

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 10. The Veterinary Medicine and Surgery Practice
5 Act of 2004 is amended by changing Sections 1, 3, 4, 5, 6, 7,
6 14.1, 25, 25.1, 25.2, 25.4, 25.6, 25.7, 25.8, 25.9, 25.10,
7 25.13, 25.17, and 25.18 and by adding Section 5.5 as follows:

8 (225 ILCS 115/1) (from Ch. 111, par. 7001)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 1. The practice of veterinary medicine in the State of
11 Illinois is declared to promote the public health, safety, and
12 welfare by ensuring the delivery of competent veterinary
13 medical care and is subject to State regulation and control in
14 the public interest. It is further declared to be a matter of
15 public interest and concern that the practice of veterinary
16 medicine is a privilege conferred by legislative grant only to
17 persons possessed of the professional qualifications specified
18 in this Act. ~~The practice of veterinary medicine in the State~~
19 ~~of Illinois is declared to affect the public health, safety and~~
20 ~~welfare and to be subject to State regulation and control in~~
21 ~~the public interest. It is further declared to be a matter of~~
22 ~~public interest and concern that the veterinary profession~~
23 ~~merit and receive the confidence of the public and that only~~

1 ~~qualified and licensed persons be permitted to practice~~
2 ~~veterinary medicine.~~

3 (Source: P.A. 83-1016.)

4 (225 ILCS 115/3) (from Ch. 111, par. 7003)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 3. Definitions. The following terms have the meanings
7 indicated, unless the context requires otherwise:

8 "Accredited college of veterinary medicine" means a
9 veterinary college, school, or division of a university or
10 college that offers the degree of Doctor of Veterinary Medicine
11 or its equivalent and that is accredited by the Council on
12 Education of the American Veterinary Medical Association
13 (AVMA).

14 "Accredited program in veterinary technology" means any
15 post-secondary educational program that is accredited by the
16 AVMA's Committee on Veterinary Technician Education and
17 Activities or any veterinary technician program that is
18 recognized as its equivalent by the AVMA's Committee on
19 Veterinary Technician Education and Activities.

20 "Animal" means any animal, vertebrate or invertebrate,
21 other than a human.

22 "Board" means the Veterinary Licensing and Disciplinary
23 Board.

24 "Certified veterinary technician" means a person who is
25 validly and currently licensed to practice veterinary

1 ~~technology in this State has graduated from a veterinary~~
2 ~~technology program accredited by the Committee on Veterinary~~
3 ~~Technician Education and Activities of the American Veterinary~~
4 ~~Medical Association who has filed an application with the~~
5 ~~Department, paid the fee, passed the examination as prescribed~~
6 ~~by rule, and works under a supervising veterinarian.~~

7 "Client" means an entity, person, group, or corporation
8 that has entered into an agreement with a veterinarian for the
9 purposes of obtaining veterinary medical services.

10 "Complementary, alternative, and integrative therapies"
11 means a heterogeneous group of diagnostic and therapeutic
12 philosophies and practices, which at the time they are
13 performed may differ from current scientific knowledge, or
14 whose theoretical basis and techniques may diverge from
15 veterinary medicine routinely taught in accredited veterinary
16 medical colleges, or both. "Complementary, alternative, and
17 integrative therapies" include, but are not limited to,
18 veterinary acupuncture, acuthery, and acupressure;
19 veterinary homeopathy; veterinary manual or manipulative
20 therapy or therapy based on techniques practiced in osteopathy,
21 chiropractic medicine, or physical medicine and therapy;
22 veterinary nutraceutical therapy; veterinary phytotherapy; and
23 other therapies as defined by rule. "Complementary,
24 alternative, and integrative therapies" means preventative,
25 diagnostic, and therapeutic practices that, at the time they
26 are performed, may differ from current scientific knowledge or

1 ~~for which the theoretical basis and techniques may diverge from~~
2 ~~veterinary medicine routinely taught in approved veterinary~~
3 ~~medical programs. This includes but is not limited to~~
4 ~~veterinary acupuncture, acutherapy, acupressure, veterinary~~
5 ~~homeopathy, veterinary manual or manipulative therapy (i.e.~~
6 ~~therapies based on techniques practiced in osteopathy,~~
7 ~~chiropractic medicine, or physical medicine and therapy),~~
8 ~~veterinary nutraceutical therapy, veterinary phytotherapy, or~~
9 ~~other therapies as defined by rule.~~

10 "Consultation" means when a veterinarian receives advice
11 in person, telephonically, electronically, or by any other
12 method of communication from a veterinarian licensed in this or
13 any other state or other person whose expertise, in the opinion
14 of the veterinarian, would benefit a patient. Under any
15 circumstance, the responsibility for the welfare of the patient
16 remains with the veterinarian receiving consultation.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Direct supervision" means the supervising veterinarian is
20 readily available on the premises where the animal is being
21 treated.

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

23 "Immediate supervision" means the supervising veterinarian
24 is in the immediate area, within audible and visual range of
25 the animal patient and the person treating the patient.

26 "Impaired veterinarian" means a veterinarian who is unable

1 to practice veterinary medicine with reasonable skill and
2 safety because of a physical or mental disability as evidenced
3 by a written determination or written consent based on clinical
4 evidence, including deterioration through the aging process,
5 loss of motor skills, or abuse of drugs or alcohol of
6 sufficient degree to diminish a person's ability to deliver
7 competent patient care.

8 "Indirect supervision" means the supervising veterinarian
9 need not be on the premises, but has given either written or
10 oral instructions for the treatment of the animal and is
11 available by telephone or other form of communication.

12 "Licensed veterinarian" means a person who is validly and
13 currently licensed to practice veterinary medicine in this
14 State.

