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LRB096 19948 ASK 38399 a

1 AMENDMENT TO HOUSE BILL 5377

2 AMENDMENT NO. _____. Amend House Bill 5377 by replacing
3 everything after the enacting clause with the following:

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9 (Section scheduled to be repealed on January 1, 2014)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

1 persons possessed of the professional qualifications specified
2 in this Act. ~~The practice of veterinary medicine in the State~~
3 ~~of Illinois is declared to affect the public health, safety and~~
4 ~~welfare and to be subject to State regulation and control in~~
5 ~~the public interest. It is further declared to be a matter of~~
6 ~~public interest and concern that the veterinary profession~~
7 ~~merit and receive the confidence of the public and that only~~
8 ~~qualified and licensed persons be permitted to practice~~
9 ~~veterinary medicine.~~

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

11 (225 ILCS 115/3) (from Ch. 111, par. 7003)

12 (Section scheduled to be repealed on January 1, 2014)

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

15 "Accredited college of veterinary medicine" means a
16 veterinary college, school, or division of a university or
17 college that offers the degree of Doctor of Veterinary Medicine
18 or its equivalent and that is accredited by the Council on
19 Education of the American Veterinary Medical Association
20 (AVMA).

21 "Accredited program in veterinary technology" means any
22 post-secondary educational program that is accredited by the
23 AVMA's Committee on Veterinary Technician Education and
24 Activities or any veterinary technician program that is
25 recognized as its equivalent by the AVMA's Committee on

1 Veterinary Technician Education and Activities.

2 "Animal" means any animal, vertebrate or invertebrate,
3 other than a human.

4 "Board" means the Veterinary Licensing and Disciplinary
5 Board.

6 "Certified veterinary technician" means a person who is
7 validly and currently licensed to practice veterinary
8 technology in this State ~~has graduated from a veterinary~~
9 ~~technology program accredited by the Committee on Veterinary~~
10 ~~Technician Education and Activities of the American Veterinary~~
11 ~~Medical Association who has filed an application with the~~
12 ~~Department, paid the fee, passed the examination as prescribed~~
13 ~~by rule, and works under a supervising veterinarian.~~

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

17 "Complementary, alternative, and integrative therapies"
18 means a heterogeneous group of diagnostic and therapeutic
19 philosophies and practices, which at the time they are
20 performed may differ from current scientific knowledge, or
21 whose theoretical basis and techniques may diverge from
22 veterinary medicine routinely taught in accredited veterinary
23 medical colleges, or both. "Complementary, alternative, and
24 integrative therapies" include, but are not limited to,
25 veterinary acupuncture, acuthery, and acupressure;
26 veterinary homeopathy; veterinary manual or manipulative

1 therapy or therapy based on techniques practiced in osteopathy,
2 chiropractic medicine, or physical medicine and therapy;
3 veterinary nutraceutical therapy; veterinary phytotherapy; and
4 other therapies as defined by rule. "Complementary,
5 alternative, and integrative therapies" means preventative,
6 diagnostic, and therapeutic practices that, at the time they
7 are performed, may differ from current scientific knowledge or
8 for which the theoretical basis and techniques may diverge from
9 veterinary medicine routinely taught in approved veterinary
10 medical programs. This includes but is not limited to
11 veterinary acupuncture, acuthery, acupressure, veterinary
12 homeopathy, veterinary manual or manipulative therapy (i.e.
13 therapies based on techniques practiced in osteopathy,
14 chiropractic medicine, or physical medicine and therapy),
15 veterinary nutraceutical therapy, veterinary phytotherapy, or
16 other therapies as defined by rule.

17 "Consultation" means when a veterinarian receives advice
18 in person, telephonically, electronically, or by any other
19 method of communication from a veterinarian licensed in this or
20 any other state or other person whose expertise, in the opinion
21 of the veterinarian, would benefit a patient. Under any
22 circumstance, the responsibility for the welfare of the patient
23 remains with the veterinarian receiving consultation.

24 "Department" means the Department of Financial and
25 Professional Regulation.

26 "Direct supervision" means the supervising veterinarian is

1 readily available on the premises where the animal is being
2 treated.

