111, par. 4607)

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

13 Sec. 7. Supervision requirements. No more than 2 physician
14 assistants shall be supervised by the supervising physician,
15 although a physician assistant shall be able to hold more than
16 one professional position. Each supervising physician shall
17 file a notice of supervision of such physician assistant
18 according to the rules of the Department. However, the
19 alternate supervising physician may supervise more than 2
20 physician assistants when the supervising physician is unable
21 to provide such supervision consistent with the definition of
22 alternate physician in Section 4. It is the responsibility of
23 the supervising physician to maintain documentation each time
24 he or she has designated an alternative supervising physician.
25 This documentation shall include the date alternate

1 supervisory control began, the date alternate supervisory
2 control ended, and any other changes. A supervising physician
3 shall provide a copy of this documentation to the Department,
4 upon request.

5 Physician assistants shall be supervised only by
6 physicians as defined in this Act who are engaged in clinical
7 practice, or in clinical practice in public health or other
8 community health facilities.

9 Nothing in this Act shall be construed to limit the
10 delegation of tasks or duties by a physician to a nurse or
11 other appropriately trained personnel.

12 Nothing in this Act shall be construed to prohibit the
13 employment of physician assistants by a hospital, nursing home
14 or other health care facility where such physician assistants
15 function under the supervision of a supervising physician.

16 Physician assistants may be employed by the Department of
17 Corrections or the Department of Human Services (as successor
18 to the Department of Mental Health and Developmental
19 Disabilities) for service in facilities maintained by such
20 Departments and affiliated training facilities in programs
21 conducted under the authority of the Director of Corrections or
22 the Secretary of Human Services. Each physician assistant
23 employed by the Department of Corrections or the Department of
24 Human Services (as successor to the Department of Mental Health
25 and Developmental Disabilities) shall be under the supervision
26 of a physician engaged in clinical practice and direct patient

1 care. Duties of each physician assistant employed by such
2 Departments are limited to those within the scope of practice
3 of the supervising physician who is fully responsible for all
4 physician assistant activities.

5 A physician assistant may be employed by a practice group
6 or other entity employing multiple physicians at one or more
7 locations. In that case, one of the physicians practicing at a
8 location shall be designated the supervising physician. The
9 other physicians with that practice group or other entity who
10 practice in the same general type of practice or specialty as
11 the supervising physician may supervise the physician
12 assistant with respect to their patients without being deemed
13 alternate supervising physicians for the purpose of this Act.

14 (Source: P.A. 93-149, eff. 7-10-03.)

15 (225 ILCS 95/10.5)

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

17 Sec. 10.5. Unlicensed practice; violation; civil penalty.

18 (a) Any person who practices, offers to practice, attempts
19 to practice, or holds oneself out to practice as a physician's
20 assistant without being licensed under this Act shall, in
21 addition to any other penalty provided by law, pay a civil
22 penalty to the Department in an amount not to exceed \$10,000
23 ~~\$5,000~~ for each offense as determined by the Department. The
24 civil penalty shall be assessed by the Department after a
25 hearing is held in accordance with the provisions set forth in

1 this Act regarding the provision of a hearing for the
2 discipline of a licensee.

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

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

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

11 (225 ILCS 95/11) (from Ch. 111, par. 4611)

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

13 Sec. 11. Committee. There is established a physician
14 assistant advisory committee to the Medical Licensing Board.
15 The physician assistant advisory committee shall review and
16 make recommendations to the Board regarding all matters
17 relating to physician assistants. The physician assistant
18 advisory committee shall be composed of 7 members. Three of the
19 7 members shall be physicians, 2 of whom shall be members of
20 the Board and appointed to the advisory committee by the
21 chairman. One physician, not a member of the Board, shall be a
22 supervisor of a certified physician assistant and shall be
23 approved by the Governor from a list of Illinois physicians
24 supervising certified physician assistants. Three members
25 shall be physician assistants, certified under the law and

1 appointed by the Governor from a list of 10 names recommended
2 by the Board of Directors of the Illinois Academy of Physician
3 Assistants. One member, not employed or having any material
4 interest in any health care field, shall be appointed by the
5 Governor and represent the public. The chairman of the
6 physician assistant advisory committee shall be a member
7 elected by a majority vote of the physician assistant advisory
8 committee unless already a member of the Board. The physician
9 assistant advisory committee is required to meet and report to
10 the Board as physician assistant issues arise. The terms of
11 office of each of the original 7 members shall be at staggered
12 intervals. One physician and one physician assistant shall
13 serve for a 2 year term. One physician and one physician
14 assistant shall serve a 3 year term. One physician, one
15 physician assistant and the public member shall serve a 4 year
16 term. Upon the expiration of the term of any member, his
17 successor shall be appointed for a term of 4 years in the same
18 manner as the initial appointment. No member shall serve more
19 than 2 consecutive terms.

