



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1795

Introduced 1/28/2025, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

See Index

Amends the Acupuncture Practice Act, the Illinois Athletic Trainers Practice Act, the Illinois Dental Practice Act, the Massage Therapy Practice Act, the Medical Practice Act of 1987, the Nurse Practice Act, the Illinois Optometric Practice Act of 1987, the Orthotics, Prosthetics, and Pedorthics 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 Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act, and the Rights of Crime Victims and Witnesses Act. Provides that any Department of Financial and Professional Regulation process under statute or rule used to verify the criminal history of an applicant for licensure shall be used for all applicants for licensure, applicants for renewal of a license, or persons whose conviction of a crime or other behavior warrants review of a license. Provides that a finding of guilt by a judge or jury, a guilty plea, or plea of no contest to specified offenses entered after the effective date of the amendatory Act is a disqualifying offense, and the individual's license shall be automatically revoked when the Department is notified that the individual has been found guilty or has pled guilty or no contest. Provides that the individual may appeal the revocation to the Department only upon the reversal of the criminal conviction. Provides that crime victims have the right to file a complaint against the accused with the agency or department that licensed, certified, permitted, or registered the accused if the accused holds a license, certificate, permit, or registration to practice a profession. Effective 6 months after becoming law.

LRB104 03958 AAS 13982 b

1 AN ACT concerning regulation.

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

4 Section 1. Findings. The General Assembly finds that:

5 (1) The health, safety, and peace of mind of the
6 citizens of Illinois are of paramount concern.

7 (2) Health care professionals entrusted with the
8 health of the citizens of Illinois should be held to the
9 highest standards of conduct so that these professions can
10 build bonds of trust with current and future patients,
11 clients, and residents.

12 (3) The background check requirements for these
13 professions vary widely, leading to unequal treatment by
14 the State of licensees in these professions.

15 (4) Incidents of improper action, including sexual
16 assault, by health care professionals across the State and
17 nation have been underreported, and, in some cases,
18 persons charged with, and found guilty of, these crimes
19 have continued to practice and their licenses have
20 remained active without prompt and thorough review.

21 (5) It is right and fitting that any Department of
22 Financial and Professional Regulation process under
23 statute or rule currently used to verify the criminal
24 history of an applicant for licensure under a health care

1 professional's licensing act shall be used for all
2 applicants and licensees thereunder whose conviction of a
3 crime or other behavior warrants review of a license
4 thereunder.

5 (6) Under the Health Care Worker Background Check Act,
6 unlicensed health care personnel are already required to
7 submit to rigorous background check protocols before they
8 can be considered by a health care employer.

9 (7) It is right and fitting that licensed health care
10 professionals be subject to the same criminal background
11 check requirements as their unlicensed counterparts.

12 Section 5. The Acupuncture Practice Act is amended by
13 changing Section 110 and by adding Section 40.5 as follows:

14 (225 ILCS 2/40.5 new)

15 Sec. 40.5. Criminal history. Any Department process under
16 statute or rule used to verify the criminal history of an
17 applicant for licensure under this Act shall be used for all
18 applicants for licensure, applicants for renewal of a license,
19 or persons whose conviction of a crime or other behavior
20 warrants review of a license under this Act.

21 (225 ILCS 2/110)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 110. Grounds for disciplinary action.

1 (a) The Department may refuse to issue or to renew, place
2 on probation, suspend, revoke or take other disciplinary or
3 non-disciplinary action as deemed appropriate including the
4 imposition of fines not to exceed \$10,000 for each violation,
5 as the Department may deem proper, with regard to a license for
6 any one or combination of the following causes:

7 (1) Violations of this Act or its rules.

8 (2) Conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or
10 sentencing, including, but not limited to, convictions,
11 preceding sentences of supervision, conditional discharge,
12 or first offender probation, under the laws of any
13 jurisdiction of the United States that is (i) a felony or
14 (ii) a misdemeanor, an essential element of which is
15 dishonesty or that is directly related to the practice of
16 the profession.

17 (3) Making any misrepresentation for the purpose of
18 obtaining a license.

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

21 (5) Failing to provide information within 60 days in
22 response to a written request made by the Department which
23 has been sent by certified or registered mail to the
24 licensee's address of record or by email to the licensee's
25 email address of record.

26 (6) Discipline by another U.S. jurisdiction or foreign

1 nation, if at least one of the grounds for the discipline
2 is the same or substantially equivalent to one set forth
3 in this Section.

4 (7) Solicitation of professional services by means
5 other than permitted under this Act.

6 (8) Failure to provide a patient with a copy of his or
7 her record upon the written request of the patient.

8 (9) Gross negligence in the practice of acupuncture.

9 (10) Habitual or excessive use or addiction to
10 alcohol, narcotics, stimulants, or any other chemical
11 agent or drug that results in an acupuncturist's inability
12 to practice with reasonable judgment, skill, or safety.

13 (11) A finding that licensure has been applied for or
14 obtained by fraudulent means.

15 (12) A pattern of practice or other behavior that
16 demonstrates incapacity or incompetence to practice under
17 this Act.

18 (13) Being named as a perpetrator in an indicated
19 report by the Department of Children and Family Services
20 under the Abused and Neglected Child Reporting Act and
21 upon proof by clear and convincing evidence that the
22 licensee has caused a child to be an abused child or a
23 neglected child as defined in the Abused and Neglected
24 Child Reporting Act.

25 (14) Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 (15) The use of any words, abbreviations, figures or
3 letters (such as "Acupuncturist", "Licensed
4 Acupuncturist", "Certified Acupuncturist", "Doctor of
5 Acupuncture and Chinese Medicine", "Doctor of Acupuncture
6 and Oriental Medicine", "Doctor of Acupuncture", "Oriental
7 Medicine Practitioner", "Licensed Oriental Medicine
8 Practitioner", "Oriental Medicine Doctor", "Licensed
9 Oriental Medicine Doctor", "C.A.", "Act.", "Lic. Act.",
10 "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or "O.M.D.") or any
11 designation used by the Accreditation Commission for
12 Acupuncture and Oriental Medicine with the intention of
13 indicating practice as a licensed acupuncturist without a
14 valid license as an acupuncturist issued under this Act.

15 When the name of the licensed acupuncturist is used
16 professionally in oral, written, or printed announcements,
17 professional cards, or publications for the information of
18 the public, the degree title or degree abbreviation shall
19 be added immediately following title and name. When the
20 announcement, professional card, or publication is in
21 writing or in print, the explanatory addition shall be in
22 writing, type, or print not less than 1/2 the size of that
23 used in the name and title. No person other than the holder
24 of a valid existing license under this Act shall use the
25 title and designation of "acupuncturist", either directly
26 or indirectly, in connection with his or her profession or

1 business.

2 (16) Using claims of superior quality of care to
3 entice the public or advertising fee comparisons of
4 available services with those of other persons providing
5 acupuncture services.

6 (17) Advertising of professional services that the
7 offeror of the services is not licensed to render.
8 Advertising of professional services that contains false,
9 fraudulent, deceptive, or misleading material or
10 guarantees of success, statements that play upon the
11 vanity or fears of the public, or statements that promote
12 or produce unfair competition.

13 (18) Having treated ailments other than by the
14 practice of acupuncture as defined in this Act, or having
15 treated ailments of as a licensed acupuncturist pursuant
16 to a referral by written order that provides for
17 management of the patient by a physician or dentist
18 without having notified the physician or dentist who
19 established the diagnosis that the patient is receiving
20 acupuncture treatments.

21 (19) Unethical, unauthorized, or unprofessional
22 conduct as defined by rule.

23 (20) Physical illness, mental illness, or other
24 impairment that results in the inability to practice the
25 profession with reasonable judgment, skill, and safety,
26 including, without limitation, deterioration through the

aging process, mental illness, or disability.

(21) Violation of the Health Care Worker Self-Referral Act.

(22) Failure to refer a patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist to a licensed physician or dentist.

(23) Holding himself or herself out as being trained in Chinese herbology without being able to provide the Department with proof of status as a Diplomate of Oriental Medicine certified by the National Certification Commission for Acupuncture and Oriental Medicine or a substantially equivalent status approved by the Department or proof that he or she has successfully completed the National Certification Commission for Acupuncture and Oriental Medicine Chinese Herbology Examination or a substantially equivalent examination approved by the Department.

Notwithstanding anything in this Act to the contrary, a finding of guilt by a judge or jury, a guilty plea, or plea of no contest entered after the effective date of this amendatory Act of the 104th General Assembly of any of the offenses listed in subsection (a) or (a-1) of Section 25 of the Health Care Worker Background Check Act, except for Section 16-25 of the Criminal Code of 2012, is a disqualifying offense, and the individual's license shall be automatically revoked when the

1 Department is notified that the individual has been found
2 guilty or has pled guilty or no contest. The individual may
3 appeal the revocation to the Department only upon the reversal
4 of the criminal conviction.

5 The entry of an order by a circuit court establishing that
6 any person holding a license under this Act is subject to
7 involuntary admission or judicial admission as provided for in
8 the Mental Health and Developmental Disabilities Code operates
9 as an automatic suspension of that license. That person may
10 have his or her license restored only upon the determination
11 by a circuit court that the patient is no longer subject to
12 involuntary admission or judicial admission and the issuance
13 of an order so finding and discharging the patient and upon the
14 Board's recommendation to the Department that the license be
15 restored. Where the circumstances so indicate, the Board may
16 recommend to the Department that it require an examination
17 prior to restoring a suspended license.

18 The Department may refuse to issue or renew the license of
19 any person who fails to (i) file a return or to pay the tax,
20 penalty or interest shown in a filed return or (ii) pay any
21 final assessment of the tax, penalty, or interest as required
22 by any tax Act administered by the Illinois Department of
23 Revenue, until the time that the requirements of that tax Act
24 are satisfied.

25 In enforcing this Section, the Department upon a showing
26 of a possible violation may compel an individual licensed to

1 practice under this Act, or who has applied for licensure
2 under this Act, to submit to a mental or physical examination,
3 or both, as required by and at the expense of the Department.
4 The Department may order the examining physician to present
5 testimony concerning the mental or physical examination of the
6 licensee or applicant. No information shall be excluded by
7 reason of any common law or statutory privilege relating to
8 communications between the licensee or applicant and the
9 examining physician. The examining physicians shall be
10 specifically designated by the Department. The individual to
11 be examined may have, at his or her own expense, another
12 physician of his or her choice present during all aspects of
13 this examination. Failure of an individual to submit to a
14 mental or physical examination, when directed, shall be
15 grounds for suspension of his or her license until the
16 individual submits to the examination if the Department finds,
17 after notice and hearing, that the refusal to submit to the
18 examination was without reasonable cause.

19 If the Department finds an individual unable to practice
20 because of the reasons set forth in this Section, the
21 Department may require that individual to submit to care,
22 counseling, or treatment by physicians approved or designated
23 by the Department, as a condition, term, or restriction for
24 continued, restored, or renewed licensure to practice; or, in
25 lieu of care, counseling, or treatment, the Department may
26 file a complaint to immediately suspend, revoke, or otherwise

1 discipline the license of the individual. An individual whose
2 license was granted, continued, restored, renewed, disciplined
3 or supervised subject to such terms, conditions, or
4 restrictions, and who fails to comply with such terms,
5 conditions, or restrictions, shall be referred to the
6 Secretary for a determination as to whether the individual
7 shall have his or her license suspended immediately, pending a
8 hearing by the Department.

9 In instances in which the Secretary immediately suspends a
10 person's license under this Section, a hearing on that
11 person's license must be convened by the Department within 30
12 days after the suspension and completed without appreciable
13 delay. The Department and Board shall have the authority to
14 review the subject individual's record of treatment and
15 counseling regarding the impairment to the extent permitted by
16 applicable federal statutes and regulations safeguarding the
17 confidentiality of medical records.

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

23 (Source: P.A. 100-375, eff. 8-25-17; 101-201, eff. 1-1-20.)

24 Section 10. The Illinois Athletic Trainers Practice Act is
25 amended by changing Sections 9 and 16 as follows:

1 (225 ILCS 5/9) (from Ch. 111, par. 7609)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 9. Qualifications for licensure. A person shall be
4 qualified for licensure as an athletic trainer if he or she
5 fulfills all of the following:

6 (a) Has graduated from a curriculum in athletic
7 training accredited by the Commission on Accreditation of
8 Athletic Training Education (CAATE), its successor entity,
9 or its equivalent, as approved by the Department.

10 (b) Gives proof of current certification, on the date
11 of application, in cardiopulmonary resuscitation (CPR) and
12 automated external defibrillators (AED) for Healthcare
13 Providers and Professional Rescuers or its equivalent
14 based on American Red Cross or American Heart Association
15 standards.

16 (b-5) Has graduated from a 4 year accredited college
17 or university.

18 (c) Has passed an examination approved by the
19 Department to determine his or her fitness for practice as
20 an athletic trainer, or is entitled to be licensed without
21 examination as provided in Sections 7 and 8 of this Act.

22 Any Department process under statute or rule used to
23 verify the criminal history of an applicant for licensure
24 under this Act shall be used for all applicants for licensure,
25 applicants for renewal of a license, or persons whose

1 conviction of a crime or other behavior warrants review of a
2 license under this Act.

3 (Source: P.A. 99-469, eff. 8-26-15.)

4 (225 ILCS 5/16) (from Ch. 111, par. 7616)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 16. Grounds for discipline.

7 (1) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary action as the Department may deem proper,
10 including fines not to exceed \$10,000 for each violation, with
11 regard to any licensee for any one or combination of the
12 following:

13 (A) Material misstatement in furnishing information to
14 the Department;

15 (B) Violations of this Act, or of the rules or
16 regulations promulgated hereunder;

17 (C) Conviction of or plea of guilty to any crime under
18 the Criminal Code of 2012 or the laws of any jurisdiction
19 of the United States that is (i) a felony, (ii) a
20 misdemeanor, an essential element of which is dishonesty,
21 or (iii) of any crime that is directly related to the
22 practice of the profession;

23 (D) Fraud or any misrepresentation in applying for or
24 procuring a license under this Act, or in connection with
25 applying for renewal of a license under this Act;

1 (E) Professional incompetence or gross negligence;

2 (F) Malpractice;

3 (G) Aiding or assisting another person, firm,
4 partnership, or corporation in violating any provision of
5 this Act or rules;

6 (H) Failing, within 60 days, to provide information in
7 response to a written request made by the Department;

8 (I) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud or harm the public;

11 (J) Habitual or excessive use or abuse of drugs
12 defined in law as controlled substances, alcohol, or any
13 other substance that results in the inability to practice
14 with reasonable judgment, skill, or safety;

15 (K) Discipline by another state, unit of government,
16 government agency, the District of Columbia, territory, or
17 foreign nation, if at least one of the grounds for the
18 discipline is the same or substantially equivalent to
19 those set forth herein;

20 (L) Directly or indirectly giving to or receiving from
21 any person, firm, corporation, partnership, or association
22 any fee, commission, rebate, or other form of compensation
23 for any professional services not actually or personally
24 rendered. Nothing in this subparagraph (L) affects any
25 bona fide independent contractor or employment
26 arrangements among health care professionals, health

1 facilities, health care providers, or other entities,
2 except as otherwise prohibited by law. Any employment
3 arrangements may include provisions for compensation,
4 health insurance, pension, or other employment benefits
5 for the provision of services within the scope of the
6 licensee's practice under this Act. Nothing in this
7 subparagraph (L) shall be construed to require an
8 employment arrangement to receive professional fees for
9 services rendered;

10 (M) A finding by the Department that the licensee
11 after having his or her license disciplined has violated
12 the terms of probation;

13 (N) Abandonment of an athlete;

14 (O) Willfully making or filing false records or
15 reports in his or her practice, including but not limited
16 to false records filed with State agencies or departments;

17 (P) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act;

20 (Q) Physical illness, including but not limited to
21 deterioration through the aging process, or loss of motor
22 skill that results in the inability to practice the
23 profession with reasonable judgment, skill, or safety;

24 (R) Solicitation of professional services other than
25 by permitted institutional policy;

26 (S) The use of any words, abbreviations, figures or

1 letters with the intention of indicating practice as an
2 athletic trainer without a valid license as an athletic
3 trainer under this Act;

4 (T) The evaluation or treatment of ailments of human
5 beings other than by the practice of athletic training as
6 defined in this Act or the treatment of injuries of
7 athletes by a licensed athletic trainer except by the
8 referral of a physician, physician assistant, advanced
9 practice registered nurse, podiatric physician, or
10 dentist;

11 (U) Willfully violating or knowingly assisting in the
12 violation of any law of this State relating to the use of
13 habit-forming drugs;

14 (V) Willfully violating or knowingly assisting in the
15 violation of any law of this State relating to the
16 practice of abortion;

17 (W) Continued practice by a person knowingly having an
18 infectious communicable or contagious disease;

19 (X) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 pursuant to the Abused and Neglected Child Reporting Act
22 and upon proof by clear and convincing evidence that the
23 licensee has caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act;

26 (X-5) Failure to provide a monthly report on the

1 patient's progress to the referring physician, physician
2 assistant, advanced practice registered nurse, podiatric
3 physician, or dentist;

4 (Y) (Blank);

5 (Z) Failure to fulfill continuing education
6 requirements;

7 (AA) Allowing one's license under this Act to be used
8 by an unlicensed person in violation of this Act;

9 (BB) Practicing under a false or, except as provided
10 by law, assumed name;

11 (CC) Promotion of the sale of drugs, devices,
12 appliances, or goods provided in any manner to exploit the
13 client for the financial gain of the licensee;

14 (DD) Gross, willful, or continued overcharging for
15 professional services;

16 (EE) Mental illness or disability that results in the
17 inability to practice under this Act with reasonable
18 judgment, skill, or safety;

19 (FF) Cheating on or attempting to subvert the
20 licensing examination administered under this Act;

21 (GG) Violation of the Health Care Worker Self-Referral
22 Act; or

23 (HH) Failure by a supervising athletic trainer of an
24 aide to maintain contact, including personal supervision
25 and instruction, to ensure the safety and welfare of an
26 athlete.

1 All fines imposed under this Section shall be paid within
2 60 days after the effective date of the order imposing the fine
3 or in accordance with the terms set forth in the order imposing
4 the fine.

5 (1.5) Notwithstanding anything in this Act to the
6 contrary, a finding of guilt by a judge or jury, a guilty plea,
7 or plea of no contest entered after the effective date of this
8 amendatory Act of the 104th General Assembly of any of the
9 offenses listed in subsection (a) or (a-1) of Section 25 of the
10 Health Care Worker Background Check Act, except for Section
11 16-25 of the Criminal Code of 2012, is a disqualifying
12 offense, and the individual's license shall be automatically
13 revoked when the Department is notified that the individual
14 has been found guilty or has pled guilty or no contest. The
15 individual may appeal the revocation to the Department only
16 upon the reversal of the criminal conviction.