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

4 "Immediate supervision" means the supervising veterinarian
5 is in the immediate area, within audible and visual range of
6 the animal patient and the person treating the patient.

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

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

19 "Licensed veterinarian" means a person who is validly and
20 currently licensed to practice veterinary medicine in this
21 State.

22 "Patient" means an animal that is examined or treated by a
23 veterinarian.

24 "Person" means an individual, firm, partnership (general,
25 limited, or limited liability), association, joint venture,
26 cooperative, corporation, limited liability company, or any

1 other group or combination acting in concert, whether or not
2 acting as a principal, partner, member, trustee, fiduciary,
3 receiver, or any other kind of legal or personal
4 representative, or as the successor in interest, assignee,
5 agent, factor, servant, employee, director, officer, or any
6 other representative of such person.

7 "Practice of veterinary medicine" means to diagnose,
8 prognose, treat, correct, change, alleviate, or prevent animal
9 disease, illness, pain, deformity, defect, injury, or other
10 physical, dental, or mental conditions by any method or mode;
11 including the performance of one or more of the following:

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

21 (2) (Blank). ~~Prescribing, dispensing, or administering~~
22 ~~a drug, medicine, biologic appliance, application, or~~
23 ~~treatment of whatever nature.~~

24 (3) Performing upon an animal a surgical or dental
25 operation ~~or a complementary, alternative, or integrative~~
26 ~~veterinary medical procedure.~~

1 (3.5) Performing upon an animal complementary,
2 alternative, or integrative therapy.

3 (4) Performing upon an animal any manual or mechanical
4 procedure for reproductive management, including the
5 diagnosis or treatment of pregnancy, sterility, or
6 infertility.

7 (4.5) The rendering of advice or recommendation by any
8 means, including telephonic and other electronic
9 communications, with regard to the performing upon an
10 animal any manual or mechanical procedure for reproductive
11 management, including the diagnosis or treatment of
12 pregnancy, sterility, or infertility ~~procedure for the~~
13 ~~diagnoses or treatment of pregnancy, sterility, or~~
14 ~~infertility.~~

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

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

18 (7) Using any word, letters, or title under such
19 circumstances as to induce the belief that the person using
20 them is qualified to engage in the practice of veterinary
21 medicine or any of its branches. Such use shall be prima
22 facie evidence of the intention to represent oneself as
23 engaging in the practice of veterinary medicine.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation.

26 "Supervising veterinarian" means a veterinarian who

1 assumes responsibility for the professional care given to an
2 animal by a person working under his or her direction in either
3 an immediate, direct, or indirect supervision arrangement. The
4 supervising veterinarian must have examined the animal at such
5 time as acceptable veterinary medical practices requires,
6 consistent with the particular delegated animal health care
7 task.

8 "Therapeutic" means the treatment, control, and prevention
9 of disease.

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

12 (1) The veterinarian has assumed the responsibility
13 for making clinical judgments regarding the health of an
14 animal and the need for medical treatment and the client,
15 owner, or other caretaker has agreed to follow the
16 instructions of the veterinarian;

17 (2) There is sufficient knowledge of an animal by the
18 veterinarian to initiate at least a general or preliminary
19 diagnosis of the medical condition of the animal. This
20 means that the veterinarian has recently seen and is
21 personally acquainted with the keeping and care of the
22 animal by virtue of an examination of the animal or by
23 medically appropriate and timely visits to the premises
24 where the animal is kept, or the veterinarian has access to
25 the animal patient's records and has been designated by the
26 veterinarian with the prior relationship to provide

1 reasonable and appropriate medical care if he or she is
2 unavailable; and

3 (3) The practicing veterinarian is readily available
4 for follow-up in case of adverse reactions or failure of
5 the treatment regimen or, if unavailable, has designated
6 another available veterinarian who has access to the animal
7 patient's records to provide reasonable and appropriate
8 medical care of therapy.

9 "Veterinarian-client-patient relationship" does not mean a
10 relationship solely based on telephonic or other electronic
11 communications.

