

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 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 adding Sections 2105-390, 2105-391, and 2105-392 as follows:

7 (20 ILCS 2105/2105-390 new)

8 Sec. 2105-390. Health professionals; duty to report.

9 (a) As used in this Section:

10 "Health professional" means (i) a person licensed or
11 registered by the Department of Financial and Professional
12 Regulation under the following Acts: the Medical Practice Act
13 of 1987, the Nurse Practice Act, the Acupuncture Practice Act,
14 the Illinois Athletic Trainers Practice Act, the Behavior
15 Analyst Licensing Act, the Clinical Psychologist Licensing
16 Act, the Clinical Social Work and Social Work Practice Act,
17 the Illinois Dental Practice Act, the Dietitian Nutritionist
18 Practice Act, the Marriage and Family Therapy Licensing Act,
19 the Music Therapy Licensing and Practice Act, the Massage
20 Therapy Practice Act, the Naprapathic Practice Act, Licensed
21 Certified Professional Midwife Practice Act, the Nursing Home
22 Administrators Licensing and Disciplinary Act, the Illinois
23 Occupational Therapy Practice Act, the Illinois Optometric

1 Practice Act of 1987, the Orthotics, Prosthetics, and
2 Pedorthics Practice Act, the Pharmacy Practice Act, the
3 Illinois Physical Therapy Act, the Physician Assistant
4 Practice Act of 1987, the Podiatric Medical Practice Act of
5 1987, the Respiratory Care Practice Act, the Professional
6 Counselor and Clinical Professional Counselor Licensing and
7 Practice Act, the Sex Offender Evaluation and Treatment
8 Provider Act, the Illinois Speech-Language Pathology and
9 Audiology Practice Act, the Perfusionist Practice Act, the
10 Registered Surgical Assistant and Registered Surgical
11 Technologist Title Protection Act, or the Genetic Counselor
12 Licensing Act or (ii) a person in any other related profession
13 that the Department of Financial and Professional Regulation
14 may add by rule.

15 "Reportable misconduct" means the following conduct by a
16 health professional:

17 (1) engaging in behavior with a patient or client that
18 is sexual, or may be reasonably interpreted as sexual, in
19 the course of professional service, including, but not
20 limited to, the following:

21 (A) genital to genital contact, oral to genital
22 contact, genital to anal contact, or oral to anal
23 contact;

24 (B) kissing in a romantic or sexual manner;

25 (C) touching the genitals, anus, breast, or any
26 other sexualized body part for any purpose other than

1 appropriate clinical examination or professional
2 service;

3 (D) touching the genitals, anus, breast, or any
4 other sexualized body part after the patient or client
5 has refused or has withdrawn consent for such
6 touching;

7 (E) encouraging the patient or client to
8 masturbate in the presence of the professional or
9 masturbation by the professional while the patient or
10 client is present;

11 (F) encouraging the patient or client to engage in
12 a sexual act with another person in the presence of the
13 professional; or

14 (G) offering to provide professional services to a
15 patient or client in exchange for sexual favors;

16 (2) engaging in behavior, gestures, or expressions
17 that are seductive, sexually suggestive, disrespectful of
18 patient or client privacy, or sexually demeaning to a
19 patient or client in the course of professional service,
20 including, but not limited to, the following:

21 (A) neglecting to employ disrobing or draping
22 practices that respect the patient's or client's
23 privacy or deliberately watching a patient or client
24 dress or undress;

25 (B) subjecting a patient or client to an intimate
26 examination in the presence of students or other

1 persons not delivering professional services without
2 the patient's or client's informed consent or after
3 the withdrawal of informed consent by the patient or
4 client;

5 (C) examination or touching of a patient's or
6 client's genital mucosal areas without the use of
7 gloves;

8 (D) making sexualized or sexually demeaning
9 comments to a patient or client, making inappropriate
10 comments about potential sexual performance,
11 criticizing the patient or client's sexual
12 orientation, or making sexual or seductive comments
13 about a patient's or client's body or underclothing;

14 (E) using the professional-patient or
15 professional-client relationship to solicit a romantic
16 or sexual relationship;

17 (F) initiating a conversation regarding the
18 professional's sexual problems, preferences, or
19 fantasies;

20 (G) performing an intimate examination or service
21 without clinical or other professional justification;

22 (H) performing an intimate examination or service
23 without explaining to the patient or client the need
24 for the examination or service, regardless of whether
25 the examination or service is pertinent to the issue
26 of sexual function or dysfunction;

1 (I) capturing an image of a patient's or client's
2 genitals, anus, breast, or sexualized body part, or
3 transmitting such an image to oneself or to another,
4 when the capture or transmission is not clinically or
5 professionally justified; or

6 (J) requesting details of a patient's or client's
7 sexual history or sexual likes or dislikes when not
8 clinically or professionally justified;

9 (3) causing bodily harm to a patient or client, or
10 making physical contact of an insulting or provoking
11 nature with a patient or client, knowingly and without
12 clinical or professional justification in the course of
13 professional service;

14 (4) causing death, great bodily harm, permanent
15 disability, or disfigurement of an individual, regardless
16 of whether the conduct is in the course of a professional
17 service;

18 (5) confining, detaining, or attempting to confine or
19 detain an individual against his or her will, regardless
20 of whether the conduct is in the course of a professional
21 service;

22 (6) making physical contact of a sexual or seductive
23 nature, or attempting to make such contact, with an
24 individual who does not consent to the contact or who is
25 incapable of consenting to such contact, regardless of
26 whether the conduct is in the course of a professional

1 service;

2 (7) engaging in an act or displaying an image of a
3 sexual or seductive nature, or attempting to engage in an
4 act or display an image of a sexual or seductive nature,
5 knowingly in view of an individual who does not consent to
6 view the act or image or who is incapable of consenting to
7 such viewing, regardless of whether the conduct is in the
8 course of a professional service; or

9 (8) communicating an image of the genitals, anus,
10 breast, or sexualized body part of an individual when the
11 individual or the recipient of the communication does not
12 consent to the communication, regardless of whether the
13 conduct is in the course of a professional service.