17 (2) The determination by a circuit court that a licensee
18 is subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code operates as an automatic suspension. Such suspension will
21 end only upon a finding by a court that the licensee is no
22 longer subject to involuntary admission or judicial admission
23 and issuance of an order so finding and discharging the
24 licensee.

25 (3) The Department may refuse to issue or may suspend
26 without hearing, as provided for in the Code of Civil

1 Procedure, the license of any person who fails to file a
2 return, to pay the tax, penalty, or interest shown in a filed
3 return, or to pay any final assessment of tax, penalty, or
4 interest as required by any tax Act administered by the
5 Illinois Department of Revenue, until such time as the
6 requirements of any such tax Act are satisfied in accordance
7 with subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code
9 of Illinois.

10 (4) In enforcing this Section, the Department, upon a
11 showing of a possible violation, may compel any individual who
12 is licensed under this Act or any individual who has applied
13 for licensure to submit to a mental or physical examination or
14 evaluation, or both, which may include a substance abuse or
15 sexual offender evaluation, at the expense of the Department.
16 The Department shall specifically designate the examining
17 physician licensed to practice medicine in all of its branches
18 or, if applicable, the multidisciplinary team involved in
19 providing the mental or physical examination and evaluation.
20 The multidisciplinary team shall be led by a physician
21 licensed to practice medicine in all of its branches and may
22 consist of one or more or a combination of physicians licensed
23 to practice medicine in all of its branches, licensed
24 chiropractic physicians, licensed clinical psychologists,
25 licensed clinical social workers, licensed clinical
26 professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the
2 multidisciplinary team may require any person ordered to
3 submit to an examination and evaluation pursuant to this
4 Section to submit to any additional supplemental testing
5 deemed necessary to complete any examination or evaluation
6 process, including, but not limited to, blood testing,
7 urinalysis, psychological testing, or neuropsychological
8 testing.

9 The Department may order the examining physician or any
10 member of the multidisciplinary team to provide to the
11 Department any and all records, including business records,
12 that relate to the examination and evaluation, including any
13 supplemental testing performed. The Department may order the
14 examining physician or any member of the multidisciplinary
15 team to present testimony concerning this examination and
16 evaluation of the licensee or applicant, including testimony
17 concerning any supplemental testing or documents relating to
18 the examination and evaluation. No information, report,
19 record, or other documents in any way related to the
20 examination and evaluation shall be excluded by reason of any
21 common law or statutory privilege relating to communication
22 between the licensee or applicant and the examining physician
23 or any member of the multidisciplinary team. No authorization
24 is necessary from the licensee or applicant ordered to undergo
25 an evaluation and examination for the examining physician or
26 any member of the multidisciplinary team to provide

1 information, reports, records, or other documents or to
2 provide any testimony regarding the examination and
3 evaluation. The individual to be examined may have, at his or
4 her own expense, another physician of his or her choice
5 present during all aspects of the examination.

6 Failure of any individual to submit to a mental or
7 physical examination or evaluation, or both, when directed,
8 shall result in an automatic suspension without hearing, until
9 such time as the individual submits to the examination. If the
10 Department finds a licensee unable to practice because of the
11 reasons set forth in this Section, the Department shall
12 require the licensee to submit to care, counseling, or
13 treatment by physicians approved or designated by the
14 Department as a condition for continued, reinstated, or
15 renewed licensure.

16 When the Secretary immediately suspends a license under
17 this Section, a hearing upon such person's license must be
18 convened by the Department within 15 days after the suspension
19 and completed without appreciable delay. The Department shall
20 have the authority to review the licensee's record of
21 treatment and counseling regarding the impairment to the
22 extent permitted by applicable federal statutes and
23 regulations safeguarding the confidentiality of medical
24 records.

25 Individuals licensed under this Act who are affected under
26 this Section shall be afforded an opportunity to demonstrate

1 to the Department that they can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of their license.

4 (5) (Blank).

5 (6) In cases where the Department of Healthcare and Family
6 Services has previously determined a licensee or a potential
7 licensee is more than 30 days delinquent in the payment of
8 child support and has subsequently certified the delinquency
9 to the Department, the Department may refuse to issue or renew
10 or may revoke or suspend that person's license or may take
11 other disciplinary action against that person based solely
12 upon the certification of delinquency made by the Department
13 of Healthcare and Family Services in accordance with paragraph
14 (5) of subsection (a) of Section 2105-15 of the Department of
15 Professional Regulation Law of the Civil Administrative Code
16 of Illinois.

17 (Source: P.A. 102-940, eff. 1-1-23.)

18 Section 15. The Illinois Dental Practice Act is amended by
19 changing Section 23 and by adding Section 23d as follows:

20 (225 ILCS 25/23) (from Ch. 111, par. 2323)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 23. Refusal, revocation or suspension of dental
23 licenses. The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem proper, including imposing fines not to exceed \$10,000
3 per violation, with regard to any license for any one or any
4 combination of the following causes:

5 1. Fraud or misrepresentation in applying for or
6 procuring a license under this Act, or in connection with
7 applying for renewal of a license under this Act.

8 2. Inability to practice with reasonable judgment,
9 skill, or safety as a result of habitual or excessive use
10 or addiction to alcohol, narcotics, stimulants, or any
11 other chemical agent or drug.

12 3. Willful or repeated violations of the rules of the
13 Department of Public Health or Department of Nuclear
14 Safety.

15 4. Acceptance of a fee for service as a witness,
16 without the knowledge of the court, in addition to the fee
17 allowed by the court.

18 5. Division of fees or agreeing to split or divide the
19 fees received for dental services with any person for
20 bringing or referring a patient, except in regard to
21 referral services as provided for under Section 45, or
22 assisting in the care or treatment of a patient, without
23 the knowledge of the patient or his or her legal
24 representative. Nothing in this item 5 affects any bona
25 fide independent contractor or employment arrangements
26 among health care professionals, health facilities, health

1 care providers, or other entities, except as otherwise
2 prohibited by law. Any employment arrangements may include
3 provisions for compensation, health insurance, pension, or
4 other employment benefits for the provision of services
5 within the scope of the licensee's practice under this
6 Act. Nothing in this item 5 shall be construed to require
7 an employment arrangement to receive professional fees for
8 services rendered.

9 6. Employing, procuring, inducing, aiding or abetting
10 a person not licensed or registered as a dentist or dental
11 hygienist to engage in the practice of dentistry or dental
12 hygiene. The person practiced upon is not an accomplice,
13 employer, procurer, inducer, aider, or abetter within the
14 meaning of this Act.

15 7. Making any misrepresentations or false promises,
16 directly or indirectly, to influence, persuade or induce
17 dental patronage.

18 8. Professional connection or association with or
19 lending his or her name to another for the illegal
20 practice of dentistry by another, or professional
21 connection or association with any person, firm or
22 corporation holding himself, herself, themselves, or
23 itself out in any manner contrary to this Act.

24 9. Obtaining or seeking to obtain practice, money, or
25 any other things of value by false or fraudulent
26 representations, but not limited to, engaging in such

1 fraudulent practice to defraud the medical assistance
2 program of the Department of Healthcare and Family
3 Services (formerly Department of Public Aid) under the
4 Illinois Public Aid Code.

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

7 11. Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 12. Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or by
12 sentencing for any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States that (i)
16 is a felony under the laws of this State or (ii) is a
17 misdemeanor, an essential element of which is dishonesty,
18 or that is directly related to the practice of dentistry.

19 13. Permitting a dental hygienist, dental assistant or
20 other person under his or her supervision to perform any
21 operation not authorized by this Act.

22 14. Permitting more than 4 dental hygienists to be
23 employed under his or her supervision at any one time.

24 15. A violation of any provision of this Act or any
25 rules promulgated under this Act.

26 16. Taking impressions for or using the services of

1 any person, firm or corporation violating this Act.

2 17. Violating any provision of Section 45 relating to
3 advertising.

4 18. Discipline by another U.S. jurisdiction or foreign
5 nation, if at least one of the grounds for the discipline
6 is the same or substantially equivalent to those set forth
7 within this Act.

8 19. Willfully failing to report an instance of
9 suspected child abuse or neglect as required by the Abused
10 and Neglected Child Reporting Act.

11 20. Gross negligence in practice under this Act.

12 21. The use or prescription for use of narcotics or
13 controlled substances or designated products as listed in
14 the Illinois Controlled Substances Act, in any way other
15 than for therapeutic purposes.

16 22. Willfully making or filing false records or
17 reports in his or her practice as a dentist, including,
18 but not limited to, false records to support claims
19 against the dental assistance program of the Department of
20 Healthcare and Family Services (formerly Illinois
21 Department of Public Aid).

22 23. Professional incompetence as manifested by poor
23 standards of care.

24 24. Physical or mental illness, including, but not
25 limited to, deterioration through the aging process, or
26 loss of motor skills which results in a dentist's

1 inability to practice dentistry with reasonable judgment,
2 skill or safety. In enforcing this paragraph, the
3 Department may compel a person licensed to practice under
4 this Act to submit to a mental or physical examination
5 pursuant to the terms and conditions of Section 23b.

6 25. Gross or repeated irregularities in billing for
7 services rendered to a patient. For purposes of this
8 paragraph 25, "irregularities in billing" shall include:

9 (a) Reporting excessive charges for the purpose of
10 obtaining a total payment in excess of that usually
11 received by the dentist for the services rendered.

12 (b) Reporting charges for services not rendered.

13 (c) Incorrectly reporting services rendered for
14 the purpose of obtaining payment not earned.

15 26. Continuing the active practice of dentistry while
16 knowingly having any infectious, communicable, or
17 contagious disease proscribed by rule or regulation of the
18 Department.

19 27. Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 pursuant to the Abused and Neglected Child Reporting Act,
22 and upon proof by clear and convincing evidence that the
23 licensee has caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act.

26 28. Violating the Health Care Worker Self-Referral

1 Act.

2 29. Abandonment of a patient.

3 30. Mental incompetency as declared by a court of
4 competent jurisdiction.

5 31. A finding by the Department that the licensee,
6 after having his or her license placed on probationary
7 status, has violated the terms of probation.

8 32. Material misstatement in furnishing information to
9 the Department.

10 33. Failing, within 60 days, to provide information in
11 response to a written request by the Department in the
12 course of an investigation.

13 34. Immoral conduct in the commission of any act,
14 including, but not limited to, commission of an act of
15 sexual misconduct related to the licensee's practice.

16 35. Cheating on or attempting to subvert the licensing
17 examination administered under this Act.

18 36. A pattern of practice or other behavior that
19 demonstrates incapacity or incompetence to practice under
20 this Act.

21 37. Failure to establish and maintain records of
22 patient care and treatment as required under this Act.

23 38. Failure to provide copies of dental records as
24 required by law.

25 39. Failure of a licensed dentist who owns or is
26 employed at a dental office to give notice of an office

1 closure to his or her patients at least 30 days prior to
2 the office closure pursuant to Section 50.1.

3 40. Failure to maintain a sanitary work environment.

4 41. Failure to comply with the provisions of Section
5 17.2 of this Act.

6 All proceedings to suspend, revoke, place on probationary
7 status, or take any other disciplinary action as the
8 Department may deem proper, with regard to a license on any of
9 the foregoing grounds, must be commenced within 5 years after
10 receipt by the Department of a complaint alleging the
11 commission of or notice of the conviction order for any of the
12 acts described herein. Except for fraud in procuring a
13 license, no action shall be commenced more than 7 years after
14 the date of the incident or act alleged to have violated this
15 Section. The time during which the holder of the license was
16 outside the State of Illinois shall not be included within any
17 period of time limiting the commencement of disciplinary
18 action by the Department.

19 Notwithstanding anything in this Act to the contrary, a
20 finding of guilt by a judge or jury, a guilty plea, or plea of
21 no contest entered after the effective date of this amendatory
22 Act of the 104th General Assembly of any of the offenses listed
23 in subsection (a) or (a-1) of Section 25 of the Health Care
24 Worker Background Check Act, except for Section 16-25 of the
25 Criminal Code of 2012, is a disqualifying offense, and the
26 individual's license shall be automatically revoked when the

1 Department is notified that the individual has been found
2 guilty or has pled guilty or no contest. The individual may
3 appeal the revocation to the Department only upon the reversal
4 of the criminal conviction.

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the fine
7 or in accordance with the terms set forth in the order imposing
8 the fine.

9 The Department may refuse to issue or may suspend the
10 license of any person who fails to file a return, or to pay the
11 tax, penalty or interest shown in a filed return, or to pay any
12 final assessment of tax, penalty or interest, as required by
13 any tax Act administered by the Illinois Department of
14 Revenue, until such time as the requirements of any such tax
15 Act are satisfied.

16 Any dentist who has had his or her license suspended or
17 revoked for more than 5 years must comply with the
18 requirements for restoration set forth in Section 16 prior to
19 being eligible for reinstatement from the suspension or
20 revocation.

21 (Source: P.A. 103-425, eff. 1-1-24; 103-902, eff. 8-9-24.)

22 (225 ILCS 25/23d new)

23 Sec. 23d. Criminal history. Any Department process under
24 statute or rule used to verify the criminal history of an
25 applicant for licensure under this Act shall be used for all

1 applicants for licensure, applicants for renewal of a license,
2 or persons whose conviction of a crime or other behavior
3 warrants review of a license under this Act.

4 Section 25. The Massage Therapy Practice Act is amended by
5 changing Sections 15 and 45 as follows:

6 (225 ILCS 57/15)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 15. Licensure requirements.

9 (a) Persons engaged in massage for compensation must be
10 licensed by the Department. The Department shall issue a
11 license to an individual who meets all of the following
12 requirements:

13 (1) The applicant has applied in writing on the
14 prescribed forms and has paid the required fees.

15 (2) The applicant is at least 18 years of age and of
16 good moral character. In determining good moral character,
17 the Department may take into consideration conviction of
18 any crime under the laws of the United States or any state
19 or territory thereof that is a felony or a misdemeanor or
20 any crime that is directly related to the practice of the
21 profession. Such a conviction shall not operate
22 automatically as a complete bar to a license, except in
23 the case of any conviction for prostitution, rape, or
24 sexual misconduct, or where the applicant is a registered

1 sex offender.

2 (3) The applicant has successfully completed a massage
3 therapy program approved by the Department that requires a
4 minimum of 500 hours, except applicants applying on or
5 after January 1, 2014 shall meet a minimum requirement of
6 600 hours, and has passed a competency examination
7 approved by the Department.

8 (b) Each applicant for licensure as a massage therapist
9 shall have his or her fingerprints submitted to the Illinois
10 State Police in an electronic format that complies with the
11 form and manner for requesting and furnishing criminal history
12 record information as prescribed by the Illinois State Police.
13 These fingerprints shall be checked prior to the Department
14 issuing or renewing a license against the Illinois State
15 Police and Federal Bureau of Investigation criminal history
16 record databases now and hereafter filed. The Illinois State
17 Police shall charge applicants a fee for conducting the
18 criminal history records check, which shall be deposited into
19 the State Police Services Fund and shall not exceed the actual
20 cost of the records check. The Illinois State Police shall
21 furnish, pursuant to positive identification, records of
22 Illinois convictions to the Department. The Department may
23 require applicants to pay a separate fingerprinting fee,
24 either to the Department or to a vendor. The Department, in its
25 discretion, may allow an applicant who does not have
26 reasonable access to a designated vendor to provide his or her

1 fingerprints in an alternative manner. The Department may
2 adopt any rules necessary to implement this Section.

3 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
4 102-813, eff. 5-13-22.)

5 (225 ILCS 57/45)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 45. Grounds for discipline.

8 (a) The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary or non-disciplinary action, as the Department
11 considers appropriate, including the imposition of fines not
12 to exceed \$10,000 for each violation, with regard to any
13 license or licensee for any one or more of the following:

14 (1) violations of this Act or of the rules adopted
15 under this Act;

16 (2) conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or by
18 sentencing of any crime, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation, under
21 the laws of any jurisdiction of the United States: (i)
22 that is a felony; or (ii) that is a misdemeanor, an
23 essential element of which is dishonesty, or that is
24 directly related to the practice of the profession;

25 (3) professional incompetence;

1 (4) advertising in a false, deceptive, or misleading
2 manner, including failing to use the massage therapist's
3 own license number in an advertisement;

4 (5) aiding, abetting, assisting, procuring, advising,
5 employing, or contracting with any unlicensed person to
6 practice massage contrary to any rules or provisions of
7 this Act;

8 (6) engaging in immoral conduct in the commission of
9 any act, such as sexual abuse, sexual misconduct, or
10 sexual exploitation, related to the licensee's practice;

11 (7) engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (8) practicing or offering to practice beyond the
15 scope permitted by law or accepting and performing
16 professional responsibilities which the licensee knows or
17 has reason to know that he or she is not competent to
18 perform;

19 (9) knowingly delegating professional
20 responsibilities to a person unqualified by training,
21 experience, or licensure to perform;

22 (10) failing to provide information in response to a
23 written request made by the Department within 60 days;

24 (11) having a habitual or excessive use of or
25 addiction to alcohol, narcotics, stimulants, or any other
26 chemical agent or drug which results in the inability to

1 practice with reasonable judgment, skill, or safety;

2 (12) having a pattern of practice or other behavior
3 that demonstrates incapacity or incompetence to practice
4 under this Act;

5 (13) discipline by another state, District of
6 Columbia, territory, or foreign nation, if at least one of
7 the grounds for the discipline is the same or
8 substantially equivalent to those set forth in this
9 Section;

10 (14) a finding by the Department that the licensee,
11 after having his or her license placed on probationary
12 status, has violated the terms of probation;

13 (15) willfully making or filing false records or
14 reports in his or her practice, including, but not limited
15 to, false records filed with State agencies or
16 departments;

17 (16) making a material misstatement in furnishing
18 information to the Department or otherwise making
19 misleading, deceptive, untrue, or fraudulent
20 representations in violation of this Act or otherwise in
21 the practice of the profession;

22 (17) fraud or misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal of a license under this Act;

25 (18) inability to practice the profession with
26 reasonable judgment, skill, or safety as a result of

1 physical illness, including, but not limited to,
2 deterioration through the aging process, loss of motor
3 skill, or a mental illness or disability;

4 (19) charging for professional services not rendered,
5 including filing false statements for the collection of
6 fees for which services are not rendered;

7 (20) practicing under a false or, except as provided
8 by law, an assumed name; or

9 (21) cheating on or attempting to subvert the
10 licensing examination administered under this Act.

