

AN ACT concerning professional regulation.

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

Section 5. The Regulatory Sunset Act is amended by
changing Sections 4.14 and 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed.

(a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private
Security Act of 1993.

The Illinois Occupational Therapy Practice Act.

(b) The following Acts are repealed January 1, 2004:

The Illinois Certified Shorthand Reporters Act of
1984.

~~The--Veterinary-Medicine-and-Surgery-Practice-Act-of
1994.~~

(Source: P.A. 92-457, eff 8-21-01.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The
following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Public Accounting Act.

The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 10. The Environmental Health Practitioner
Licensing Act is amended by changing Section 16 as follows:

(225 ILCS 37/16)

(Section scheduled to be repealed on January 1, 2007)

Sec. 16. Exemptions. This Act does not prohibit or restrict any of the following:

(1) A person performing the functions and duties of an environmental health practitioner under the general supervision of a licensed environmental health practitioner or licensed professional engineer if that person (i) is not responsible for the administration or supervision of one or more employees engaged in an environmental health program, (ii) establishes a method of verbal communication with the licensed environmental health practitioner or licensed professional engineer to whom they can refer and report questions, problems, and emergency situations encountered in environmental health practice, and (iii) has his or her written reports reviewed monthly by a licensed environmental health practitioner or licensed professional engineer.

(2) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(3) A person working in laboratories licensed by, registered with, or operated by the State of Illinois.

(4) A person employed by a State-licensed health care facility who engages in the practice of environmental health or whose job responsibilities include ensuring that the environment in the health care facility is healthy and safe for employees, patients, and visitors.

(5) A person employed with the Illinois Department of Agriculture who engages in meat and poultry inspections or environmental inspections under the authority of the Department of Agriculture.

(6) A person holding a degree of Doctor of Veterinary Medicine and Surgery and licensed under the Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 92-837, eff. 8-22-02.)

Section 15. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by changing Sections 2, 3, 4, 5, 8, 8.1, 11, 12, 15, 24.1, and 25 and adding Section 25.19 as follows:

(225 ILCS 115/2) (from Ch. 111, par. 7002)

(Section scheduled to be repealed on January 1, 2004)

Sec. 2. This Act may be cited as the Veterinary Medicine and Surgery Practice Act of 2004 1994.

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

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

(Section scheduled to be repealed on January 1, 2004)

Sec. 3. Definitions; ~~unlicensed practice prohibited.~~

(a) The following terms have the meanings indicated, unless the context requires otherwise:

"Accredited college of veterinary medicine" means a veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the Council on Education of the American Veterinary Medical Association.

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

"Board" means the Veterinary Licensing and Disciplinary Board.

"Certified veterinary technician" means a person who has graduated from a veterinary technology program accredited by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association who has filed an application with the Department, paid the fee, passed the examination as prescribed by rule, and works under a supervising veterinarian.

"Client" means an entity, person, group, or corporation

that has entered into an agreement with a veterinarian for the purposes of obtaining veterinary medical services.

"Complementary, alternative, and integrative therapies" means preventative, diagnostic, and therapeutic practices that, at the time they are performed, may differ from current scientific knowledge or for which the theoretical basis and techniques may diverge from veterinary medicine routinely taught in approved veterinary medical programs. This includes but is not limited to veterinary acupuncture, acutherapy, acupressure, veterinary homeopathy, veterinary manual or manipulative therapy (i.e. therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy), veterinary nutraceutical therapy, veterinary phytotherapy, or other therapies as defined by rule.

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

"Department" means the Department of Professional Regulation.

"Direct supervision" means the supervising veterinarian is on the premises where the animal is being treated.

"Director" means the Director of Professional Regulation.

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

to deliver competent patient care.

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

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

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

"Practice of veterinary medicine" means the performance of one or more of the following:

(1) Directly or indirectly consulting, diagnosing, prognosing, correcting, supervising, or recommending treatment of an animal for the prevention, cure, or relief of a wound, fracture, bodily injury, defect, disease, or physical or mental condition by any method or mode.

(2) Prescribing, dispensing, or administering a drug, medicine, biologic appliance, application, or treatment of whatever nature.

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

(4) Performing upon an animal any manual procedure for the diagnoses or treatment of pregnancy, sterility, or infertility.

