

AN ACT concerning regulation.

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

Section 1. The Regulatory Sunset Act is amended by changing Sections 4.23 and 4.33 as follows:

(5 ILCS 80/4.23)

Sec. 4.23. Section Acts and Sections repealed on January 1, 2013. The following Section of an Act is Acts and Sections of Acts are repealed on January 1, 2013:

~~The Dietetic and Nutrition Services Practice Act.~~

Section 2.5 of the Illinois Plumbing License Law.
(Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12; 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

(5 ILCS 80/4.33)

Sec. 4.33. Acts Act repealed on January 1, 2023. The following Acts are Act is repealed on January 1, 2023:

The Dietitian Nutritionist Practice Act.

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act of 2011.

The Funeral Directors and Embalmers Licensing Code.

The Naprapathic Practice Act.

The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act.

The Wholesale Drug Distribution Licensing Act.

(Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

Section 2. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-210 as follows:

(20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)

Sec. 2310-210. Advisory Panel on Minority Health.

(a) In this Section:

"Health profession" means any health profession regulated under the laws of this State, including, without limitation, professions regulated under the Illinois Athletic Trainers Practice Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric

Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Professional Counselor and Clinical Professional Counselor Licensing Act, and the Illinois Speech-Language Pathology and Audiology Practice Act.

"Minority" has the same meaning as in Section 2310-215.

(b) The General Assembly finds as follows:

(1) The health status of individuals from ethnic and racial minorities in this State is significantly lower than the health status of the general population of the State.

(2) Minorities suffer disproportionately high rates of cancer, stroke, heart disease, diabetes, sickle-cell anemia, lupus, substance abuse, acquired immune deficiency syndrome, other diseases and disorders, unintentional injuries, and suicide.

(3) The incidence of infant mortality among minorities is almost double that for the general population.

(4) Minorities suffer disproportionately from lack of access to health care and poor living conditions.

(5) Minorities are under-represented in the health care professions.

(6) Minority participation in the procurement policies of the health care industry is lacking.

(7) Minority health professionals historically have tended to practice in low-income areas and to serve minorities.

(8) National experts on minority health report that access to health care among minorities can be substantially improved by increasing the number of minority health professionals.

(9) Increasing the number of minorities serving on the facilities of health professional schools is an important factor in attracting minorities to pursue a career in health professions.

(10) Retaining minority health professionals currently practicing in this State and those receiving training and education in this State is an important factor in maintaining and increasing the number of minority health professionals in Illinois.

(11) An Advisory Panel on Minority Health is necessary to address the health issues affecting minorities in this State.

(c) The General Assembly's intent is as follows:

(1) That all Illinoisans have access to health care.

(2) That the gap between the health status of minorities and other Illinoisans be closed.

(3) That the health issues that disproportionately affect minorities be addressed to improve the health status of minorities.

(4) That the number of minorities in the health professions be increased.

(d) The Advisory Panel on Minority Health is created. The

Advisory Panel shall consist of 25 members appointed by the Director of Public Health. The members shall represent health professions and the General Assembly.

(e) The Advisory Panel shall assist the Department in the following manner:

(1) Examination of the following areas as they relate to minority health:

- (A) Access to health care.
- (B) Demographic factors.
- (C) Environmental factors.
- (D) Financing of health care.
- (E) Health behavior.
- (F) Health knowledge.
- (G) Utilization of quality care.
- (H) Minorities in health care professions.

(2) Development of monitoring, tracking, and reporting mechanisms for programs and services with minority health goals and objectives.

(3) Communication with local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide, on an ongoing basis, to learn more about their services to minority communities, the health problems of minority communities, and their ideas for improving minority health.

(4) Promotion of communication among all State

agencies that provide services to minority populations.

(5) Building coalitions between the State and leadership in minority communities.

(6) Encouragement of recruitment and retention of minority health professionals.

(7) Improvement in methods for collecting and reporting data on minority health.

(8) Improvement in accessibility to health and medical care for minority populations in under-served rural and urban areas.

(9) Reduction of communication barriers for non-English speaking residents.

(10) Coordination of the development and dissemination of culturally appropriate and sensitive education material, public awareness messages, and health promotion programs for minorities.

(f) On or before January 1, 1997 the Advisory Panel shall submit an interim report to the Governor and the General Assembly. The interim report shall include an update on the Advisory Panel's progress in performing its functions under this Section and shall include recommendations, including recommendations for any necessary legislative changes.

On or before January 1, 1998 the Advisory Panel shall submit a final report to the Governor and the General Assembly. The final report shall include the following:

(1) An evaluation of the health status of minorities in

this State.

(2) An evaluation of minority access to health care in this State.

(3) Recommendations for improving the health status of minorities in this State.

(4) Recommendations for increasing minority access to health care in this State.

(5) Recommendations for increasing minority participation in the procurement policies of the health care industry.

(6) Recommendations for increasing the number of minority health professionals in this State.

(7) Recommendations that will ensure that the health status of minorities in this State continues to be addressed beyond the expiration of the Advisory Panel.