20 ~~The members of the physician assistant advisory committee~~
21 ~~shall be reimbursed for all authorized legitimate and necessary~~
22 ~~expenses incurred in attending the meetings of the committee.~~

23 A majority of the physician assistant advisory committee
24 members currently appointed shall constitute a quorum. A
25 vacancy in the membership of the committee shall not impair the
26 right of a quorum to perform all of the duties of the

1 committee.

2 Members of the physician assistant advisory committee
3 shall have no liability for any action based upon a
4 disciplinary proceeding or other activity performed in good
5 faith as a member of the committee.

6 (Source: P.A. 90-61, eff. 12-30-97; 91-827, eff. 6-13-00.)

7 (225 ILCS 95/12) (from Ch. 111, par. 4612)

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

9 Sec. 12. A person shall be qualified for licensure as a
10 physician assistant and the Department may issue a physician
11 assistant license to a ~~if that~~ person who:

12 1. Has applied in writing in form and substance
13 satisfactory to the Department and has not violated any of the
14 provisions of Section 21 of this Act or the rules promulgated
15 hereunder. The Department may take into consideration any
16 felony conviction of the applicant but such conviction shall
17 not operate as an absolute bar to licensure; ~~and~~

18 2. Has successfully completed the examination provided by
19 the National Commission on the Certification of Physician's
20 Assistant or its successor agency; ~~and~~

21 3. Holds a certificate issued by the National Commission on
22 the Certification of Physician Assistants or an equivalent
23 successor agency; and

24 4. Complies with all applicable rules of the Department.

25 (Source: P.A. 85-981.)

1 (225 ILCS 95/14.1)

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

3 Sec. 14.1. Fees.

4 (a) Fees collected for the administration of this Act shall
5 be set by the ~~The~~ Department by rule ~~shall provide by rule for~~
6 ~~a schedule of fees to be paid for licenses by all applicants.~~
7 All fees are not refundable.

8 (b) (Blank). ~~Except as provided in subsection (c) below,~~
9 ~~the fees for the administration and enforcement of this Act,~~
10 ~~including but not limited to original licensure, renewal, and~~
11 ~~restoration, shall be set by rule.~~

12 (c) All moneys collected under this Act by the Department
13 shall be deposited in the Illinois State Medical Disciplinary
14 Fund in the State Treasury and used (1) in the exercise of its
15 powers and performance of its duties under this Act, as such
16 use is made by the Department; (2) for costs directly related
17 to license renewal of persons licensed under this Act; and (3)
18 ~~for the costs incurred by the physician assistant advisory~~
19 ~~committee in the exercise of its powers and performance of its~~
20 ~~duties under this Act, as such use is made by the Department,~~
21 ~~and (4) for direct and allocable indirect costs related to the~~
22 public purposes of the Department ~~of Professional Regulation.~~

23 All earnings received from investment of moneys in the
24 Illinois State Medical Disciplinary Fund shall be deposited
25 into the Illinois State Medical Disciplinary Fund and shall be

1 used for the same purposes as fees deposited in the Fund.

2 (Source: P.A. 90-61, eff. 12-30-97.)

3 (225 ILCS 95/15) (from Ch. 111, par. 4615)

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

5 Sec. 15. Endorsement. Upon payment of the required fee, the
6 Department may, in its discretion, license as a physician
7 assistant, an ~~An~~ applicant who is ~~may be approved as~~ a
8 physician assistant ~~who has been licensed or approved~~ in
9 another jurisdiction, if the requirements for licensure in that
10 jurisdiction were, at the time of licensure, state which has
11 substantially equivalent to the requirements in force in this
12 State on that date or equivalent to the requirements of this
13 Act the same requirements, and to whom the applicant applies
14 and pays a fee determined by the Department.