11 All fines shall be paid within 60 days of the effective
12 date of the order imposing the fine.

13 (a-5) Notwithstanding anything in this Act to the
14 contrary, a finding of guilt by a judge or jury, a guilty plea,
15 or plea of no contest entered after the effective date of this
16 amendatory Act of the 104th General Assembly of any of the
17 offenses listed in subsection (a) or (a-1) of Section 25 of the
18 Health Care Worker Background Check Act, except for Section
19 16-25 of the Criminal Code of 2012, is a disqualifying
20 offense, and the individual's license shall be automatically
21 revoked when the Department is notified that the individual
22 has been found guilty or has pled guilty or no contest. The
23 individual may appeal the revocation to the Department only
24 upon the reversal of the criminal conviction.

25 (b) A person not licensed under this Act and engaged in the
26 business of offering massage therapy services through others,

1 shall not aid, abet, assist, procure, advise, employ, or
2 contract with any unlicensed person to practice massage
3 therapy contrary to any rules or provisions of this Act. A
4 person violating this subsection (b) shall be treated as a
5 licensee for the purposes of disciplinary action under this
6 Section and shall be subject to cease and desist orders as
7 provided in Section 90 of this Act.

8 (c) The Department shall revoke any license issued under
9 this Act of any person who is convicted of prostitution, rape,
10 sexual misconduct, or any crime that subjects the licensee to
11 compliance with the requirements of the Sex Offender
12 Registration Act and any such conviction shall operate as a
13 permanent bar in the State of Illinois to practice as a massage
14 therapist.

15 (c-5) A prosecuting attorney shall provide notice to the
16 Department of the licensed massage therapist's name, address,
17 practice address, and license number and a copy of the
18 criminal charges filed immediately after a licensed massage
19 therapist has been charged with any of the following offenses:

20 (1) an offense for which the sentence includes
21 registration as a sex offender;

22 (2) involuntary sexual servitude of a minor;

23 (3) the crime of battery against a patient, including
24 any offense based on sexual conduct or sexual penetration,
25 in the course of patient care or treatment; or

26 (4) a forcible felony.

1 If the victim of the crime the licensee has been charged
2 with is a patient of the licensee, the prosecuting attorney
3 shall also provide notice to the Department of the patient's
4 name.

5 Within 5 business days after receiving notice from the
6 prosecuting attorney of the filing of criminal charges against
7 the licensed massage therapist, the Secretary shall issue an
8 administrative order that the licensed massage therapist shall
9 practice only with a chaperone during all patient encounters
10 pending the outcome of the criminal proceedings. The chaperone
11 shall be a licensed massage therapist or other health care
12 worker licensed by the Department. The administrative order
13 shall specify any other terms or conditions deemed appropriate
14 by the Secretary. The chaperone shall provide written notice
15 to all of the licensed massage therapist's patients explaining
16 the Department's order to use a chaperone. Each patient shall
17 sign an acknowledgment that the patient ~~they~~ received the
18 notice. The notice to the patient of criminal charges shall
19 include, in 14-point font, the following statement: "The
20 massage therapist is presumed innocent until proven guilty of
21 the charges."

22 The licensed massage therapist shall provide a written
23 plan of compliance with the administrative order that is
24 acceptable to the Department within 5 business days after
25 receipt of the administrative order. Failure to comply with
26 the administrative order, failure to file a compliance plan,

1 or failure to follow the compliance plan shall subject the
2 licensed massage therapist to temporary suspension of his or
3 her license until the completion of the criminal proceedings.

4 If the licensee is not convicted of the charge or if any
5 conviction is later overturned by a reviewing court, the
6 administrative order shall be vacated and removed from the
7 licensee's record.

8 The Department may adopt rules to implement this
9 subsection.

10 (d) The Department may refuse to issue or may suspend the
11 license of any person who fails to file a tax return, to pay
12 the tax, penalty, or interest shown in a filed tax return, or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Illinois
15 Department of Revenue, until such time as the requirements of
16 the tax Act are satisfied in accordance with subsection (g) of
17 Section 2105-15 of the Civil Administrative Code of Illinois.

18 (e) (Blank).

19 (f) In cases where the Department of Healthcare and Family
20 Services has previously determined that a licensee or a
21 potential licensee is more than 30 days delinquent in the
22 payment of child support and has subsequently certified the
23 delinquency to the Department, the Department may refuse to
24 issue or renew or may revoke or suspend that person's license
25 or may take other disciplinary action against that person
26 based solely upon the certification of delinquency made by the

1 Department of Healthcare and Family Services in accordance
2 with item (5) of subsection (a) of Section 2105-15 of the Civil
3 Administrative Code of Illinois.

4 (g) The determination by a circuit court that a licensee
5 is subject to involuntary admission or judicial admission, as
6 provided in the Mental Health and Developmental Disabilities
7 Code, operates as an automatic suspension. The suspension will
8 end only upon a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission
10 and the issuance of a court order so finding and discharging
11 the patient.

12 (h) In enforcing this Act, the Department or Board, upon a
13 showing of a possible violation, may compel an individual
14 licensed to practice under this Act, or who has applied for
15 licensure under this Act, to submit to a mental or physical
16 examination, or both, as required by and at the expense of the
17 Department. The Department or Board may order the examining
18 physician to present testimony concerning the mental or
19 physical examination of the licensee or applicant. No
20 information shall be excluded by reason of any common law or
21 statutory privilege relating to communications between the
22 licensee or applicant and the examining physician. The
23 examining physicians shall be specifically designated by the
24 Board or Department. The individual to be examined may have,
25 at his or her own expense, another physician of his or her
26 choice present during all aspects of this examination. The

1 examination shall be performed by a physician licensed to
2 practice medicine in all its branches. Failure of an
3 individual to submit to a mental or physical examination, when
4 directed, shall result in an automatic suspension without
5 hearing.

6 A person holding a license under this Act or who has
7 applied for a license under this Act who, because of a physical
8 or mental illness or disability, including, but not limited
9 to, deterioration through the aging process or loss of motor
10 skill, is unable to practice the profession with reasonable
11 judgment, skill, or safety, may be required by the Department
12 to submit to care, counseling, or treatment by physicians
13 approved or designated by the Department as a condition, term,
14 or restriction for continued, reinstated, or renewed licensure
15 to practice. Submission to care, counseling, or treatment as
16 required by the Department shall not be considered discipline
17 of a license. If the licensee refuses to enter into a care,
18 counseling, or treatment agreement or fails to abide by the
19 terms of the agreement, the Department may file a complaint to
20 revoke, suspend, or otherwise discipline the license of the
21 individual. The Secretary may order the license suspended
22 immediately, pending a hearing by the Department. Fines shall
23 not be assessed in disciplinary actions involving physical or
24 mental illness or impairment.

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that

1 person's license must be convened by the Department within 15
2 days after the suspension and completed without appreciable
3 delay. The Department and Board shall have the authority to
4 review the subject individual's record of treatment and
5 counseling regarding the impairment to the extent permitted by
6 applicable federal statutes and regulations safeguarding the
7 confidentiality of medical records.

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

13 (Source: P.A. 102-20, eff. 1-1-22; 103-757, eff. 8-2-24;
14 revised 10-21-24.)

15 Section 30. The Medical Practice Act of 1987 is amended by
16 changing Sections 9.7 and 22 as follows:

17 (225 ILCS 60/9.7)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 9.7. Criminal history records background check. Each
20 applicant for licensure or permit under Sections 9, 18, and 19
21 shall have his or her fingerprints submitted to the Illinois
22 State Police in an electronic format that complies with the
23 form and manner for requesting and furnishing criminal history
24 record information as prescribed by the Illinois State Police.

1 These fingerprints shall be checked prior to the Department
2 issuing or renewing a license against the Illinois State
3 Police and Federal Bureau of Investigation criminal history
4 record databases now and hereafter filed. The Illinois State
5 Police shall charge applicants a fee for conducting the
6 criminal history records check, which shall be deposited into
7 the State Police Services Fund and shall not exceed the actual
8 cost of the records check. The Illinois State Police shall
9 furnish, pursuant to positive identification, records of
10 Illinois convictions to the Department. The Department may
11 require applicants to pay a separate fingerprinting fee,
12 either to the Department or to a Department designated or
13 approved vendor. The Department, in its discretion, may allow
14 an applicant who does not have reasonable access to a
15 designated vendor to provide his or her fingerprints in an
16 alternative manner. The Department may adopt any rules
17 necessary to implement this Section.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 22. Disciplinary action.

22 (A) The Department may revoke, suspend, place on
23 probation, reprimand, refuse to issue or renew, or take any
24 other disciplinary or non-disciplinary action as the
25 Department may deem proper with regard to the license or

1 permit of any person issued under this Act, including imposing
2 fines not to exceed \$10,000 for each violation, upon any of the
3 following grounds:

4 (1) (Blank).

5 (2) (Blank).

6 (3) A plea of guilty or nolo contendere, finding of
7 guilt, jury verdict, or entry of judgment or sentencing,
8 including, but not limited to, convictions, preceding
9 sentences of supervision, conditional discharge, or first
10 offender probation, under the laws of any jurisdiction of
11 the United States of any crime that is a felony.

12 (4) Gross negligence in practice under this Act.

13 (5) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (6) Obtaining any fee by fraud, deceit, or
17 misrepresentation.

18 (7) Habitual or excessive use or abuse of drugs
19 defined in law as controlled substances, of alcohol, or of
20 any other substances which results in the inability to
21 practice with reasonable judgment, skill, or safety.

22 (8) Practicing under a false or, except as provided by
23 law, an assumed name.

24 (9) Fraud or misrepresentation in applying for, or
25 procuring, a license under this Act or in connection with
26 applying for renewal of a license under this Act.

1 (10) Making a false or misleading statement regarding
2 their skill or the efficacy or value of the medicine,
3 treatment, or remedy prescribed by them at their direction
4 in the treatment of any disease or other condition of the
5 body or mind.

6 (11) Allowing another person or organization to use
7 their license, procured under this Act, to practice.

8 (12) Adverse action taken by another state or
9 jurisdiction against a license or other authorization to
10 practice as a medical doctor, doctor of osteopathy, doctor
11 of osteopathic medicine, or doctor of chiropractic, a
12 certified copy of the record of the action taken by the
13 other state or jurisdiction being prima facie evidence
14 thereof. This includes any adverse action taken by a State
15 or federal agency that prohibits a medical doctor, doctor
16 of osteopathy, doctor of osteopathic medicine, or doctor
17 of chiropractic from providing services to the agency's
18 participants.

19 (13) Violation of any provision of this Act or of the
20 Medical Practice Act prior to the repeal of that Act, or
21 violation of the rules, or a final administrative action
22 of the Secretary, after consideration of the
23 recommendation of the Medical Board.

24 (14) Violation of the prohibition against fee
25 splitting in Section 22.2 of this Act.

26 (15) A finding by the Medical Board that the

1 registrant after having his or her license placed on
2 probationary status or subjected to conditions or
3 restrictions violated the terms of the probation or failed
4 to comply with such terms or conditions.

5 (16) Abandonment of a patient.

6 (17) Prescribing, selling, administering,
7 distributing, giving, or self-administering any drug
8 classified as a controlled substance (designated product)
9 or narcotic for other than medically accepted therapeutic
10 purposes.

11 (18) Promotion of the sale of drugs, devices,
12 appliances, or goods provided for a patient in such manner
13 as to exploit the patient for financial gain of the
14 physician.

15 (19) Offering, undertaking, or agreeing to cure or
16 treat disease by a secret method, procedure, treatment, or
17 medicine, or the treating, operating, or prescribing for
18 any human condition by a method, means, or procedure which
19 the licensee refuses to divulge upon demand of the
20 Department.

21 (20) Immoral conduct in the commission of any act,
22 including, but not limited to, commission of an act of
23 sexual misconduct related to the licensee's practice.

24 (21) Willfully making or filing false records or
25 reports in his or her practice as a physician, including,
26 but not limited to, false records to support claims

1 against the medical assistance program of the Department
2 of Healthcare and Family Services (formerly Department of
3 Public Aid) under the Illinois Public Aid Code.

4 (22) Willful omission to file or record, or willfully
5 impeding the filing or recording, or inducing another
6 person to omit to file or record, medical reports as
7 required by law, or willfully failing to report an
8 instance of suspected abuse or neglect as required by law.

9 (23) Being named as a perpetrator in an indicated
10 report by the Department of Children and Family Services
11 under the Abused and Neglected Child Reporting Act, and
12 upon proof by clear and convincing evidence that the
13 licensee has caused a child to be an abused child or
14 neglected child as defined in the Abused and Neglected
15 Child Reporting Act.

16 (24) Solicitation of professional patronage by any
17 corporation, agents, or persons, or profiting from those
18 representing themselves to be agents of the licensee.

19 (25) Gross and willful and continued overcharging for
20 professional services, including filing false statements
21 for collection of fees for which services are not
22 rendered, including, but not limited to, filing such false
23 statements for collection of monies for services not
24 rendered from the medical assistance program of the
25 Department of Healthcare and Family Services (formerly
26 Department of Public Aid) under the Illinois Public Aid

1 Code.

2 (26) A pattern of practice or other behavior which
3 demonstrates incapacity or incompetence to practice under
4 this Act.

5 (27) Mental illness or disability which results in the
6 inability to practice under this Act with reasonable
7 judgment, skill, or safety.

8 (28) Physical illness, including, but not limited to,
9 deterioration through the aging process, or loss of motor
10 skill which results in a physician's inability to practice
11 under this Act with reasonable judgment, skill, or safety.

12 (29) Cheating on or attempting to subvert the
13 licensing examinations administered under this Act.

14 (30) Willfully or negligently violating the
15 confidentiality between physician and patient except as
16 required by law.

17 (31) The use of any false, fraudulent, or deceptive
18 statement in any document connected with practice under
19 this Act.

20 (32) Aiding and abetting an individual not licensed
21 under this Act in the practice of a profession licensed
22 under this Act.

23 (33) Violating State or federal laws or regulations
24 relating to controlled substances, legend drugs, or
25 ephedra as defined in the Ephedra Prohibition Act.

26 (34) Failure to report to the Department any adverse

1 final action taken against them by another licensing
2 jurisdiction (any other state or any territory of the
3 United States or any foreign state or country), by any
4 peer review body, by any health care institution, by any
5 professional society or association related to practice
6 under this Act, by any governmental agency, by any law
7 enforcement agency, or by any court for acts or conduct
8 similar to acts or conduct which would constitute grounds
9 for action as defined in this Section.

10 (35) Failure to report to the Department surrender of
11 a license or authorization to practice as a medical
12 doctor, a doctor of osteopathy, a doctor of osteopathic
13 medicine, or doctor of chiropractic in another state or
14 jurisdiction, or surrender of membership on any medical
15 staff or in any medical or professional association or
16 society, while under disciplinary investigation by any of
17 those authorities or bodies, for acts or conduct similar
18 to acts or conduct which would constitute grounds for
19 action as defined in this Section.

20 (36) Failure to report to the Department any adverse
21 judgment, settlement, or award arising from a liability
22 claim related to acts or conduct similar to acts or
23 conduct which would constitute grounds for action as
24 defined in this Section.

25 (37) Failure to provide copies of medical records as
26 required by law.

1 (38) Failure to furnish the Department, its
2 investigators or representatives, relevant information,
3 legally requested by the Department after consultation
4 with the Chief Medical Coordinator or the Deputy Medical
5 Coordinator.

6 (39) Violating the Health Care Worker Self-Referral
7 Act.

8 (40) (Blank) .

9 (41) Failure to establish and maintain records of
10 patient care and treatment as required by this law.

11 (42) Entering into an excessive number of written
12 collaborative agreements with licensed advanced practice
13 registered nurses resulting in an inability to adequately
14 collaborate.

15 (43) Repeated failure to adequately collaborate with a
16 licensed advanced practice registered nurse.

17 (44) Violating the Compassionate Use of Medical
18 Cannabis Program Act.

19 (45) Entering into an excessive number of written
20 collaborative agreements with licensed prescribing
21 psychologists resulting in an inability to adequately
22 collaborate.

23 (46) Repeated failure to adequately collaborate with a
24 licensed prescribing psychologist.

25 (47) Willfully failing to report an instance of
26 suspected abuse, neglect, financial exploitation, or

1 self-neglect of an eligible adult as defined in and
2 required by the Adult Protective Services Act.

3 (48) Being named as an abuser in a verified report by
4 the Department on Aging under the Adult Protective
5 Services Act, and upon proof by clear and convincing
6 evidence that the licensee abused, neglected, or
7 financially exploited an eligible adult as defined in the
8 Adult Protective Services Act.

9 (49) Entering into an excessive number of written
10 collaborative agreements with licensed physician
11 assistants resulting in an inability to adequately
12 collaborate.

13 (50) Repeated failure to adequately collaborate with a
14 physician assistant.

15 Except for actions involving the ground numbered (26), all
16 proceedings to suspend, revoke, place on probationary status,
17 or take any other disciplinary action as the Department may
18 deem proper, with regard to a license on any of the foregoing
19 grounds, must be commenced within 5 years next after receipt
20 by the Department of a complaint alleging the commission of or
21 notice of the conviction order for any of the acts described
22 herein. Except for the grounds numbered (8), (9), (26), and
23 (29), no action shall be commenced more than 10 years after the
24 date of the incident or act alleged to have violated this
25 Section. For actions involving the ground numbered (26), a
26 pattern of practice or other behavior includes all incidents

1 alleged to be part of the pattern of practice or other behavior
2 that occurred, or a report pursuant to Section 23 of this Act
3 received, within the 10-year period preceding the filing of
4 the complaint. In the event of the settlement of any claim or
5 cause of action in favor of the claimant or the reduction to
6 final judgment of any civil action in favor of the plaintiff,
7 such claim, cause of action, or civil action being grounded on
8 the allegation that a person licensed under this Act was
9 negligent in providing care, the Department shall have an
10 additional period of 2 years from the date of notification to
11 the Department under Section 23 of this Act of such settlement
12 or final judgment in which to investigate and commence formal
13 disciplinary proceedings under Section 36 of this Act, except
14 as otherwise provided by law. The time during which the holder
15 of the license was outside the State of Illinois shall not be
16 included within any period of time limiting the commencement
17 of disciplinary action by the Department.

18 The entry of an order or judgment by any circuit court
19 establishing that any person holding a license under this Act
20 is a person in need of mental treatment operates as a
21 suspension of that license. That person may resume his or her
22 practice only upon the entry of a Departmental order based
23 upon a finding by the Medical Board that the person has been
24 determined to be recovered from mental illness by the court
25 and upon the Medical Board's recommendation that the person be
26 permitted to resume his or her practice.