(Source: P.A. 95-639, eff. 10-5-07.)

Section 3. The Illinois Insurance Code is amended by changing Section 356w as follows:

(215 ILCS 5/356w)

Sec. 356w. Diabetes self-management training and education.

(a) A group policy of accident and health insurance that is amended, delivered, issued, or renewed after the effective date of this amendatory Act of 1998 shall provide coverage for

outpatient self-management training and education, equipment, and supplies, as set forth in this Section, for the treatment of type 1 diabetes, type 2 diabetes, and gestational diabetes mellitus.

(b) As used in this Section:

"Diabetes self-management training" means instruction in an outpatient setting which enables a diabetic patient to understand the diabetic management process and daily management of diabetic therapy as a means of avoiding frequent hospitalization and complications. Diabetes self-management training shall include the content areas listed in the National Standards for Diabetes Self-Management Education Programs as published by the American Diabetes Association, including medical nutrition therapy and education programs, as defined by the contract of insurance, that allow the patient to maintain an A1c level within the range identified in nationally recognized standards of care.

"Medical nutrition therapy" shall have the meaning ascribed to that term ~~"medical nutrition care"~~ in the Dietitian Nutritionist Dietetic and Nutrition Services Practice Act.

"Physician" means a physician licensed to practice medicine in all of its branches providing care to the individual.

"Qualified provider" for an individual that is enrolled in:

- (1) a health maintenance organization that uses a primary care physician to control access to specialty care

means (A) the individual's primary care physician licensed to practice medicine in all of its branches, (B) a physician licensed to practice medicine in all of its branches to whom the individual has been referred by the primary care physician, or (C) a certified, registered, or licensed network health care professional with expertise in diabetes management to whom the individual has been referred by the primary care physician.

(2) an insurance plan means (A) a physician licensed to practice medicine in all of its branches or (B) a certified, registered, or licensed health care professional with expertise in diabetes management to whom the individual has been referred by a physician.

(c) Coverage under this Section for diabetes self-management training, including medical nutrition education, shall be limited to the following:

(1) Up to 3 medically necessary visits to a qualified provider upon initial diagnosis of diabetes by the patient's physician or, if diagnosis of diabetes was made within one year prior to the effective date of this amendatory Act of 1998 where the insured was a covered individual, up to 3 medically necessary visits to a qualified provider within one year after that effective date.

(2) Up to 2 medically necessary visits to a qualified provider upon a determination by a patient's physician that

a significant change in the patient's symptoms or medical condition has occurred. A "significant change" in condition means symptomatic hyperglycemia (greater than 250 mg/dl on repeated occasions), severe hypoglycemia (requiring the assistance of another person), onset or progression of diabetes, or a significant change in medical condition that would require a significantly different treatment regimen.

Payment by the insurer or health maintenance organization for the coverage required for diabetes self-management training pursuant to the provisions of this Section is only required to be made for services provided. No coverage is required for additional visits beyond those specified in items (1) and (2) of this subsection.

Coverage under this subsection (c) for diabetes self-management training shall be subject to the same deductible, co-payment, and co-insurance provisions that apply to coverage under the policy for other services provided by the same type of provider.

(d) Coverage shall be provided for the following equipment when medically necessary and prescribed by a physician licensed to practice medicine in all of its branches. Coverage for the following items shall be subject to deductible, co-payment and co-insurance provisions provided for under the policy or a durable medical equipment rider to the policy:

- (1) blood glucose monitors;

- (2) blood glucose monitors for the legally blind;
- (3) cartridges for the legally blind; and
- (4) lancets and lancing devices.

This subsection does not apply to a group policy of accident and health insurance that does not provide a durable medical equipment benefit.

(e) Coverage shall be provided for the following pharmaceuticals and supplies when medically necessary and prescribed by a physician licensed to practice medicine in all of its branches. Coverage for the following items shall be subject to the same coverage, deductible, co-payment, and co-insurance provisions under the policy or a drug rider to the policy:

- (1) insulin;
- (2) syringes and needles;
- (3) test strips for glucose monitors;
- (4) FDA approved oral agents used to control blood sugar; and
- (5) glucagon emergency kits.

This subsection does not apply to a group policy of accident and health insurance that does not provide a drug benefit.

(f) Coverage shall be provided for regular foot care exams by a physician or by a physician to whom a physician has referred the patient. Coverage for regular foot care exams shall be subject to the same deductible, co-payment, and

co-insurance provisions that apply under the policy for other services provided by the same type of provider.

(g) If authorized by a physician, diabetes self-management training may be provided as a part of an office visit, group setting, or home visit.

(h) This Section shall not apply to agreements, contracts, or policies that provide coverage for a specified diagnosis or other limited benefit coverage.

(Source: P.A. 97-281, eff. 1-1-12.)