(5) Determining the health and fitness of an

animal.

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

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

"Supervising veterinarian" means a veterinarian who assumes responsibility for the professional care given to an animal by a person working under his or her direction. The supervising veterinarian must have examined the animal at such time as acceptable veterinary medical practices requires consistent with the particular delegated animal health care task.

"Veterinarian-client-patient relationship" means:

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

(2) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(3) The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

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

{A}--"Department"--means--the--Department--of--Professional Regulation-

{B}--"Board"---means---the---Veterinary---Licensing---and Disciplinary-Board-

{C}--"Director"--means--the-Director-of-the-Department-of Professional-Regulation-

{D}--"Veterinarian"--means-a-person-holding-the-degree--of Doctor--of-Veterinary-Medicine-and-Surgery-and-licensed-under this-Act-

{E}--The-practice--of--veterinary--medicine--and--surgery occurs-when-a-person:

{1}--Directly--or--indirectly--diagnoses, prognoses, treats, administers--to, prescribes--for, operates--on, manipulates-or-applies-any-apparatus-or-appliance-for-any disease, pain, deformity, defect, injury, wound--or physical-or-mental-condition-of-any-animal-or-bird-or-for the-prevention-of, or-to-test-for--the--presence--of--any disease---of---any--animal--or--bird.---The--practice--of veterinary-medicine--and--surgery--includes--veterinarian dentistry-

{2}--Represents-himself-or-herself-as-engaged-in-the practice-of-veterinary-medicine-and-surgery-as-defined-in paragraph--(1)--of--this--subsection, or-uses-any-words, letters-or-titles--in--such--connection--and--under--such circumstances--as--to--induce--the-belief-that-the-person using-them-is--engaged--in--the--practice--of--veterinary medicine-and-surgery-in-any-of-its-branches, or-that-such

~~person-is-a-Doctor-of-Veterinary-Medicine.~~

~~(F)--"Animal"--means--any--bird, fish, reptile, or mammal
other-than-man.~~

~~(G)--"Veterinarian-client--patient-relationship"--means:~~

~~(1)--The-veterinarian-has-assumed-the-responsibility
for-making-medical-judgments-regarding-the-health--of--an
animal-and-the-need-for-medical-treatment-and-the-client,
owner,--or--other--caretaker--has--agreed--to--follow-the
instructions-of-the-veterinarian.~~

~~(2)--There-is-sufficient-knowledge-of-an--animal--by
the--veterinarian--to--initiate--at--least--a--general-or
preliminary-diagnosis-of-the--medical--condition--of--the
animal.---This--means--that-the-veterinarian-has-recently
seen-and-is-personally-acquainted-with--the--keeping--and
care--of--the--animal--by-virtue-of-an-examination-of-the
animal-or-by-medically-appropriate-and-timely--visits--to
the-premises-where-the-animal-is-kept.~~

~~(3)--The---practicing---veterinarian---is---readily
available-for-follow-up-in-case-of-adverse--reactions--or
failure-of-the-regimen-of-therapy.~~

~~(b)--Subject--to-the-exemptions-in-Section-4-of-this-Act,
no-person-shall-practice-veterinary-medicine-and--surgery--in
any-of-its-branches-without-a-valid-license-to-do-so.~~

(Source: P.A. 90-655, eff. 7-30-98.)

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

(Section scheduled to be repealed on January 1, 2004)

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

(1) Veterinarians employed by the federal or State
government Federal--Government while actually engaged in
their official duties.

(2) Licensed veterinarians from other states who
are invited to Illinois for consultation or lecturing.

(3) Veterinarians employed by colleges or universities ~~or-by-state-agencies,~~ while engaged in the performance of their official duties, or faculty engaged in animal husbandry or animal management programs of colleges or universities.

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

(5)(4) Veterinary students in an accredited approved college, university, department of a university, or other institution of veterinary medicine and surgery engaged in while-in-the-performance-of duties assigned by their instructors.