14 (b) A health professional shall report to the Department
15 of Financial and Professional Regulation within 24 hours
16 after:

17 (1) witnessing reportable misconduct;

18 (2) receiving a report, either written or oral,
19 directly from an individual who alleges that he or she
20 witnessed reportable misconduct; or

21 (3) receiving a report, either written or oral,
22 directly or through a co-worker not subject to the
23 reporting requirement of this Section, from a patient,
24 client, patient representative, or client representative
25 alleging reportable misconduct involving the patient or
26 client.

1 (c) A health professional shall report to the Department
2 of Financial and Professional Regulation within 24 hours after
3 he or she acquires knowledge that he or she has been made the
4 subject of an investigation by:

5 (1) his or her employer, or by another entity that
6 contracts for his or her services, for alleged reportable
7 misconduct; or

8 (2) by law enforcement for an alleged crime related to
9 facts and circumstances that, if true, would constitute
10 reportable misconduct.

11 (d) A report required by subsection (b) shall be in
12 writing and shall contain the following information:

13 (1) the name, address, telephone number, and email
14 address of the person making the report;

15 (2) the name, address, telephone number, and email
16 address of the health professional who is the subject of
17 the report and the profession and professional license
18 number of the health professional, if known;

19 (3) the name, address, or other contact information of
20 the individual or individuals who made the oral or written
21 allegation of reportable misconduct that is the subject of
22 the report, and an identification of the acts that are
23 alleged to have occurred and the location where those acts
24 are alleged to have occurred;

25 (4) a copy of the oral or written allegation of
26 reportable misconduct received by the reporter, if any;

1 (5) a brief description of the facts that gave rise to
2 the issuance of the report, including the date of
3 receiving the oral or written allegation; and

4 (6) any further pertinent information that the
5 reporting party deems to be an aid in the evaluation of the
6 report.

7 (e) A report required by subsection (c) shall be in
8 writing and shall contain the following information:

9 (1) the name, address, telephone number, and email
10 address of the health professional who is the subject of
11 the report, his or her profession, and his or her
12 professional license number;

13 (2) the name, address, or other contact information of
14 the individual or individuals who may have knowledge of
15 the allegations that gave rise to the investigation;

16 (3) a copy of the oral or written allegation that gave
17 rise to the investigation, if any;

18 (4) a brief description of the facts that gave rise to
19 the investigation; and

20 (5) any further pertinent information that the
21 reporting party deems to be an aid in the evaluation of the
22 report.

23 (f) A report made under this Section is confidential and
24 shall only be available to the Department of Financial and
25 Professional Regulation for the administration and enforcement
26 of professional Acts regulating health professionals.

1 (g) The Department of Financial and Professional
2 Regulation may adopt rules to implement, administer, and
3 enforce this Section, including, but not limited to, rules
4 that define the terms used in this Section and are necessary
5 and appropriate to interpret and implement this Section.

6 (20 ILCS 2105/2105-391 new)

7 Sec. 2105-391. Health institutions; duty to report.

8 (a) As used in this Section:

9 "Health professional" means (i) a person licensed or
10 registered by the Department of Financial and Professional
11 Regulation under the following Acts: the Medical Practice Act
12 of 1987, the Nurse Practice Act, the Acupuncture Practice Act,
13 the Illinois Athletic Trainers Practice Act, the Behavior
14 Analyst Licensing Act, the Clinical Psychologist Licensing
15 Act, the Clinical Social Work and Social Work Practice Act,
16 the Illinois Dental Practice Act, the Dietitian Nutritionist
17 Practice Act, the Marriage and Family Therapy Licensing Act,
18 the Music Therapy Licensing and Practice Act, the Massage
19 Therapy Practice Act, the Naprapathic Practice Act, Licensed
20 Certified Professional Midwife Practice Act, the Nursing Home
21 Administrators Licensing and Disciplinary Act, the Illinois
22 Occupational Therapy Practice Act, the Illinois Optometric
23 Practice Act of 1987, the Orthotics, Prosthetics, and
24 Pedorthics Practice Act, the Pharmacy Practice Act, the
25 Illinois Physical Therapy Act, the Physician Assistant

1 Practice Act of 1987, the Podiatric Medical Practice Act of
2 1987, the Respiratory Care Practice Act, the Professional
3 Counselor and Clinical Professional Counselor Licensing and
4 Practice Act, the Sex Offender Evaluation and Treatment
5 Provider Act, the Illinois Speech-Language Pathology and
6 Audiology Practice Act, the Perfusionist Practice Act, the
7 Registered Surgical Assistant and Registered Surgical
8 Technologist Title Protection Act, or the Genetic Counselor
9 Licensing Act or (ii) a person in any other related profession
10 that the Department of Financial and Professional Regulation
11 may add by rule.

12 "Reportable misconduct" means the following conduct by a
13 health professional:

14 (1) engaging in behavior with a patient or client that
15 is sexual, or may be reasonably interpreted as sexual, in
16 the course of professional service, including, but not
17 limited to, the following:

18 (A) genital to genital contact, oral to genital
19 contact, genital to anal contact, or oral to anal
20 contact;

21 (B) kissing in a romantic or sexual manner;

22 (C) touching the genitals, anus, breast, or any
23 other sexualized body part for any purpose other than
24 appropriate clinical examination or professional
25 service;

26 (D) touching the genitals, anus, breast, or any

1 other sexualized body part after the patient or client
2 has refused or has withdrawn consent for such
3 touching;

4 (E) encouraging the patient or client to
5 masturbate in the presence of the professional or
6 masturbation by the professional while the patient or
7 client is present;

8 (F) encouraging the patient or client to engage in
9 a sexual act with another person in the presence of the
10 professional; or

11 (G) offering to provide professional services to a
12 patient or client in exchange for sexual favors;

13 (2) engaging in behavior, gestures, or expressions
14 that are seductive, sexually suggestive, disrespectful of
15 patient or client privacy, or sexually demeaning to a
16 patient or client in the course of professional service,
17 including, but not limited to, the following:

18 (A) neglecting to employ disrobing or draping
19 practices that respect the patient's or client's
20 privacy or deliberately watching a patient or client
21 dress or undress;