Section 5. The Dietetic and Nutrition Services Practice Act is amended by changing Sections 1, 10, 15, 15.5, 20, 30, 37, 45, 65, 70, 80, 85, 95, 97, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 155, 165, 175, and 180 and by adding Section 108 as follows:

(225 ILCS 30/1) (from Ch. 111, par. 8401-1)

(Section scheduled to be repealed on January 1, 2013)

Sec. 1. Short title. This Act may be cited as the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

(Source: P.A. 87-784.)

(225 ILCS 30/10) (from Ch. 111, par. 8401-10)

(Section scheduled to be repealed on January 1, 2013)

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

"Address of record" means the designated address recorded

by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Board" means the Dietitian Nutritionist Practice Board appointed by the Secretary ~~Director~~.

"Certified clinical nutritionist" means an individual certified by the Clinical Nutrition Certification Board.

"Certified nutrition specialist" means an individual certified by the Certification Board of Nutrition Specialists.

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

"Dietetics and nutrition services" means the integration and application of principles derived from the sciences of food and nutrition to provide for all aspects of nutrition care for individuals and groups, including, but not limited to:

(1) nutrition counseling; "nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment;

(2) nutrition assessment; "nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations;

(3) medically prescribed diet; "medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches;

(4) medical nutrition therapy; "medical nutrition therapy" means the component of nutrition care that deals with:

(A) interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, enteral feedings, specialized intravenous solutions, and specialized oral feedings;

(B) food and prescription drug interactions; and

(C) developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets;

(5) nutrition services for individuals and groups; "nutrition services for individuals and groups" includes, but is not limited to, all of the following:

(A) providing nutrition assessments relative to preventive maintenance or restorative care;

(B) providing nutrition education and nutrition counseling as components of preventive maintenance or

restorative care; and

(C) developing and managing systems whose chief function is nutrition care; nutrition services for individuals and groups does not include medical nutrition therapy as defined in this Act; and

(6) restorative; "restorative" means the component of nutrition care that deals with oral dietary needs for individuals and groups; activities shall relate to the metabolism of food and the requirements for nutrients, including dietary supplements for growth, development, maintenance, or attainment of optimal health.

~~"Dietetics" means the integration and application of principles derived from the sciences of food and nutrition to provide for all aspects of nutrition care for individuals and groups, including, but not limited to nutrition services and medical nutrition therapy as defined in this Act.~~

"Diplomate of the American Clinical Board of Nutrition" means an individual certified by the American Clinical Board of Nutrition.

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

"Licensed dietitian nutritionist" means a person licensed under this Act to practice dietetics and nutrition services, as defined in this Section ~~including medical nutrition therapy.~~ Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an

individual.

~~"Medical nutrition therapy" means the component of nutrition care that deals with:~~

~~(a) interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to tube feedings, specialized intravenous solutions, and specialized oral feedings;~~

~~(b) food and prescription drug interactions; and~~

~~(c) developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets.~~

~~"Medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches.~~

~~"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations.~~

~~"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment.~~

~~"Nutrition services for individuals and groups" shall~~

~~include, but is not limited to, all of the following;~~

~~(a) Providing nutrition assessments relative to preventive maintenance or restorative care.~~

~~(b) Providing nutrition education and nutrition counseling as components of preventive maintenance or restorative care.~~

~~(c) Developing and managing systems whose chief function is nutrition care. Nutrition services for individuals and groups does not include medical nutrition therapy as defined in this Act.~~

"Practice experience" means a preprofessional, documented, supervised practice in dietetics or nutrition services that is acceptable to the Department in compliance with requirements for licensure, as specified in Section ~~Sections~~ 45 ~~and~~ 50. It may be or may include a documented, supervised practice experience which is a component of the educational requirements for licensure, as specified in Section 45 ~~or~~ 50.

"Registered dietitian" means an individual registered with the Commission on Dietetic Registration, the accrediting body of the Academy of Nutrition and Dietetics, formerly known as ~~for~~ the American Dietetic Association.

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

~~"Restorative" means the component of nutrition care that deals with oral dietary needs for individuals and groups. Activities shall relate to the metabolism of food and the~~

~~requirements for nutrients, including dietary supplements for growth, development, maintenance, or attainment of optimal health.~~

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/15) (from Ch. 111, par. 8401-15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15. License required.

(a) No person may engage for remuneration in the practice of dietetics and nutrition services ~~nutrition services practice~~ or hold himself or herself out as a licensed dietitian nutritionist unless the person is licensed in accordance with this Act. ~~or meets one or more of the following criteria:~~

(b) This Section does not prohibit the practice of dietetics and nutrition services by the following:

(1) ~~A~~ The person is licensed in this State under any other Act that authorizes the person to provide these services. (2) The person that is licensed to practice nutrition under the law of another state, territory of the United States, or country and has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.