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

9 The Department, upon the recommendation of the Medical
10 Board, shall adopt rules which set forth standards to be used
11 in determining:

12 (a) when a person will be deemed sufficiently
13 rehabilitated to warrant the public trust;

14 (b) what constitutes dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public;

17 (c) what constitutes immoral conduct in the commission
18 of any act, including, but not limited to, commission of
19 an act of sexual misconduct related to the licensee's
20 practice; and

21 (d) what constitutes gross negligence in the practice
22 of medicine.

23 However, no such rule shall be admissible into evidence in
24 any civil action except for review of a licensing or other
25 disciplinary action under this Act.

26 In enforcing this Section, the Medical Board, upon a

1 showing of a possible violation, may compel any individual who
2 is licensed to practice under this Act or holds a permit to
3 practice under this Act, or any individual who has applied for
4 licensure or a permit pursuant to this Act, to submit to a
5 mental or physical examination and evaluation, or both, which
6 may include a substance abuse or sexual offender evaluation,
7 as required by the Medical Board and at the expense of the
8 Department. The Medical Board shall specifically designate the
9 examining physician licensed to practice medicine in all of
10 its branches or, if applicable, the multidisciplinary team
11 involved in providing the mental or physical examination and
12 evaluation, or both. The multidisciplinary team shall be led
13 by a physician licensed to practice medicine in all of its
14 branches and may consist of one or more or a combination of
15 physicians licensed to practice medicine in all of its
16 branches, licensed chiropractic physicians, licensed clinical
17 psychologists, licensed clinical social workers, licensed
18 clinical professional counselors, and other professional and
19 administrative staff. Any examining physician or member of the
20 multidisciplinary team may require any person ordered to
21 submit to an examination and evaluation pursuant to this
22 Section to submit to any additional supplemental testing
23 deemed necessary to complete any examination or evaluation
24 process, including, but not limited to, blood testing,
25 urinalysis, psychological testing, or neuropsychological
26 testing. The Medical Board or the Department may order the

1 examining physician or any member of the multidisciplinary
2 team to provide to the Department or the Medical Board any and
3 all records, including business records, that relate to the
4 examination and evaluation, including any supplemental testing
5 performed. The Medical Board or the Department may order the
6 examining physician or any member of the multidisciplinary
7 team to present testimony concerning this examination and
8 evaluation of the licensee, permit holder, or applicant,
9 including testimony concerning any supplemental testing or
10 documents relating to the examination and evaluation. No
11 information, report, record, or other documents in any way
12 related to the examination and evaluation shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communication between the licensee, permit holder, or
15 applicant and the examining physician or any member of the
16 multidisciplinary team. No authorization is necessary from the
17 licensee, permit holder, or applicant ordered to undergo an
18 evaluation and examination for the examining physician or any
19 member of the multidisciplinary team to provide information,
20 reports, records, or other documents or to provide any
21 testimony regarding the examination and evaluation. The
22 individual to be examined may have, at his or her own expense,
23 another physician of his or her choice present during all
24 aspects of the examination. Failure of any individual to
25 submit to mental or physical examination and evaluation, or
26 both, when directed, shall result in an automatic suspension,

1 without hearing, until such time as the individual submits to
2 the examination. If the Medical Board finds a physician unable
3 to practice following an examination and evaluation because of
4 the reasons set forth in this Section, the Medical Board shall
5 require such physician to submit to care, counseling, or
6 treatment by physicians, or other health care professionals,
7 approved or designated by the Medical Board, as a condition
8 for issued, continued, reinstated, or renewed licensure to
9 practice. Any physician, whose license was granted pursuant to
10 Section 9, 17, or 19 of this Act, or, continued, reinstated,
11 renewed, disciplined, or supervised, subject to such terms,
12 conditions, or restrictions who shall fail to comply with such
13 terms, conditions, or restrictions, or to complete a required
14 program of care, counseling, or treatment, as determined by
15 the Chief Medical Coordinator or Deputy Medical Coordinators,
16 shall be referred to the Secretary for a determination as to
17 whether the licensee shall have his or her license suspended
18 immediately, pending a hearing by the Medical Board. In
19 instances in which the Secretary immediately suspends a
20 license under this Section, a hearing upon such person's
21 license must be convened by the Medical Board within 15 days
22 after such suspension and completed without appreciable delay.
23 The Medical Board shall have the authority to review the
24 subject physician's record of treatment and counseling
25 regarding the impairment, to the extent permitted by
26 applicable federal statutes and regulations safeguarding the

1 confidentiality of medical records.

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

7 The Medical Board, in determining mental capacity of an
8 individual licensed under this Act, shall consider the latest
9 recommendations of the Federation of State Medical Boards.

10 The Department may promulgate rules for the imposition of
11 fines in disciplinary cases, not to exceed \$10,000 for each
12 violation of this Act. Fines may be imposed in conjunction
13 with other forms of disciplinary action, but shall not be the
14 exclusive disposition of any disciplinary action arising out
15 of conduct resulting in death or injury to a patient. Any funds
16 collected from such fines shall be deposited in the Illinois
17 State Medical Disciplinary Fund.

18 All fines imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the fine
20 or in accordance with the terms set forth in the order imposing
21 the fine.

22 (B) The Department shall revoke the license or permit
23 issued under this Act to practice medicine of ~~or~~ a
24 chiropractic physician who has been convicted a second time of
25 committing any felony under the Illinois Controlled Substances
26 Act or the Methamphetamine Control and Community Protection

1 Act, or who has been convicted a second time of committing a
2 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
3 Public Aid Code. A person whose license or permit is revoked
4 under this subsection (B) ~~B~~ shall be prohibited from
5 practicing medicine or treating human ailments without the use
6 of drugs and without operative surgery.

7 (C) The Department shall not revoke, suspend, place on
8 probation, reprimand, refuse to issue or renew, or take any
9 other disciplinary or non-disciplinary action against the
10 license or permit issued under this Act to practice medicine
11 to a physician:

12 (1) based solely upon the recommendation of the
13 physician to an eligible patient regarding, or
14 prescription for, or treatment with, an investigational
15 drug, biological product, or device;

16 (2) for experimental treatment for Lyme disease or
17 other tick-borne diseases, including, but not limited to,
18 the prescription of or treatment with long-term
19 antibiotics;

20 (3) based solely upon the physician providing,
21 authorizing, recommending, aiding, assisting, referring
22 for, or otherwise participating in any health care
23 service, so long as the care was not unlawful under the
24 laws of this State, regardless of whether the patient was
25 a resident of this State or another state; or

26 (4) based upon the physician's license being revoked

1 or suspended, or the physician being otherwise disciplined
2 by any other state, if that revocation, suspension, or
3 other form of discipline was based solely on the physician
4 violating another state's laws prohibiting the provision
5 of, authorization of, recommendation of, aiding or
6 assisting in, referring for, or participation in any
7 health care service if that health care service as
8 provided would not have been unlawful under the laws of
9 this State and is consistent with the standards of conduct
10 for the physician if it occurred in Illinois.

11 (D) (Blank).

12 (E) The conduct specified in subsection (C) shall not
13 trigger reporting requirements under Section 23, constitute
14 grounds for suspension under Section 25, or be included on the
15 physician's profile required under Section 10 of the Patients'
16 Right to Know Act.

17 (F) An applicant seeking licensure, certification, or
18 authorization pursuant to this Act and who has been subject to
19 disciplinary action by a duly authorized professional
20 disciplinary agency of another jurisdiction solely on the
21 basis of having provided, authorized, recommended, aided,
22 assisted, referred for, or otherwise participated in health
23 care shall not be denied such licensure, certification, or
24 authorization, unless the Department determines that the
25 action would have constituted professional misconduct in this
26 State; however, nothing in this Section shall be construed as

1 prohibiting the Department from evaluating the conduct of the
2 applicant and making a determination regarding the licensure,
3 certification, or authorization to practice a profession under
4 this Act.

5 (G) The Department may adopt rules to implement the
6 changes made by Public Act 102-1117 ~~this amendatory Act of the~~
7 ~~102nd General Assembly.~~

8 (H) Notwithstanding anything in this Act to the contrary,
9 a finding of guilt by a judge or jury, a guilty plea, or plea
10 of no contest entered after the effective date of this
11 amendatory Act of the 104th General Assembly of any of the
12 offenses listed in subsection (a) or (a-1) of Section 25 of the
13 Health Care Worker Background Check Act, except for Section
14 16-25 of the Criminal Code of 2012, is a disqualifying
15 offense, and the individual's license shall be automatically
16 revoked when the Department is notified that the individual
17 has been found guilty or has pled guilty or no contest. The
18 individual may appeal the revocation to the Department only
19 upon the reversal of the criminal conviction.

20 (Source: P.A. 102-20, eff. 1-1-22; 102-558, eff. 8-20-21;
21 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23; 103-442, eff.
22 1-1-24; revised 10-22-24.)

23 Section 35. The Nurse Practice Act is amended by changing
24 Sections 50-35 and 70-5 as follows:

1 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 50-35. Criminal history records background check.
4 Each applicant for licensure by examination or restoration
5 shall have his or her fingerprints submitted to the Illinois
6 State Police in an electronic format that complies with the
7 form and manner for requesting and furnishing criminal history
8 record information as prescribed by the Illinois State Police.
9 These fingerprints shall be checked prior to the Department
10 issuing or renewing a license against the Illinois State
11 Police and Federal Bureau of Investigation criminal history
12 record databases now and hereafter filed. The Illinois State
13 Police shall charge applicants a fee for conducting the
14 criminal history records check, which shall be deposited into
15 the State Police Services Fund and shall not exceed the actual
16 cost of the records check. The Illinois State Police shall
17 furnish, pursuant to positive identification, records of
18 Illinois convictions to the Department. The Department may
19 require applicants to pay a separate fingerprinting fee,
20 either to the Department or to a vendor. The Department, in its
21 discretion, may allow an applicant who does not have
22 reasonable access to a designated vendor to provide his or her
23 fingerprints in an alternative manner. The Department may
24 adopt any rules necessary to implement this Section.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 70-5. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or to renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department may
7 deem appropriate, including fines not to exceed \$10,000 per
8 violation, with regard to a license for any one or combination
9 of the causes set forth in subsection (b) below. All fines
10 collected under this Section shall be deposited in the Nursing
11 Dedicated and Professional Fund.

12 (b) Grounds for disciplinary action include the following:

13 (1) Material deception in furnishing information to
14 the Department.

15 (2) Material violations of any provision of this Act
16 or violation of the rules of or final administrative
17 action of the Secretary, after consideration of the
18 recommendation of the Board.

19 (3) Conviction by plea of guilty or nolo contendere,
20 finding of guilt, jury verdict, or entry of judgment or by
21 sentencing of any crime, including, but not limited to,
22 convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States: (i)
25 that is a felony; or (ii) that is a misdemeanor, an
26 essential element of which is dishonesty, or that is

1 directly related to the practice of the profession.

2 (4) A pattern of practice or other behavior which
3 demonstrates incapacity or incompetency to practice under
4 this Act.

5 (5) Knowingly aiding or assisting another person in
6 violating any provision of this Act or rules.

7 (6) Failing, within 90 days, to provide a response to
8 a request for information in response to a written request
9 made by the Department by certified or registered mail or
10 by email to the email address of record.

11 (7) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public, as defined by rule.

14 (8) Unlawful taking, theft, selling, distributing, or
15 manufacturing of any drug, narcotic, or prescription
16 device.

17 (9) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that could result in a licensee's inability to practice
20 with reasonable judgment, skill, or safety.

21 (10) Discipline by another U.S. jurisdiction or
22 foreign nation, if at least one of the grounds for the
23 discipline is the same or substantially equivalent to
24 those set forth in this Section.

25 (11) A finding that the licensee, after having her or
26 his license placed on probationary status or subject to

1 conditions or restrictions, has violated the terms of
2 probation or failed to comply with such terms or
3 conditions.

4 (12) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 and under the Abused and Neglected Child Reporting Act,
7 and upon proof by clear and convincing evidence that the
8 licensee has caused a child to be an abused child or
9 neglected child as defined in the Abused and Neglected
10 Child Reporting Act.

11 (13) Willful omission to file or record, or willfully
12 impeding the filing or recording or inducing another
13 person to omit to file or record medical reports as
14 required by law.

15 (13.5) Willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act.

18 (14) Gross negligence in the practice of practical,
19 professional, or advanced practice registered nursing.

20 (15) Holding oneself out to be practicing nursing
21 under any name other than one's own.

22 (16) Failure of a licensee to report to the Department
23 any adverse final action taken against him or her by
24 another licensing jurisdiction of the United States or any
25 foreign state or country, any peer review body, any health
26 care institution, any professional or nursing society or

1 association, any governmental agency, any law enforcement
2 agency, or any court or a nursing liability claim related
3 to acts or conduct similar to acts or conduct that would
4 constitute grounds for action as defined in this Section.

5 (17) Failure of a licensee to report to the Department
6 surrender by the licensee of a license or authorization to
7 practice nursing or advanced practice registered nursing
8 in another state or jurisdiction or current surrender by
9 the licensee of membership on any nursing staff or in any
10 nursing or advanced practice registered nursing or
11 professional association or society while under
12 disciplinary investigation by any of those authorities or
13 bodies for acts or conduct similar to acts or conduct that
14 would constitute grounds for action as defined by this
15 Section.

16 (18) Failing, within 60 days, to provide information
17 in response to a written request made by the Department.

18 (19) Failure to establish and maintain records of
19 patient care and treatment as required by law.

20 (20) Fraud, deceit, or misrepresentation in applying
21 for or procuring a license under this Act or in connection
22 with applying for renewal of a license under this Act.

23 (21) Allowing another person or organization to use
24 the licensee's license to deceive the public.

25 (22) Willfully making or filing false records or
26 reports in the licensee's practice, including, but not

1 limited to, false records to support claims against the
2 medical assistance program of the Department of Healthcare
3 and Family Services (formerly Department of Public Aid)
4 under the Illinois Public Aid Code.

5 (23) Attempting to subvert or cheat on a licensing
6 examination administered under this Act.

7 (24) Immoral conduct in the commission of an act,
8 including, but not limited to, sexual abuse, sexual
9 misconduct, or sexual exploitation, related to the
10 licensee's practice.

11 (25) Willfully or negligently violating the
12 confidentiality between nurse and patient except as
13 required by law.

14 (26) Practicing under a false or assumed name, except
15 as provided by law.

16 (27) The use of any false, fraudulent, or deceptive
17 statement in any document connected with the licensee's
18 practice.

19 (28) Directly or indirectly giving to or receiving
20 from a person, firm, corporation, partnership, or
21 association a fee, commission, rebate, or other form of
22 compensation for professional services not actually or
23 personally rendered. Nothing in this paragraph (28)
24 affects any bona fide independent contractor or employment
25 arrangements among health care professionals, health
26 facilities, health care providers, or other entities,

1 except as otherwise prohibited by law. Any employment
2 arrangements may include provisions for compensation,
3 health insurance, pension, or other employment benefits
4 for the provision of services within the scope of the
5 licensee's practice under this Act. Nothing in this
6 paragraph (28) shall be construed to require an employment
7 arrangement to receive professional fees for services
8 rendered.

9 (29) A violation of the Health Care Worker
10 Self-Referral Act.

11 (30) Physical illness, mental illness, or disability
12 that results in the inability to practice the profession
13 with reasonable judgment, skill, or safety.

14 (31) Exceeding the terms of a collaborative agreement
15 or the prescriptive authority delegated to a licensee by
16 his or her collaborating physician or podiatric physician
17 in guidelines established under a written collaborative
18 agreement.

19 (32) Making a false or misleading statement regarding
20 a licensee's skill or the efficacy or value of the
21 medicine, treatment, or remedy prescribed by him or her in
22 the course of treatment.

23 (33) Prescribing, selling, administering,
24 distributing, giving, or self-administering a drug
25 classified as a controlled substance (designated product)
26 or narcotic for other than medically accepted therapeutic

1 purposes.

2 (34) Promotion of the sale of drugs, devices,
3 appliances, or goods provided for a patient in a manner to
4 exploit the patient for financial gain.

5 (35) Violating State or federal laws, rules, or
6 regulations relating to controlled substances.

7 (36) Willfully or negligently violating the
8 confidentiality between an advanced practice registered
9 nurse, collaborating physician, dentist, or podiatric
10 physician and a patient, except as required by law.

11 (37) Willfully failing to report an instance of
12 suspected abuse, neglect, financial exploitation, or
13 self-neglect of an eligible adult as defined in and
14 required by the Adult Protective Services Act.

15 (38) Being named as an abuser in a verified report by
16 the Department on Aging and under the Adult Protective
17 Services Act, and upon proof by clear and convincing
18 evidence that the licensee abused, neglected, or
19 financially exploited an eligible adult as defined in the
20 Adult Protective Services Act.

21 (39) A violation of any provision of this Act or any
22 rules adopted under this Act.

23 (40) Violating the Compassionate Use of Medical
24 Cannabis Program Act.

25 (b-5) The Department shall not revoke, suspend, summarily
26 suspend, place on probation, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against the license or permit issued under this Act to
3 practice as a registered nurse or an advanced practice
4 registered nurse based solely upon the registered nurse or
5 advanced practice registered nurse providing, authorizing,
6 recommending, aiding, assisting, referring for, or otherwise
7 participating in any health care service, so long as the care
8 was not unlawful under the laws of this State, regardless of
9 whether the patient was a resident of this State or another
10 state.

11 (b-10) The Department shall not revoke, suspend, summarily
12 suspend, place on prohibition, reprimand, refuse to issue or
13 renew, or take any other disciplinary or non-disciplinary
14 action against the license or permit issued under this Act to
15 practice as a registered nurse or an advanced practice
16 registered nurse based upon the registered nurse's or advanced
17 practice registered nurse's license being revoked or
18 suspended, or the registered nurse or advanced practice
19 registered nurse being otherwise disciplined by any other
20 state, if that revocation, suspension, or other form of
21 discipline was based solely on the registered nurse or
22 advanced practice registered nurse violating another state's
23 laws prohibiting the provision of, authorization of,
24 recommendation of, aiding or assisting in, referring for, or
25 participation in any health care service if that health care
26 service as provided would not have been unlawful under the

1 laws of this State and is consistent with the standards of
2 conduct for the registered nurse or advanced practice
3 registered nurse practicing in Illinois.

4 (b-15) The conduct specified in subsections (b-5) and
5 (b-10) shall not trigger reporting requirements under Section
6 65-65 or constitute grounds for suspension under Section
7 70-60.