22 (B) subjecting a patient or client to an intimate
23 examination in the presence of students or other
24 persons not delivering professional services without
25 the patient's or client's informed consent or after
26 the withdrawal of informed consent by the patient or

1 client;

2 (C) examination or touching of a patient's or
3 client's genital mucosal areas without the use of
4 gloves;

5 (D) making sexualized or sexually demeaning
6 comments to a patient or client, making inappropriate
7 comments about potential sexual performance,
8 criticizing the patient or client's sexual
9 orientation, or making sexual or seductive comments
10 about a patient's or client's body or underclothing;

11 (E) using the professional-patient or
12 professional-client relationship to solicit a romantic
13 or sexual relationship;

14 (F) initiating a conversation regarding the
15 professional's sexual problems, preferences, or
16 fantasies;

17 (G) performing an intimate examination or service
18 without clinical or other professional justification;

19 (H) performing an intimate examination or service
20 without explaining to the patient or client the need
21 for the examination or service, regardless of whether
22 the examination or service is pertinent to the issue
23 of sexual function or dysfunction;

24 (I) capturing an image of a patient's or client's
25 genitals, anus, breast, or sexualized body part, or
26 transmitting such an image to oneself or to another,

1 when the capture or transmission is not clinically or
2 professionally justified; or

3 (J) requesting details of a patient's or client's
4 sexual history or sexual likes or dislikes when not
5 clinically or professionally justified;

6 (3) causing bodily harm to a patient or client, or
7 making physical contact of an insulting or provoking
8 nature with a patient or client, knowingly and without
9 clinical or professional justification in the course of
10 professional service;

11 (4) causing death, great bodily harm, permanent
12 disability, or disfigurement of an individual, regardless
13 of whether the conduct is in the course of a professional
14 service;

15 (5) confining, detaining, or attempting to confine or
16 detain an individual against his or her will, regardless
17 of whether the conduct is in the course of a professional
18 service;

19 (6) making physical contact of a sexual or seductive
20 nature, or attempting to make such contact, with an
21 individual who does not consent to the contact or who is
22 incapable of consenting to such contact, regardless of
23 whether the conduct is in the course of a professional
24 service;

25 (7) engaging in an act or displaying an image of a
26 sexual or seductive nature, or attempting to engage in an

1 act or display an image of a sexual or seductive nature,
2 knowingly in view of an individual who does not consent to
3 view the act or image or who is incapable of consenting to
4 such viewing, regardless of whether the conduct is in the
5 course of a professional service; or

6 (8) communicating an image of the genitals, anus,
7 breast, or sexualized body part of an individual when the
8 individual or the recipient of the communication does not
9 consent to the communication, regardless of whether the
10 conduct is in the course of a professional service.

11 "Reporting organization" means:

12 (1) an entity that employs or contracts for the
13 services of health professionals and is (i) registered
14 with the Department of Financial and Professional
15 Regulation or the Division of Professional Regulation
16 under the Professional Service Corporation Act, the
17 Medical Corporation Act, the Professional Limited
18 Liability Company Act, or the Limited Liability Company
19 Act, (ii) organized under the Business Corporation Act of
20 1983, or (iii) licensed by the Department of Public
21 Health; or

22 (2) an entity that facilitates the placement of health
23 professionals into organizations that provide health care
24 services.

25 (b) A reporting organization shall report to the
26 Department of Financial and Professional Regulation within 24

1 hours after:

2 (1) initiating an investigation into an allegation
3 that a health professional engaged in reportable
4 misconduct;

5 (2) terminating its relationship with, suspending,
6 placing on leave, or materially changing the professional
7 privileges of a health professional following an
8 allegation that the health professional engaged in
9 reportable misconduct; or

10 (3) a health professional resigning, ceasing his or
11 her services, or accepting a material change in
12 professional responsibilities following an allegation that
13 the health professional engaged in reportable misconduct.

14 (b) A reporting organization shall report to the
15 Department of Financial and Professional Regulation within 24

16 hours after:

17 (1) initiating an investigation into an allegation
18 that a health professional engaged in reportable
19 misconduct;

20 (2) terminating its relationship with, suspending,
21 placing on leave, or materially changing the professional
22 privileges of a health professional following an
23 allegation that the health professional engaged in
24 reportable misconduct; or

25 (3) a health professional resigning, ceasing his or
26 her services, or accepting a material change in

1 professional responsibilities following an allegation that
2 the health professional engaged in reportable misconduct.

3 (c) A report required by subsection (b) shall be in
4 writing and shall contain the following information:

5 (1) the name, address, telephone number, and email
6 address of the person making the report;

7 (2) the name, address, telephone number, and email
8 address of the health professional who is the subject of
9 the report and the profession and professional license
10 number of the health professional, if known;

11 (3) the name, address, or other contact information of
12 the individual or individuals who made an oral or written
13 allegation of reportable misconduct that is the subject of
14 the report, and an identification of the acts that are
15 alleged to have occurred and the location where those acts
16 are alleged to have occurred;

17 (4) a copy of the oral or written allegation of
18 reportable misconduct received by the reporter, if any;

19 (5) a brief description of the facts that gave rise to
20 the issuance of the report, including the date of
21 receiving the oral or written allegation; and

22 (6) any further pertinent information that the
23 reporting party deems to be an aid in the evaluation of the
24 report.

25 (f) A report made under this Section is confidential and
26 shall only be available to the Department of Financial and

1 Professional Regulation for the administration and enforcement
2 of professional Acts regulating health professionals.

3 (g) The Department of Financial and Professional
4 Regulation may adopt rules to implement, administer, and
5 enforce this Section, including but not limited to, rules that
6 define the terms used in this Section and are necessary and
7 appropriate to interpret and implement the provisions of this
8 Section.

9 (20 ILCS 2105/2105-392 new)

10 Sec. 2105-392. Law enforcement; report of investigations,
11 arrests, or convictions.

12 (a) A law enforcement agency, including, but not limited
13 to, the Illinois State Police or any other State law
14 enforcement agency, a county or municipal police department or
15 agency, and the State's Attorney of a county, shall report to
16 the Department of Financial and Professional Regulation within
17 30 days after opening an investigation into, making an arrest
18 of, or bringing charges of a felony or Class A misdemeanor
19 violation against a person who is licensed or registered by
20 the Department of Financial and Professional Regulation.