~~(b) No person shall practice dietetics, as defined in this~~

~~Act, or hold himself or herself out as a licensed dietitian nutritionist unless that person is so licensed under this Act or meets one or more of the following criteria:~~

~~(1) The person is licensed in this State under any other Act that authorizes the person to provide these services.~~

~~(2) The person is a dietary technical support person, working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program, who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with this Act and whose services are retained by that facility or program on a full time or regular, ongoing consultant basis.~~

~~(2) A (3) The person that is licensed to practice dietetics under the law of another state, territory of the United States, or country, or is a certified nutrition specialist, a certified clinical nutritionist, a diplomate of the American Clinical Board of Nutrition, or a registered dietitian, who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after the filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.~~

~~(c) No person shall practice dietetics or nutrition~~

~~services, as defined in this Act, or hold himself or herself out as a licensed dietitian nutritionist, a dietitian, a nutritionist, or a nutrition counselor unless the person is licensed in accordance with this Act.~~

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/15.5)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out as being able to provide ~~practice~~ dietetics and ~~or~~ nutrition services without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/20) (from Ch. 111, par. 8401-20)

(Section scheduled to be repealed on January 1, 2013)

Sec. 20. Exemptions. This Act does not prohibit or restrict:

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

(b) The practice of dietetics and ~~or~~ nutrition services by a person who is employed by the United States or State government or any of its bureaus, divisions, or agencies while in the discharge of the employee's official duties.

(c) The practice of dietetics and nutrition services by a person employed as a cooperative extension home economist, to the extent the activities are part of his or her employment.

(d) The practice of dietetics and nutrition services ~~or dietetics~~ by a person pursuing a course of study leading to a degree in dietetics, nutrition, or an equivalent major, ~~as authorized by the Department,~~ from a regionally accredited school or program, if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person's status as a student or trainee.

(e) The practice of dietetics and nutrition services ~~or dietetics~~ by a person fulfilling the supervised practice experience component of Section ~~Sections~~ 45 ~~or~~ 50, if the

activities and services constitute a part of the experience necessary to meet the requirements of Section 45 ~~or 50~~.

(f) A person, including a licensed acupuncturist, from:

(1) providing oral nutrition information as an operator or employee of a health food store or business that sells health products, including dietary supplements, food, or food materials; ~~or~~

(2) disseminating written nutrition information in connection with the marketing and distribution of those products, or discussing the use of those products, both individually and as components of nutritional programs, including explanations of their federally regulated label claims, any known drug-nutrient interactions, their role in various diets, or suggestions as how to best use and combine them.

(g) The practice of dietetics and nutrition services by an educator who is in the employ of a nonprofit organization; ~~as authorized by the Department,~~ a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or a regionally accredited institution of higher education, as long as the activities and services of the educator are part of his or her employment.

(h) The practice of dietetics and nutrition services by any person who provides weight control services, provided the nutrition program has been reviewed by, consultation is available from, and no program change can be initiated without

prior approval by an individual licensed under this Act, an individual licensed to practice dietetics or nutrition services in another state that has licensure requirements considered by the Department to be at least as stringent as the requirements for licensure under this Act, or a registered dietitian.

(i) The practice of dietetics and nutrition services ~~or dietetics~~ by any person with a masters or doctorate degree with a major in nutrition or equivalent from a regionally accredited school recognized by the Department for the purpose of education and research.

(j) A person from providing general nutrition information or encouragement of general healthy eating choices that does not include the development of a customized nutrition regimen for a particular client or individual, or from providing encouragement for compliance with a customized nutrition plan prepared by a licensed dietitian nutritionist or any other licensed professional whose scope of practice includes nutrition assessment and counseling. ~~Any person certified in this State and who is employed by a facility or program regulated by the State of Illinois from engaging in the practice for which he or she is certified and authorized by the Department.~~

(k) The practice of dietetics and nutrition services by a graduate of a 2 year associate program or a 4 year baccalaureate program from a school or program accredited at

the time of graduation by the appropriate accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education with a major in human nutrition, food and nutrition or its equivalent, as authorized by the Department, who is directly supervised by an individual licensed under this Act.

(l) Providing nutrition information as an employee of a nursing facility operated exclusively by and for those relying upon spiritual means through prayer alone for healing in accordance with the tenets and practices of a recognized church or religious denomination.

(m) A dietary technical support person working in a hospital setting or a regulated Department of Public Health or Department on Aging facility or program who has been trained and is supervised while engaged in the practice of dietetics by a licensed dietitian nutritionist in accordance with this Act and whose services are retained by that facility or program on a full-time or regular, ongoing consultant basis.

The provisions of this Act shall not be construed to prohibit or limit any person from the free dissemination of information, from conducting a class or seminar, or from giving a speech related to nutrition if that person does not hold himself or herself out as a licensed dietitian nutritionist ~~nutrition counselor or licensed dietitian~~ in a manner prohibited by Section 15.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/30) (from Ch. 111, par. 8401-30)

(Section scheduled to be repealed on January 1, 2013)

Sec. 30. Dietitian Nutritionist Practice Board. The Secretary ~~Director~~ shall appoint a Dietitian Nutritionist Practice Board as follows: 7 individuals who shall be appointed by and shall serve in an advisory capacity to the Secretary ~~Director~~. Of these 7 individuals, 6 ~~4~~ members must be licensed under this Act, 2 of which must be a registered dietitian and 2 of which must be either a certified clinical nutritionist, a certified nutrition specialist, or a diplomate of the American Clinical Board of Nutrition, ~~; one member must be a physician licensed to practice medicine in all of its branches; one member must be a licensed professional nurse;~~ and one member must be a public member not licensed under this Act.