15 (Source: P.A. 85-981.)

16 (225 ILCS 95/21) (from Ch. 111, par. 4621)

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

18 Sec. 21. Grounds for disciplinary action.

19 (a) The Department may refuse to issue or to renew, or may
20 revoke, suspend, place on probation, censure or reprimand, or
21 take other disciplinary or non-disciplinary action with regard
22 to any license issued under this Act as the Department may deem
23 proper, including the issuance of fines not to exceed \$10,000
24 ~~\$5000~~ for each violation, for any one or combination of the

1 following causes:

2 (1) Material misstatement in furnishing information to
3 the Department.

4 (2) Violations of this Act, or the rules adopted under
5 this Act.

6 (3) Conviction of or entry of a plea of guilty or nolo
7 contendere to any crime that is a felony under the laws of
8 the United States or any state or territory thereof ~~any~~
9 ~~U.S. jurisdiction that is a felony~~ or that is a
10 misdemeanor, of which an essential element ~~of which~~ is
11 dishonesty, ~~or of any crime that~~ which is directly related
12 to the practice of the profession.

13 (4) Making any misrepresentation for the purpose of
14 obtaining licenses.

15 (5) Professional incompetence.

16 (6) Aiding or assisting another person in violating any
17 provision of this Act or its rules.

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

20 (8) Engaging in dishonorable, unethical, or
21 unprofessional conduct, as defined by rule, of a character
22 likely to deceive, defraud, or harm the public.

23 (9) Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in a physician assistant's inability to
26 practice with reasonable judgment, skill, or safety.

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

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

10 (12) A finding by the Disciplinary Board that the
11 licensee, after having his or her license placed on
12 probationary status has violated the terms of probation.

13 (13) Abandonment of a patient.

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

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

20 (16) Physical illness, or mental illness or impairment
21 ~~including but not limited to deterioration through the~~
22 ~~aging process, or loss of motor skill, mental illness, or~~
23 ~~disability~~ that results in the inability to practice the
24 profession with reasonable judgment, skill, or safety,
25 including, but not limited to, deterioration through the
26 aging process or loss of motor skill.

1 (17) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act, and
4 upon proof by clear and convincing evidence that the
5 licensee has caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (18) (Blank). ~~Conviction in this State or another state~~
9 ~~of any crime that is a felony under the laws of this State,~~
10 ~~or conviction of a felony in a federal court.~~

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

13 (20) Employment of fraud, deception or any unlawful
14 means in applying for or securing a license as a physician
15 assistant.

16 (21) Exceeding the authority delegated to him or her by
17 his or her supervising physician in guidelines established
18 by the physician/physician assistant team.

19 (22) Immoral conduct in the commission of any act, such
20 as sexual abuse, sexual misconduct or sexual exploitation
21 related to the licensee's practice.

22 (23) Violation of the Health Care Worker Self-Referral
23 Act.

24 (24) Practicing under a false or assumed name, except
25 as provided by law.

26 (25) Making a false or misleading statement regarding

1 his or her skill or the efficacy or value of the medicine,
2 treatment, or remedy prescribed by him or her in the course
3 of treatment.

4 (26) Allowing another person to use his or her license
5 to practice.

6 (27) Prescribing, selling, administering,
7 distributing, giving, or self-administering a drug
8 classified as a controlled substance (designated product)
9 or narcotic for other than medically-accepted therapeutic
10 purposes.

11 (28) Promotion of the sale of drugs, devices,
12 appliances, or goods provided for a patient in a manner to
13 exploit the patient for financial gain.

14 (29) A pattern of practice or other behavior that
15 demonstrates incapacity or incompetence to practice under
16 this Act.

17 (30) Violating State or federal laws or regulations
18 relating to controlled substances or other legend drugs.

19 (31) Exceeding the limited prescriptive authority
20 delegated by the supervising physician or violating the
21 written guidelines delegating that authority.

22 (32) Practicing without providing to the Department a
23 notice of supervision or delegation of prescriptive
24 authority.

25 (b) The Department may, without a hearing, refuse to issue
26 or renew or may suspend the license of any person who fails to

1 file a return, or to pay the tax, penalty or interest shown in
2 a filed return, or to pay any final assessment of the tax,
3 penalty, or interest as required by any tax Act administered by
4 the Illinois Department of Revenue, until such time as the
5 requirements of any such tax Act are satisfied.