12 "Veterinary medicine" means all branches and specialties
13 included within the practice of veterinary medicine.

14 "Veterinary premises" means any premises or facility where
15 the practice of veterinary medicine occurs, including, but not
16 limited to, a mobile clinic, outpatient clinic, satellite
17 clinic, or veterinary hospital or clinic. "Veterinary
18 premises" does not mean the premises of a veterinary client,
19 research facility, a federal military base, or an accredited
20 college of veterinary medicine.

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

25 "Veterinary specialist" means that a veterinarian is a
26 diplomate within an AVMA-recognized veterinary specialty

1 organization.

2 "Veterinary technology" means the performance of services
3 within the field of veterinary medicine by a person who, for
4 compensation or personal profit, is employed by a licensed
5 veterinarian to perform duties that require an understanding of
6 veterinary medicine necessary to carry out the orders of the
7 veterinarian. Those services, however, shall not include
8 diagnosing, prognosing, writing prescriptions, or surgery.

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

10 (225 ILCS 115/4) (from Ch. 111, par. 7004)

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

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

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

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

19 (3) Veterinarians employed by colleges or universities
20 while engaged in the performance of their official duties,
21 or faculty engaged in animal husbandry or animal management
22 programs of colleges or universities.

23 (3.5) A veterinarian or veterinary technician from
24 another state or country who (A) is not licensed under this
25 Act; (B) is currently licensed as a veterinarian or

1 veterinary technician in another state or country, or
2 otherwise exempt from licensure in the other state; (C) is
3 an invited guest of a professional veterinary association,
4 veterinary training program, or continuing education
5 provider approved by the Department; and (D) engages in
6 professional education through lectures, clinics, or
7 demonstrations.

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

18 (5) Veterinary students in an accredited college of
19 veterinary medicine, university, department of a
20 university, or other institution of veterinary medicine
21 and surgery engaged in duties assigned by their instructors
22 or working under the immediate or direct supervision of a
23 licensed veterinarian.

24 (5.5) Students of an accredited program in veterinary
25 technology performing veterinary technology duties or
26 actions assigned by instructors or working under the

1 immediate or direct supervision of a licensed
2 veterinarian.

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

5 (7) An owner of livestock and any of the owner's
6 employees or the owner and employees of a service and care
7 provider of livestock caring for and treating livestock
8 belonging to the owner or under a provider's care,
9 including but not limited to, the performance of husbandry
10 and livestock management practices such as dehorning,
11 castration, emasculation, or docking of cattle, horses,
12 sheep, goats, and swine, artificial insemination, and
13 drawing of semen. Nor shall this Act be construed to
14 prohibit any person from administering in a humane manner
15 medicinal or surgical treatment to any livestock in the
16 care of such person. However, any such services shall
17 comply with the Humane Care for Animals Act.

18 (8) An owner of an animal, or an agent of the owner
19 acting with the owner's approval, in caring for, training,
20 or treating an animal belonging to the owner, so long as
21 that individual or agent does not represent himself or
22 herself as a veterinarian or use any title associated with
23 the practice of veterinary medicine or surgery or diagnose,
24 prescribe drugs, or perform surgery. The agent shall
25 provide the owner with a written statement summarizing the
26 nature of the services provided and obtain a signed

1 acknowledgment from the owner that they accept the services
2 provided. The services shall comply with the Humane Care
3 for Animals Act. The provisions of this item (8) do not
4 apply to a person who is exempt under item (7).

5 (9) A member in good standing of another licensed or
6 regulated profession within any state or a member of an
7 organization or group approved by the Department by rule
8 providing assistance that is requested in writing by a
9 veterinarian licensed in this State acting within a
10 veterinarian-client-patient relationship and with informed
11 consent from the client and the member is acting under the
12 immediate, direct, or indirect supervision and control of
13 the licensed veterinarian. Providing assistance involves
14 hands-on active participation in the treatment and care of
15 the patient, as defined by rule. The licensed veterinarian
16 shall maintain responsibility for the
17 veterinarian-client-patient relationship, but shall be
18 immune from liability, except for willful and wanton
19 conduct, in any civil or criminal action if a member
20 providing assistance does not meet the requirements of this
21 item (9).