15 "Patient" means an animal that is examined or treated by a
16 veterinarian.

17 "Person" means an individual, firm, partnership (general,
18 limited, or limited liability), association, joint venture,
19 cooperative, corporation, limited liability company, or any
20 other group or combination acting in concert, whether or not
21 acting as a principal, partner, member, trustee, fiduciary,
22 receiver, or any other kind of legal or personal
23 representative, or as the successor in interest, assignee,
24 agent, factor, servant, employee, director, officer, or any
25 other representative of such person.

26 "Practice of veterinary medicine" means to diagnose,

1 prognose, treat, correct, change, alleviate, or prevent animal
2 disease, illness, pain, deformity, defect, injury, or other
3 physical, dental, or mental conditions by any method or mode;
4 including the performance of one or more of the following:

5 (1) Prescribing, dispensing, administering, applying,
6 or ordering the administration of any drug, medicine,
7 biologic, apparatus, anesthetic, or other therapeutic or
8 diagnostic substance, or medical or surgical technique
9 ~~Directly or indirectly consulting, diagnosing, prognosing,~~
10 ~~correcting, supervising, or recommending treatment of an~~
11 ~~animal for the prevention, cure, or relief of a wound,~~
12 ~~fracture, bodily injury, defect, disease, or physical or~~
13 ~~mental condition by any method or mode.~~

14 (2) (Blank). ~~Prescribing, dispensing, or administering~~
15 ~~a drug, medicine, biologic appliance, application, or~~
16 ~~treatment of whatever nature.~~

17 (3) Performing upon an animal a surgical or dental
18 operation ~~or a complementary, alternative, or integrative~~
19 ~~veterinary medical procedure.~~

20 (3.5) Performing upon an animal complementary,
21 alternative, or integrative therapy.

22 (4) Performing upon an animal any manual or mechanical
23 procedure for reproductive management, including the
24 diagnosis or treatment of pregnancy, sterility, or
25 infertility.

26 (4.5) The rendering of advice or recommendation by any

1 means, including telephonic and other electronic
2 communications, with regard to the performing upon an
3 animal any manual or mechanical procedure for reproductive
4 management, including the diagnosis or treatment of
5 pregnancy, sterility, or infertility ~~procedure for the~~
6 ~~diagnoses or treatment of pregnancy, sterility, or~~
7 ~~infertility.~~

8 (5) Determining the health and fitness of an animal.

9 (6) Representing oneself, directly or indirectly, as
10 engaging in the practice of veterinary medicine.

11 (7) Using any word, letters, or title under such
12 circumstances as to induce the belief that the person using
13 them is qualified to engage in the practice of veterinary
14 medicine or any of its branches. Such use shall be prima
15 facie evidence of the intention to represent oneself as
16 engaging in the practice of veterinary medicine.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 "Supervising veterinarian" means a veterinarian who
20 assumes responsibility for the professional care given to an
21 animal by a person working under his or her direction in either
22 an immediate, direct, or indirect supervision arrangement. The
23 supervising veterinarian must have examined the animal at such
24 time as acceptable veterinary medical practices requires,
25 consistent with the particular delegated animal health care
26 task.

1 "Therapeutic" means the treatment, control, and prevention
2 of disease.

3 "Veterinarian-client-patient relationship" means that all
4 of the following conditions have been met:

5 (1) The veterinarian has assumed the responsibility
6 for making clinical judgments regarding the health of an
7 animal and the need for medical treatment and the client,
8 owner, or other caretaker has agreed to follow the
9 instructions of the veterinarian;

10 (2) There is sufficient knowledge of an animal by the
11 veterinarian to initiate at least a general or preliminary
12 diagnosis of the medical condition of the animal. This
13 means that the veterinarian has recently seen and is
14 personally acquainted with the keeping and care of the
15 animal by virtue of an examination of the animal or by
16 medically appropriate and timely visits to the premises
17 where the animal is kept, or the veterinarian has access to
18 the animal patient's records and has been designated by the
19 veterinarian with the prior relationship to provide
20 reasonable and appropriate medical care if he or she is
21 unavailable; and

22 (3) The practicing veterinarian is readily available
23 for follow-up in case of adverse reactions or failure of
24 the treatment regimen or, if unavailable, has designated
25 another available veterinarian who has access to the animal
26 patient's records to provide reasonable and appropriate

1 medical care of therapy.

2 "Veterinarian-client-patient relationship" does not mean a
3 relationship solely based on telephonic or other electronic
4 communications.

5 "Veterinary medicine" means all branches and specialties
6 included within the practice of veterinary medicine.

7 "Veterinary premises" means any premises or facility where
8 the practice of veterinary medicine occurs, including, but not
9 limited to, a mobile clinic, outpatient clinic, satellite
10 clinic, or veterinary hospital or clinic. "Veterinary
11 premises" does not mean the premises of a veterinary client,
12 research facility, a federal military base, or an accredited
13 college of veterinary medicine.

14 "Veterinary prescription drugs" means those drugs
15 restricted to use by or on the order of a licensed veterinarian
16 in accordance with Section 503(f) of the Federal Food, Drug,
17 and Cosmetic Act (21 U.S.C. 353).

18 "Veterinary specialist" means that a veterinarian is a
19 diplomate within an AVMA-recognized veterinary specialty
20 organization.

21 "Veterinary technology" means the performance of services
22 within the field of veterinary medicine by a person who, for
23 compensation or personal profit, is employed by a licensed
24 veterinarian to perform duties that require an understanding of
25 veterinary medicine necessary to carry out the orders of the
26 veterinarian. Those services, however, shall not include

1 diagnosing, prognosing, writing prescriptions, or surgery.