8 (b-20) An applicant seeking licensure, certification, or
9 authorization under this Act who has been subject to
10 disciplinary action by a duly authorized professional
11 disciplinary agency of another jurisdiction solely on the
12 basis of having provided, authorized, recommended, aided,
13 assisted, referred for, or otherwise participated in health
14 care shall not be denied such licensure, certification, or
15 authorization, unless the Department determines that such
16 action would have constituted professional misconduct in this
17 State; however, nothing in this Section shall be construed as
18 prohibiting the Department from evaluating the conduct of such
19 applicant and making a determination regarding the licensure,
20 certification, or authorization to practice a profession under
21 this Act.

22 (c) The determination by a circuit court that a licensee
23 is subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code, as amended, operates as an automatic suspension. The
26 suspension will end only upon a finding by a court that the

1 patient is no longer subject to involuntary admission or
2 judicial admission and issues an order so finding and
3 discharging the patient; and upon the recommendation of the
4 Board to the Secretary that the licensee be allowed to resume
5 his or her practice.

6 (d) The Department may refuse to issue or may suspend or
7 otherwise discipline the license of any person who fails to
8 file a return, or to pay the tax, penalty or interest shown in
9 a filed return, or to pay any final assessment of the tax,
10 penalty, or interest as required by any tax Act administered
11 by the Department of Revenue, until such time as the
12 requirements of any such tax Act are satisfied.

13 (e) In enforcing this Act, the Department, upon a showing
14 of a possible violation, may compel an individual licensed to
15 practice under this Act or who has applied for licensure under
16 this Act, to submit to a mental or physical examination, or
17 both, as required by and at the expense of the Department. The
18 Department may order the examining physician to present
19 testimony concerning the mental or physical examination of the
20 licensee or applicant. No information shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communications between the licensee or applicant and the
23 examining physician. The examining physicians shall be
24 specifically designated by the Department. The individual to
25 be examined may have, at his or her own expense, another
26 physician of his or her choice present during all aspects of

1 this examination. Failure of an individual to submit to a
2 mental or physical examination, when directed, shall result in
3 an automatic suspension without hearing.

4 All substance-related violations shall mandate an
5 automatic substance abuse assessment. Failure to submit to an
6 assessment by a licensed physician who is certified as an
7 addictionist or an advanced practice registered nurse with
8 specialty certification in addictions may be grounds for an
9 automatic suspension, as defined by rule.

10 If the Department finds an individual unable to practice
11 or unfit for duty because of the reasons set forth in this
12 subsection (e), the Department may require that individual to
13 submit to a substance abuse evaluation or treatment by
14 individuals or programs approved or designated by the
15 Department, as a condition, term, or restriction for
16 continued, restored, or renewed licensure to practice; or, in
17 lieu of evaluation or treatment, the Department may file, or
18 the Board may recommend to the Department to file, a complaint
19 to immediately suspend, revoke, or otherwise discipline the
20 license of the individual. An individual whose license was
21 granted, continued, restored, renewed, disciplined, or
22 supervised subject to such terms, conditions, or restrictions,
23 and who fails to comply with such terms, conditions, or
24 restrictions, shall be referred to the Secretary for a
25 determination as to whether the individual shall have his or
26 her license suspended immediately, pending a hearing by the

1 Department.

2 In instances in which the Secretary immediately suspends a
3 person's license under this subsection (e), a hearing on that
4 person's license must be convened by the Department within 15
5 days after the suspension and completed without appreciable
6 delay. The Department and Board shall have the authority to
7 review the subject individual's record of treatment and
8 counseling regarding the impairment to the extent permitted by
9 applicable federal statutes and regulations safeguarding the
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under
12 this subsection (e) shall be afforded an opportunity to
13 demonstrate to the Department that he or she can resume
14 practice in compliance with nursing standards under the
15 provisions of his or her license.

16 (f) The Department may adopt rules to implement the
17 changes made by this amendatory Act of the 102nd General
18 Assembly.

19 (g) Notwithstanding anything in this Act to the contrary,
20 a finding of guilt by a judge or jury, a guilty plea, or plea
21 of no contest entered after the effective date of this
22 amendatory Act of the 104th General Assembly of any of the
23 offenses listed in subsection (a) or (a-1) of Section 25 of the
24 Health Care Worker Background Check Act, except for Section
25 16-25 of the Criminal Code of 2012, is a disqualifying
26 offense, and the individual's license shall be automatically

1 revoked when the Department is notified that the individual
2 has been found guilty or has pled guilty or no contest. The
3 individual may appeal the revocation to the Department only
4 upon the reversal of the criminal conviction.

5 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
6 102-1117, eff. 1-13-23.)

7 Section 40. The Illinois Optometric Practice Act of 1987
8 is amended by changing Section 24 and by adding Section 12.3 as
9 follows:

10 (225 ILCS 80/12.3 new)

11 Sec. 12.3. Criminal history. Any Department process under
12 statute or rule used to verify the criminal history of an
13 applicant for licensure under this Act shall be used for all
14 applicants for licensure, applicants for renewal of a license,
15 or persons whose conviction of a crime or other behavior
16 warrants review of a license under this Act.

17 (225 ILCS 80/24) (from Ch. 111, par. 3924)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 24. Grounds for disciplinary action.

20 (a) The Department may refuse to issue or to renew, or may
21 revoke, suspend, place on probation, reprimand or take other
22 disciplinary or non-disciplinary action as the Department may
23 deem appropriate, including fines not to exceed \$10,000 for

1 each violation, with regard to any license for any one or
2 combination of the causes set forth in subsection (a-3) of
3 this Section. All fines collected under this Section shall be
4 deposited in the Optometric Licensing and Disciplinary Board
5 Fund. Any fine imposed shall be payable within 60 days after
6 the effective date of the order imposing the fine.

7 (a-3) Grounds for disciplinary action include the
8 following:

9 (1) Violations of this Act, or of the rules
10 promulgated hereunder.

11 (2) Conviction of or entry of a plea of guilty to any
12 crime under the laws of any U.S. jurisdiction thereof that
13 is a felony or that is a misdemeanor of which an essential
14 element is dishonesty, or any crime that is directly
15 related to the practice of the profession.

16 (3) Making any misrepresentation for the purpose of
17 obtaining a license.

18 (4) Professional incompetence or gross negligence in
19 the practice of optometry.

20 (5) Gross malpractice, prima facie evidence of which
21 may be a conviction or judgment of malpractice in any
22 court of competent jurisdiction.

23 (6) Aiding or assisting another person in violating
24 any provision of this Act or rules.

25 (7) Failing, within 60 days, to provide information in
26 response to a written request made by the Department that

1 has been sent by certified or registered mail to the
2 licensee's last known address.

3 (8) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 (9) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill, or safety.

10 (10) Discipline by another U.S. jurisdiction or
11 foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to
13 those set forth herein.

14 (11) Violation of the prohibition against fee
15 splitting in Section 24.2 of this Act.

16 (12) A finding by the Department that the licensee,
17 after having his or her license placed on probationary
18 status has violated the terms of probation.

19 (13) Abandonment of a patient.

20 (14) Willfully making or filing false records or
21 reports in his or her practice, including but not limited
22 to false records filed with State agencies or departments.

23 (15) Willfully failing to report an instance of
24 suspected abuse or neglect as required by law.

25 (16) Physical illness, including but not limited to,
26 deterioration through the aging process, or loss of motor

1 skill, mental illness, or disability that results in the
2 inability to practice the profession with reasonable
3 judgment, skill, or safety.

4 (17) Solicitation of professional services other than
5 permitted advertising.

6 (18) Failure to provide a patient with a copy of his or
7 her record or prescription in accordance with federal law.

8 (19) Conviction by any court of competent
9 jurisdiction, either within or without this State, of any
10 violation of any law governing the practice of optometry,
11 conviction in this or another State of any crime that is a
12 felony under the laws of this State or conviction of a
13 felony in a federal court, if the Department determines,
14 after investigation, that such person has not been
15 sufficiently rehabilitated to warrant the public trust.

16 (20) A finding that licensure has been applied for or
17 obtained by fraudulent means.

18 (21) Continued practice by a person knowingly having
19 an infectious or contagious disease.

20 (22) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act, and
23 upon proof by clear and convincing evidence that the
24 licensee has caused a child to be an abused child or a
25 neglected child as defined in the Abused and Neglected
26 Child Reporting Act.

1 (23) Practicing or attempting to practice under a name
2 other than the full name as shown on his or her license.

3 (24) Immoral conduct in the commission of any act,
4 such as sexual abuse, sexual misconduct or sexual
5 exploitation, related to the licensee's practice.

6 (25) Maintaining a professional relationship with any
7 person, firm, or corporation when the optometrist knows,
8 or should know, that such person, firm, or corporation is
9 violating this Act.

10 (26) Promotion of the sale of drugs, devices,
11 appliances or goods provided for a client or patient in
12 such manner as to exploit the patient or client for
13 financial gain of the licensee.

14 (27) Using the title "Doctor" or its abbreviation
15 without further qualifying that title or abbreviation with
16 the word "optometry" or "optometrist".

17 (28) Use by a licensed optometrist of the word
18 "infirmary", "hospital", "school", "university", in
19 English or any other language, in connection with the
20 place where optometry may be practiced or demonstrated
21 unless the licensee is employed by and practicing at a
22 location that is licensed as a hospital or accredited as a
23 school or university.

24 (29) Continuance of an optometrist in the employ of
25 any person, firm or corporation, or as an assistant to any
26 optometrist or optometrists, directly or indirectly, after

1 his or her employer or superior has been found guilty of
2 violating or has been enjoined from violating the laws of
3 the State of Illinois relating to the practice of
4 optometry, when the employer or superior persists in that
5 violation.

6 (30) The performance of optometric service in
7 conjunction with a scheme or plan with another person,
8 firm or corporation known to be advertising in a manner
9 contrary to this Act or otherwise violating the laws of
10 the State of Illinois concerning the practice of
11 optometry.

12 (31) Failure to provide satisfactory proof of having
13 participated in approved continuing education programs as
14 determined by the Board and approved by the Secretary.
15 Exceptions for extreme hardships are to be defined by the
16 rules of the Department.

17 (32) Willfully making or filing false records or
18 reports in the practice of optometry, including, but not
19 limited to false records to support claims against the
20 medical assistance program of the Department of Healthcare
21 and Family Services (formerly Department of Public Aid)
22 under the Illinois Public Aid Code.

23 (33) Gross and willful overcharging for professional
24 services including filing false statements for collection
25 of fees for which services are not rendered, including,
26 but not limited to filing false statements for collection

1 of monies for services not rendered from the medical
2 assistance program of the Department of Healthcare and
3 Family Services (formerly Department of Public Aid) under
4 the Illinois Public Aid Code.

5 (34) In the absence of good reasons to the contrary,
6 failure to perform a minimum eye examination as required
7 by the rules of the Department.

8 (35) Violation of the Health Care Worker Self-Referral
9 Act.

10 The Department shall refuse to issue or shall suspend the
11 license of any person who fails to file a return, or to pay the
12 tax, penalty or interest shown in a filed return, or to pay any
13 final assessment of the tax, penalty or interest, as required
14 by any tax Act administered by the Illinois Department of
15 Revenue, until such time as the requirements of any such tax
16 Act are satisfied.

17 (a-5) In enforcing this Section, the Board or Department,
18 upon a showing of a possible violation, may compel any
19 individual licensed to practice under this Act, or who has
20 applied for licensure or certification pursuant to this Act,
21 to submit to a mental or physical examination, or both, as
22 required by and at the expense of the Department. The
23 examining physicians or clinical psychologists shall be those
24 specifically designated by the Department. The Board or the
25 Department may order the examining physician or clinical
26 psychologist to present testimony concerning this mental or

1 physical examination of the licensee or applicant. No
2 information shall be excluded by reason of any common law or
3 statutory privilege relating to communications between the
4 licensee or applicant and the examining physician or clinical
5 psychologist. Eye examinations may be provided by a licensed
6 optometrist. The individual to be examined may have, at his or
7 her own expense, another physician of his or her choice
8 present during all aspects of the examination. Failure of any
9 individual to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of a license until
11 such time as the individual submits to the examination if the
12 Board or Department finds, after notice and hearing, that the
13 refusal to submit to the examination was without reasonable
14 cause.

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

1 Any individual whose license was granted pursuant to this Act,
2 or continued, reinstated, renewed, disciplined, or supervised,
3 subject to such conditions, terms, or restrictions, who shall
4 fail to comply with such conditions, terms, or restrictions,
5 shall be referred to the Secretary for a determination as to
6 whether the individual shall have his or her license suspended
7 immediately, pending a hearing by the Board.

8 (a-10) Notwithstanding anything in this Act to the
9 contrary, a finding of guilt by a judge or jury, a guilty plea,
10 or plea of no contest entered after the effective date of this
11 amendatory Act of the 104th General Assembly of any of the
12 offenses listed in subsection (a) or (a-1) of Section 25 of the
13 Health Care Worker Background Check Act, except for Section
14 16-25 of the Criminal Code of 2012, is a disqualifying
15 offense, and the individual's license shall be automatically
16 revoked when the Department is notified that the individual
17 has been found guilty or has pled guilty or no contest. The
18 individual may appeal the revocation to the Department only
19 upon the reversal of the criminal conviction.

20 (b) The determination by a circuit court that a licensee
21 is subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code operates as an automatic suspension. The suspension will
24 end only upon a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission
26 and issues an order so finding and discharging the patient;

1 and upon the recommendation of the Board to the Secretary that
2 the licensee be allowed to resume his or her practice.

3 (Source: P.A. 99-43, eff. 1-1-16; 99-909, eff. 1-1-17.)

4 Section 45. The Orthotics, Prosthetics, and Pedorthics
5 Practice Act is amended by changing Section 90 and by adding
6 Section 45.5 as follows:

7 (225 ILCS 84/45.5 new)

8 Sec. 45.5. Criminal history. Any Department process under
9 statute or rule used to verify the criminal history of an
10 applicant for licensure under this Act shall be used for all
11 applicants for licensure, applicants for renewal of a license,
12 or persons whose conviction of a crime or other behavior
13 warrants review of a license under this Act.

14 (225 ILCS 84/90)

15 (Section scheduled to be repealed on January 1, 2030)

16 Sec. 90. Grounds for discipline.

17 (a) The Department may refuse to issue or renew a license,
18 or may revoke or suspend a license, or may suspend, place on
19 probation, or reprimand a licensee or take other disciplinary
20 or non-disciplinary action as the Department may deem proper,
21 including, but not limited to, the imposition of fines not to
22 exceed \$10,000 for each violation for one or any combination
23 of the following:

1 (1) Making a material misstatement in furnishing
2 information to the Department or the Board.

3 (2) Violations of or negligent or intentional
4 disregard of this Act or its rules.

5 (3) Conviction of, or entry of a plea of guilty or nolo
6 contendere, finding of guilt, jury verdict, or entry of
7 judgment or sentencing, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation under
10 the laws of the United States or any state or that is (i) a
11 felony, or (ii) a misdemeanor, an essential element of
12 which is dishonesty, or any crime that is directly related
13 to the practice of the profession.

14 (4) Making a misrepresentation for the purpose of
15 obtaining a license under this Act or in connection with
16 applying for renewal or restoration of a license under
17 this Act.

18 (5) A pattern of practice or other behavior that
19 demonstrates incapacity or incompetence to practice under
20 this Act.

21 (6) Gross negligence under this Act.

22 (7) Aiding or assisting another person in violating a
23 provision of this Act or its rules.

24 (8) Failing to provide information within 60 days in
25 response to a written request made by the Department.

26 (9) Engaging in dishonorable, unethical, or

1 unprofessional conduct or conduct of a character likely to
2 deceive, defraud, or harm the public.

3 (10) Inability to practice with reasonable judgment,
4 skill, or safety as a result of habitual or excessive use
5 or addiction to alcohol, narcotics, stimulants, or any
6 other chemical agent or drug.

7 (11) Discipline by another state or territory of the
8 United States, the federal government, or foreign nation,
9 if at least one of the grounds for the discipline is the
10 same or substantially equivalent to one set forth in this
11 Section.

12 (12) Directly or indirectly giving to or receiving
13 from a person, firm, corporation, partnership, or
14 association a fee, commission, rebate, or other form of
15 compensation for professional services not actually or
16 personally rendered. Nothing in this paragraph (12)
17 affects any bona fide independent contractor or employment
18 arrangements among health care professionals, health
19 facilities, health care providers, or other entities,
20 except as otherwise prohibited by law. Any employment
21 arrangements may include provisions for compensation,
22 health insurance, pension, or other employment benefits
23 for the provision of services within the scope of the
24 licensee's practice under this Act. Nothing in this
25 paragraph (12) shall be construed to require an employment
26 arrangement to receive professional fees for services

1 rendered.

2 (13) A finding by the Board that the licensee or
3 registrant, after having his or her license placed on
4 probationary status, has violated the terms of probation
5 or failed to comply with such terms.

6 (14) Abandonment of a patient or client.

7 (15) Willfully making or filing false records or
8 reports related to the licensee's practice, including, but
9 not limited to, false records filed with federal or State
10 agencies or departments.

11 (16) Willfully failing to report an instance of
12 suspected abuse, neglect, financial exploitation, or
13 self-neglect of an eligible child or adult as required by
14 the Abused and Neglected Child Reporting Act and the Adult
15 Protective Services Act.

16 (17) Inability to practice the profession with
17 reasonable judgment, skill, or safety as a result of a
18 physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill, or a mental illness or disability.

21 (18) Solicitation of professional services using false
22 or misleading advertising.

23 (a-5) Notwithstanding anything in this Act to the
24 contrary, a finding of guilt by a judge or jury, a guilty plea,
25 or plea of no contest entered after the effective date of this
26 amendatory Act of the 104th General Assembly of any of the

1 offenses listed in subsection (a) or (a-1) of Section 25 of the
2 Health Care Worker Background Check Act, except for Section
3 16-25 of the Criminal Code of 2012, is a disqualifying
4 offense, and the individual's license shall be automatically
5 revoked when the Department is notified that the individual
6 has been found guilty or has pled guilty or no contest. The
7 individual may appeal the revocation to the Department only
8 upon the reversal of the criminal conviction.

9 (b) In enforcing this Section, the Department or Board
10 upon a showing of a possible violation, may compel a licensee
11 or applicant to submit to a mental or physical examination, or
12 both, as required by and at the expense of the Department. The
13 Department or Board may order the examining physician to
14 present testimony concerning the mental or physical
15 examination of the licensee or applicant. No information shall
16 be excluded by reason of any common law or statutory privilege
17 relating to communications between the licensee or applicant
18 and the examining physician. The examining physicians shall be
19 specifically designated by the Board or Department. The
20 individual to be examined may have, at his or her own expense,
21 another physician of his or her choice present during all
22 aspects of this examination. Failure of an individual to
23 submit to a mental or physical examination, when directed,
24 shall be grounds for the immediate suspension of his or her
25 license until the individual submits to the examination if the
26 Department finds that the refusal to submit to the examination

1 was without reasonable cause as defined by rule.