22 (10) A graduate of a non-accredited college of
23 veterinary medicine who is in the process of obtaining a
24 certificate of educational equivalence and is performing
25 duties or actions assigned by instructors in an approved
26 college of veterinary medicine.

1 (10.5) A veterinarian who is enrolled in a postgraduate
2 instructional program in an accredited college of
3 veterinary medicine performing duties or actions assigned
4 by instructors or working under the immediate or direct
5 supervision of a licensed veterinarian or a faculty member
6 of the College of Veterinary Medicine at the University of
7 Illinois.

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

12 (12) A person who, without expectation of
13 compensation, provides emergency veterinary care in an
14 emergency or disaster situation so long as he or she does
15 not represent himself or herself as a veterinarian or use a
16 title or degree pertaining to the practice of veterinary
17 medicine and surgery.

18 (13) Any certified veterinary technician or other ~~An~~
19 employee of a licensed veterinarian performing permitted
20 duties other than diagnosis, prognosis, prescription, or
21 surgery under the appropriate direction and supervision of
22 the veterinarian, who shall be responsible for the
23 performance of the employee.

24 (13.5) Any pharmacist licensed in the State, merchant,
25 or manufacturer selling at his or her regular place of
26 business medicines, feed, appliances, or other products

1 used in the prevention or treatment of animal diseases as
2 permitted by law and provided that the services he or she
3 provides do not include diagnosing, prognosing, writing
4 prescriptions, or surgery.

5 (14) An approved humane investigator regulated under
6 the Humane Care for Animals Act or employee of a shelter
7 licensed under the Animal Welfare Act, working under the
8 indirect supervision of a licensed veterinarian.

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

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

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

25 (17) Persons or entities practicing the specified
26 occupations set forth in subsection (a) of, and pursuant to

1 a licensing exemption granted in subsection (b) or (d) of,
2 Section 2105-350 of the Department of Professional
3 Regulation Law of the Civil Administrative Code of
4 Illinois, but only for so long as the 2016 Olympic and
5 Paralympic Games Professional Licensure Exemption Law is
6 operable.

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

8 (225 ILCS 115/5) (from Ch. 111, par. 7005)

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

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

21 It shall be unlawful for any person who is not licensed in
22 this State to provide veterinary medical services from any
23 state to a client or patient in this State through telephonic,
24 electronic, or other means, except where a bonafide
25 veterinarian-client-patient relationship exists.

1 Nothing in this Act shall be construed to prevent members
2 of other professions from performing functions for which they
3 are duly licensed, subject to the requirements of Section 4 of
4 this Act. Other professionals may not, however, hold themselves
5 out or refer to themselves by any title or descriptions stating
6 or implying that they are engaged in the practice of veterinary
7 medicine or that they are licensed to engage in the practice of
8 veterinary medicine.

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

10 (225 ILCS 115/5.5 new)

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

12 Sec. 5.5. Practice outside veterinarian-client-patient
13 relationship prohibited. No person may practice veterinary
14 medicine in the State except within the context of a
15 veterinarian-client-patient relationship.

16 (225 ILCS 115/6) (from Ch. 111, par. 7006)

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

18 Sec. 6. Administration of Act.

19 (a) The Department shall exercise the powers and duties
20 prescribed by the Civil Administrative Code of Illinois for the
21 administration of licensing Acts and shall exercise any other
22 powers and duties necessary for effectuating the purpose of
23 this Act.

24 (b) The Secretary ~~Director~~ shall adopt ~~promulgate~~ rules

1 consistent with the provisions of this Act for the
2 administration and enforcement thereof, and for the payment of
3 fees connected therewith, and may prescribe forms that shall be
4 issued in connection therewith. The rules shall include
5 standards and criteria for licensure, certification, and
6 professional conduct and discipline. The Department shall
7 consult with the Board in promulgating rules. Notice of
8 proposed rulemaking shall be transmitted to the Board and the
9 Department shall review the Board's response and any
10 recommendations made therein. The Department shall notify the
11 Board in writing with an explanation of the deviations in the
12 Board's recommendations and responses.