6 (c) The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code operates as an automatic suspension. The suspension will
10 end only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and issues an order so finding and discharging the patient, and
13 upon the recommendation of the Disciplinary Board to the
14 Secretary ~~Director~~ that the licensee be allowed to resume his
15 or her practice.

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

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

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

26 In instances in which the Secretary ~~Director~~ immediately

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

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

14 (Source: P.A. 90-61, eff. 12-30-97; 90-116, eff. 7-14-97;
15 90-655, eff. 7-30-98.)

16 (225 ILCS 95/22) (from Ch. 111, par. 4622)

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

18 Sec. 22. Returned checks; fines. Any person who delivers a
19 check or other payment to the Department that is returned to
20 the Department unpaid by the financial institution upon which
21 it is drawn shall pay to the Department, in addition to the
22 amount already owed to the Department, a fine of \$50. The fines
23 imposed by this Section are in addition to any other discipline
24 provided under this Act for unlicensed practice or practice on
25 a nonrenewed license. The Department shall notify the person

1 that payment of fees and fines shall be paid to the Department
2 by certified check or money order within 30 calendar days of
3 the notification. If, after the expiration of 30 days from the
4 date of the notification, the person has failed to submit the
5 necessary remittance, the Department shall automatically
6 terminate the license or certificate or deny the application,
7 without hearing. If, after termination or denial, the person
8 seeks a license or certificate, he or she shall apply to the
9 Department for restoration or issuance of the license or
10 certificate and pay all fees and fines due to the Department.
11 The Department may establish a fee for the processing of an
12 application for restoration of a license or certificate to pay
13 all expenses of processing this application. The Secretary
14 ~~Director~~ may waive the fines due under this Section in
15 individual cases where the Secretary ~~Director~~ finds that the
16 fines would be unreasonable or unnecessarily burdensome.

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

18 (225 ILCS 95/22.1) (from Ch. 111, par. 4622.1)

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

20 Sec. 22.1. Injunction.

21 (a) If any person violates the provision of this Act, the
22 Secretary ~~Director~~ may, in the name of the People of the State
23 of Illinois, through the Attorney General of the State of
24 Illinois, or the State's Attorney of any county in which the
25 action is brought, petition for an order enjoining the

1 violation or for an order enforcing compliance with this Act.
2 Upon the filing of a verified petition in 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 physician assistant
11 or hold himself or herself out as a physician assistant without
12 being licensed under the provisions of this Act, then any
13 licensed physician assistant, any interested party or any
14 person injured thereby may, in addition to the Secretary
15 ~~Director~~, petition for relief as provided in subsection (a) of
16 this Section.

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

26 (Source: P.A. 90-61, eff. 12-30-97.)

1 (225 ILCS 95/22.2) (from Ch. 111, par. 4622.2)

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

3 Sec. 22.2. Investigation; notice; hearing. The Department
4 may investigate the actions of any applicant or of any person
5 or persons holding or claiming to hold a license. The
6 Department shall, before suspending, revoking, placing on
7 probationary status, or taking any other disciplinary action as
8 the Department may deem proper with regard to any license, at
9 least 30 days prior to the date set for the hearing, notify the
10 applicant or licensee in writing of any charges made and the
11 time and place for a hearing of the charges before the
12 Disciplinary Board, direct him or her to file his or her
13 written answer thereto to the Disciplinary Board under oath
14 within 20 days after the service on him or her of such notice
15 and inform him or her that if he or she fails to file such
16 answer default will be taken against him or her and his or her
17 license may be suspended, revoked, placed on probationary
18 status, or have other disciplinary action, including limiting
19 the scope, nature or extent of his or her practice, as the
20 Department may deem proper taken with regard thereto. Written
21 ~~Such written~~ notice may be served by personal delivery or
22 certified or registered mail ~~at the last address of his or her~~
23 ~~last notification~~ to the applicant or licensee at his or her
24 last address of record with the Department. At the time and
25 place fixed in the notice, the Department shall proceed to hear

1 the charges and the parties or their counsel shall be accorded
2 ample opportunity to present such statements, testimony,
3 evidence, and argument as may be pertinent to the charges or to
4 the defense thereto. The Department may continue such hearing
5 from time to time. In case the applicant or licensee, after
6 receiving notice, fails to file an answer, his or her license
7 may in the discretion of the Secretary ~~Director~~, having
8 received first the recommendation of the Disciplinary Board, be
9 suspended, revoked, placed on probationary status, or the
10 Secretary ~~Director~~ may take whatever disciplinary action as he
11 or she may deem proper, including limiting the scope, nature,
12 or extent of such person's practice, without a hearing, if the
13 act or acts charged constitute sufficient grounds for such
14 action under this Act.