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

(7) An owner of livestock and any of the owner's employees or the owner and employees of a service and care provider of livestock caring for and treating livestock belonging to the owner or under a provider's care, including but not limited to, the performance of husbandry and livestock management practices such as dehorning, castration, emasculation, or docking of cattle, horses, sheep, goats, and swine, artificial insemination, and drawing of semen. Nor shall this Act be construed to prohibit any person from administering in a humane manner medicinal or surgical treatment to any livestock in the care of such person. However, any such

services shall comply with the Humane Care for Animals Act.

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

(9) A member in good standing of another licensed or regulated profession within any state or a member of an organization or group approved by the Department by rule providing assistance requested by a veterinarian licensed in this State acting with informed consent from the client and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient, as defined by rule. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

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

(11) A certified euthanasia technician who is

authorized to perform euthanasia in the course and scope of his or her employment.

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

(13) An employee of a licensed veterinarian performing duties other than diagnosis, prognosis, prescription, or surgery under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee.

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

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

(16) Private treaty sale of animals unless otherwise provided by law. (6)--The---dehorning, castration,--emasculation--or--docking--of--cattle,--horses, sheep,--goats--and--swine--in--the--course--or--exchange--of--work for---which--no--monetary--compensation--is--paid--or--to artificial--insemination--and--the--drawing--of--semen.--Nor shall--this--Act--be--construed--to--prohibit--any--person--from administering,--in--a--humane--manner,--medicinal--or--surgical treatment--to--any--animal--belonging--to--such--person,--unless title--has--been---transferred---for---the---purpose---of

~~circumventing this Act. -- However, any such services shall
comply with the Humane Care for Animals Act.~~

~~(7) -- Members -- of -- other -- licensed professions or any
other -- individuals -- when -- called -- for -- consultation -- and
assistance -- by -- a -- veterinarian -- licensed in the State of
Illinois and who act under -- the -- supervision, -- direction,
and -- control -- of -- the veterinarian, -- as further defined by
rule of the Department.~~

~~(8) -- Certified euthanasia technicians.~~

(Source: P.A. 92-449, eff. 1-1-02.)

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

(Section scheduled to be repealed on January 1, 2004)

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

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

Nothing in this Act shall be construed to prevent members of other professions from performing functions for which they are duly licensed. Other professionals may not, however, hold themselves out or refer to themselves by any title or descriptions stating or implying that they are engaged in the

practice of veterinary medicine or that they are licensed to engage in the practice of veterinary medicine.

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

(225 ILCS 115/8) (from Ch. 111, par. 7008)

(Section scheduled to be repealed on January 1, 2004)

Sec. 8. Qualifications. A person is qualified to receive a license if he or she: (1) is of good moral character; (2) has graduated from an accredited college or school of veterinary medicine ~~has--received--at--least--2--years--of preveterinary-collegiate-training;-(3)-has-graduated--from--a veterinary--school--that-requires-for-graduation-a-4-year,-or equivalent,-course--in--veterinary--medicine---and---surgery approved--by--the--Department;~~ and (3)(4) has passed the examination authorized by the Department to determine fitness to hold a license.

Applicants for licensure from non-accredited veterinary schools are required to successfully complete a program of educational equivalency as established by rule. At a minimum, this program shall include all of the following:

(1) A certified transcript indicating graduation from such college.

(2) Successful completion of a communication ability examination designed to assess communication skills, including a command of the English language.

(3) Successful completion of an examination or assessment mechanism designed to evaluate educational equivalence, including both preclinical and clinical competencies.

(4) Any other reasonable assessment mechanism designed to ensure an applicant possesses the educational background necessary to protect the public health and safety.

Successful completion of the criteria set forth in this

Section shall establish education equivalence as one of the criteria for licensure set forth in this Act. Applicants under this Section must also meet all other statutory criteria for licensure prior to the issuance of any such license, including graduation from veterinary school.

A graduate of a non-approved veterinary school who was issued a work permit by the Department before the effective date of this amendatory Act of the 93rd General Assembly may continue to work under the direct supervision of a licensed veterinarian until the expiration of his or her permit.