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

16 (d) The Department shall issue quarterly to the Board a
17 report of the status of all complaints related to the
18 profession received by the Department.

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

20 (225 ILCS 115/7) (from Ch. 111, par. 7007)

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

22 Sec. 7. Veterinarian Licensing and Disciplinary Board. The
23 Secretary ~~Director~~ shall appoint a Veterinarian Licensing and
24 Disciplinary Board as follows: 7 persons shall be appointed by
25 and shall serve in an advisory capacity to the Secretary

1 ~~Director~~, 6 members must be licensed, in good standing,
2 veterinarians in this State, and must be actively engaged in
3 the practice of veterinary medicine and surgery in this State,
4 and one member must be a member of the public who is not
5 licensed under this Act, or a similar Act of another
6 jurisdiction and who has no connection with the veterinary
7 profession.

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

20 The membership of the Board should reasonably reflect
21 representation from the geographic areas in this State. The
22 Secretary ~~Director~~ shall consider the recommendations made by
23 the State Veterinary Medical Association in making
24 appointments.

25 The Secretary ~~Director~~ may terminate the appointment of any
26 member for cause which in the opinion of the Secretary ~~Director~~

1 reasonably justifies such termination.

2 The Board shall annually elect a Chairman who shall be a
3 Veterinarian.

4 The Secretary ~~Director~~ shall consider the advice and
5 recommendations of the Board on questions involving standards
6 of professional conduct, discipline and qualifications of
7 candidates and licensees under this Act.

8 Members of the Board shall be entitled to receive a per
9 diem at a rate set by the Secretary ~~Director~~ and shall be
10 reimbursed for all authorized expenses incurred in the exercise
11 of their duties.

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

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

16 (225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

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

18 Sec. 14.1. Returned checks; fines. Any person who delivers
19 a 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 or certificate. The Department shall

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

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

19 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

21 Sec. 25. Disciplinary actions.

22 1. The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary action as the Department may deem appropriate,
25 including fines not to exceed \$1,000 for each violation, with

1 regard to any license or certificate for any one or combination
2 of the following:

3 A. Material misstatement in furnishing information to
4 the Department.

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

7 C. Conviction of any crime under the laws of the United
8 States or any state or territory of the United States that
9 is a felony or that is a misdemeanor, an essential element
10 of which is dishonesty, or of any crime that is directly
11 related to the practice of the profession.

12 D. Making any misrepresentation for the purpose of
13 obtaining licensure or certification, or violating any
14 provision of this Act or the rules adopted pursuant to
15 ~~promulgated under~~ this Act pertaining to advertising.

16 E. Professional incompetence.

17 F. Gross malpractice.

18 G. Aiding or assisting another person in violating any
19 provision of this Act or rules.

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

22 I. Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 J. Habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants, or any other chemical agent or drug

1 that results in the inability to practice with reasonable
2 judgment, skill, or safety.

3 K. Discipline by another state, District of Columbia,
4 territory, or foreign nation, if at least one of the
5 grounds for the discipline is the same or substantially
6 equivalent to those set forth herein.

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

12 M. A finding by the Board that the licensee or
13 certificate holder, after having his license or
14 certificate placed on probationary status, has violated
15 the terms of probation.

16 N. Willfully making or filing false records or reports
17 in his practice, including but not limited to false records
18 filed with State agencies or departments.

19 O. Physical illness, including but not limited to,
20 deterioration through the aging process, or loss of motor
21 skill which results in the inability to practice the
22 profession with reasonable judgment ~~judgement~~, skill, or
23 safety.

24 P. Solicitation of professional services other than
25 permitted advertising.

26 Q. Having professional connection with or lending

1 one's name, directly or indirectly, to any illegal
2 practitioner of veterinary medicine and surgery and the
3 various branches thereof.

4 R. Conviction of or cash compromise of a charge or
5 violation of the Harrison Act or the Illinois Controlled
6 Substances Act, regulating narcotics.