2 If the Secretary immediately suspends a person's license
3 for his or her failure to submit to a mental or physical
4 examination, when directed, a hearing on that person's license
5 must be convened by the Department within 15 days after the
6 suspension and completed without appreciable delay.

7 If the Secretary otherwise suspends a person's license
8 pursuant to the results of a compelled mental or physical
9 examination, a hearing on that person's license must be
10 convened by the Department within 15 days after the suspension
11 and completed without appreciable delay. The Department and
12 Board shall have the authority to review the subject
13 individual's record of treatment and counseling regarding the
14 impairment to the extent permitted by applicable federal
15 statutes and regulations safeguarding the confidentiality of
16 medical records.

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

22 (c) (Blank).

23 (d) If the Department of Healthcare and Family Services
24 (formerly Department of Public Aid) has previously determined
25 that a licensee or a potential licensee is more than 30 days
26 delinquent in the payment of child support and has

1 subsequently certified the delinquency to the Department, the
2 Department may refuse to issue or renew or may revoke or
3 suspend that person's license or may take other disciplinary
4 action against that person based solely upon the certification
5 of delinquency made by the Department of Healthcare and Family
6 Services in accordance with subsection (a)(5) of Section
7 2105-15 of the Department of Professional Regulation Law of
8 the Civil Administrative Code of Illinois.

9 (e) The Department shall refuse to issue or renew a
10 license, or may revoke or suspend a license, for failure to
11 file a return, to pay the tax, penalty, or interest shown in a
12 filed return, or to pay any final assessment of tax, penalty,
13 or interest as required by any tax Act administered by the
14 Department of Revenue, until the requirements of the tax Act
15 are satisfied in accordance with subsection (g) of Section
16 2105-15 of the Department of Professional Regulation Law of
17 the Civil Administrative Code of Illinois.

18 (Source: P.A. 100-872, eff. 8-14-18; 101-269, eff. 8-9-19.)

19 Section 50. The Illinois Physical Therapy Act is amended
20 by changing Section 17 and by adding Section 9.5 as follows:

21 (225 ILCS 90/9.5 new)

22 Sec. 9.5. Criminal history records background check. Each
23 applicant for licensure under this Act, or for renewal
24 thereof, shall have his or her fingerprints submitted to the

1 Illinois State Police in an electronic format that complies
2 with the form and manner for requesting and furnishing
3 criminal history record information as prescribed by the
4 Illinois State Police. These fingerprints shall be checked
5 against the Illinois State Police and Federal Bureau of
6 Investigation criminal history record databases now and
7 hereafter filed. The Illinois State Police shall charge
8 applicants a fee for conducting the criminal history records
9 check, which shall be deposited into the State Police Services
10 Fund and shall not exceed the actual cost of the records check.
11 The Illinois State Police shall furnish, pursuant to positive
12 identification, records of Illinois convictions to the
13 Department. The Department may require applicants to pay a
14 separate fingerprinting fee, either to the Department or to a
15 vendor. The Department, in its discretion, may allow an
16 applicant who does not have reasonable access to a designated
17 vendor to provide his or her fingerprints in an alternative
18 manner. The Department may adopt any rules necessary to
19 implement this Section.

20 (225 ILCS 90/17) (from Ch. 111, par. 4267)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 17. (1) The Department may refuse to issue or to
23 renew, or may revoke, suspend, place on probation, reprimand,
24 or take other disciplinary action as the Department deems
25 appropriate, including the issuance of fines not to exceed

1 \$5000, with regard to a license for any one or a combination of
2 the following:

3 A. Material misstatement in furnishing information to
4 the Department or otherwise making misleading, deceptive,
5 untrue, or fraudulent representations in violation of this
6 Act or otherwise in the practice of the profession;

7 B. Violations of this Act, or of the rules or
8 regulations promulgated hereunder;

9 C. Conviction of any crime under the laws of the
10 United States or any state or territory thereof which is a
11 felony or which is a misdemeanor, an essential element of
12 which is dishonesty, or of any crime which is directly
13 related to the practice of the profession; conviction, as
14 used in this paragraph, shall include a finding or verdict
15 of guilty, an admission of guilt or a plea of nolo
16 contendere;

17 D. Making any misrepresentation for the purpose of
18 obtaining licenses, or violating any provision of this Act
19 or the rules promulgated thereunder pertaining to
20 advertising;

21 E. A pattern of practice or other behavior which
22 demonstrates incapacity or incompetency to practice under
23 this Act;

24 F. Aiding or assisting another person in violating any
25 provision of this Act or Rules;

26 G. Failing, within 60 days, to provide information in

1 response to a written request made by the Department;

2 H. Engaging in dishonorable, unethical or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public. Unprofessional conduct shall
5 include any departure from or the failure to conform to
6 the minimal standards of acceptable and prevailing
7 physical therapy practice, in which proceeding actual
8 injury to a patient need not be established;

9 I. Unlawful distribution of any drug or narcotic, or
10 unlawful conversion of any drug or narcotic not belonging
11 to the person for such person's own use or benefit or for
12 other than medically accepted therapeutic purposes;

13 J. Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 which results in a physical therapist's or physical
16 therapist assistant's inability to practice with
17 reasonable judgment, skill or safety;

18 K. Revocation or suspension of a license to practice
19 physical therapy as a physical therapist or physical
20 therapist assistant or the taking of other disciplinary
21 action by the proper licensing authority of another state,
22 territory or country;

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

1 rendered. Nothing contained in this paragraph prohibits
2 persons holding valid and current licenses under this Act
3 from practicing physical therapy in partnership under a
4 partnership agreement, including a limited liability
5 partnership, a limited liability company, or a corporation
6 under the Professional Service Corporation Act or from
7 pooling, sharing, dividing, or apportioning the fees and
8 monies received by them or by the partnership, company, or
9 corporation in accordance with the partnership agreement
10 or the policies of the company or professional
11 corporation. Nothing in this paragraph (L) affects any
12 bona fide independent contractor or employment
13 arrangements among health care professionals, health
14 facilities, health care providers, or other entities,
15 except as otherwise prohibited by law. Any employment
16 arrangements may include provisions for compensation,
17 health insurance, pension, or other employment benefits
18 for the provision of services within the scope of the
19 licensee's practice under this Act. Nothing in this
20 paragraph (L) shall be construed to require an employment
21 arrangement to receive professional fees for services
22 rendered;

23 M. A finding by the Board that the licensee after
24 having his or her license placed on probationary status
25 has violated the terms of probation;

26 N. Abandonment of a patient;

1 O. Willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act;

4 P. Willfully failing to report an instance of
5 suspected elder abuse or neglect as required by the Elder
6 Abuse Reporting Act;

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

11 R. The use of any words (such as physical therapy,
12 physical therapist physiotherapy or physiotherapist),
13 abbreviations, figures or letters with the intention of
14 indicating practice as a licensed physical therapist
15 without a valid license as a physical therapist issued
16 under this Act;

17 S. The use of the term physical therapist assistant,
18 or abbreviations, figures, or letters with the intention
19 of indicating practice as a physical therapist assistant
20 without a valid license as a physical therapist assistant
21 issued under this Act;

22 T. Willfully violating or knowingly assisting in the
23 violation of any law of this State relating to the
24 practice of abortion;

25 U. Continued practice by a person knowingly having an
26 infectious, communicable or contagious disease;

1 V. Having treated ailments of human beings otherwise
2 than by the practice of physical therapy as defined in
3 this Act, or having treated ailments of human beings as a
4 licensed physical therapist in violation of Section 1.2;

5 W. Being named as a perpetrator in an indicated report
6 by the Department of Children and Family Services pursuant
7 to the Abused and Neglected Child Reporting Act, and upon
8 proof by clear and convincing evidence that the licensee
9 has caused a child to be an abused child or neglected child
10 as defined in the Abused and Neglected Child Reporting
11 Act;

12 X. Interpretation of referrals, performance of
13 evaluation procedures, planning or making major
14 modifications of patient programs by a physical therapist
15 assistant;

16 Y. Failure by a physical therapist assistant and
17 supervising physical therapist to maintain continued
18 contact, including periodic personal supervision and
19 instruction, to insure safety and welfare of patients;

20 Z. Violation of the Health Care Worker Self-Referral
21 Act.

22 (1.5) Notwithstanding anything in this Act to the
23 contrary, a finding of guilt by a judge or jury, a guilty plea,
24 or plea of no contest entered after the effective date of this
25 amendatory Act of the 104th General Assembly of any of the
26 offenses listed in subsection (a) or (a-1) of Section 25 of the

1 Health Care Worker Background Check Act, except for Section
2 16-25 of the Criminal Code of 2012, is a disqualifying
3 offense, and the individual's license shall be automatically
4 revoked when the Department is notified that the individual
5 has been found guilty or has pled guilty or no contest. The
6 individual may appeal the revocation to the Department only
7 upon the reversal of the criminal conviction.

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

17 (3) The Department may refuse to issue or may suspend the
18 license of any person who fails to file a return, or to pay the
19 tax, penalty or interest shown in a filed return, or to pay any
20 final assessment of tax, penalty or interest, as required by
21 any tax Act administered by the Illinois Department of
22 Revenue, until such time as the requirements of any such tax
23 Act are satisfied.

24 (Source: P.A. 100-513, eff. 1-1-18; 100-897, eff. 8-16-18.)

25 Section 55. The Physician Assistant Practice Act of 1987

1 is amended by changing Section 21 and by adding Section 9.9 as
2 follows:

3 (225 ILCS 95/9.9 new)

4 Sec. 9.9. Criminal history. Any Department process under
5 statute or rule used to verify the criminal history of an
6 applicant for licensure under this Act shall be used for all
7 applicants for licensure, applicants for renewal of a license,
8 or persons whose conviction of a crime or other behavior
9 warrants review of a license under this Act.

10 (225 ILCS 95/21) (from Ch. 111, par. 4621)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 21. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or to renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary or non-disciplinary action with regard to any
16 license issued under this Act as the Department may deem
17 proper, including the issuance of fines not to exceed \$10,000
18 for each violation, for any one or combination of the
19 following causes:

20 (1) Material misstatement in furnishing information to
21 the Department.

22 (2) Violations of this Act, or the rules adopted under
23 this Act.

24 (3) Conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or
2 sentencing, including, but not limited to, convictions,
3 preceding sentences of supervision, conditional discharge,
4 or first offender probation, under the laws of any
5 jurisdiction of the United States that is: (i) a felony;
6 or (ii) a misdemeanor, an essential element of which is
7 dishonesty, or that is directly related to the practice of
8 the profession.

9 (4) Making any misrepresentation for the purpose of
10 obtaining licenses.

11 (5) Professional incompetence.

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

14 (7) Failing, within 60 days, to provide information in
15 response to a written request made by the Department.

16 (8) Engaging in dishonorable, unethical, or
17 unprofessional conduct, as defined by rule, of a character
18 likely to deceive, defraud, or harm the public.

19 (9) Habitual or excessive use or addiction to alcohol,
20 narcotics, stimulants, or any other chemical agent or drug
21 that results in a physician assistant's inability to
22 practice with reasonable judgment, skill, or safety.

23 (10) Discipline by another U.S. jurisdiction or
24 foreign nation, if at least one of the grounds for
25 discipline is the same or substantially equivalent to
26 those set forth in this Section.

1 (11) Directly or indirectly giving to or receiving
2 from any person, firm, corporation, partnership, or
3 association any fee, commission, rebate or other form of
4 compensation for any professional services not actually or
5 personally rendered. Nothing in this paragraph (11)
6 affects any bona fide independent contractor or employment
7 arrangements, which may include provisions for
8 compensation, health insurance, pension, or other
9 employment benefits, with persons or entities authorized
10 under this Act for the provision of services within the
11 scope of the licensee's practice under this Act.

12 (12) A finding by the Board that the licensee, after
13 having his or her license placed on probationary status,
14 has violated the terms of probation.

15 (13) Abandonment of a patient.

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

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

22 (16) Physical illness, or mental illness or impairment
23 that results in the inability to practice the profession
24 with reasonable judgment, skill, or safety, including, but
25 not limited to, deterioration through the aging process or
26 loss of motor skill.

1 (17) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act, and
4 upon proof by clear and convincing evidence that the
5 licensee has caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (18) (Blank) .

9 (19) Gross negligence resulting in permanent injury or
10 death of a patient.

11 (20) Employment of fraud, deception or any unlawful
12 means in applying for or securing a license as a physician
13 assistant.

14 (21) Exceeding the authority delegated to him or her
15 by his or her collaborating physician in a written
16 collaborative agreement.

17 (22) Immoral conduct in the commission of any act,
18 such as sexual abuse, sexual misconduct, or sexual
19 exploitation related to the licensee's practice.

20 (23) Violation of the Health Care Worker Self-Referral
21 Act.

22 (24) Practicing under a false or assumed name, except
23 as provided by law.

24 (25) Making a false or misleading statement regarding
25 his or her skill or the efficacy or value of the medicine,
26 treatment, or remedy prescribed by him or her in the

1 course of treatment.

2 (26) Allowing another person to use his or her license
3 to practice.

4 (27) Prescribing, selling, administering,
5 distributing, giving, or self-administering a drug
6 classified as a controlled substance for other than
7 medically accepted therapeutic purposes.

8 (28) Promotion of the sale of drugs, devices,
9 appliances, or goods provided for a patient in a manner to
10 exploit the patient for financial gain.

11 (29) A pattern of practice or other behavior that
12 demonstrates incapacity or incompetence to practice under
13 this Act.

14 (30) Violating State or federal laws or regulations
15 relating to controlled substances or other legend drugs or
16 ephedra as defined in the Ephedra Prohibition Act.

17 (31) Exceeding the prescriptive authority delegated by
18 the collaborating physician or violating the written
19 collaborative agreement delegating that authority.

20 (32) Practicing without providing to the Department a
21 notice of collaboration or delegation of prescriptive
22 authority.

23 (33) Failure to establish and maintain records of
24 patient care and treatment as required by law.

25 (34) Attempting to subvert or cheat on the examination
26 of the National Commission on Certification of Physician

1 Assistants or its successor agency.

2 (35) Willfully or negligently violating the
3 confidentiality between physician assistant and patient,
4 except as required by law.

5 (36) Willfully failing to report an instance of
6 suspected abuse, neglect, financial exploitation, or
7 self-neglect of an eligible adult as defined in and
8 required by the Adult Protective Services Act.

9 (37) Being named as an abuser in a verified report by
10 the Department on Aging under the Adult Protective
11 Services Act and upon proof by clear and convincing
12 evidence that the licensee abused, neglected, or
13 financially exploited an eligible adult as defined in the
14 Adult Protective Services Act.

15 (38) Failure to report to the Department an adverse
16 final action taken against him or her by another licensing
17 jurisdiction of the United States or a foreign state or
18 country, a peer review body, a health care institution, a
19 professional society or association, a governmental
20 agency, a law enforcement agency, or a court acts or
21 conduct similar to acts or conduct that would constitute
22 grounds for action under this Section.

23 (39) Failure to provide copies of records of patient
24 care or treatment, except as required by law.

25 (40) Entering into an excessive number of written
26 collaborative agreements with licensed physicians

1 resulting in an inability to adequately collaborate.

2 (41) Repeated failure to adequately collaborate with a
3 collaborating physician.

4 (42) Violating the Compassionate Use of Medical
5 Cannabis Program Act.

6 (a-5) Notwithstanding anything in this Act to the
7 contrary, a finding of guilt by a judge or jury, a guilty plea,
8 or plea of no contest entered after the effective date of this
9 amendatory Act of the 104th General Assembly of any of the
10 offenses listed in subsection (a) or (a-1) of Section 25 of the
11 Health Care Worker Background Check Act, except for Section
12 16-25 of the Criminal Code of 2012, is a disqualifying
13 offense, and the individual's license shall be automatically
14 revoked when the Department is notified that the individual
15 has been found guilty or has pled guilty or no contest. The
16 individual may appeal the revocation to the Department only
17 upon the reversal of the criminal conviction.

18 (b) The Department may, without a hearing, refuse to issue
19 or renew or may suspend the license of any person who fails to
20 file a return, or to pay the tax, penalty or interest shown in
21 a filed return, or to pay any final assessment of the tax,
22 penalty, or interest as required by any tax Act administered
23 by the Illinois Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied.

25 (b-5) The Department shall not revoke, suspend, summarily
26 suspend, place on prohibition, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against the license or permit issued under this Act to
3 practice as a physician assistant based solely upon the
4 physician assistant providing, authorizing, recommending,
5 aiding, assisting, referring for, or otherwise participating
6 in any health care service, so long as the care was not
7 unlawful under the laws of this State, regardless of whether
8 the patient was a resident of this State or another state.

9 (b-10) The Department shall not revoke, suspend, summarily
10 suspend, place on prohibition, reprimand, refuse to issue or
11 renew, or take any other disciplinary or non-disciplinary
12 action against the license or permit issued under this Act to
13 practice as a physician assistant based upon the physician
14 assistant's license being revoked or suspended, or the
15 physician assistant being otherwise disciplined by any other
16 state, if that revocation, suspension, or other form of
17 discipline was based solely on the physician assistant
18 violating another state's laws prohibiting the provision of,
19 authorization of, recommendation of, aiding or assisting in,
20 referring for, or participation in any health care service if
21 that health care service as provided would not have been
22 unlawful under the laws of this State and is consistent with
23 the standards of conduct for a physician assistant practicing
24 in Illinois.

25 (b-15) The conduct specified in subsections (b-5) and
26 (b-10) shall not constitute grounds for suspension under

1 Section 22.13.

2 (b-20) An applicant seeking licensure, certification, or
3 authorization pursuant to this Act who has been subject to
4 disciplinary action by a duly authorized professional
5 disciplinary agency of another jurisdiction solely on the
6 basis of having provided, authorized, recommended, aided,
7 assisted, referred for, or otherwise participated in health
8 care shall not be denied such licensure, certification, or
9 authorization, unless the Department determines that such
10 action would have constituted professional misconduct in this
11 State; however, nothing in this Section shall be construed as
12 prohibiting the Department from evaluating the conduct of such
13 applicant and making a determination regarding the licensure,
14 certification, or authorization to practice a profession under
15 this Act.

16 (c) The determination by a circuit court that a licensee
17 is subject to involuntary admission or judicial admission as
18 provided in the Mental Health and Developmental Disabilities
19 Code operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and issues an order so finding and discharging the patient,
23 and upon the recommendation of the Board to the Secretary that
24 the licensee be allowed to resume his or her practice.