2 (Source: P.A. 93-281, eff. 12-31-03.)

3 (225 ILCS 115/4) (from Ch. 111, par. 7004)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 4. Exemptions. Nothing in this Act shall apply to any
6 of the following:

7 (1) Veterinarians employed by the federal or State
8 government while engaged in their official duties.

9 (2) Licensed veterinarians from other states who are
10 invited to Illinois for consultation by a veterinarian
11 licensed in Illinois ~~or lecturing~~.

12 (3) Veterinarians employed by colleges or universities
13 while engaged in the performance of their official duties,
14 or faculty engaged in animal husbandry or animal management
15 programs of colleges or universities.

16 (3.5) A veterinarian or veterinary technician from
17 another state or country who (A) is not licensed under this
18 Act; (B) is currently licensed as a veterinarian or
19 veterinary technician in another state or country, or
20 otherwise exempt from licensure in the other state; (C) is
21 an invited guest of a professional veterinary association,
22 veterinary training program, or continuing education
23 provider approved by the Department; and (D) engages in
24 professional education through lectures, clinics, or
25 demonstrations.

1 (4) A veterinarian employed by an accredited college of
2 veterinary medicine providing assistance requested by a
3 veterinarian licensed in Illinois, acting with informed
4 consent from the client and acting under the direct or
5 indirect supervision and control of the licensed
6 veterinarian. Providing assistance involves hands-on
7 active participation in the treatment and care of the
8 patient. The licensed veterinarian shall maintain
9 responsibility for the veterinarian-client-patient
10 relationship.

11 (5) Veterinary students in an accredited college of
12 veterinary medicine, university, department of a
13 university, or other institution of veterinary medicine
14 and surgery engaged in duties assigned by their instructors
15 or working under the immediate or direct supervision of a
16 licensed veterinarian.

17 (5.5) Students of an accredited program in veterinary
18 technology performing veterinary technology duties or
19 actions assigned by instructors or working under the
20 immediate or direct supervision of a licensed
21 veterinarian.

22 (6) Any person engaged in bona fide scientific research
23 which requires the use of animals.

24 (7) An owner of livestock and any of the owner's
25 employees or the owner and employees of a service and care
26 provider of livestock caring for and treating livestock

1 belonging to the owner or under a provider's care,
2 including but not limited to, the performance of husbandry
3 and livestock management practices such as dehorning,
4 castration, emasculation, or docking of cattle, horses,
5 sheep, goats, and swine, artificial insemination, and
6 drawing of semen. Nor shall this Act be construed to
7 prohibit any person from administering in a humane manner
8 medicinal or surgical treatment to any livestock in the
9 care of such person. However, any such services shall
10 comply with the Humane Care for Animals Act.

11 (8) An owner of an animal, or an agent of the owner
12 acting with the owner's approval, in caring for, training,
13 or treating an animal belonging to the owner, so long as
14 that individual or agent does not represent himself or
15 herself as a veterinarian or use any title associated with
16 the practice of veterinary medicine or surgery or diagnose,
17 prescribe drugs, or perform surgery. The agent shall
18 provide the owner with a written statement summarizing the
19 nature of the services provided and obtain a signed
20 acknowledgment from the owner that they accept the services
21 provided. The services shall comply with the Humane Care
22 for Animals Act. The provisions of this item (8) do not
23 apply to a person who is exempt under item (7).

24 (9) A member in good standing of another licensed or
25 regulated profession within any state or a member of an
26 organization or group approved by the Department by rule

1 providing assistance that is requested in writing by a
2 veterinarian licensed in this State acting within a
3 veterinarian-client-patient relationship and with informed
4 consent from the client and the member is acting under the
5 immediate, direct, or indirect supervision and control of
6 the licensed veterinarian. Providing assistance involves
7 hands-on active participation in the treatment and care of
8 the patient, as defined by rule. The licensed veterinarian
9 shall maintain responsibility for the
10 veterinarian-client-patient relationship, but shall be
11 immune from liability, except for willful and wanton
12 conduct, in any civil or criminal action if a member
13 providing assistance does not meet the requirements of this
14 item (9).

15 (10) A graduate of a non-accredited college of
16 veterinary medicine who is in the process of obtaining a
17 certificate of educational equivalence and is performing
18 duties or actions assigned by instructors in an approved
19 college of veterinary medicine.

20 (10.5) A veterinarian who is enrolled in a postgraduate
21 instructional program in an accredited college of
22 veterinary medicine performing duties or actions assigned
23 by instructors or working under the immediate or direct
24 supervision of a licensed veterinarian or a faculty member
25 of the College of Veterinary Medicine at the University of
26 Illinois.

1 (11) A certified euthanasia technician who is
2 authorized to perform euthanasia in the course and scope of
3 his or her employment only as permitted by the Humane
4 Euthanasia in Animal Shelters Act.

5 (12) A person who, without expectation of
6 compensation, provides emergency veterinary care in an
7 emergency or disaster situation so long as he or she does
8 not represent himself or herself as a veterinarian or use a
9 title or degree pertaining to the practice of veterinary
10 medicine and surgery.

11 (13) Any certified veterinary technician or other ~~An~~
12 employee of a licensed veterinarian performing permitted
13 duties other than diagnosis, prognosis, prescription, or
14 surgery under the appropriate direction and supervision of
15 the veterinarian, who shall be responsible for the
16 performance of the employee.

17 (13.5) Any pharmacist licensed in the State, merchant,
18 or manufacturer selling at his or her regular place of
19 business medicines, feed, appliances, or other products
20 used in the prevention or treatment of animal diseases as
21 permitted by law and provided that the services he or she
22 provides do not include diagnosing, prognosing, writing
23 prescriptions, or surgery.