Members shall serve 3-year ~~3-year~~ terms and until their successors are appointed and qualified, ~~except the terms of the initial appointments.~~ No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. ~~Initial terms shall begin upon the effective date of this Act and Board members in office on that date shall be appointed to specific terms as indicated in this Section.~~

Insofar as possible, the licensed professionals appointed

to serve on the Board shall be generally representative of the geographical distribution of licensed professionals within ~~The membership of the Board shall reasonably represent all the geographic areas in this State. Any time there is a vacancy on the Board, any professional association composed of persons licensed under this Act may recommend licensees to fill the vacancy to the Board for the appointment of licensees, the organization representing the largest number of licensed physicians for the appointment of physicians to the Board, and the organization representing the largest number of licensed professional nurses for the appointment of a nurse to the Board.~~

A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as members of the Board.

The Secretary ~~Director~~ shall have the authority to remove or suspend any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause ~~from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.~~

The Secretary ~~Director~~ shall consider the recommendation of the Board on questions of standards of professional conduct,

discipline, and qualifications of candidates or licensees under this Act.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/45) (from Ch. 111, par. 8401-45)

(Section scheduled to be repealed on January 1, 2013)

Sec. 45. Dietitian nutritionist; qualifications. A person shall be qualified for licensure as a dietitian nutritionist if that person meets all of the following requirements:

(a) Has applied in writing in form and substance acceptable to the Department and possesses a baccalaureate degree or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutrition and integrative health, or an equivalent major course of study as recommended by the Board and approved by the Department from a school or program accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(b) Has successfully completed an ~~the~~ examination authorized by the Department which may be or may include examinations ~~an examination~~ given by each of the American Clinical Board of Nutrition, the Certification Board of

Nutrition Specialists, the Clinical Nutrition Certification Board, and the Commission on Dietetic Registration, or another examination approved by the Department.

The Department shall establish by rule a waiver of the examination requirement to applicants who, at the time of application, are acknowledged to be certified clinical nutritionists by the Clinical Nutrition Certification Board, certified nutrition specialists by the Certification Board of Nutrition Specialists, diplomates of the American Clinical Board of Nutrition, or registered dietitians by the Commission on Dietetic Registration and who are in compliance with other qualifications as included in the Act.

(c) Has completed a dietetic internship or documented, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a certified clinical nutritionist, certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, ~~or~~ food systems management, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health. Supervised

practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/65) (from Ch. 111, par. 8401-65)

(Section scheduled to be repealed on January 1, 2013)

Sec. 65. Expiration and renewal dates. The expiration date and renewal period for each license issued under this Act shall be set by rule.

~~As a condition for renewal of a license that expires on October 31, 2003, a licensed nutrition counselor shall be required to complete and submit to the Department proof of 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. A minimum of 24 hours of the required 30 hours of continuing education shall be in medical nutrition therapy, which shall include diet therapy, medical dietetics, clinical nutrition, or the equivalent, as provided by continuing education sponsors approved by the Department. The Department may adopt rules to implement this Section.~~

As a condition for renewal of a license, the licensee shall

~~be required to complete 30 hours of continuing education in dietetics or nutrition services during the 24 months preceding the expiration date of the license in accordance with rules established by the Department. The continuing education shall be in courses approved by the Commission on Dietetic Registration or in courses taken from a sponsor approved by the Department. A sponsor shall be required to file an application, meet the requirements set forth in the rules of the Department, and pay the appropriate fee. The requirements for continuing education may be waived, in whole or in part, in cases of extreme hardship as defined by rule of the Department. The Department shall provide an orderly process for the reinstatement of licenses that have not been renewed due to the failure to meet the continuing education requirements of this Section.~~

~~Any person who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by submitting an application to the Department, meeting continuing education requirements, and filing proof acceptable with the Department of fitness to have the license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.~~

~~If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the~~

~~Department shall determine, by an evaluation program established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated professional experience and may require successful completion of a practical examination.~~

~~Any person, however, whose license expired while (i) in Federal Service on active duty with the Armed Forces of the United States, or called into service or training with the State Militia, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that the service, training or education has been terminated.~~

(Source: P.A. 92-642, eff. 7-11-02.)

(225 ILCS 30/70) (from Ch. 111, par. 8401-70)

(Section scheduled to be repealed on January 1, 2013)

Sec. 70. Inactive status; restoration; military service.

(a) Any person who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the

desires to resume active status.

(b) A licensee who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by making application to the Department by filing proof acceptable to the Department of his or her fitness to have the license restored and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction. If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, then the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for restoration.