~~With respect to graduates of unapproved veterinary programs, the Department shall determine if such programs meet standards equivalent to those set forth in clauses (2), (3), and (4) of Section 9 of this Act.~~

~~Graduates of non-approved veterinary schools are required to pass a proficiency examination specified by the Department or to provide one year of evaluated clinical experience as an employee of a licensed veterinarian. Prior to hiring such person, the licensed veterinarian shall notify the Board, in writing, and shall employ such persons only upon the written approval of the Board. Such approval shall be for one year only and is not renewable. Such clinical employees shall treat animals only under the direct supervision of the licensed veterinarian.~~

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to obtaining a license. The Department may also request the applicant to submit and may consider as evidence of moral character, endorsements from 2 individuals licensed under this Act.

(Source: P.A. 89-387, eff. 8-20-95; 90-52, eff. 7-3-97.)

(Section scheduled to be repealed on January 1, 2004)

Sec. 8.1. Certified veterinary technician. "~~Certified veterinary--technician~~" means a person who has graduated from a veterinary technology program accredited by the American Veterinary Medical Association who has filed an application with the Department, paid the fee, and passed the examination as prescribed by rule. Veterinary technology is defined as the performance of services within the field of veterinary medicine by a person who for compensation or personal profit, is employed by a licensed veterinarian to perform duties that require an understanding of veterinary medicine as required in carrying out the orders of the veterinarian. However, these services shall not include diagnosing, prognosing, writing prescriptions, or surgery. A person who is a certified as a veterinary technician who performs veterinary technology contrary to this Act is guilty of a Class A misdemeanor and shall be subject to the revocation of his or her certificate. However, these penalties and restrictions shall not apply to a student while performing activities required as a part of his or her training.

The Department and the Board are authorized to hold hearings, reprimand, suspend, revoke, or refuse to issue or renew a certificate and to perform any other acts that may be necessary to regulate certified veterinary technicians in a manner consistent with the provisions of the Act applicable to veterinarians.

The title "Certified veterinary technician" and the initials "CVT" may only be used by persons certified by the Department. A person who uses these titles without the certification as provided in this Section is guilty of a Class A misdemeanor.

Certified veterinary technicians shall be required to complete continuing education as prescribed by rule to renew their certification.

(Source: P.A. 88-91; 88-424; 88-670, eff. 12-2-94.)

(225 ILCS 115/11) (from Ch. 111, par. 7011)

(Section scheduled to be repealed on January 1, 2004)

Sec. 11. Temporary permits. A person holding the degree of Doctor of Veterinary Medicine, or its equivalent, from an accredited college of veterinary medicine approved-veterinary program, and who has applied in writing to the Department for a license to practice veterinary medicine and surgery in any of its branches, and who has fulfilled the requirements of Section 8 of this Act, with the exception of receipt of notification of his or her examination results, may receive, at the discretion of the Department, a temporary permit to practice under the direct supervision of a specified veterinarian who is licensed in this State, until: (1) the applicant has been notified of the results of the examination authorized by the Department; or (2) the applicant has withdrawn his or her application.

A temporary permit may be issued by the Department to a person who is a veterinarian licensed under the laws of another state, a territory of the United States, or a foreign country, upon application in writing to the Department for a license under this Act if he or she is qualified to receive a license and until: (1) the expiration of 6 months after the filing of the written application, (2) the withdrawal of the application or (3) the denial of the application by the Department.

A temporary permit issued under this Section shall not be extended or renewed. The holder of a temporary permit shall perform only those acts that may be prescribed by and incidental to his or her employment and that act shall be performed under the direction of a supervising specified licensed veterinarian who is licensed in this State. The holder of the temporary permit He shall not be entitled to

otherwise engage in the practice of veterinary medicine until fully licensed in this State.

Upon the revocation of a temporary permit, the Department shall immediately notify, by certified mail, the supervising specified veterinarian employing the holder of a temporary permit and the holder of the permit. A temporary permit shall be revoked by the Department upon proof that the holder of the permit has engaged in the practice of veterinary medicine in this State outside his or her employment under a licensed veterinarian.

(Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 115/12) (from Ch. 111, par. 7012)

(Section scheduled to be repealed on January 1, 2004)

Sec. 12. Inactive status. Any veterinarian or certified veterinary technician who notifies the Department in writing on the prescribed form may place his or her license or certification on an inactive status and shall, subject to rule, be exempt from payment of the renewal fee and compliance with the continuing education requirements until he or she notifies the Department in writing of his or her intention to resume active status.