24 (14) An approved humane investigator regulated under
25 the Humane Care for Animals Act or employee of a shelter
26 licensed under the Animal Welfare Act, working under the

1 indirect supervision of a licensed veterinarian.

2 (15) An individual providing equine dentistry services
3 requested by a veterinarian licensed to practice in this
4 State, an owner, or an owner's agent. For the purposes of
5 this item (15), "equine dentistry services" means floating
6 teeth without the use of drugs or extraction.

7 (15.5) In the event of an emergency or disaster, a
8 veterinarian or veterinary technician not licensed in this
9 State who (A) is responding to a request for assistance
10 from the Illinois Department of Agriculture, the Illinois
11 Department of Public Health, the Illinois Emergency
12 Management Agency, or other State agency as determined by
13 the Department; (B) is licensed and in good standing in
14 another state; and (C) has been granted a temporary waiver
15 from licensure by the Department.

16 (16) Private treaty sale of animals unless otherwise
17 provided by law.

18 (17) Persons or entities practicing the specified
19 occupations set forth in subsection (a) of, and pursuant to
20 a licensing exemption granted in subsection (b) or (d) of,
21 Section 2105-350 of the Department of Professional
22 Regulation Law of the Civil Administrative Code of
23 Illinois, but only for so long as the 2016 Olympic and
24 Paralympic Games Professional Licensure Exemption Law is
25 operable.

26 (Source: P.A. 96-7, eff. 4-3-09.)

1 (225 ILCS 115/5) (from Ch. 111, par. 7005)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 5. No person shall practice veterinary medicine and
4 surgery in any of its branches without a valid license to do
5 so. Any person not licensed under this Act who performs any of
6 the functions described as the practice of veterinary medicine
7 or surgery as defined in this Act, who announces to the public
8 in any way an intention to practice veterinary medicine and
9 surgery, who uses the title Doctor of Veterinary Medicine or
10 the initials D.V.M. or V.M.D., or who opens an office,
11 hospital, or clinic for such purposes is considered to have
12 violated this Act and may be subject to all the penalties
13 provided for such violations.

14 It shall be unlawful for any person who is not licensed in
15 this State to provide veterinary medical services from any
16 state to a client or patient in this State through telephonic,
17 electronic, or other means, except where a bonafide
18 veterinarian-client-patient relationship exists.

19 Nothing in this Act shall be construed to prevent members
20 of other professions from performing functions for which they
21 are duly licensed, subject to the requirements of Section 4 of
22 this Act. Other professionals may not, however, hold themselves
23 out or refer to themselves by any title or descriptions stating
24 or implying that they are engaged in the practice of veterinary
25 medicine or that they are licensed to engage in the practice of

1 veterinary medicine.

2 (Source: P.A. 93-281, eff. 12-31-03.)

3 (225 ILCS 115/5.5 new)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 5.5. Practice outside veterinarian-client-patient
6 relationship prohibited. No person may practice veterinary
7 medicine in the State except within the context of a
8 veterinarian-client-patient relationship.

9 (225 ILCS 115/6) (from Ch. 111, par. 7006)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 6. Administration of Act.

12 (a) The Department shall exercise the powers and duties
13 prescribed by the Civil Administrative Code of Illinois for the
14 administration of licensing Acts and shall exercise any other
15 powers and duties necessary for effectuating the purpose of
16 this Act.

17 (b) The Secretary ~~Director~~ shall adopt ~~promulgate~~ rules
18 consistent with the provisions of this Act for the
19 administration and enforcement thereof, and for the payment of
20 fees connected therewith, and may prescribe forms that shall be
21 issued in connection therewith. The rules shall include
22 standards and criteria for licensure, certification, and
23 professional conduct and discipline. The Department shall
24 consult with the Board in promulgating rules. Notice of

1 proposed rulemaking shall be transmitted to the Board and the
2 Department shall review the Board's response and any
3 recommendations made therein. The Department shall notify the
4 Board in writing with an explanation of the deviations in the
5 Board's recommendations and responses.

6 (c) The Department shall solicit the advice and expert
7 knowledge of the Board on any matter relating to the
8 administration and enforcement of this Act.

9 (d) The Department shall issue quarterly to the Board a
10 report of the status of all complaints related to the
11 profession received by the Department.

12 (Source: P.A. 88-424.)

13 (225 ILCS 115/7) (from Ch. 111, par. 7007)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 7. Veterinarian Licensing and Disciplinary Board. The
16 Secretary ~~Director~~ shall appoint a Veterinarian Licensing and
17 Disciplinary Board as follows: 7 persons shall be appointed by
18 and shall serve in an advisory capacity to the Secretary
19 ~~Director~~, 6 members must be licensed, in good standing,
20 veterinarians in this State, and must be actively engaged in
21 the practice of veterinary medicine and surgery in this State,
22 and one member must be a member of the public who is not
23 licensed under this Act, or a similar Act of another
24 jurisdiction and who has no connection with the veterinary
25 profession.

1 Members shall serve 4 year terms and until their successors
2 are appointed and qualified, except that of the initial
3 appointments, one member shall be appointed to serve for one
4 year, 2 shall be appointed to serve for 2 years, 2 shall be
5 appointed to serve for 3 years, and the remaining, one of which
6 shall be a public member, shall be appointed to serve for 4
7 years and until their successors are appointed and qualified.
8 No member shall be reappointed to the Board for more than 2
9 terms. Appointments to fill vacancies shall be made in the same
10 manner as original appointments, for the unexpired portion of
11 the vacated term. Initial terms shall begin upon the effective
12 date of this Act.