25 (d) In enforcing this Section, the Department upon a
26 showing of a possible violation may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, which may include a substance abuse or
4 sexual offender evaluation, as required by and at the expense
5 of the Department.

6 The Department shall specifically designate the examining
7 physician licensed to practice medicine in all of its branches
8 or, if applicable, the multidisciplinary team involved in
9 providing the mental or physical examination or both. The
10 multidisciplinary team shall be led by a physician licensed to
11 practice medicine in all of its branches and may consist of one
12 or more or a combination of physicians licensed to practice
13 medicine in all of its branches, licensed clinical
14 psychologists, licensed clinical social workers, licensed
15 clinical professional counselors, and other professional and
16 administrative staff. Any examining physician or member of the
17 multidisciplinary team may require any person ordered to
18 submit to an examination pursuant to this Section to submit to
19 any additional supplemental testing deemed necessary to
20 complete any examination or evaluation process, including, but
21 not limited to, blood testing, urinalysis, psychological
22 testing, or neuropsychological testing.

23 The Department may order the examining physician or any
24 member of the multidisciplinary team to provide to the
25 Department any and all records, including business records,
26 that relate to the examination and evaluation, including any

1 supplemental testing performed.

2 The Department may order the examining physician or any
3 member of the multidisciplinary team to present testimony
4 concerning the mental or physical examination of the licensee
5 or applicant. No information, report, record, or other
6 documents in any way related to the examination shall be
7 excluded by reason of any common law or statutory privilege
8 relating to communications between the licensee or applicant
9 and the examining physician or any member of the
10 multidisciplinary team. No authorization is necessary from the
11 licensee or applicant ordered to undergo an examination for
12 the examining physician or any member of the multidisciplinary
13 team to provide information, reports, records, or other
14 documents or to provide any testimony regarding the
15 examination and evaluation.

16 The individual to be examined may have, at his or her own
17 expense, another physician of his or her choice present during
18 all aspects of this examination. However, that physician shall
19 be present only to observe and may not interfere in any way
20 with the examination.

21 Failure of an individual to submit to a mental or physical
22 examination, when ordered, shall result in an automatic
23 suspension of his or her license until the individual submits
24 to the examination.

25 If the Department finds an individual unable to practice
26 because of the reasons set forth in this Section, the

1 Department may require that individual to submit to care,
2 counseling, or treatment by physicians approved or designated
3 by the Department, as a condition, term, or restriction for
4 continued, reinstated, or renewed licensure to practice; or,
5 in lieu of care, counseling, or treatment, the Department may
6 file a complaint to immediately suspend, revoke, or otherwise
7 discipline the license of the individual. An individual whose
8 license was granted, continued, reinstated, renewed,
9 disciplined, or supervised subject to such terms, conditions,
10 or restrictions, and who fails to comply with such terms,
11 conditions, or restrictions, shall be referred to the
12 Secretary for a determination as to whether the individual
13 shall have his or her license suspended immediately, pending a
14 hearing by the Department.

15 In instances in which the Secretary immediately suspends a
16 person's license under this Section, a hearing on that
17 person's license must be convened by the Department within 30
18 days after the suspension and completed without appreciable
19 delay. The Department shall have the authority to review the
20 subject individual's record of treatment and counseling
21 regarding the impairment to the extent permitted by applicable
22 federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate
26 to the Department that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of his or her license.

3 (e) An individual or organization acting in good faith,
4 and not in a willful and wanton manner, in complying with this
5 Section by providing a report or other information to the
6 Board, by assisting in the investigation or preparation of a
7 report or information, by participating in proceedings of the
8 Board, or by serving as a member of the Board, shall not be
9 subject to criminal prosecution or civil damages as a result
10 of such actions.

11 (f) Members of the Board shall be indemnified by the State
12 for any actions occurring within the scope of services on the
13 Board, done in good faith and not willful and wanton in nature.
14 The Attorney General shall defend all such actions unless he
15 or she determines either that there would be a conflict of
16 interest in such representation or that the actions complained
17 of were not in good faith or were willful and wanton.

18 If the Attorney General declines representation, the
19 member has the right to employ counsel of his or her choice,
20 whose fees shall be provided by the State, after approval by
21 the Attorney General, unless there is a determination by a
22 court that the member's actions were not in good faith or were
23 willful and wanton.

24 The member must notify the Attorney General within 7 days
25 after receipt of notice of the initiation of any action
26 involving services of the Board. Failure to so notify the

1 Attorney General constitutes an absolute waiver of the right
2 to a defense and indemnification.

3 The Attorney General shall determine, within 7 days after
4 receiving such notice, whether he or she will undertake to
5 represent the member.

6 (g) The Department may adopt rules to implement the
7 changes made by this amendatory Act of the 102nd General
8 Assembly.

9 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
10 102-1117, eff. 1-13-23.)

11 Section 60. The Podiatric Medical Practice Act of 1987 is
12 amended by changing Section 24 and by adding Section 13.5 as
13 follows:

14 (225 ILCS 100/13.5 new)

15 Sec. 13.5. Criminal history. Any Department process under
16 statute or rule used to verify the criminal history of an
17 applicant for licensure under this Act shall be used for all
18 applicants for licensure, applicants for renewal of a license,
19 or persons whose conviction of a crime or other behavior
20 warrants review of a license under this Act.

21 (225 ILCS 100/24) (from Ch. 111, par. 4824)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 24. Grounds for disciplinary action. The Department

1 may refuse to issue, may refuse to renew, may refuse to
2 restore, may suspend, or may revoke any license, or may place
3 on probation, reprimand or take other disciplinary or
4 non-disciplinary action as the Department may deem proper,
5 including fines not to exceed \$10,000 for each violation upon
6 anyone licensed under this Act for any of the following
7 reasons:

8 (1) Making a material misstatement in furnishing
9 information to the Department.

10 (2) Violations of this Act, or of the rules adopted
11 under this Act.

12 (3) Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or
14 sentencing, including, but not limited to, convictions,
15 preceding sentences of supervision, conditional discharge,
16 or first offender probation, under the laws of any
17 jurisdiction of the United States that is (i) a felony or
18 (ii) a misdemeanor, an essential element of which is
19 dishonesty, or that is directly related to the practice of
20 the profession.

21 (4) Making any misrepresentation for the purpose of
22 obtaining licenses, or violating any provision of this Act
23 or the rules promulgated thereunder pertaining to
24 advertising.

25 (5) Professional incompetence.

26 (6) Gross or repeated malpractice or negligence.

1 (7) Aiding or assisting another person in violating
2 any provision of this Act or rules.

3 (8) Failing, within 30 days, to provide information in
4 response to a written request made by the Department.

5 (9) Engaging in dishonorable, unethical or
6 unprofessional conduct of a character likely to deceive,
7 defraud or harm the public.

8 (10) Habitual or excessive use of alcohol, narcotics,
9 stimulants, or other chemical agent or drug that results
10 in the inability to practice podiatric medicine with
11 reasonable judgment, skill or safety.

12 (11) Discipline by another United States jurisdiction
13 if at least one of the grounds for the discipline is the
14 same or substantially equivalent to those set forth in
15 this Section.

16 (12) Violation of the prohibition against fee
17 splitting in Section 24.2 of this Act.

18 (13) A finding by the Board that the licensee, after
19 having his or her license placed on probationary status,
20 has violated the terms of probation.

21 (14) Abandonment of a patient.

22 (15) Willfully making or filing false records or
23 reports in his or her practice, including, but not limited
24 to, false records filed with state agencies or
25 departments.

26 (16) Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting ~~Report~~ Act.

3 (17) Physical illness, mental illness, or other
4 impairment, including, but not limited to, deterioration
5 through the aging process, or loss of motor skill that
6 results in the inability to practice the profession with
7 reasonable judgment, skill or safety.

8 (18) Solicitation of professional services other than
9 permitted advertising.

10 (19) The determination by a circuit court that a
11 licensed podiatric physician is subject to involuntary
12 admission or judicial admission as provided in the Mental
13 Health and Developmental Disabilities Code operates as an
14 automatic suspension. Such suspension will end only upon a
15 finding by a court that the patient is no longer subject to
16 involuntary admission or judicial admission and issues an
17 order so finding and discharging the patient; and upon the
18 recommendation of the Board to the Secretary that the
19 licensee be allowed to resume his or her practice.

20 (20) Holding oneself out to treat human ailments under
21 any name other than his or her own, or the impersonation of
22 any other physician.

23 (21) Revocation or suspension or other action taken
24 with respect to a podiatric medical license in another
25 jurisdiction that would constitute disciplinary action
26 under this Act.

1 (22) Promotion of the sale of drugs, devices,
2 appliances, or goods provided for a patient in such manner
3 as to exploit the patient for financial gain of the
4 podiatric physician.

5 (23) Gross, willful, and continued overcharging for
6 professional services including filing false statements
7 for collection of fees for those services, including, but
8 not limited to, filing false statement for collection of
9 monies for services not rendered from the medical
10 assistance program of the Department of Healthcare and
11 Family Services (formerly Department of Public Aid) under
12 the Illinois Public Aid Code or other private or public
13 third party payor.

14 (24) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 under the Abused and Neglected Child Reporting Act, and
17 upon proof by clear and convincing evidence that the
18 licensee has caused a child to be an abused child or
19 neglected child as defined in the Abused and Neglected
20 Child Reporting Act.

21 (25) Willfully making or filing false records or
22 reports in the practice of podiatric medicine, including,
23 but not limited to, false records to support claims
24 against the medical assistance program of the Department
25 of Healthcare and Family Services (formerly Department of
26 Public Aid) under the Illinois Public Aid Code.

1 (26) (Blank) .

2 (27) Immoral conduct in the commission of any act
3 including, sexual abuse, sexual misconduct, or sexual
4 exploitation, related to the licensee's practice.

5 (28) Violation of the Health Care Worker Self-Referral
6 Act.

7 (29) Failure to report to the Department any adverse
8 final action taken against him or her by another licensing
9 jurisdiction of the United States or any foreign state or
10 country, any peer review body, any health care
11 institution, any professional society or association, any
12 governmental agency, any law enforcement agency, or any
13 court for acts or conduct similar to acts or conduct that
14 would constitute grounds for action as defined in this
15 Section.

16 (30) Willfully failing to report an instance of
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect of an eligible adult as defined in and
19 required by the Adult Protective Services Act.

20 (31) Being named as a perpetrator in an indicated
21 report by the Department on Aging under the Adult
22 Protective Services Act, and upon proof by clear and
23 convincing evidence that the licensee has caused an
24 eligible adult to be abused, neglected, or financially
25 exploited as defined in the Adult Protective Services Act.
26 Notwithstanding anything in this Act to the contrary, a

1 finding of guilt by a judge or jury, a guilty plea, or plea of
2 no contest entered after the effective date of this amendatory
3 Act of the 104th General Assembly of any of the offenses listed
4 in subsection (a) or (a-1) of Section 25 of the Health Care
5 Worker Background Check Act, except for Section 16-25 of the
6 Criminal Code of 2012, is a disqualifying offense, and the
7 individual's license shall be automatically revoked when the
8 Department is notified that the individual has been found
9 guilty or has pled guilty or no contest. The individual may
10 appeal the revocation to the Department only upon the reversal
11 of the criminal conviction.

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

19 Upon receipt of a written communication from the Secretary
20 of Human Services, the Director of Healthcare and Family
21 Services (formerly Director of Public Aid), or the Director of
22 Public Health that continuation of practice of a person
23 licensed under this Act constitutes an immediate danger to the
24 public, the Secretary may immediately suspend the license of
25 such person without a hearing. In instances in which the
26 Secretary immediately suspends a license under this Section, a

1 hearing upon such person's license must be convened by the
2 Board within 15 days after such suspension and completed
3 without appreciable delay, such hearing held to determine
4 whether to recommend to the Secretary that the person's
5 license be revoked, suspended, placed on probationary status,
6 or restored, or such person be subject to other disciplinary
7 action. In such hearing, the written communication and any
8 other evidence submitted therewith may be introduced as
9 evidence against such person; provided, however, the person or
10 his counsel shall have the opportunity to discredit or impeach
11 such evidence and submit evidence rebutting the same.

12 Except for fraud in procuring a license, all proceedings
13 to suspend, revoke, place on probationary status, or take any
14 other disciplinary action as the Department may deem proper,
15 with regard to a license on any of the foregoing grounds, must
16 be commenced within 5 years after receipt by the Department of
17 a complaint alleging the commission of or notice of the
18 conviction order for any of the acts described in this
19 Section. Except for the grounds set forth in items (8), (9),
20 (26), and (29) of this Section, no action shall be commenced
21 more than 10 years after the date of the incident or act
22 alleged to have been a violation of this Section. In the event
23 of the settlement of any claim or cause of action in favor of
24 the claimant or the reduction to final judgment of any civil
25 action in favor of the plaintiff, such claim, cause of action,
26 or civil action being grounded on the allegation that a person

1 licensed under this Act was negligent in providing care, the
2 Department shall have an additional period of 2 years from the
3 date of notification to the Department under Section 26 of
4 this Act of such settlement or final judgment in which to
5 investigate and commence formal disciplinary proceedings under
6 Section 24 of this Act, except as otherwise provided by law.
7 The time during which the holder of the license was outside the
8 State of Illinois shall not be included within any period of
9 time limiting the commencement of disciplinary action by the
10 Department.

11 In enforcing this Section, the Department or Board upon a
12 showing of a possible violation may compel an individual
13 licensed to practice under this Act, or who has applied for
14 licensure under this Act, to submit to a mental or physical
15 examination, or both, as required by and at the expense of the
16 Department. The Department or Board may order the examining
17 physician to present testimony concerning the mental or
18 physical examination of the licensee or applicant. No
19 information shall be excluded by reason of any common law or
20 statutory privilege relating to communications between the
21 licensee or applicant and the examining physician. The
22 examining physicians shall be specifically designated by the
23 Board or Department. The individual to be examined may have,
24 at his or her own expense, another physician of his or her
25 choice present during all aspects of this examination. Failure
26 of an individual to submit to a mental or physical

1 examination, when directed, shall be grounds for suspension of
2 his or her license until the individual submits to the
3 examination if the Department finds, after notice and hearing,
4 that the refusal to submit to the examination was without
5 reasonable cause.

6 If the Department or Board finds an individual unable to
7 practice because of the reasons set forth in this Section, the
8 Department or Board may require that individual to submit to
9 care, counseling, or treatment by physicians approved or
10 designated by the Department or Board, as a condition, term,
11 or restriction for continued, restored, or renewed licensure
12 to practice; or, in lieu of care, counseling, or treatment,
13 the Department may file, or the Board may recommend to the
14 Department to file, a complaint to immediately suspend,
15 revoke, or otherwise discipline the license of the individual.
16 An individual whose license was granted, continued, restored,
17 renewed, disciplined, or supervised subject to such terms,
18 conditions, or restrictions, and who fails to comply with such
19 terms, conditions, or restrictions, shall be referred to the
20 Secretary for a determination as to whether the individual
21 shall have his or her license suspended immediately, pending a
22 hearing by the Department.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that
25 person's license must be convened by the Department within 30
26 days after the suspension and completed without appreciable

1 delay. The Department and Board shall have the authority to
2 review the subject individual's record of treatment and
3 counseling regarding the impairment to the extent permitted by
4 applicable federal statutes and regulations safeguarding the
5 confidentiality of medical records.

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

11 (Source: P.A. 100-525, eff. 9-22-17; revised 8-6-24.)

12 Section 65. The Respiratory Care Practice Act is amended
13 by changing Section 95 and by adding Section 55.5 as follows:

14 (225 ILCS 106/55.5 new)

15 Sec. 55.5. Criminal history. Any Department process under
16 statute or rule used to verify the criminal history of an
17 applicant for licensure under this Act shall be used for all
18 applicants for licensure, applicants for renewal of a license,
19 or persons whose conviction of a crime or other behavior
20 warrants review of a license under this Act.

21 (225 ILCS 106/95)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 95. Grounds for discipline.

1 (a) The Department may refuse to issue, renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department
4 considers appropriate, including the issuance of fines not to
5 exceed \$10,000 for each violation, with regard to any license
6 for any one or combination of the following:

7 (1) Material misstatement in furnishing information to
8 the Department or to any other State or federal agency.

9 (2) Violations of this Act, or any of the rules
10 adopted under this Act.

11 (3) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States or any
17 state or territory thereof: (i) that is a felony or (ii)
18 that is a misdemeanor, an essential element of which is
19 dishonesty, or that is directly related to the practice of
20 the profession.

21 (4) Making any misrepresentation for the purpose of
22 obtaining a license.

23 (5) Professional incompetence or negligence in the
24 rendering of respiratory care services.

25 (6) Malpractice.

26 (7) Aiding or assisting another person in violating

1 any rules or provisions of this Act.

2 (8) Failing to provide information within 60 days in
3 response to a written request made by the Department.

4 (9) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (10) Violating the rules of professional conduct
8 adopted by the Department.

9 (11) Discipline by another jurisdiction, if at least
10 one of the grounds for the discipline is the same or
11 substantially equivalent to those set forth in this Act.

12 (12) Directly or indirectly giving to or receiving
13 from any person, firm, corporation, partnership, or
14 association any fee, commission, rebate, or other form of
15 compensation for any professional services not actually
16 rendered. Nothing in this paragraph (12) affects any bona
17 fide independent contractor or employment arrangements
18 among health care professionals, health facilities, health
19 care providers, or other entities, except as otherwise
20 prohibited by law. Any employment arrangements may include
21 provisions for compensation, health insurance, pension, or
22 other employment benefits for the provision of services
23 within the scope of the licensee's practice under this
24 Act. Nothing in this paragraph (12) shall be construed to
25 require an employment arrangement to receive professional
26 fees for services rendered.

1 (13) A finding that the licensee, after having her or
2 his license placed on probationary status or subject to
3 conditions or restrictions, has violated the terms of
4 probation or failed to comply with such terms or
5 conditions.

6 (14) Abandonment of a patient.

7 (15) Willfully filing false records or reports
8 relating to a licensee's practice including, but not
9 limited to, false records filed with a federal or State
10 agency or department.

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

14 (17) Providing respiratory care, other than pursuant
15 to an order.

16 (18) Physical or mental disability including, but not
17 limited to, deterioration through the aging process or
18 loss of motor skills that results in the inability to
19 practice the profession with reasonable judgment, skill,
20 or safety.

21 (19) Solicitation of professional services by using
22 false or misleading advertising.

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

1 Revenue or any successor agency or the Internal Revenue
2 Service or any successor agency.

3 (21) Irregularities in billing a third party for
4 services rendered or in reporting charges for services not
5 rendered.