(c) A licensee whose license expired while he or she was (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States before induction into the military service, may have the license restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(d) Any person requesting restoration from inactive status

shall be required to pay the current renewal fee, shall meet continuing education requirements, and shall be required to restore his or her license as provided in Section 65 of this Act.

(e) A person licensed under this Act whose license is on inactive status or in a non-renewed status shall not engage in the practice of dietetics or nutrition services in the State of Illinois or use the title or advertise that he or she performs the services of a licensed dietitian nutritionist.

(f) Any person violating this Section shall be considered to be practicing without a license and will be subject to the disciplinary provisions of this Act.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/80) (from Ch. 111, par. 8401-80)

(Section scheduled to be repealed on January 1, 2013)

Sec. 80. Use of title; advertising. Only a person who is issued a license as a dietitian nutritionist under this Act may use the words "dietitian nutritionist", "dietitian", "licensed nutritionist", or "nutrition counselor" or the letters "L.D.N." in connection with his or her name.

~~A person who meets the additional criteria for registration by the Commission on Dietetic Registration for the American Dietetic Association may assume or use the title or designation "Registered Dietitian" or "Registered Dietician" or use the letters "R.D." or any words, letters, abbreviations, or~~

~~insignia indicating that the person is a registered dietitian.~~

~~Any person who meets the additional criteria for certification by the Clinical Nutrition Certification Board of the International and American Associations of Clinical Nutritionists may assume or use the title or designation "Certified Clinical Nutritionist" or use the letters "C.C.N." or any words, letters, abbreviations, or insignia indicating that the person is a certified clinical nutritionist.~~

~~Any person who meets the additional criteria for certification by the Certification Board of Nutrition Specialists may assume or use the title or designation "Certified Nutrition Specialist", or use the letters "C.N.S." or any words, letters, abbreviations, or insignia indicating that the person is a certified nutrition specialist.~~

A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act. Advertisements shall not include false, fraudulent, deceptive, or misleading material or guarantees of success.

(Source: P.A. 92-642, eff. 10-31-03.)

(225 ILCS 30/85) (from Ch. 111, par. 8401-85)

(Section scheduled to be repealed on January 1, 2013)

Sec. 85. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including, but not limited to, original licensure,

registration, renewal, and restoration. The fees shall be nonrefundable.

All fees, fines, and penalties collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

(Source: P.A. 91-454, eff. 1-1-00.)

(225 ILCS 30/95) (from Ch. 111, par. 8401-95)

(Section scheduled to be repealed on January 1, 2013)

Sec. 95. Grounds for discipline.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate ~~proper~~, including imposing fines not to exceed \$10,000 ~~\$1000~~ for each violation, with regard to any license or certificate for any one or combination of the following causes:

(a) Material misstatement in furnishing information to the Department.

(b) Violations of this Act or of its ~~its~~ rules adopted under this Act.

(c) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision,

conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession ~~Conviction of any crime under the laws of the United States or any state or territory thereof that is (i) a felony; (ii) a misdemeanor, an essential element of which is dishonesty; or (iii) a crime that is directly related to the practice of the profession.~~

(d) Fraud or Making any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act ~~for the purpose of obtaining licensure or violating any provision of this Act.~~

(e) Professional incompetence or gross negligence.

(f) Malpractice.

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

(h) Failing to provide information within 60 days 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 abuse of drugs defined in law as controlled substances, alcohol ~~addiction to~~

~~alcohol, narcotics, stimulants, or any other substance that chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.~~

(k) Discipline by another state, the District of Columbia, territory, or country, or governmental agency if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(l) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered ~~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 any professional services not actually or personally rendered.~~ Nothing in this paragraph (1) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (1) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(m) A finding by the Department that the licensee,

after having his or her license placed on probationary status, has violated the terms of probation.

(n) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments
~~Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of dietetics or nutrition counseling, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.~~

(o) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act
~~A finding that licensure has been applied for or obtained by fraudulent means.~~

(p) Practicing under a false or, except as provided by law, an assumed name
~~or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.~~

(q) Gross and willful overcharging for professional services
~~including filing statements for collection of fees or monies for which services are not rendered.~~

(r) (Blank).
~~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 any such tax Act are satisfied.~~

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

(t) Cheating on or attempting to subvert a licensing examination administered under this Act.

(u) Mental illness or disability that results in the inability to practice under this Act with reasonable judgment, skill, or safety.

(v) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill that results in a licensee's inability to practice under this Act with reasonable judgment, skill, or safety.

(2) The Department may refuse to issue or may suspend without hearing, as provided for in the Code of Civil Procedure, the license of any person who fails to file a return, or pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(3) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an

educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(4) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 1205-15 of the Civil Administrative Code of Illinois.

(5) The determination by a circuit court that a licensee 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 shall end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient.