13 The membership of the Board should reasonably reflect
14 representation from the geographic areas in this State. The
15 Secretary Director shall consider the recommendations made by
16 the State Veterinary Medical Association in making
17 appointments.

18 The Secretary Director may terminate the appointment of any
19 member for cause which in the opinion of the Secretary Director
20 reasonably justifies such termination.

21 The Board shall annually elect a Chairman who shall be a
22 Veterinarian.

23 The Secretary Director shall consider the advice and
24 recommendations of the Board on questions involving standards
25 of professional conduct, discipline and qualifications of
26 candidates and licensees under this Act.

1 Members of the Board shall be entitled to receive a per
2 diem at a rate set by the Secretary ~~Director~~ and shall be
3 reimbursed for all authorized expenses incurred in the exercise
4 of their duties.

5 Members of the Board have no liability in any action based
6 upon any disciplinary proceeding or other activity performed in
7 good faith as a member of the Board.

8 (Source: P.A. 91-827, eff. 6-13-00.)

9 (225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 14.1. Returned checks; fines. Any person who delivers
12 a check or other payment to the Department that is returned to
13 the Department unpaid by the financial institution upon which
14 it is drawn shall pay to the Department, in addition to the
15 amount already owed to the Department, a fine of \$50. The fines
16 imposed by this Section are in addition to any other discipline
17 provided under this Act for unlicensed practice or practice on
18 a nonrenewed license or certificate. The Department shall
19 notify the person that payment of fees and fines shall be paid
20 to the Department by certified check or money order within 30
21 calendar days of the notification. If, after the expiration of
22 30 days from the date of the notification, the person has
23 failed to submit the necessary remittance, the Department shall
24 automatically terminate the license or certificate or deny the
25 application, without hearing. If, after termination or denial,

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

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

12 (225 ILCS 115/25) (from Ch. 111, par. 7025)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 25. Disciplinary actions.

15 1. The Department may refuse to issue or renew, or may
16 revoke, suspend, place on probation, reprimand, or take other
17 disciplinary action as the Department may deem appropriate,
18 including fines not to exceed \$1,000 for each violation, with
19 regard to any license or certificate for any one or combination
20 of the following:

21 A. Material misstatement in furnishing information to
22 the Department.

23 B. Violations of this Act, or of the rules adopted
24 pursuant to ~~promulgated under~~ this Act.

25 C. Conviction of any crime under the laws of the United

1 States or any state or territory of the United States that
2 is a felony or that is a misdemeanor, an essential element
3 of which is dishonesty, or of any crime that is directly
4 related to the practice of the profession.

5 D. Making any misrepresentation for the purpose of
6 obtaining licensure or certification, or violating any
7 provision of this Act or the rules adopted pursuant to
8 ~~promulgated under~~ this Act pertaining to advertising.

9 E. Professional incompetence.

10 F. Gross malpractice.

11 G. Aiding or assisting another person in violating any
12 provision of this Act or rules.

13 H. Failing, within 60 days, to provide information in
14 response to a written request made by the Department.

15 I. Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public.

18 J. Habitual or excessive use or addiction to alcohol,
19 narcotics, stimulants, or any other chemical agent or drug
20 that results in the inability to practice with reasonable
21 judgment, skill, or safety.

22 K. Discipline by another state, District of Columbia,
23 territory, or foreign nation, if at least one of the
24 grounds for the discipline is the same or substantially
25 equivalent to those set forth herein.

26 L. Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership or association
2 any fee, commission, rebate, or other form of compensation
3 for professional services not actually or personally
4 rendered.

5 M. A finding by the Board that the licensee or
6 certificate holder, after having his license or
7 certificate placed on probationary status, has violated
8 the terms of probation.

9 N. Willfully making or filing false records or reports
10 in his practice, including but not limited to false records
11 filed with State agencies or departments.

12 O. Physical illness, including but not limited to,
13 deterioration through the aging process, or loss of motor
14 skill which results in the inability to practice the
15 profession with reasonable judgment ~~judgement~~, skill, or
16 safety.

17 P. Solicitation of professional services other than
18 permitted advertising.

19 Q. Having professional connection with or lending
20 one's name, directly or indirectly, to any illegal
21 practitioner of veterinary medicine and surgery and the
22 various branches thereof.

23 R. Conviction of or cash compromise of a charge or
24 violation of the Harrison Act or the Illinois Controlled
25 Substances Act, regulating narcotics.

26 S. Fraud or dishonesty in applying, treating, or

1 reporting on tuberculin or other biological tests.

2 T. Failing to report, as required by law, or making
3 false report of any contagious or infectious diseases.

4 U. Fraudulent use or misuse of any health certificate,
5 shipping certificate, brand inspection certificate, or
6 other blank forms used in practice that might lead to the
7 dissemination of disease or the transportation of diseased
8 animals dead or alive; or dilatory methods, willful
9 neglect, or misrepresentation in the inspection of milk,
10 meat, poultry, and the by-products thereof.

11 V. Conviction on a charge of cruelty to animals.

12 W. Failure to keep one's premises and all equipment
13 therein in a clean and sanitary condition.

14 X. Failure to provide satisfactory proof of having
15 participated in approved continuing education programs.

16 Y. Failure to (i) file a return, (ii) pay the tax,
17 penalty, or interest shown in a filed return, or (iii) pay
18 any final assessment of tax, penalty, or interest, as
19 required by any tax Act administered by the Illinois
20 Department of Revenue, until the requirements of that tax
21 Act are satisfied.

22 Z. Conviction by any court of competent jurisdiction,
23 either within or outside this State, of any violation of
24 any law governing the practice of veterinary medicine, if
25 the Department determines, after investigation, that the
26 person has not been sufficiently rehabilitated to warrant

1 the public trust.