Any veterinarian or certified veterinary technician requesting restoration from inactive status shall be required to complete the continuing education requirements for a single license or certificate renewal period, pursuant to rule, and pay the current renewal fee to restore his or her license or certification as provided in this Act.

Any veterinarian whose license is in inactive status shall not practice veterinary medicine and surgery in this State.

A graduate of a non-approved veterinary school who was issued a work permit by the Department before the effective date of this amendatory Act of the 93rd General Assembly may

continue to work under the direct supervision of a licensed veterinarian until the expiration of his or her permit.

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

(225 ILCS 115/15) (from Ch. 111, par. 7015)

(Section scheduled to be repealed on January 1, 2004)

Sec. 15. Expiration and renewal of license. The expiration date and renewal period for each license or certificate shall be set by rule. A veterinarian or certified veterinary technician whose license or certificate has expired may reinstate his or her license or certificate at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee and submitting proof of the required continuing education. However, any veterinarian or certified veterinary technician whose license or certificate expired while he or she was (1) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license or certificate renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the veterinarian furnishes the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

Any veterinarian or certified veterinary technician whose license or certificate has expired for more than 5 years may have it restored by making application to the Department and filing acceptable proof of fitness to have the license or certificate restored. The proof may include sworn evidence certifying active practice in another jurisdiction. The veterinarian or certified veterinary technician shall also pay the required restoration fee and submit proof of the

required continuing education. If the veterinarian or certified veterinary technician has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether the individual is fit to resume active status and may require the veterinarian to complete a period of evaluated clinical experience and may require successful completion of a clinical examination.

(Source: P.A. 92-84, eff. 7-1-02.)

(225 ILCS 115/24.1)

(Section scheduled to be repealed on January 1, 2004)

Sec. 24.1. Impaired veterinarians. "Impaired veterinarian"--means-a-veterinarian-who-is-unable-to-practice veterinary-medicine-with-reasonable-skill-and-safety--because of--a-physical-or-mental-disability-as-evidenced-by-a-written determination-or-written-consent-based-on-clinical--evidence, including--deterioration--through--the-aging-process, loss-of motor-skills, or-abuse-of--drugs--or--alcohol--of--sufficient degree--to--diminish--a-person's-ability-to-deliver-competent patient-care. The Department shall establish by rule a program of care, counseling, or treatment for the impaired veterinarians veterinarian.

"Program of care, counseling, or treatment" means a written schedule of organized treatment, care, counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice veterinary medicine with reasonable skill and safety of a sufficient degree to deliver competent patient care.

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

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

(Section scheduled to be repealed on January 1, 2004)

Sec. 25. Disciplinary actions.

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

A. Material misstatement in furnishing information to the Department.

B. Violations of this Act, or of the rules promulgated under this Act.

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

D. Making any misrepresentation for the purpose of obtaining licensure or certification, or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

E. Professional incompetence.

F. Gross malpractice.

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

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

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

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

K. Discipline by another state, District of

Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

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

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

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

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

P. Solicitation of professional services other than permitted advertising.

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

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

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

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

U. Fraudulent use or misuse of any health certificate, shipping certificate, brand inspection

certificate, or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals dead or alive; or dilatory methods, willful neglect, or misrepresentation in the inspection of milk, meat, poultry, and the by-products thereof.

V. Conviction on a charge of cruelty to animals.

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

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

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

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

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

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

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

DD. Fraud or misrepresentation in applying for, or

procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 115/25.19 new)

(Section scheduled to be repealed on January 1, 2004)

Sec. 25.19. Mandatory reporting. Nothing in this Act exempts a licensee from the mandatory reporting requirements regarding suspected acts of aggravated cruelty, torture, and

animal fighting imposed under Sections 3.07 and 4.01 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(225 ILCS 115/9 rep.)

Section 18. The Veterinary Medicine and Surgery Practice Act of 1994 is amended by repealing Section 9.

Section 20. The Animal Welfare Act is amended by changing Section 2 as follows:

(225 ILCS 605/2) (from Ch. 8, par. 302)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed

under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

"Person" means any person, firm, corporation, partnership, association or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator.

"Cattery operator" means any person who operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cattery operator.