6 (22) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act, and
9 upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (23) Habitual or excessive use or addiction to
14 alcohol, narcotics, stimulants, or any other chemical
15 agent or drug that results in an inability to practice
16 with reasonable skill, judgment, or safety.

17 (24) Being named as a perpetrator in an indicated
18 report by the Department on Aging under the Adult
19 Protective Services Act, and upon proof by clear and
20 convincing evidence that the licensee has caused an adult
21 with disabilities or an older adult to be abused or
22 neglected as defined in the Adult Protective Services Act.

23 (25) Willfully failing to report an instance of
24 suspected abuse, neglect, financial exploitation, or
25 self-neglect of an adult with disabilities or an older
26 adult as required by the Adult Protective Services Act.

1 (26) Willful omission to file or record, or willfully
2 impeding the filing or recording, or inducing another
3 person to omit to file or record medical reports as
4 required by law or willfully failing to report an instance
5 of suspected child abuse or neglect as required by the
6 Abused and Neglected Child Reporting Act.

7 (27) Practicing under a false or assumed name, except
8 as provided by law.

9 (28) Willfully or negligently violating the
10 confidentiality between licensee and patient, except as
11 required by law.

12 (29) The use of any false, fraudulent, or deceptive
13 statement in any document connected with the licensee's
14 practice.

15 (a-5) Notwithstanding anything in this Act to the
16 contrary, a finding of guilt by a judge or jury, a guilty plea,
17 or plea of no contest entered after the effective date of this
18 amendatory Act of the 104th General Assembly of any of the
19 offenses listed in subsection (a) or (a-1) of Section 25 of the
20 Health Care Worker Background Check Act, except for Section
21 16-25 of the Criminal Code of 2012, is a disqualifying
22 offense, and the individual's license shall be automatically
23 revoked when the Department is notified that the individual
24 has been found guilty or has pled guilty or no contest. The
25 individual may appeal the revocation to the Department only
26 upon the reversal of the criminal conviction.

1 (b) The determination by a court that a licensee is
2 subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code will result in an automatic suspension of his or her
5 license. The suspension will end upon a finding by a court that
6 the licensee is no longer subject to involuntary admission or
7 judicial admission, the issuance of an order so finding and
8 discharging the patient, and the recommendation of the Board
9 to the Secretary that the licensee be allowed to resume his or
10 her practice.

11 All fines imposed under this Section shall be paid within
12 60 days after the effective date of the order imposing the fine
13 or in accordance with the terms set forth in the order imposing
14 the fine.

15 (Source: P.A. 98-49, eff. 7-1-13; 99-230, eff. 8-3-15.)

16 Section 70. The Registered Surgical Assistant and
17 Registered Surgical Technologist Title Protection Act is
18 amended by changing Section 75 and by adding Section 60.5 as
19 follows:

20 (225 ILCS 130/60.5 new)

21 Sec. 60.5. Criminal history. Any Department process under
22 statute or rule used to verify the criminal history of an
23 applicant for licensure under this Act shall be used for all
24 applicants for licensure, applicants for renewal of a license,

1 or persons whose conviction of a crime or other behavior
2 warrants review of a license under this Act.

3 (225 ILCS 130/75)

4 (Section scheduled to be repealed on January 1, 2029)

5 Sec. 75. Grounds for disciplinary action.

6 (a) The Department may refuse to issue, renew, or restore
7 a registration, may revoke or suspend a registration, or may
8 place on probation, reprimand, or take other disciplinary or
9 non-disciplinary action with regard to a person registered
10 under this Act, including, but not limited to, the imposition
11 of fines not to exceed \$10,000 for each violation and the
12 assessment of costs as provided for in Section 90, for any one
13 or combination of the following causes:

14 (1) Making a material misstatement in furnishing
15 information to the Department.

16 (2) Violating a provision of this Act or rules adopted
17 under this Act.

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or by
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States that is
24 (i) a felony or (ii) a misdemeanor, an essential element
25 of which is dishonesty, or that is directly related to the

1 practice of the profession.

2 (4) Fraud or misrepresentation in applying for,
3 renewing, restoring, reinstating, or procuring a
4 registration under this Act.

5 (5) Aiding or assisting another person in violating a
6 provision of this Act or its rules.

7 (6) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (7) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public, as defined by rule of the
12 Department.

13 (8) Discipline by another United States jurisdiction,
14 governmental agency, unit of government, or foreign
15 nation, if at least one of the grounds for discipline is
16 the same or substantially equivalent to those set forth in
17 this Section.

18 (9) Directly or indirectly giving to or receiving from
19 a person, firm, corporation, partnership, or association a
20 fee, commission, rebate, or other form of compensation for
21 professional services not actually or personally rendered.
22 Nothing in this paragraph (9) affects any bona fide
23 independent contractor or employment arrangements among
24 health care professionals, health facilities, health care
25 providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the registrant's practice under this
4 Act. Nothing in this paragraph (9) shall be construed to
5 require an employment arrangement to receive professional
6 fees for services rendered.

7 (10) A finding by the Department that the registrant,
8 after having the registration placed on probationary
9 status, has violated the terms of probation.

10 (11) Willfully making or filing false records or
11 reports in the practice, including, but not limited to,
12 false records or reports filed with State agencies.

13 (12) Willfully making or signing a false statement,
14 certificate, or affidavit to induce payment.

15 (13) Willfully failing to report an instance of
16 suspected child abuse or neglect as required under the
17 Abused and Neglected Child Reporting Act.

18 (14) Being named as a perpetrator in an indicated
19 report by the Department of Children and Family Services
20 under the Abused and Neglected Child Reporting Act and
21 upon proof by clear and convincing evidence that the
22 registrant has caused a child to be an abused child or
23 neglected child as defined in the Abused and Neglected
24 Child Reporting Act.

25 (15) (Blank).

26 (16) Failure to report to the Department (A) any

1 adverse final action taken against the registrant by
2 another registering or licensing jurisdiction, government
3 agency, law enforcement agency, or any court or (B)
4 liability for conduct that would constitute grounds for
5 action as set forth in this Section.

6 (17) Habitual or excessive use or abuse of drugs
7 defined in law as controlled substances, alcohol, or any
8 other substance that results in the inability to practice
9 with reasonable judgment, skill, or safety.

10 (18) Physical or mental illness, including, but not
11 limited to, deterioration through the aging process or
12 loss of motor skills, which results in the inability to
13 practice the profession for which the person is registered
14 with reasonable judgment, skill, or safety.

15 (19) Gross malpractice.

16 (20) Immoral conduct in the commission of an act
17 related to the registrant's practice, including, but not
18 limited to, sexual abuse, sexual misconduct, or sexual
19 exploitation.

20 (21) Violation of the Health Care Worker Self-Referral
21 Act.

22 (a-5) Notwithstanding anything in this Act to the
23 contrary, a finding of guilt by a judge or jury, a guilty plea,
24 or plea of no contest entered after the effective date of this
25 amendatory Act of the 104th General Assembly of any of the
26 offenses listed in subsection (a) or (a-1) of Section 25 of the

1 Health Care Worker Background Check Act, except for Section
2 16-25 of the Criminal Code of 2012, is a disqualifying
3 offense, and the individual's license shall be automatically
4 revoked when the Department is notified that the individual
5 has been found guilty or has pled guilty or no contest. The
6 individual may appeal the revocation to the Department only
7 upon the reversal of the criminal conviction.

8 (b) The Department may refuse to issue or may suspend
9 without hearing the registration of a person who fails to file
10 a return, to pay the tax, penalty, or interest shown in a filed
11 return, or to pay a final assessment of the tax, penalty, or
12 interest as required by a tax Act administered by the
13 Department of Revenue, until the requirements of the tax Act
14 are satisfied in accordance with subsection (g) of Section
15 2105-15 of the Department of Professional Regulation Law of
16 the Civil Administrative Code of Illinois.

17 (b-1) The Department shall not revoke, suspend, summarily
18 suspend, place on probation, reprimand, refuse to issue or
19 renew, or take any other disciplinary or non-disciplinary
20 action against the license issued under this Act to practice
21 as a registered surgical assistant or registered surgical
22 technologist based solely upon the registered surgical
23 assistant or registered surgical technologist providing,
24 authorizing, recommending, aiding, assisting, referring for,
25 or otherwise participating in any health care service, so long
26 as the care was not unlawful under the laws of this State,

1 regardless of whether the patient was a resident of this State
2 or another state.

3 (b-2) The Department shall not revoke, suspend, summarily
4 suspend, place on prohibition, reprimand, refuse to issue or
5 renew, or take any other disciplinary or non-disciplinary
6 action against the license issued under this Act to practice
7 as a registered surgical assistant or registered surgical
8 technologist based upon the registered surgical assistant's or
9 registered surgical technologist's license being revoked or
10 suspended, or the registered surgical assistant's or
11 registered surgical technologist's being otherwise disciplined
12 by any other state, if that revocation, suspension, or other
13 form of discipline was based solely on the registered surgical
14 assistant or registered surgical technologist violating
15 another state's laws prohibiting the provision of,
16 authorization of, recommendation of, aiding or assisting in,
17 referring for, or participation in any health care service if
18 that health care service as provided would not have been
19 unlawful under the laws of this State and is consistent with
20 the standards of conduct for the registered surgical assistant
21 or registered surgical technologist practicing in this State.

22 (b-3) The conduct specified in subsection (b-1) or (b-2)
23 shall not constitute grounds for suspension under Section 145.

24 (b-4) An applicant seeking licensure, certification, or
25 authorization pursuant to this Act who has been subject to
26 disciplinary action by a duly authorized professional

1 disciplinary agency of another jurisdiction solely on the
2 basis of having provided, authorized, recommended, aided,
3 assisted, referred for, or otherwise participated in health
4 care shall not be denied such licensure, certification, or
5 authorization, unless the Department determines that such
6 action would have constituted professional misconduct in this
7 State. Nothing in this Section shall be construed as
8 prohibiting the Department from evaluating the conduct of such
9 applicant and making a determination regarding the licensure,
10 certification, or authorization to practice a profession under
11 this Act.

12 (c) The determination by a circuit court that a registrant
13 is subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. The suspension will
16 end only upon (1) a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission,
18 (2) issuance of an order so finding and discharging the
19 patient, and (3) filing of a petition for restoration
20 demonstrating fitness to practice.

21 (d) (Blank).

22 (e) In cases where the Department of Healthcare and Family
23 Services has previously determined a registrant or a potential
24 registrant is more than 30 days delinquent in the payment of
25 child support and has subsequently certified the delinquency
26 to the Department, the Department may refuse to issue or renew

1 or may revoke or suspend that person's registration or may
2 take other disciplinary action against that person based
3 solely upon the certification of delinquency made by the
4 Department of Healthcare and Family Services in accordance
5 with paragraph (5) of subsection (a) of Section 2105-15 of the
6 Department of Professional Regulation Law of the Civil
7 Administrative Code of Illinois.

8 (f) In enforcing this Section, the Department, upon a
9 showing of a possible violation, may compel any individual
10 registered under this Act or any individual who has applied
11 for registration to submit to a mental or physical examination
12 and evaluation, or both, that may include a substance abuse or
13 sexual offender evaluation, at the expense of the Department.
14 The Department shall specifically designate the examining
15 physician licensed to practice medicine in all of its branches
16 or, if applicable, the multidisciplinary team involved in
17 providing the mental or physical examination and evaluation,
18 or both. The multidisciplinary team shall be led by a
19 physician licensed to practice medicine in all of its branches
20 and may consist of one or more or a combination of physicians
21 licensed to practice medicine in all of its branches, licensed
22 chiropractic physicians, licensed clinical psychologists,
23 licensed clinical social workers, licensed clinical
24 professional counselors, and other professional and
25 administrative staff. Any examining physician or member of the
26 multidisciplinary team may require any person ordered to

1 submit to an examination and evaluation pursuant to this
2 Section to submit to any additional supplemental testing
3 deemed necessary to complete any examination or evaluation
4 process, including, but not limited to, blood testing,
5 urinalysis, psychological testing, or neuropsychological
6 testing.

7 The Department may order the examining physician or any
8 member of the multidisciplinary team to provide to the
9 Department any and all records, including business records,
10 that relate to the examination and evaluation, including any
11 supplemental testing performed. The Department may order the
12 examining physician or any member of the multidisciplinary
13 team to present testimony concerning this examination and
14 evaluation of the registrant or applicant, including testimony
15 concerning any supplemental testing or documents relating to
16 the examination and evaluation. No information, report,
17 record, or other documents in any way related to the
18 examination and evaluation shall be excluded by reason of any
19 common law or statutory privilege relating to communication
20 between the registrant or applicant and the examining
21 physician or any member of the multidisciplinary team. No
22 authorization is necessary from the registrant or applicant
23 ordered to undergo an evaluation and examination for the
24 examining physician or any member of the multidisciplinary
25 team to provide information, reports, records, or other
26 documents or to provide any testimony regarding the

1 examination and evaluation. The individual to be examined may
2 have, at the individual's own expense, another physician of
3 the individual's choice present during all aspects of the
4 examination.

5 Failure of any individual to submit to mental or physical
6 examination and evaluation, or both, when directed, shall
7 result in an automatic suspension without a hearing until such
8 time as the individual submits to the examination. If the
9 Department finds a registrant unable to practice because of
10 the reasons set forth in this Section, the Department shall
11 require such registrant to submit to care, counseling, or
12 treatment by physicians approved or designated by the
13 Department as a condition for continued, reinstated, or
14 renewed registration.

15 When the Secretary immediately suspends a registration
16 under this Section, a hearing upon such person's registration
17 must be convened by the Department within 15 days after such
18 suspension and completed without appreciable delay. The
19 Department shall have the authority to review the registrant's
20 record of treatment and counseling regarding the impairment to
21 the extent permitted by applicable federal statutes and
22 regulations safeguarding the confidentiality of medical
23 records.

24 Individuals registered under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate
26 to the Department that they can resume practice in compliance

1 with acceptable and prevailing standards under the provisions
2 of their registration.

3 (g) All fines imposed under this Section shall be paid
4 within 60 days after the effective date of the order imposing
5 the fine or in accordance with the terms set forth in the order
6 imposing the fine.

7 (h) ~~(f)~~ The Department may adopt rules to implement the
8 changes made by Public Act 102-1117.

9 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;
10 103-605, eff. 7-1-24; revised 10-16-24.)

11 Section 75. The Rights of Crime Victims and Witnesses Act
12 is amended by changing Section 4 as follows:

13 (725 ILCS 120/4) (from Ch. 38, par. 1404)

14 Sec. 4. Rights of crime victims.

15 (a) Crime victims shall have the following rights:

16 (1) The right to be treated with fairness and respect
17 for their dignity and privacy and to be free from
18 harassment, intimidation, and abuse throughout the
19 criminal justice process.

20 (1.5) The right to notice and to a hearing before a
21 court ruling on a request for access to any of the victim's
22 records, information, or communications which are
23 privileged or confidential by law.

24 (1.6) Except as otherwise provided in Section 9.5 of

1 the Criminal Identification Act or Section 3-3013 of the
2 Counties Code, whenever a person's DNA profile is
3 collected due to the person being a victim of a crime, as
4 identified by law enforcement, that specific profile
5 collected in conjunction with that criminal investigation
6 shall not be entered into any DNA database. Nothing in
7 this paragraph (1.6) shall be interpreted to contradict
8 rules and regulations developed by the Federal Bureau of
9 Investigation relating to the National DNA Index System or
10 Combined DNA Index System.

11 (2) The right to timely notification of all court
12 proceedings.

13 (3) The right to communicate with the prosecution.

14 (4) The right to be heard at any post-arraignment
15 court proceeding in which a right of the victim is at issue
16 and any court proceeding involving a post-arraignment
17 release decision, plea, or sentencing.

18 (5) The right to be notified of the conviction, the
19 sentence, the imprisonment and the release of the accused.

20 (6) The right to the timely disposition of the case
21 following the arrest of the accused.

22 (7) The right to be reasonably protected from the
23 accused through the criminal justice process.

24 (7.5) The right to have the safety of the victim and
25 the victim's family considered in determining whether to
26 release the defendant and setting conditions of release

1 after arrest and conviction.

2 (8) The right to be present at the trial and all other
3 court proceedings on the same basis as the accused, unless
4 the victim is to testify and the court determines that the
5 victim's testimony would be materially affected if the
6 victim hears other testimony at the trial.

7 (9) The right to have present at all court
8 proceedings, including proceedings under the Juvenile
9 Court Act of 1987, subject to the rules of evidence, an
10 advocate and other support person of the victim's choice.

11 (10) The right to restitution.

12 (11) The right to file a complaint against the accused
13 with the agency or department that licensed, certified,
14 permitted, or registered the accused if the accused holds
15 a license, certificate, permit, or registration to
16 practice a profession.

17 (b) Any law enforcement agency that investigates an
18 offense committed in this State shall provide a crime victim
19 with a written statement and explanation of the rights of
20 crime victims under this amendatory Act of the 99th General
21 Assembly within 48 hours of law enforcement's initial contact
22 with a victim. The statement shall include information about
23 crime victim compensation, including how to contact the Office
24 of the Illinois Attorney General to file a claim, and
25 appropriate referrals to local and State programs that provide
26 victim services. The content of the statement shall be

1 provided to law enforcement by the Attorney General. Law
2 enforcement shall also provide a crime victim with a sign-off
3 sheet that the victim shall sign and date as an
4 acknowledgement that he or she has been furnished with
5 information and an explanation of the rights of crime victims
6 and compensation set forth in this Act.

7 (b-5) Upon the request of the victim, the law enforcement
8 agency having jurisdiction shall provide a free copy of the
9 police report concerning the victim's incident, as soon as
10 practicable, but in no event later than 5 business days from
11 the request.

12 (c) The Clerk of the Circuit Court shall post the rights of
13 crime victims set forth in Article I, Section 8.1(a) of the
14 Illinois Constitution and subsection (a) of this Section
15 within 3 feet of the door to any courtroom where criminal
16 proceedings are conducted. The clerk may also post the rights
17 in other locations in the courthouse.

18 (d) At any point, the victim has the right to retain a
19 victim's attorney who may be present during all stages of any
20 interview, investigation, or other interaction with
21 representatives of the criminal justice system. Treatment of
22 the victim should not be affected or altered in any way as a
23 result of the victim's decision to exercise this right.

24 (Source: P.A. 103-792, eff. 1-1-25.)

25 Section 99. Effective date. This Act takes effect 6 months
26 after becoming law.

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1 225 ILCS 106/95

2 225 ILCS 130/60.5 new

3 225 ILCS 130/75

4 725 ILCS 120/4 from Ch. 38, par. 1404