7 S. Fraud or dishonesty in applying, treating, or
8 reporting on tuberculin or other biological tests.

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

11 U. Fraudulent use or misuse of any health certificate,
12 shipping certificate, brand inspection certificate, or
13 other blank forms used in practice that might lead to the
14 dissemination of disease or the transportation of diseased
15 animals dead or alive; or dilatory methods, willful
16 neglect, or misrepresentation in the inspection of milk,
17 meat, poultry, and the by-products thereof.

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

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

21 X. Failure to provide satisfactory proof of having
22 participated in approved continuing education programs.

23 Y. Failure to (i) file a return, (ii) pay the tax,
24 penalty, or interest shown in a filed return, or (iii) pay
25 any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois

1 Department of Revenue, until the requirements of that tax
2 Act are satisfied.

3 Z. Conviction by any court of competent jurisdiction,
4 either within or outside this State, of any violation of
5 any law governing the practice of veterinary medicine, if
6 the Department determines, after investigation, that the
7 person has not been sufficiently rehabilitated to warrant
8 the public trust.

9 AA. Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in any manner
11 to exploit the client for financial gain of the
12 veterinarian.

13 BB. Gross, willful, or continued overcharging for
14 professional services, including filing false statements
15 for collection of fees for which services are not rendered.

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

18 DD. Fraud or misrepresentation in applying for, or
19 procuring, a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 EE. Cheating on or attempting to subvert the licensing
22 examination administered under this Act.

23 FF. Using, prescribing, or selling a prescription drug
24 or the extra-label use of a prescription drug by any means
25 in the absence of a valid veterinarian-client-patient
26 relationship.

1 GG. Failing to report a case of suspected aggravated
2 cruelty, torture, or animal fighting pursuant to Section
3 3.07 or 4.01 of the Humane Care for Animals Act or Section
4 26-5 of the Criminal Code of 1961.

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

15 3. All proceedings to suspend, revoke, place on
16 probationary status, or take any other disciplinary action as
17 the Department may deem proper, with regard to a license or
18 certificate on any of the foregoing grounds, must be commenced
19 within 3 years after receipt by the Department of a complaint
20 alleging the commission of or notice of the conviction order
21 for any of the acts described in this Section. Except for
22 proceedings brought for violations of items (CC), (DD), or
23 (EE), no action shall be commenced more than 5 years after the
24 date of the incident or act alleged to have violated this
25 Section. In the event of the settlement of any claim or cause
26 of action in favor of the claimant or the reduction to final

1 judgment of any civil action in favor of the plaintiff, the
2 claim, cause of action, or civil action being grounded on the
3 allegation that a person licensed or certified under this Act
4 was negligent in providing care, the Department shall have an
5 additional period of one year from the date of the settlement
6 or final judgment in which to investigate and begin formal
7 disciplinary proceedings under Section 25.2 of this Act, except
8 as otherwise provided by law. The time during which the holder
9 of the license or certificate was outside the State of Illinois
10 shall not be included within any period of time limiting the
11 commencement of disciplinary action by the Department.

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

20 5. In enforcing this Section, the Board, upon a showing of
21 a possible violation, may compel a licensee or applicant to
22 submit to a mental or physical examination, or both, as
23 required by and at the expense of the Department. The examining
24 physicians or clinical psychologists shall be those
25 specifically designated by the Board. The Board or the
26 Department may order (i) the examining physician to present

1 testimony concerning the mental or physical examination of a
2 licensee or applicant or (ii) the examining clinical
3 psychologist to present testimony concerning the mental
4 examination of a licensee or applicant. No information shall be
5 excluded by reason of any common law or statutory privilege
6 relating to communications between a licensee or applicant and
7 the examining physician or clinical psychologist. An
8 individual to be examined may have, at his or her own expense,
9 another physician or clinical psychologist of his or her choice
10 present during all aspects of the examination. Failure of an
11 individual to submit to a mental or physical examination, when
12 directed, is grounds for suspension of his or her license. The
13 license must remain suspended until the person submits to the
14 examination or the Board finds, after notice and hearing, that
15 the refusal to submit to the examination was with reasonable
16 cause.