21 (b) The State's Attorney shall report to the Department of
22 Financial and Professional Regulation within 5 days after the
23 conviction for a felony or Class A misdemeanor of a person who
24 is licensed or registered by the Department of Financial and
25 Professional Regulation.

1 (c) A report of the opening of an investigation made under
2 this Section is confidential and shall only be available to
3 the Department of Financial and Professional Regulation for
4 the enforcement of an Act administered by the Department of
5 Financial and Professional Regulation.

6 (d) The Department of Financial and Professional
7 Regulation may adopt rules to implement, administer, and
8 enforce this Section, including, but not limited to, rules
9 that define the terms used in this Section and are necessary
10 and appropriate to interpret and implement this Section.

11 Section 10. The State Finance Act is amended by adding
12 Section 5.1030 as follows:

13 (30 ILCS 105/5.1030 new)

14 Sec. 5.1030. The Sexual Assault Survivors Fund.

15 Section 15. The Hospital Licensing Act is amended by
16 changing Sections 6.14c, 9.6, and 7 and by adding Section
17 6.14h as follows:

18 (210 ILCS 85/6.14c)

19 Sec. 6.14c. Posting of information. Every hospital shall
20 conspicuously post, either by physical or electronic means,
21 for display in an area of its offices accessible to patients,
22 employees, and visitors the following:

- 1 (1) its current license;
- 2 (2) a description, provided by the Department, of
3 complaint procedures, including procedures for
4 allegations of abuse under Section 9.6, established under
5 this Act, ~~and~~ the name, address, and telephone number of a
6 person authorized by the Department to receive complaints,
7 and the contact number of the Department and local law
8 enforcement;
- 9 (3) a list of any orders pertaining to the hospital
10 issued by the Department during the past year and any
11 court orders reviewing such Department orders issued
12 during the past year; ~~and~~
- 13 (4) a list of the material available for public
14 inspection under Section 6.14d; and -
- 15 (5) a description of the hospital's process for
16 employees to report allegations of abuse and that hospital
17 administration shall send a report to the Department and
18 submit a report to DPH.HospitalReports@illinois.gov within
19 24 hours of obtaining the report.

20 Each hospital shall post, either by physical or electronic
21 means, in each facility that has an emergency room, a notice in
22 a conspicuous location in the emergency room with information
23 about how to enroll in health insurance through the Illinois
24 health insurance marketplace in accordance with Sections 1311
25 and 1321 of the federal Patient Protection and Affordable Care
26 Act.

1 (Source: P.A. 101-117, eff. 1-1-20; 102-4, eff. 4-27-21.)

2 (210 ILCS 85/6.14h new)

3 Sec. 6.14h. Reports; serious incidents or events.

4 (a) As used in this Section, "Serious incidents or events"
5 means any of the following:

6 (1) a sexual assault by one patient to another patient
7 or by a visitor to a patient;

8 (2) sexual abuse or sexual misconduct by an employee
9 or patient;

10 (3) physical abuse or battery by one patient to
11 another patient or by a visitor to a patient resulting in
12 serious harm;

13 (4) patient suicide;

14 (5) abduction of an infant or a child;

15 (6) surgical fire resulting in patient injury;

16 (7) death due to blood transfusion reaction;

17 (8) patient elopement from psychiatric unit; and

18 (9) wrong site surgery resulting in harm.

19 (b) A hospital administrator or the hospital
20 administrator's designee shall report to the Department the
21 occurrence of any serious incidents or events no later than 24
22 hours after discovery of the event. The report shall be filed
23 in a format specified by the Department and shall identify the
24 following:

25 (1) the name of the patient;

1 (2) the name and address of the hospital treating the
2 patient;

3 (3) the age of the patient;

4 (4) a description of the serious incident or event;

5 (5) the patient's condition, including any evidence of
6 previous injuries or disabilities;

7 (6) any other information that the reporter believes
8 might be helpful in establishing the cause of the reported
9 incident or event; and

10 (7) information identifying any of the health care
11 professionals, employees, or patients involved.

12 (c) The hospital administrator shall immediately report
13 the incident to law enforcement in accordance with the
14 Criminal Identification Act, if applicable. Hospitals shall
15 report incidents of abuse in accordance with Section 9.6 of
16 this Act.

17 (d) The Department may conduct an investigation pursuant
18 to a report under this Section as it deems necessary.

19 (e) The Department may promulgate rules to further
20 implement this Section.

21 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

22 Sec. 7. (a) The Director after notice and opportunity for
23 hearing to the applicant or licensee may deny, suspend, or
24 revoke a permit to establish a hospital or deny, suspend, or
25 revoke a license to open, conduct, operate, and maintain a

1 hospital in any case in which he finds that there has been a
2 substantial failure to comply with the provisions of this Act,
3 the Hospital Report Card Act, or the Illinois Adverse Health
4 Care Events Reporting Law of 2005 or the standards, rules, and
5 regulations established by virtue of any of those Acts. The
6 Department may impose fines on hospitals, not to exceed \$500
7 per occurrence, for failing to (1) initiate a criminal
8 background check on a patient that meets the criteria for
9 hospital-initiated background checks or (2) report the death
10 of a person known to be a resident of a facility licensed under
11 the ID/DD Community Care Act or the MC/DD Act to the coroner or
12 medical examiner within 24 hours as required by Section 6.09a
13 of this Act. In assessing whether to impose such a fine for
14 failure to initiate a criminal background check, the
15 Department shall consider various factors including, but not
16 limited to, whether the hospital has engaged in a pattern or
17 practice of failing to initiate criminal background checks.
18 Money from fines shall be deposited into the Long Term Care
19 Provider Fund.

20 (a-5) Failure to comply with subsection (a), (b), (c),
21 (d), (e), (f), (h), (j), or (k) of Section 9.6, subsection (h)
22 of Section 6.14, or Section 3.2 of the Criminal Identification
23 Act shall result in the following fines:

24 (1) \$25,000 for the first violation;

25 (2) \$50,000 for a second violation; and

26 (3) \$75,000 for a third violation and every subsequent

1 violation.