15 (Source: P.A. 90-61, eff. 12-30-97.)

16 (225 ILCS 95/22.5) (from Ch. 111, par. 4622.5)

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

18 Sec. 22.5. Subpoena power; oaths. The Department shall have
19 power to subpoena and bring before it any person and to take
20 testimony either orally or by deposition or both, with the same
21 fees and mileage and in the same manner as prescribed by law in
22 judicial proceedings in civil cases in circuit courts of this
23 State.

24 The Secretary ~~Director~~, the designated hearing officer,
25 and any member of the Disciplinary Board designated by the

1 Secretary ~~Director~~ shall each have power to administer oaths to
2 witnesses at any hearing which the Department is authorized to
3 conduct under this Act and any other oaths required or
4 authorized to be administered by the Department under this Act.
5 (Source: P.A. 90-61, eff. 12-30-97.)

6 (225 ILCS 95/22.6) (from Ch. 111, par. 4622.6)

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

8 Sec. 22.6. At the conclusion of the hearing the
9 Disciplinary Board shall present to the Secretary ~~Director~~ a
10 written report of its findings of fact, conclusions of law and
11 recommendations. The report shall contain a finding whether or
12 not the accused person violated this Act or failed to comply
13 with the conditions required in this Act. The Disciplinary
14 Board shall specify the nature of the violation or failure to
15 comply, and shall make its recommendations to the Secretary
16 ~~Director~~.

17 The report of findings of fact, conclusions of law and
18 recommendation of the Disciplinary Board shall be the basis for
19 the Department's order or refusal or for the granting of a
20 license or permit. If the Secretary ~~Director~~ disagrees in any
21 regard with the report of the Disciplinary Board, the Secretary
22 ~~Director~~ may issue an order in contravention thereof. The
23 Secretary ~~Director~~ shall provide a written report to the
24 Disciplinary Board on any deviation, and shall specify with
25 particularity the reasons for such action in the final order.

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

5 (Source: P.A. 85-981.)

6 (225 ILCS 95/22.7) (from Ch. 111, par. 4622.7)

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

8 Sec. 22.7. Hearing officer. Notwithstanding the provisions
9 of Section 22.2 of this Act, the Secretary ~~Director~~ shall have
10 the authority to appoint any attorney duly licensed to practice
11 law in the State of Illinois to serve as the hearing officer in
12 any action for refusal to issue or renew, or for discipline of,
13 a license. The Secretary ~~Director~~ shall notify the Disciplinary
14 Board of any such appointment. The hearing officer shall have
15 full authority to conduct the hearing. The hearing officer
16 shall report his or her findings of fact, conclusions of law,
17 and recommendations to the Disciplinary Board and the Secretary
18 ~~Director~~. The Disciplinary Board shall have 60 days from
19 receipt of the report to review the report of the hearing
20 officer and present their findings of fact, conclusions of law,
21 and recommendations to the Secretary ~~Director~~. If the
22 Disciplinary Board fails to present its report within the 60
23 day period, the respondent may request in writing a direct
24 appeal to the Secretary, in which case the Secretary shall,
25 within 7 calendar days after the request, issue an order