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

1 Any individual whose license was granted, continued,
2 reinstated, or renewed subject to conditions, terms, or
3 restrictions, as provided for in this Section, or any
4 individual who was disciplined or placed on supervision
5 pursuant to this Section must be referred to the Secretary
6 ~~Director~~ for a determination as to whether the person shall
7 have his or her license suspended immediately, pending a
8 hearing by the Board.

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

10 (225 ILCS 115/25.1) (from Ch. 111, par. 7025.1)

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

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

25 (b) If any person shall practice as a veterinarian or hold

1 himself out as a veterinarian without being licensed under the
2 provision of this Act then any licensed veterinarian, any
3 interested party or any person injured thereby may, in addition
4 to the Secretary ~~Director~~, petition for relief as provided in
5 subsection (a) of 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. The rule shall clearly set forth the
10 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 forthwith.

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

16 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

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

18 Sec. 25.2. Investigation; notice. The Department may
19 investigate the actions of any applicant or of any person or
20 persons holding or claiming to hold a license or certificate.
21 The Department shall, before refusing to issue, to renew or
22 discipline a license or certificate under Section 25, at least
23 30 days prior to the date set for the hearing, notify in
24 writing the applicant for, or holder of, a license or
25 certificate of the nature of the charges and that a hearing

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

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

2 (225 ILCS 115/25.4) (from Ch. 111, par. 7025.4)

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

4 Sec. 25.4. The Department shall have the power to subpoena
5 and bring before it any person in this State and to take
6 testimony either orally or by deposition, or both, with the
7 same fees and mileage and in the same manner as prescribed by
8 law in judicial procedure in civil cases in courts of this
9 State.

10 The Secretary ~~Director~~, the designated hearing officer,
11 and every member of the Board shall have power to administer
12 oaths to witnesses at any hearing which the Department is
13 authorized by law to conduct, and any other oaths required or
14 authorized in any Act administered by the Department.

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

16 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

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

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

1 shall make its recommendations to the Secretary ~~Director~~.

2 The report of findings of fact, conclusions of law and
3 recommendation of the Board shall be the basis for the
4 Department's order or refusal or for the granting of a license,
5 certificate, or permit. If the Secretary ~~Director~~ disagrees in
6 any regard with the report of the Board, then the Secretary
7 ~~Director~~ may issue an order in contravention thereof. The
8 Secretary ~~Director~~ shall provide a written report to the Board
9 on any deviation, and shall specify with particularity the
10 reasons for the action in the final order. The finding is not
11 admissible in evidence against the person in a criminal
12 prosecution brought for the violation of this Act, but the
13 hearing and finding are not a bar to a criminal prosecution
14 brought for the violation of this Act.

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

16 (225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

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

18 Sec. 25.7. Procedure upon refusal to license or issue
19 certificate. In any case under Section 25 involving the refusal
20 to issue, renew, or discipline a license or certificate, a copy
21 of the Board's report shall be served upon the respondent by
22 the Department, either personally or as provided in this Act
23 for the service of the notice of hearing. Within 20 days after
24 service, the respondent may present to the Department a motion
25 in writing for a rehearing. The motion shall specify the

1 particular grounds for the rehearing. If no motion for
2 rehearing is filed, then upon the expiration of the time
3 specified for filing a motion, or if a motion for rehearing is
4 denied, then upon the denial, then the Secretary ~~Director~~ may
5 enter an order in accordance with recommendations of the Board
6 except as provided in Section 25.6 of this Act. If the
7 respondent orders from the reporting service, and pays for a
8 transcript of the record within the time for filing a motion
9 for rehearing, the 20 day period within which such a motion may
10 be filed shall commence upon the delivery of the transcript to
11 the respondent.

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

13 (225 ILCS 115/25.8) (from Ch. 111, par. 7025.8)

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

15 Sec. 25.8. Rehearing ordered by Secretary ~~Director~~.
16 Whenever the Secretary ~~Director~~ is satisfied that substantial
17 justice has not been done in the revocation, suspension, or
18 refusal to issue or renew a license or certificate, the
19 Secretary ~~Director~~ may order a rehearing by the Board or a
20 designated hearing officer.