2 Money from fines imposed under this subsection (a-5)
3 relating to incidents involving sexual abuse or assault shall
4 be deposited into the Sexual Assault Survivors Fund, a special
5 fund that is created in the State treasury. All other fines
6 recovered relating to this subsection (a-5) shall be deposited
7 into the Hospital Licensure Fund.

8 The Department may adopt rules to further implement these
9 provisions, including the process and time frame for
10 submission and approval of a plan of correction. The
11 Department may conduct an investigation or inspection as
12 deemed necessary. The failure to submit an approved plan of
13 correction may result in the Department imposing a plan of
14 correction on the facility. The Department may conduct a visit
15 or request additional information to determine whether the
16 hospital is following the approved or imposed plan of
17 correction.

18 If the Department determines there is a violation of both
19 this Act and the Illinois Adverse Health Care Events Reporting
20 Law of 2005, the Department will only issue one fine under
21 subsection (a).

22 (a-5) If a hospital demonstrates a pattern or practice of
23 failing to substantially comply with the requirements of
24 Section 10.10 or the hospital's written staffing plan, the
25 hospital shall provide a plan of correction to the Department
26 within 60 days. The Department may impose fines as follows:

1 (i) if a hospital fails to implement a written staffing plan
2 for nursing services, a fine not to exceed \$500 per occurrence
3 may be imposed; (ii) if a hospital demonstrates a pattern or
4 practice of failing to substantially comply with a plan of
5 correction within 60 days after the plan takes effect, a fine
6 not to exceed \$500 per occurrence may be imposed; and (iii) if
7 a hospital demonstrates for a second or subsequent time a
8 pattern or practice of failing to substantially comply with a
9 plan of correction within 60 days after the plan takes effect,
10 a fine not to exceed \$1,000 per occurrence may be imposed.
11 Reports of violations of Section 10.10 shall be subject to
12 public disclosure under Section 6.14a. Money from fines within
13 this subsection (a-5) shall be deposited into the Hospital
14 Licensure Fund, and money from fines for violations of Section
15 10.10 shall be used for scholarships under the Nursing
16 Education Scholarship Law.

17 (b) Such notice shall be effected by registered mail or by
18 personal service setting forth the particular reasons for the
19 proposed action and fixing a date, not less than 15 days from
20 the date of such mailing or service, at which time the
21 applicant or licensee shall be given an opportunity for a
22 hearing. Such hearing shall be conducted by the Director or by
23 an employee of the Department designated in writing by the
24 Director as Hearing Officer to conduct the hearing. On the
25 basis of any such hearing, or upon default of the applicant or
26 licensee, the Director shall make a determination specifying

1 his findings and conclusions. In case of a denial to an
2 applicant of a permit to establish a hospital, such
3 determination shall specify the subsection of Section 6 under
4 which the permit was denied and shall contain findings of fact
5 forming the basis of such denial. A copy of such determination
6 shall be sent by registered mail or served personally upon the
7 applicant or licensee. The decision denying, suspending, or
8 revoking a permit or a license shall become final 35 days after
9 it is so mailed or served, unless the applicant or licensee,
10 within such 35 day period, petitions for review pursuant to
11 Section 13.

12 (c) The procedure governing hearings authorized by this
13 Section shall be in accordance with rules promulgated by the
14 Department and approved by the Hospital Licensing Board. A
15 full and complete record shall be kept of all proceedings,
16 including the notice of hearing, complaint, and all other
17 documents in the nature of pleadings, written motions filed in
18 the proceedings, and the report and orders of the Director and
19 Hearing Officer. All testimony shall be reported but need not
20 be transcribed unless the decision is appealed pursuant to
21 Section 13. A copy or copies of the transcript may be obtained
22 by any interested party on payment of the cost of preparing
23 such copy or copies.

24 (d) The Director or Hearing Officer shall upon his own
25 motion, or on the written request of any party to the
26 proceeding, issue subpoenas requiring the attendance and the

1 giving of testimony by witnesses, and subpoenas duces tecum
2 requiring the production of books, papers, records, or
3 memoranda. All subpoenas and subpoenas duces tecum issued
4 under the terms of this Act may be served by any person of full
5 age. The fees of witnesses for attendance and travel shall be
6 the same as the fees of witnesses before the Circuit Court of
7 this State, such fees to be paid when the witness is excused
8 from further attendance. When the witness is subpoenaed at the
9 instance of the Director, or Hearing Officer, such fees shall
10 be paid in the same manner as other expenses of the Department,
11 and when the witness is subpoenaed at the instance of any other
12 party to any such proceeding the Department may require that
13 the cost of service of the subpoena or subpoena duces tecum and
14 the fee of the witness be borne by the party at whose instance
15 the witness is summoned. In such case, the Department in its
16 discretion, may require a deposit to cover the cost of such
17 service and witness fees. A subpoena or subpoena duces tecum
18 issued as aforesaid shall be served in the same manner as a
19 subpoena issued out of a court.

20 (e) Any Circuit Court of this State upon the application
21 of the Director, or upon the application of any other party to
22 the proceeding, may, in its discretion, compel the attendance
23 of witnesses, the production of books, papers, records, or
24 memoranda and the giving of testimony before the Director or
25 Hearing Officer conducting an investigation or holding a
26 hearing authorized by this Act, by an attachment for contempt,

1 or otherwise, in the same manner as production of evidence may
2 be compelled before the court.

3 (f) The Director or Hearing Officer, or any party in an
4 investigation or hearing before the Department, may cause the
5 depositions of witnesses within the State to be taken in the
6 manner prescribed by law for like depositions in civil actions
7 in courts of this State, and to that end compel the attendance
8 of witnesses and the production of books, papers, records, or
9 memoranda.

10 (Source: P.A. 102-641, eff. 8-27-21.)

11 (210 ILCS 85/9.6)

12 Sec. 9.6. Patient protection from abuse.

13 (a) No administrator, agent, or employee of a hospital or
14 a hospital affiliate, or a member of a hospital's medical
15 staff, may abuse a patient in the hospital or in a facility
16 operated by a hospital affiliate.