2 AA. Promotion of the sale of drugs, devices,
3 appliances, or goods provided for a patient in any manner
4 to exploit the client for financial gain of the
5 veterinarian.

6 BB. Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not rendered.

9 CC. Practicing under a false or, except as provided by
10 law, an assumed name.

11 DD. Fraud or misrepresentation in applying for, or
12 procuring, a license under this Act or in connection with
13 applying for renewal of a license under this Act.

14 EE. Cheating on or attempting to subvert the licensing
15 examination administered under this Act.

16 FF. Using, prescribing, or selling a prescription drug
17 or the extra-label use of a prescription drug by any means
18 in the absence of a valid veterinarian-client-patient
19 relationship.

20 GG. Failing to report a case of suspected aggravated
21 cruelty, torture, or animal fighting pursuant to Section
22 3.07 or 4.01 of the Humane Care for Animals Act or Section
23 26-5 of the Criminal Code of 1961.

24 2. The determination by a circuit court that a licensee or
25 certificate holder is subject to involuntary admission or
26 judicial admission as provided in the Mental Health and

1 Developmental Disabilities Code operates as an automatic
2 suspension. The suspension will end only upon a finding by a
3 court that the patient is no longer subject to involuntary
4 admission or judicial admission and issues an order so finding
5 and discharging the patient; and upon the recommendation of the
6 Board to the Secretary ~~Director~~ that the licensee or
7 certificate holder be allowed to resume his practice.

8 3. All proceedings to suspend, revoke, place on
9 probationary status, or take any other disciplinary action as
10 the Department may deem proper, with regard to a license or
11 certificate on any of the foregoing grounds, must be commenced
12 within 3 years after receipt by the Department of a complaint
13 alleging the commission of or notice of the conviction order
14 for any of the acts described in this Section. Except for
15 proceedings brought for violations of items (CC), (DD), or
16 (EE), no action shall be commenced more than 5 years after the
17 date of the incident or act alleged to have violated this
18 Section. In the event of the settlement of any claim or cause
19 of action in favor of the claimant or the reduction to final
20 judgment of any civil action in favor of the plaintiff, the
21 claim, cause of action, or civil action being grounded on the
22 allegation that a person licensed or certified under this Act
23 was negligent in providing care, the Department shall have an
24 additional period of one year from the date of the settlement
25 or final judgment in which to investigate and begin formal
26 disciplinary proceedings under Section 25.2 of this Act, except

1 as otherwise provided by law. The time during which the holder
2 of the license or certificate was outside the State of Illinois
3 shall not be included within any period of time limiting the
4 commencement of disciplinary action by the Department.

5 4. The Department may refuse to issue or take disciplinary
6 action concerning the license of any person who fails to file a
7 return, to pay the tax, penalty, or interest shown in a filed
8 return, or to pay any final assessment of tax, penalty, or
9 interest as required by any tax Act administered by the
10 Department of Revenue, until such time as the requirements of
11 any such tax Act are satisfied as determined by the Department
12 of Revenue.

13 5. In enforcing this Section, the Board, upon a showing of
14 a possible violation, may compel a licensee or applicant to
15 submit to a mental or physical examination, or both, as
16 required by and at the expense of the Department. The examining
17 physicians or clinical psychologists shall be those
18 specifically designated by the Board. The Board or the
19 Department may order (i) the examining physician to present
20 testimony concerning the mental or physical examination of a
21 licensee or applicant or (ii) the examining clinical
22 psychologist to present testimony concerning the mental
23 examination of a licensee or applicant. No information shall be
24 excluded by reason of any common law or statutory privilege
25 relating to communications between a licensee or applicant and
26 the examining physician or clinical psychologist. An

1 individual to be examined may have, at his or her own expense,
2 another physician or clinical psychologist of his or her choice
3 present during all aspects of the examination. Failure of an
4 individual to submit to a mental or physical examination, when
5 directed, is grounds for suspension of his or her license. The
6 license must remain suspended until the person submits to the
7 examination or the Board finds, after notice and hearing, that
8 the refusal to submit to the examination was with reasonable
9 cause.

10 If the Board finds an individual unable to practice because
11 of the reasons set forth in this Section, the Board must
12 require the individual to submit to care, counseling, or
13 treatment by a physician or clinical psychologist approved by
14 the Board, as a condition, term, or restriction for continued,
15 reinstated, or renewed licensure to practice. In lieu of care,
16 counseling, or treatment, the Board may recommend that the
17 Department file a complaint to immediately suspend or revoke
18 the license of the individual or otherwise discipline the
19 licensee.

20 Any individual whose license was granted, continued,
21 reinstated, or renewed subject to conditions, terms, or
22 restrictions, as provided for in this Section, or any
23 individual who was disciplined or placed on supervision
24 pursuant to this Section must be referred to the Secretary
25 ~~Director~~ for a determination as to whether the person shall
26 have his or her license suspended immediately, pending a

1 hearing by the Board.

2 (Source: P.A. 93-281, eff. 12-31-03.)

3 (225 ILCS 115/25.1) (from Ch. 111, par. 7025.1)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 25.1. (a) If any person violates a provision of this
6 Act, the Secretary ~~Director~~ may, in the name of the People of
7 the State of Illinois, through the Attorney General of the
8 State of Illinois, petition, for an order enjoining such
9 violation or for an order enforcing compliance with this Act.
10 Upon the filing of a verified petition in such court, the court
11 may issue a temporary restraining order, without notice or
12 bond, and may preliminarily and permanently enjoin such
13 violation, and if it is established that such person has
14 violated or is violating the injunction, the court may punish
15 the offender for contempt of court. Proceedings under this
16 Section shall be in addition to, and not in lieu of, all other
17 remedies and penalties provided by this Act.