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

22 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

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

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

1 Notwithstanding the provisions of Section 25.2 of this Act, the
2 Secretary ~~Director~~ shall have the authority to appoint any
3 attorney duly licensed to practice law in the State of Illinois
4 to serve as the hearing officer in any action for refusal to
5 issue, renew, or discipline of a license, certificate, or
6 permit. The Secretary ~~Director~~ shall notify the Board of any
7 appointment. The hearing officer shall have full authority to
8 conduct the hearing. The hearing officer shall report his or
9 her findings of fact, conclusions of law, and recommendations
10 to the Board and the Secretary ~~Director~~. The Board shall have
11 60 days from receipt of the report to review the report of the
12 hearing officer and present its findings of fact, conclusions
13 of law, and recommendations to the Secretary ~~Director~~. If the
14 Board fails to present its report within the 60 day period,
15 then the Secretary ~~Director~~ may issue an order based on the
16 report of the hearing officer. If the Secretary ~~Director~~
17 disagrees in any regard with the report of the Board or hearing
18 officer, then the Secretary ~~Director~~ may issue an order in
19 contravention of the report. The Secretary ~~Director~~ shall
20 provide a written explanation to the Board on any deviation,
21 and shall specify with particularity the reasons for the action
22 in the final order. At least 2 licensed veterinarian members of
23 the Board should be present at all formal hearings on the
24 merits of complaints brought under the provisions of this Act.

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

1 (225 ILCS 115/25.10) (from Ch. 111, par. 7025.10)

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

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

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

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

11 (c) the Board and the members thereof are qualified to
12 act.

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

14 (225 ILCS 115/25.13) (from Ch. 111, par. 7025.13)

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

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

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

2 (225 ILCS 115/25.17)

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

4 Sec. 25.17. Disclosure of patient records; maintenance
5 information.

6 (a) No veterinarian shall be required to disclose any
7 information concerning the veterinarian's care of an animal
8 except on written authorization or other waiver by the
9 veterinarian's client or on appropriate court order or
10 subpoena. Any veterinarian releasing information under written
11 authorization, or other waiver by the client, or court order of
12 subpoena is not liable to the client or any other person. The
13 privilege provided by this Section is waived to the extent that
14 the veterinarian's client or the owner of the animal places the
15 care and treatment or the nature and extent of injuries to the
16 animal at issue in any civil or criminal proceeding. When
17 communicable disease laws, cruelty to animal laws, or laws
18 providing for public health and safety are involved, the
19 privilege provided by this Section is waived.

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

22 (c) Each person who provides veterinary medical services
23 shall maintain appropriate patient records as defined by rule.
24 The patient records are the property of the practice and the
25 practice owner. Patient records shall, if applicable, include

1 the following:

2 (1) patient identification;

3 (2) client identification;

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

5 (4) physical exam findings;

6 (5) diagnostic, medical, surgical or therapeutic
7 procedures performed;

8 (6) all medical treatment must include identification
9 of each medication given in the practice, together with the
10 date, dosage, and route of administration and frequency and
11 duration of treatment;

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

14 (8) any changes in medications or dosages, including
15 telephonically or electronically initiated changes, must
16 be recorded;

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

19 (10) any written records and notes, radiographs,
20 sonographic images, video recordings, photographs or other
21 images, and laboratory reports;

22 (11) other information received as the result of
23 consultation;

24 (12) identification of any designated agent of the
25 client for the purpose of authorizing veterinary medical or
26 animal health care decisions; and

1 (13) any authorizations, releases, waivers, or other
2 related documents.

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

6 (e) Information and records related to patient care shall
7 remain confidential except as provided in subsections (a) and
8 (b) of this Section.

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

10 (225 ILCS 115/25.18)

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

12 Sec. 25.18. Penalties.

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

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

23 (c) The civil penalty shall be paid within 60 days after
24 the effective date of the order imposing the civil penalty. The
25 order shall constitute a judgment and may be filed and

1 execution had thereon in the same manner as any judgment from
2 any court of record.

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

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".