17 (b) Any hospital administrator, agent, employee, or
18 medical staff member, any hospital-affiliated clinic's
19 professional staff under the hospital's ownership or health
20 system, or an administrator, employee, or physician employed
21 by a hospital affiliate, who is made aware of allegations ~~has~~
22 ~~reasonable cause to believe~~ that any patient ~~with whom he or~~
23 ~~she has direct contact~~ has been subjected to abuse in the
24 hospital or hospital affiliate shall promptly report or cause
25 a report to be made to a designated hospital administrator

1 responsible for providing such reports to the Department as
2 required by this Section.

3 (c) Retaliation against a person who lawfully and in good
4 faith makes a report under this Section is prohibited.

5 (d) Upon receiving a report under subsection (b) of this
6 Section, the hospital or hospital affiliate shall submit the
7 report to the Department within 24 hours of obtaining such
8 report. In the event that the hospital receives multiple
9 reports involving a single alleged instance of abuse, the
10 hospital shall submit one report to the Department.

11 (e) Upon receiving a report under this Section, the
12 hospital or hospital affiliate shall promptly conduct an
13 internal review to ensure the alleged victim's safety.
14 Measures to protect the alleged victim shall be taken as
15 deemed necessary by the hospital's administrator and may
16 include, but are not limited to, removing suspected violators
17 from further patient contact during the hospital's or hospital
18 affiliate's internal review. If the alleged victim lacks
19 decision-making capacity under the Health Care Surrogate Act
20 and no health care surrogate is available, the hospital or
21 hospital affiliate may contact the Illinois Guardianship and
22 Advocacy Commission to determine the need for a temporary
23 guardian of that person.

24 (f) All internal hospital and hospital affiliate reviews
25 shall be conducted by a designated employee or agent who is
26 qualified to detect abuse and is not involved in the alleged

1 victim's treatment. All internal review findings must be
2 documented and filed according to hospital or hospital
3 affiliate procedures and shall be made available to the
4 Department upon request.

5 (g) Any other person may make a report of patient abuse to
6 the Department if that person has reasonable cause to believe
7 that a patient has been abused in the hospital or hospital
8 affiliate.

9 (h) The report required under this Section shall include:
10 the name of the patient; the name and address of the hospital
11 or hospital affiliate treating the patient; the age of the
12 patient; the nature of the patient's condition, including any
13 evidence of previous injuries or disabilities; and any other
14 information that the reporter believes might be helpful in
15 establishing the cause of the reported abuse and the identity
16 of the person believed to have caused the abuse.

17 (i) Except for willful or wanton misconduct, any
18 individual, person, institution, or agency participating in
19 good faith in the making of a report under this Section, or in
20 the investigation of such a report or in making a disclosure of
21 information concerning reports of abuse under this Section,
22 shall have immunity from any liability, whether civil,
23 professional, or criminal, that otherwise might result by
24 reason of such actions. For the purpose of any proceedings,
25 whether civil, professional, or criminal, the good faith of
26 any persons required to report cases of suspected abuse under

1 this Section or who disclose information concerning reports of
2 abuse in compliance with this Section, shall be presumed.

3 (j) No administrator, agent, or employee of a hospital or
4 hospital affiliate shall adopt or employ practices or
5 procedures designed to discourage good faith reporting of
6 patient abuse under this Section.

7 (k) Every hospital and hospital affiliate shall ensure
8 that all new and existing employees are trained in the
9 detection and reporting of abuse of patients and retrained at
10 least every 2 years thereafter.

11 (l) The Department shall investigate each report of
12 patient abuse made under this Section according to the
13 procedures of the Department, except that a report of abuse
14 which indicates that a patient's life or safety is in imminent
15 danger shall be investigated within 24 hours of such report.
16 Under no circumstances may a hospital's or hospital
17 affiliate's internal review of an allegation of abuse replace
18 an investigation of the allegation by the Department.

19 (m) The Department shall keep a continuing record of all
20 reports made pursuant to this Section, including indications
21 of the final determination of any investigation and the final
22 disposition of all reports. The Department shall inform the
23 investigated hospital or hospital affiliate and any other
24 person making a report under subsection (g) of its final
25 determination or disposition in writing.

26 (n) The Department shall not disclose to the public any

1 information regarding any reports and investigations under
2 this Section unless and until the report of abuse is
3 substantiated following a full and proper investigation.

4 (o) All patient identifiable information in any report or
5 investigation under this Section shall be confidential and
6 shall not be disclosed except as authorized by this Act or
7 other applicable law.

8 (p) Nothing in this Section relieves a hospital or
9 hospital affiliate administrator, employee, agent, or medical
10 staff member from contacting appropriate law enforcement
11 authorities as required by law.

12 (q) Nothing in this Section shall be construed to mean
13 that a patient is a victim of abuse because of health care
14 services provided or not provided by health care
15 professionals.

16 (r) Nothing in this Section shall require a hospital or
17 hospital affiliate, including its employees, agents, and
18 medical staff members, to provide any services to a patient in
19 contravention of his or her stated or implied objection
20 thereto upon grounds that such services conflict with his or
21 her religious beliefs or practices, nor shall such a patient
22 be considered abused under this Section for the exercise of
23 such beliefs or practices.

24 (s) The Department's implementation of this Section is
25 subject to appropriations to the Department for that purpose.

26 (t) As used in this Section, the following terms have the

1 following meanings:

2 "Abuse" means any physical or mental injury or sexual
3 abuse intentionally inflicted by a hospital or hospital
4 affiliate employee, agent, or medical staff member on a
5 patient of the hospital or hospital affiliate and does not
6 include any hospital or hospital affiliate, medical, health
7 care, or other personal care services done in good faith in the
8 interest of the patient according to established medical and
9 clinical standards of care. "Abuse" includes, but is not
10 limited to, the following:

11 (1) causing bodily harm to a patient or making
12 physical contact of an insulting or provoking nature with
13 a patient or client knowingly and without clinical or
14 professional justification in the course of professional
15 service;

16 (2) causing death, great bodily harm, permanent
17 disability, or disfigurement of a patient, whether or not
18 in the course of professional service; and

19 (3) confining, detaining, or attempting to confine or
20 detain a patient against his or her will, whether or not in
21 the course of professional service.