"Animal control facility" means any facility operated by or under contract for the State, county, or any municipal corporation or political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs, cats, and other animals. "Animal

control facility" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter, not to exceed 4 animals at any given time. Permits to operate as a "foster home" shall be issued through the animal shelter.

"Guard dog service" means an entity that, for a fee, furnishes or leases guard or sentry dogs for the protection of life or property. A person is not a guard dog service solely because he or she owns a dog and uses it to guard his or her home, business, or farmland.

"Guard dog" means a type of dog used primarily for the purpose of defending, patrolling, or protecting property or life at a commercial establishment other than a farm. "Guard dog" does not include stock dogs used primarily for handling and controlling livestock or farm animals, nor does it include personally owned pets that also provide security.

"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the

facility.

(Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
90-403, eff. 8-15-97.)

Section 25. The Elder Abuse and Neglect Act is amended
by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the
context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual
injury to an eligible adult, including exploitation of such
adult's financial resources.

Nothing in this Act shall be construed to mean that an
eligible adult is a victim of abuse or neglect for the sole
reason that he or she is being furnished with or relies upon
treatment by spiritual means through prayer alone, in
accordance with the tenets and practices of a recognized
church or religious denomination.

Nothing in this Act shall be construed to mean that an
eligible adult is a victim of abuse because of health care
services provided or not provided by licensed health care
professionals.

(a-5) "Abuser" means a person who abuses, neglects, or
financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result
of a family relationship, voluntarily, or in exchange for
compensation has assumed responsibility for all or a portion
of the care of an eligible adult who needs assistance with
activities of daily living.

(b) "Department" means the Department on Aging of the
State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where

the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act; and

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following

persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004 1994, and the Illinois Public Accounting Act;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) a Christian Science Practitioner;

(5) field personnel of the Department of Public Aid, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; or

(8) a person who performs the duties of a coroner or medical examiner.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or medical care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any

planning and service area where another agency is not so designated.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, or financial exploitation in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.

(Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

Section 30. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.21 as follows:

(410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

Sec. 3.21. Except as authorized by this Act, the Controlled Substances Act, the Pharmacy Practice Act of 1987, the Dental Practice Act, the Medical Practice Act of 1987, the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~, or the Podiatric Medical Practice Act of 1987, to sell or dispense a prescription drug without a prescription.

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

Section 35. The Humane Care for Animals Act is amended by changing Section 2.01h as follows:

(510 ILCS 70/2.01h)

Sec. 2.01h. Animal shelter. "Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice

Act of 2004 ~~1994~~ which operates for the above mentioned purpose in addition to its customary purposes.

(Source: P.A. 92-454, eff. 1-1-02.)

Section 40. The Humane Euthanasia in Animal Shelters Act is amended by changing Section 5 as follows:

(510 ILCS 72/5)

Sec. 5. Definitions.

The following terms have the meanings indicated, unless the context requires otherwise:

"Animal" means any bird, fish, reptile, or mammal other than man.

"DEA" means the United States Department of Justice Drug Enforcement Administration.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Euthanasia agency" means an entity certified by the Department for the purpose of animal euthanasia that holds an animal control facility or animal shelter license under the Animal Welfare Act.

"Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) as set forth in the Illinois Controlled Substances Act that are used by a euthanasia agency for the purpose of animal euthanasia.

"Euthanasia technician" or "technician" means a person employed by a euthanasia agency or working under the direct supervision of a veterinarian and who is certified by the Department to administer euthanasia drugs to euthanize animals.

"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the

Veterinary Medicine and Surgery Practice Act of 2004 1994.

(Source: P.A. 92-449, eff. 1-1-02.)

Section 45. The Good Samaritan Act is amended by changing Section 60 as follows:

(745 ILCS 49/60)

Sec. 60. Veterinarians; exemption from civil liability for emergency care to humans. Any person licensed under the Veterinary Medicine and Surgery Practice Act of 2004 1994 or any person licensed as a veterinarian in any other state or territory of the United States who in good faith provides emergency care to a human victim of an accident, at the scene of an accident or in a catastrophe shall not be liable for civil damages as a result of his or her acts or omissions, except for willful or wanton misconduct on the part of the person in providing the care.

(Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

Section 99. Effective date. This Act takes effect on December 31, 2003.