(6) In enforcing this Act, the Department, upon a showing of a possible violation, may compel an individual licensed to

practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Act or who has applied for a license under this Act who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to

practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, then the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

~~(2) 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 physician shall be specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant. No information may be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician. An individual to be examined may have, at his or her own expense, another physician 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 time that the individual submits to the examination or the Board finds, after notice and a hearing, that the refusal to submit to the examination was with reasonable cause. If the Board finds that an individual is 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 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 him or her. 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 individual shall have his or her license suspended immediately, pending a hearing by the Board.~~

~~The Department shall deny any license or renewal under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.~~

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

(Source: P.A. 96-1482, eff. 11-29-10.)

(Section scheduled to be repealed on January 1, 2013)

Sec. 97. Payments; penalty for insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

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

(225 ILCS 30/100) (from Ch. 111, par. 8401-100)

(Section scheduled to be repealed on January 1, 2013)

Sec. 100. Injunctions; cease and desist orders.

(a) If any person violates a provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a dietitian nutritionist ~~dietitian or nutrition counselor~~ or holds himself or herself out as such without having a valid license under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person

violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should be entered against him or her. The rule shall clearly set forth the grounds relied upon the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause in order to cease and desist to be issued immediately.

(Source: P.A. 87-784.)

(225 ILCS 30/105) (from Ch. 111, par. 8401-105)

(Section scheduled to be repealed on January 1, 2013)

Sec. 105. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any applicant or of any person or persons holding or claiming to hold a license or certificate of registration. The Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 95 ~~before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license or certificate of registration,~~ at least 30 days before the date set for the hearing, (i) notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, (ii) direct him or her to file his or her written answer to the charges with the Board under oath within 20 days after the service ~~on him or~~

~~her~~ of ~~the such~~ notice, and (iii) inform the applicant or licensee ~~him or her~~ that failure if he or she fails to file an answer shall result in, default being ~~will be~~ taken against the applicant or licensee. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license, may, in the discretion of the Department, be revoked, suspended, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record. ~~him or her and his or her license or certificate of registration may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken with regard to the license or certificate, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, his or her license or certificate may, in the discretion of the~~

~~Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.~~

~~This written notice and any notice in the subsequent proceedings may be served by personal delivery to the accused person, or by registered or certified mail to the address last specified by the accused in his or her last notification to the Department. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. At the discretion of the Director after having first received the recommendation of the Board, the accused person's certificate of registration may be suspended or revoked, if the evidence constitutes sufficient grounds for such action under this Act.~~

(Source: P.A. 87-784; 87-1000; 87-1031; 88-45.)

(225 ILCS 30/108 new)

Sec. 108. Confidentiality. All information collected by

the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 30/110) (from Ch. 111, par. 8401-110)

(Section scheduled to be repealed on January 1, 2013)

Sec. 110. Record of hearing. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, and other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and orders of the Department shall be in the record of the proceedings. ~~The Department shall furnish~~

~~a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 30/115) (from Ch. 111, par. 8401-115)

(Section scheduled to be repealed on January 1, 2013)

Sec. 115. Subpoenas; oaths; attendance of witnesses.

(a) The Department may ~~shall have the power to~~ subpoena and ~~to~~ bring before it any person ~~and~~ to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

(b) The Secretary Director, the ~~designated~~ hearing officer, any and every member of the Board, or a certified shorthand court reporter may ~~shall have power to~~ administer oaths ~~to witnesses~~ at any hearing that the Department conducts ~~is authorized to conduct and any other oaths authorized in any Act administered by the Department.~~ Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in

accordance with this Act.

(c) Any circuit court ~~may~~, upon application of the Department or ~~designee or of the applicant, licensee, or person holding a license against whom proceedings under this Act are pending,~~ may enter an order requiring the attendance and testimony of witnesses ~~and their testimony,~~ and the production of relevant documents, papers, files, books and records in connection with any hearing or investigations. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/120) (from Ch. 111, par. 8401-120)

(Section scheduled to be repealed on January 1, 2013)

Sec. 120. Board report. At the conclusion of the hearing, the Board shall present to the Secretary ~~Director~~ a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary ~~Director~~.

The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order for refusing to issue, restore, or renew a license or otherwise disciplining a licensee ~~refusal or for the granting of a license~~. If the Secretary ~~Director~~ disagrees in

any regard with the report of the Board, the Secretary ~~Director~~ may issue an order in contravention of the report. ~~The Director shall provide a written report to the Board on any deviation and shall specify with particularity the reasons for that action in the final order.~~ The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding is not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 87-784.)

(225 ILCS 30/125) (from Ch. 111, par. 8401-125)

(Section scheduled to be repealed on January 1, 2013)

Sec. 125. Motion for rehearing. In any hearing involving the refusal to issue or renew or the discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after the service, the respondent may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if motion for rehearing is denied, then upon denial, the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board, except as provided for in Section 120. If the respondent orders a

transcript of the record from the reporting service and pays for it within the time for filing a motion for rehearing, the 20 calendar day period within which a motion for rehearing may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/130) (from Ch. 111, par. 8401-130)

(Section scheduled to be repealed on January 1, 2013)

Sec. 130. Order for rehearing ~~Rehearing~~. Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license the Secretary ~~Director~~ may order a rehearing by the same or other hearing officers ~~examiners~~.