22 "Hospital affiliate" has the meaning given to that term in
23 Section 10.8.

24 "Mental injury" means intentionally caused emotional
25 distress in a patient from words or gestures that would be
26 considered by a reasonable person to be humiliating,

1 harassing, or threatening and which causes observable and
2 substantial impairment.

3 "Sexual abuse" means any intentional act of sexual contact
4 or sexual penetration of a patient in the hospital or any
5 instance of sexual misconduct.

6 "Sexual misconduct" means behavior, gestures, verbal
7 comments, or expressions that are sexually suggestive,
8 disrespectful of patient privacy, or sexually demeaning to a
9 patient that may include, but are not limited to, the
10 following:

11 (1) genital to genital contact, oral to genital
12 contact, genital to anal contact, or oral to anal contact;

13 (2) kissing in a romantic or sexual manner;

14 (3) touching the genitals, anus, breast, or any other
15 sexualized body part for any purpose other than
16 appropriate clinical examination or professional service;

17 (4) touching the genitals, anus, breast, or any other
18 sexualized body part after the patient or client has
19 refused or has withdrawn consent for such touching;

20 (5) encouraging the patient or client to masturbate in
21 the presence of the professional or masturbation by the
22 professional while the patient or client is present;

23 (6) encouraging the patient or client to engage in a
24 sexual act with another person in the presence of the
25 professional; or

26 (7) offering to provide professional services to a

1 patient or client in exchange for sexual favors;

2 (8) engaging in behavior, gestures, or expressions
3 that are seductive, sexually suggestive, disrespectful of
4 patient or client privacy, or sexually demeaning to a
5 patient or client in the course of professional service,
6 including, but not limited to, the following:

7 (i) neglecting to employ disrobing or draping
8 practices respecting the patient's or client's
9 privacy, or deliberately watching a patient or client
10 dress or undress,

11 (ii) subjecting a patient or client to an intimate
12 examination in the presence of students or other
13 persons not delivering professional services without
14 the patient's or client's informed consent or in the
15 event such informed consent has been withdrawn,

16 (iii) examination or touching of a patient's or
17 client's genital mucosal areas without the use of
18 gloves,

19 (iv) making sexualized or sexually demeaning
20 comments to a patient or client, making inappropriate
21 comments about potential sexual performance,
22 criticizing the patient or client's sexual
23 orientation, or making sexual or seductive comments
24 about a patient's or client's body or underclothing,

25 (v) using the professional-patient or
26 professional-client relationship to solicit a romantic

1 or sexual relationship,
2 (vi) initiating a conversation regarding the
3 professional's sexual problems, preferences, or
4 fantasies,
5 (vii) performing an intimate examination or
6 service without clinical or other professional
7 justification,
8 (viii) performing an intimate examination or
9 service without explaining to the patient or client
10 the need for such examination or service even when the
11 examination or service is pertinent to the issue of
12 sexual function or dysfunction,
13 (ix) capturing an image of a patient's or client's
14 genital, anus, breast, or sexualized body part, or
15 transmitting such image to oneself or to another, when
16 such capturing or transmitting is not clinically or
17 professionally justified, or
18 (x) requesting details of sexual history or sexual
19 likes or dislikes when not clinically or
20 professionally justified;
21 (9) making physical contact of a sexual or seductive
22 nature, or attempting to make such contact, with an
23 individual who does not consent to the contact or who is
24 incapable of consenting to such contact, regardless of
25 whether the conduct is in the course of a professional
26 service;

1 (10) engaging in an act or displaying an image of a
2 sexual or seductive nature, or attempting to engage in an
3 act or display an image of a sexual or seductive nature,
4 knowingly in view of an individual who does not consent to
5 view the act or image or who is incapable of consenting to
6 such viewing, regardless of whether the conduct is in the
7 course of a professional service;

8 (11) communicating an image of the genitals, anus,
9 breast, or sexualized body part of an individual when the
10 individual or the recipient of the communication does not
11 consent to the communication, regardless of whether the
12 conduct is in the course of a professional service.

13 "Substantiated", with respect to a report of abuse, means
14 that a preponderance of the evidence indicates that abuse
15 occurred.

16 (Source: P.A. 103-803, eff. 1-1-25.)

17 Section 20. The Acupuncture Practice Act is amended by
18 changing Section 110 as follows:

19 (225 ILCS 2/110)

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

21 Sec. 110. Grounds for disciplinary action.

22 (a) The Department may refuse to issue or to renew, place
23 on probation, suspend, revoke or take other disciplinary or
24 non-disciplinary action as deemed appropriate including the

1 imposition of fines not to exceed \$10,000 for each violation,
2 as the Department may deem proper, with regard to a license for
3 any one or combination of the following causes:

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

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

14 (3) Making any misrepresentation for the purpose of
15 obtaining a license.

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

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

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

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

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

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

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

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

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

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

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

25 (15) The use of any words, abbreviations, figures or
26 letters (such as "Acupuncturist", "Licensed

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

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

25 (16) Using claims of superior quality of care to
26 entice the public or advertising fee comparisons of

1 available services with those of other persons providing
2 acupuncture services.

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

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

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

20 (20) Physical illness, mental illness, or other
21 impairment that results in the inability to practice the
22 profession with reasonable judgment, skill, and safety,
23 including, without limitation, deterioration through the
24 aging process, mental illness, or disability.

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

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

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

16 (24) Failure to report actual or alleged reportable
17 misconduct or an investigation related to actual or
18 alleged reportable misconduct in accordance with Section
19 2105-390 of the Department of Professional Regulation Law
20 of the Civil Administrative Code of Illinois.

21 The entry of an order by a circuit court establishing that
22 any person holding a license under this Act is subject to
23 involuntary admission or judicial admission as provided for in
24 the Mental Health and Developmental Disabilities Code operates
25 as an automatic suspension of that license. That person may
26 have his or her license restored only upon the determination

1 by a circuit court that the patient is no longer subject to
2 involuntary admission or judicial admission and the issuance
3 of an order so finding and discharging the patient and upon the
4 Board's recommendation to the Department that the license be
5 restored. Where the circumstances so indicate, the Board may
6 recommend to the Department that it require an examination
7 prior to restoring a suspended license.