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

24 (c) Whenever in the opinion of the Department any person
25 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not
2 be entered against him. The rule shall clearly set forth the
3 grounds relied upon by the Department and shall provide a
4 period of 7 days from the date of the rule to file an answer to
5 the satisfaction of the Department. Failure to answer to the
6 satisfaction of the Department shall cause an order to cease
7 and desist to be issued forthwith.

8 (Source: P.A. 83-1016.)

9 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 25.2. Investigation; notice. The Department may
12 investigate the actions of any applicant or of any person or
13 persons holding or claiming to hold a license or certificate.
14 The Department shall, before refusing to issue, to renew or
15 discipline a license or certificate under Section 25, at least
16 30 days prior to the date set for the hearing, notify in
17 writing the applicant for, or holder of, a license or
18 certificate of the nature of the charges and that a hearing
19 will be held on the date designated. The Department shall
20 direct the applicant, certificate holder, or licensee to file a
21 written answer to the Board under oath within 20 days after the
22 service of the notice and inform the applicant, certificate
23 holder, or licensee that failure to file an answer will result
24 in default being taken against the applicant, certificate
25 holder, or licensee and that the license or certificate may be

1 suspended, revoked, placed on probationary status, or other
2 disciplinary action may be taken, including limiting the scope,
3 nature or extent of practice, as the Secretary ~~Director~~ may
4 deem proper. Written notice may be served by personal delivery
5 or certified or registered mail to the respondent at the
6 address of his last notification to the Department. In case the
7 person fails to file an answer after receiving notice, his or
8 her license or certificate may, in the discretion of the
9 Department, be suspended, revoked, or placed on probationary
10 status, or the Department may take whatever disciplinary action
11 deemed proper, including limiting the scope, nature, or extent
12 of the person's practice or the imposition of a fine, without a
13 hearing, if the act or acts charged constitute sufficient
14 grounds for such action under this Act. At the time and place
15 fixed in the notice, the Board shall proceed to hear the
16 charges and the parties or their counsel shall be accorded
17 ample opportunity to present any statements, testimony,
18 evidence, and argument pertinent to the charges or to their
19 defense. The Board may continue a hearing from time to time.

20 (Source: P.A. 87-1031; 88-424.)

21 (225 ILCS 115/25.4) (from Ch. 111, par. 7025.4)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 25.4. The Department shall have the power to subpoena
24 and bring before it any person in this State and to take
25 testimony either orally or by deposition, or both, with the

1 same fees and mileage and in the same manner as prescribed by
2 law in judicial procedure in civil cases in courts of this
3 State.

4 The Secretary ~~Director~~, the designated hearing officer,
5 and every member of the Board shall have power to administer
6 oaths to witnesses at any hearing which the Department is
7 authorized by law to conduct, and any other oaths required or
8 authorized in any Act administered by the Department.

9 (Source: P.A. 83-1016.)

10 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 25.6. Written report. At the conclusion of the hearing
13 the Board shall present to the Secretary ~~Director~~ a written
14 report of its findings of fact, conclusions of law, and
15 recommendations. The report shall contain a finding whether or
16 not the accused person violated this Act or failed to comply
17 with the conditions required in this Act. The Board shall
18 specify the nature of the violation or failure to comply, and
19 shall make its recommendations to the Secretary ~~Director~~.

20 The report of findings of fact, conclusions of law and
21 recommendation of the Board shall be the basis for the
22 Department's order or refusal or for the granting of a license,
23 certificate, or permit. If the Secretary ~~Director~~ disagrees in
24 any regard with the report of the Board, then the Secretary
25 ~~Director~~ may issue an order in contravention thereof. The

1 Secretary ~~Director~~ shall provide a written report to the Board
2 on any deviation, and shall specify with particularity the
3 reasons for the action in the final order. The finding is not
4 admissible in evidence against the person in a criminal
5 prosecution brought for the violation of this Act, but the
6 hearing and finding are not a bar to a criminal prosecution
7 brought for the violation of this Act.

8 (Source: P.A. 88-424.)

9 (225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 25.7. Procedure upon refusal to license or issue
12 certificate. In any case under Section 25 involving the refusal
13 to issue, renew, or discipline a license or certificate, a copy
14 of the Board's report shall be served upon the respondent by
15 the Department, either personally or as provided in this Act
16 for the service of the notice of hearing. Within 20 days after
17 service, the respondent may present to the Department a motion
18 in writing for a rehearing. The motion shall specify the
19 particular grounds for the rehearing. If no motion for
20 rehearing is filed, then upon the expiration of the time
21 specified for filing a motion, or if a motion for rehearing is
22 denied, then upon the denial, then the Secretary ~~Director~~ may
23 enter an order in accordance with recommendations of the Board
24 except as provided in Section 25.6 of this Act. If the
25 respondent orders from the reporting service, and pays for a

1 transcript of the record within the time for filing a motion
2 for rehearing, the 20 day period within which such a motion may
3 be filed shall commence upon the delivery of the transcript to
4 the respondent.

5 (Source: P.A. 88-424.)

6 (225 ILCS 115/25.8) (from Ch. 111, par. 7025.8)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 25.8. Rehearing ordered by Secretary ~~Director~~.

9 Whenever the Secretary ~~Director~~ is satisfied that substantial
10 justice has not been done in the revocation, suspension, or
11 refusal to issue or renew a license or certificate, the
12 Secretary ~~Director~~ may order a rehearing by the Board or a
13 designated hearing officer.