1 directing the Disciplinary Board to issue its findings of fact,
2 conclusions of law, and recommendations to the Secretary within
3 30 calendar days after such order. If the Disciplinary Board
4 fails to issue its findings of fact, conclusions of law, and
5 recommendations within that time frame to the Secretary after
6 the entry of such order, the Secretary shall, within 30
7 calendar days thereafter, issue an order based upon the report
8 of the hearing officer and the record of the proceedings or
9 issue an order remanding the matter back to the hearing officer
10 for additional proceedings in accordance with the order. If (i)
11 a direct appeal is requested, (ii) the Disciplinary Board fails
12 to issue its findings of fact, conclusions of law, and
13 recommendations within the 30-day mandate from the Secretary or
14 the Secretary fails to order the Disciplinary Board to do so,
15 and (iii) the Secretary fails to issue an order within 30
16 calendar days thereafter, then the hearing officer's report is
17 deemed accepted and a final decision of the Secretary.
18 Notwithstanding any other provision of this Section, if the
19 Secretary, upon review, determines that substantial justice
20 has not been done in the revocation, suspension, or refusal to
21 issue or renew a license or other disciplinary action taken as
22 the result of the entry of the hearing officer's report, the
23 Secretary may order a rehearing by the same or other examiners
24 ~~the Director shall issue an order based on the report of the~~
25 ~~hearing officer.~~ If the Secretary ~~Director~~ disagrees in any
26 regard with the report of the Disciplinary Board or hearing

1 officer, he or she may issue an order in contravention thereof.
2 The Secretary ~~Director~~ shall provide a written explanation to
3 the Disciplinary Board on any such deviation, and shall specify
4 with particularity the reasons for such action in the final
5 order.

6 (Source: P.A. 90-61, eff. 12-30-97.)

7 (225 ILCS 95/22.8) (from Ch. 111, par. 4622.8)

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

9 Sec. 22.8. In any case involving the refusal to issue,
10 renew or discipline of a license, a copy of the Disciplinary
11 Board's report shall be served upon the respondent by the
12 Department, either personally or as provided in this Act for
13 the service of the notice of hearing. Within 20 days after such
14 service, the respondent may present to the Department a motion
15 in writing for a rehearing, which motion shall specify the
16 particular grounds therefor. If no motion for rehearing is
17 filed, then upon the expiration of the time specified for
18 filing such a motion, or if a motion for rehearing is denied,
19 then upon such denial the Secretary ~~Director~~ may enter an order
20 in accordance with recommendations of the Disciplinary Board
21 except as provided in Section 22.6 or 22.7 of this Act. If the
22 respondent shall order from the reporting service, and pay for
23 a transcript of the record within the time for filing a motion
24 for rehearing, the 20 day period within which such a motion may
25 be filed shall commence upon the delivery of the transcript to

1 the respondent.

2 (Source: P.A. 85-981.)

3 (225 ILCS 95/22.9) (from Ch. 111, par. 4622.9)

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

5 Sec. 22.9. Whenever the Secretary ~~Director~~ is satisfied
6 that substantial justice has not been done in the revocation,
7 suspension or refusal to issue or renew a license, the
8 Secretary ~~Director~~ may order a rehearing by the same or another
9 hearing officer or Disciplinary Board.

10 (Source: P.A. 85-981.)

11 (225 ILCS 95/22.10) (from Ch. 111, par. 4622.10)

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

13 Sec. 22.10. Order or certified copy; prima facie proof. An
14 order or a certified copy thereof, over the seal of the
15 Department and purporting to be signed by the Secretary
16 ~~Director~~, shall be prima facie proof that:

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

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

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

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

1 (225 ILCS 95/22.13) (from Ch. 111, par. 4622.13)

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

3 Sec. 22.13. The Secretary ~~Director~~ may temporarily suspend
4 the license of a physician assistant without a hearing,
5 simultaneously with the institution of proceedings for a
6 hearing provided for in Section 22.2 of this Act, if the
7 Secretary ~~Director~~ finds that evidence in his possession
8 indicates that continuation in practice would constitute an
9 imminent danger to the public. In the event that the Secretary
10 ~~Director~~ suspends, temporarily, this license without a
11 hearing, a hearing by the Department must be held within 30
12 days after such suspension has occurred, and concluded without
13 appreciable delay.

14 (Source: P.A. 85-981.)

15 (225 ILCS 51/40 rep.)

16 (225 ILCS 51/175 rep.)

17 Section 30. The Home Medical Equipment and Services
18 Provider License Act is amended by repealing Sections 40 and
19 175.

20 (225 ILCS 70/27 rep.)

21 (225 ILCS 70/30 rep.)

22 Section 35. The Nursing Home Administrators Licensing and
23 Disciplinary Act is amended by repealing Sections 27 and 30.

1 (225 ILCS 95/14 rep.)

2 Section 40. The Physician Assistant Practice Act of 1987 is
3 amended by repealing Section 14.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.