(Source: P.A. 87-784.)

(225 ILCS 30/135) (from Ch. 111, par. 8401-135)

(Section scheduled to be repealed on January 1, 2013)

Sec. 135. Hearing officer. The Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or to discipline a licensee or person holding a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Secretary ~~Director~~.

The Board shall have 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 calendar day period, the Secretary ~~Director~~ may issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees with the recommendation of the Board or of the hearing officer, the Secretary ~~Director~~ may issue an order in contravention of the recommendation.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/140) (from Ch. 111, par. 8401-140)

(Section scheduled to be repealed on January 1, 2013)

Sec. 140. Order; certified copy. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof:

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

(b) that the Secretary ~~Director~~ is duly appointed and qualified. ~~and~~

~~(c) that the Board and the Board members are qualified.~~

(Source: P.A. 87-784.)

(225 ILCS 30/145) (from Ch. 111, par. 8401-145)

(Section scheduled to be repealed on January 1, 2013)

Sec. 145. Restoration of license from discipline. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to the licensee, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest or that the licensee has not been sufficiently rehabilitated to warrant the public trust. No person or entity whose license, certificate, or authority has been revoked as authorized in this Act may apply for restoration of that license, certification, or authority until such time as provided for in the Civil Administrative Code of Illinois. ~~suspension or revocation of any license, the Department may restore the license to the accused person upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest.~~

(Source: P.A. 87-784.)

(225 ILCS 30/155) (from Ch. 111, par. 8401-155)

(Section scheduled to be repealed on January 1, 2013)

Sec. 155. Summary suspension. The Secretary ~~Director~~ may summarily suspend the license of a licensee ~~dietitian or nutrition counselor~~ without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 105 of this Act, if the Secretary ~~Director~~ finds that

the evidence ~~in his or her possession~~ indicates that a licensee's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director summarily suspends the license ~~of a dietitian or nutrition counselor~~ without a hearing, a hearing shall by the Board ~~must~~ be commenced held within 30 ~~calendar~~ days after the suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 87-784; 87-1000.)

(225 ILCS 30/165) (from Ch. 111, par. 8401-165)

(Section scheduled to be repealed on January 1, 2013)

Sec. 165. Certification of record; receipt. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record,~~ which costs shall be determined by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in Court is ~~shall be~~ grounds for dismissal of the action.

(Source: P.A. 87-784.)

(225 ILCS 30/175) (from Ch. 111, par. 8401-175)

(Section scheduled to be repealed on January 1, 2013)

Sec. 175. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee or person holding a license has the right to show compliance with all lawful requirements for retention or continuation of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of record of a party.

(Source: P.A. 87-784; 88-670, eff. 12-2-94.)

(225 ILCS 30/180) (from Ch. 111, par. 8401-180)

(Section scheduled to be repealed on January 1, 2013)

Sec. 180. Home rule. The regulation and licensing of dietitian nutritionists ~~dietitians and nutrition counselors~~ are exclusive functions of the State. A home rule unit may not regulate or license dietitian nutritionists ~~dietitians or nutrition counselors~~. This Section is a limitation and denial of home rule powers under paragraph (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 87-784.)

(225 ILCS 30/56 rep.)

(225 ILCS 30/87 rep.)

Section 6. The Dietetic and Nutrition Services Practice Act is amended by repealing Sections 56 and 87.

Section 8. 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, neglect, or self-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 at the time of the report 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;

(1.5) A facility licensed under the ID/DD Community Care Act;

(1.7) A facility licensed under the Specialized Mental Health Rehabilitation 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) (Blank);

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

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act;
or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(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 or who neglects himself or herself.

(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 Dietitian Nutritionist ~~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 Nurse Practice 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, 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 and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, 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) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, 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;

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

(9) a person who performs the duties of a paramedic or

an emergency medical technician.

(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 health 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.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or

her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

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

(Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300, eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

Sec. 5-5-5. Loss and Restoration of Rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section

and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the

person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more

criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide

for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Boxing and Full-contact Martial Arts Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Interior Design Title Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(14) the Real Estate License Act of 2000;

(15) the Illinois Roofing Industry Licensing Act;

(16) the Professional Engineering Practice Act of

1989;

(17) the Water Well and Pump Installation Contractor's License Act;

(18) the Electrologist Licensing Act;

(19) the Auction License Act;

(20) the Illinois Architecture Practice Act of 1989;

(21) the Dietitian Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act;

(22) the Environmental Health Practitioner Licensing Act;

(23) the Funeral Directors and Embalmers Licensing Code;

(24) the Land Sales Registration Act of 1999;

(25) the Professional Geologist Licensing Act;

(26) the Illinois Public Accounting Act; and

(27) the Structural Engineering Practice Act of 1989.

(Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11; 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

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