14 (Source: P.A. 88-424.)

15 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 25.9. Hearing officers; reports; review.

18 Notwithstanding the provisions of Section 25.2 of this Act, the
19 Secretary ~~Director~~ shall have the authority to appoint any
20 attorney duly licensed to practice law in the State of Illinois
21 to serve as the hearing officer in any action for refusal to
22 issue, renew, or discipline of a license, certificate, or
23 permit. The Secretary ~~Director~~ shall notify the Board of any
24 appointment. The hearing officer shall have full authority to

1 conduct the hearing. The hearing officer shall report his or
2 her findings of fact, conclusions of law, and recommendations
3 to the Board and the Secretary ~~Director~~. The Board shall have
4 60 days from receipt of the report to review the report of the
5 hearing officer and present its findings of fact, conclusions
6 of law, and recommendations to the Secretary ~~Director~~. If the
7 Board fails to present its report within the 60 day period,
8 then the Secretary ~~Director~~ may issue an order based on the
9 report of the hearing officer. If the Secretary ~~Director~~
10 disagrees in any regard with the report of the Board or hearing
11 officer, then the Secretary ~~Director~~ may issue an order in
12 contravention of the report. The Secretary ~~Director~~ shall
13 provide a written explanation to the Board on any deviation,
14 and shall specify with particularity the reasons for the action
15 in the final order. At least 2 licensed veterinarian members of
16 the Board should be present at all formal hearings on the
17 merits of complaints brought under the provisions of this Act.

18 (Source: P.A. 88-424.)

19 (225 ILCS 115/25.10) (from Ch. 111, par. 7025.10)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 25.10. Order or certified copy; prima facie proof. An
22 order or a certified copy thereof, over the seal of the
23 Department and purporting to be signed by the Secretary
24 ~~Director~~, shall be prima facie proof that:

25 (a) the signature is the genuine signature of the

1 Secretary Director;

2 (b) the Secretary Director is duly appointed and
3 qualified; and

4 (c) the Board and the members thereof are qualified to
5 act.

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

7 (225 ILCS 115/25.13) (from Ch. 111, par. 7025.13)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 25.13. The Secretary Director may temporarily suspend
10 the license of a veterinarian without a hearing, simultaneously
11 with the institution of proceedings for a hearing provided for
12 in Section 25.2 of this Act, if the Secretary Director finds
13 that evidence in his possession indicates that a veterinarian's
14 continuation in practice would constitute an imminent danger to
15 the public. In the event that the Secretary Director suspends,
16 temporarily, the license of a veterinarian without a hearing, a
17 hearing by the Board must be held within 30 days after such
18 suspension has occurred.

19 (Source: P.A. 83-1016.)

20 (225 ILCS 115/25.17)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 25.17. Disclosure of patient records; maintenance
23 information.

24 (a) No veterinarian shall be required to disclose any

1 information concerning the veterinarian's care of an animal
2 except on written authorization or other waiver by the
3 veterinarian's client or on appropriate court order or
4 subpoena. Any veterinarian releasing information under written
5 authorization, or other waiver by the client, or court order of
6 subpoena is not liable to the client or any other person. The
7 privilege provided by this Section is waived to the extent that
8 the veterinarian's client or the owner of the animal places the
9 care and treatment or the nature and extent of injuries to the
10 animal at issue in any civil or criminal proceeding. When
11 communicable disease laws, cruelty to animal laws, or laws
12 providing for public health and safety are involved, the
13 privilege provided by this Section is waived.

14 (b) Copies of patient records must be released to the
15 client upon written request as provided for by rule.

16 (c) Each person who provides veterinary medical services
17 shall maintain appropriate patient records as defined by rule.
18 The patient records are the property of the practice and the
19 practice owner. Patient records shall, if applicable, include
20 the following:

21 (1) patient identification;

22 (2) client identification;

23 (3) dated reason for visit and pertinent history;

24 (4) physical exam findings;

25 (5) diagnostic, medical, surgical or therapeutic
26 procedures performed;

1 (6) all medical treatment must include identification
2 of each medication given in the practice, together with the
3 date, dosage, and route of administration and frequency and
4 duration of treatment;

5 (7) all medicines dispensed or prescribed must be
6 recorded, including directions for use and quantity;

7 (8) any changes in medications or dosages, including
8 telephonically or electronically initiated changes, must
9 be recorded;

10 (9) if a necropsy is performed, then the record must
11 reflect the findings;

12 (10) any written records and notes, radiographs,
13 sonographic images, video recordings, photographs or other
14 images, and laboratory reports;

15 (11) other information received as the result of
16 consultation;

17 (12) identification of any designated agent of the
18 client for the purpose of authorizing veterinary medical or
19 animal health care decisions; and

20 (13) any authorizations, releases, waivers, or other
21 related documents.

22 (d) Patient records must be maintained for a minimum of 5
23 years from the date of the last known contact with an animal
24 patient.

25 (e) Information and records related to patient care shall
26 remain confidential except as provided in subsections (a) and

1 (b) of this Section.

2 (Source: P.A. 88-424.)

3 (225 ILCS 115/25.18)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 25.18. Penalties.

6 (a) In addition to any other penalty provided by law, any
7 person who violates Section 5 of this Act or any other
8 provision of this Act shall forfeit and pay a civil penalty to
9 the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for
10 each offense as determined by the Department. The civil penalty
11 shall be assessed by the Department in accordance with the
12 provisions set forth in Section 25.3 through Section 25.10 and
13 Section 25.14.

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

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

21 (d) All monies collected under this Section shall be
22 deposited into the Professional Regulation Evidence Fund.

23 (Source: P.A. 88-424.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.