



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0617

Introduced 2/8/2007, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

225 ILCS 60/2  
225 ILCS 60/49

from Ch. 111, par. 4400-2  
from Ch. 111, par. 4400-49

Amends the Medical Practice Act of 1987. Defines "manipulation". Provides that any unlicensed person who engages in osteopathic or chiropractic technique, including, but not limited to, the manipulation or adjustment of osseous or articular structures (now, any unlicensed person who manipulates or adjusts osseous or articular structures) shall be sentenced as set forth in the Act.

LRB095 10837 RAS 31099 b

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 Medical Practice Act of 1987 is amended by  
5 changing Sections 2 and 49 as follows:

6 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

7 (Section scheduled to be repealed on December 31, 2008)

8 Sec. 2. Definitions. For purposes of this Act, the  
9 following definitions shall have the following meanings,  
10 except where the context requires otherwise:

11 1. "Act" means the Medical Practice Act of 1987.

12 2. "Department" means the Department of Professional  
13 Regulation.

14 3. "Director" means the Director of Professional  
15 Regulation.

16 4. "Disciplinary Action" means revocation, suspension,  
17 probation, supervision, practice modification, reprimand,  
18 required education, fines or any other action taken by the  
19 Department against a person holding a license.

20 5. "Disciplinary Board" means the Medical Disciplinary  
21 Board.

22 6. "Final Determination" means the governing body's final  
23 action taken under the procedure followed by a health care

1 institution, or professional association or society, against  
2 any person licensed under the Act in accordance with the bylaws  
3 or rules and regulations of such health care institution, or  
4 professional association or society.

5 7. "Fund" means the Medical Disciplinary Fund.

6 8. "Impaired" means the inability to practice medicine with  
7 reasonable skill and safety due to physical or mental  
8 disabilities as evidenced by a written determination or written  
9 consent based on clinical evidence including deterioration  
10 through the aging process or loss of motor skill, or abuse of  
11 drugs or alcohol, of sufficient degree to diminish a person's  
12 ability to deliver competent patient care.

13 9. "Licensing Board" means the Medical Licensing Board.

14 9.5. "Manipulation" means a physical procedure employing  
15 thrust by any means to the components of an articulation,  
16 causing movement beyond the end point of joint play, but within  
17 the normal anatomical barriers of the articulation, equivalent  
18 to G.D. Maitland's Range of Movement Scale Grade V.

19 10. "Physician" means a person licensed under the Medical  
20 Practice Act to practice medicine in all of its branches or a  
21 chiropractic physician licensed to treat human ailments  
22 without the use of drugs and without operative surgery.

23 11. "Professional Association" means an association or  
24 society of persons licensed under this Act, and operating  
25 within the State of Illinois, including but not limited to,  
26 medical societies, osteopathic organizations, and chiropractic

1 organizations, but this term shall not be deemed to include  
2 hospital medical staffs.

3 12. "Program of Care, Counseling, or Treatment" means a  
4 written schedule of organized treatment, care, counseling,  
5 activities, or education, satisfactory to the Disciplinary  
6 Board, designed for the purpose of restoring an impaired person  
7 to a condition whereby the impaired person can practice  
8 medicine with reasonable skill and safety of a sufficient  
9 degree to deliver competent patient care.

10 (Source: P.A. 85-1209; 85-1245; 85-1440.)

11 (225 ILCS 60/49) (from Ch. 111, par. 4400-49)

12 (Section scheduled to be repealed on December 31, 2008)

13 Sec. 49. If any person does any of the following and does  
14 not possess a valid license issued under this Act, that person  
15 shall be sentenced as provided in Section 59: (i) holds himself  
16 or herself out to the public as being engaged in the diagnosis  
17 or treatment of physical or mental ailments or conditions  
18 including, but not limited to, deformities, diseases,  
19 disorders, or injuries of human beings; (ii) suggests,  
20 recommends or prescribes any form of treatment for the  
21 palliation, relief or cure of any physical or mental ailment or  
22 condition of any person with the intention of receiving, either  
23 directly or indirectly, any fee, gift, or compensation  
24 whatever; (iii) diagnoses or attempts to diagnose, operates  
25 upon, professes to heal, prescribes for, or otherwise treats

1 any ailment or condition, or supposed ailment or condition, of  
2 another; (iv) maintains an office for examination or treatment  
3 of persons afflicted, or alleged or supposed to be afflicted,  
4 by any ailment or condition; (v) engages in osteopathic or  
5 chiropractic technique, including, but not limited to, the  
6 manipulation or adjustment of ~~manipulates or adjusts~~ osseous or  
7 articular structures; or (vi) attaches the title Doctor,  
8 Physician, Surgeon, M.D., D.O. or D.C. or any other word or  
9 abbreviation to his or her name indicating that he or she is  
10 engaged in the treatment of human ailments or conditions as a  
11 business.

12 Whenever the Department has reason to believe that any  
13 person has violated this Section the Department may issue a  
14 rule to show cause why an order to cease and desist should not  
15 be entered against that person. The rule shall clearly set  
16 forth the grounds relied upon by the Department and shall  
17 provide a period of 7 days from the date of the rule to file an  
18 answer to the satisfaction of the Department. Failure to answer  
19 to the satisfaction of the Department shall cause an order to  
20 cease and desist to be issued immediately.

21 (Source: P.A. 89-702, eff. 7-1-97.)