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

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

1 be examined may have, at his or her own expense, another
2 physician of his or her choice present during all aspects of
3 this examination. Failure of an individual to submit to a
4 mental or physical examination, when directed, shall be
5 grounds for suspension of his or her license until the
6 individual submits to the examination if the Department finds,
7 after notice and hearing, that the refusal to submit to the
8 examination was without reasonable cause.

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

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 30
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 that he or she can resume practice in
11 compliance with acceptable and prevailing standards under the
12 provisions of his or her license.

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

14 Section 25. The Illinois Athletic Trainers Practice Act is
15 amended by changing Section 16 as follows:

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

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

18 Sec. 16. Grounds for discipline.

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

1 (A) Material misstatement in furnishing information to
2 the Department;

3 (B) Violations of this Act, or of the rules or
4 regulations promulgated hereunder;

5 (C) Conviction of or plea of guilty to any crime under
6 the Criminal Code of 2012 or the laws of any jurisdiction
7 of the United States that is (i) a felony, (ii) a
8 misdemeanor, an essential element of which is dishonesty,
9 or (iii) of any crime that is directly related to the
10 practice of the profession;

11 (D) Fraud or any misrepresentation in applying for or
12 procuring a license under this Act, or in connection with
13 applying for renewal of a license under this Act;

14 (E) Professional incompetence or gross negligence;

15 (F) Malpractice;

16 (G) Aiding or assisting another person, firm,
17 partnership, or corporation in violating any provision of
18 this Act or rules;

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

21 (I) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public;

24 (J) Habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, alcohol, or any
26 other substance that results in the inability to practice

1 with reasonable judgment, skill, or safety;

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

7 (L) Directly or indirectly giving to or receiving from
8 any person, firm, corporation, partnership, or association
9 any fee, commission, rebate, or other form of compensation
10 for any professional services not actually or personally
11 rendered. Nothing in this subparagraph (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 subparagraph (L) shall be construed to require an
21 employment arrangement to receive professional fees for
22 services rendered;

23 (M) A finding by the Department that the licensee
24 after having his or her license disciplined has violated
25 the terms of probation;

26 (N) Abandonment of an athlete;

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

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

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

11 (R) Solicitation of professional services other than
12 by permitted institutional policy;

13 (S) The use of any words, abbreviations, figures or
14 letters with the intention of indicating practice as an
15 athletic trainer without a valid license as an athletic
16 trainer under this Act;

17 (T) The evaluation or treatment of ailments of human
18 beings other than by the practice of athletic training as
19 defined in this Act or the treatment of injuries of
20 athletes by a licensed athletic trainer except by the
21 referral of a physician, physician assistant, advanced
22 practice registered nurse, podiatric physician, or
23 dentist;

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

1 (V) Willfully violating or knowingly assisting in the
2 violation of any law of this State relating to the
3 practice of abortion;

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

6 (X) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 pursuant to the Abused and Neglected Child Reporting Act
9 and 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 (X-5) Failure to provide a monthly report on the
14 patient's progress to the referring physician, physician
15 assistant, advanced practice registered nurse, podiatric
16 physician, or dentist;

17 (Y) (Blank);

18 (Z) Failure to fulfill continuing education
19 requirements;

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

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

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

1 (DD) Gross, willful, or continued overcharging for
2 professional services;

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

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

8 (GG) Violation of the Health Care Worker Self-Referral
9 Act; ~~or~~

10 (HH) Failure by a supervising athletic trainer of an
11 aide to maintain contact, including personal supervision
12 and instruction, to ensure the safety and welfare of an
13 athlete; or ~~or~~

14 (II) Failure to report actual or alleged reportable
15 misconduct or an investigation related to actual or
16 alleged reportable misconduct in accordance with Section
17 2105-390 of the Department of Professional Regulation Law
18 of the Civil Administrative Code of Illinois.

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

23 (2) The determination by a circuit court that a licensee
24 is subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code operates as an automatic suspension. Such suspension will

1 end only upon a finding by a court that the licensee is no
2 longer subject to involuntary admission or judicial admission
3 and issuance of an order so finding and discharging the
4 licensee.

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

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

1 licensed to practice medicine in all of its branches and may
2 consist of one or more or a combination of physicians licensed
3 to practice medicine in all of its branches, licensed
4 chiropractic physicians, licensed clinical psychologists,
5 licensed clinical social workers, licensed clinical
6 professional counselors, and other professional and
7 administrative staff. Any examining physician or member of the
8 multidisciplinary team may require any person ordered to
9 submit to an examination and evaluation pursuant to this
10 Section to submit to any additional supplemental testing
11 deemed necessary to complete any examination or evaluation
12 process, including, but not limited to, blood testing,
13 urinalysis, psychological testing, or neuropsychological
14 testing.

15 The Department may order the examining physician or any
16 member of the multidisciplinary team to provide to the
17 Department any and all records, including business records,
18 that relate to the examination and evaluation, including any
19 supplemental testing performed. The Department may order the
20 examining physician or any member of the multidisciplinary
21 team to present testimony concerning this examination and
22 evaluation of the licensee or applicant, including testimony
23 concerning any supplemental testing or documents relating to
24 the examination and evaluation. No information, report,
25 record, or other documents in any way related to the
26 examination and evaluation shall be excluded by reason of any

1 common law or statutory privilege relating to communication
2 between the licensee or applicant and the examining physician
3 or any member of the multidisciplinary team. No authorization
4 is necessary from the licensee or applicant ordered to undergo
5 an evaluation and examination for the examining physician or
6 any member of the multidisciplinary team to provide
7 information, reports, records, or other documents or to
8 provide any testimony regarding the examination and
9 evaluation. The individual to be examined may have, at his or
10 her own expense, another physician of his or her choice
11 present during all aspects of the examination.

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

22 When the Secretary immediately suspends a license under
23 this Section, a hearing upon such person's license must be
24 convened by the Department within 15 days after the suspension
25 and completed without appreciable delay. The Department shall
26 have the authority to review the licensee's record of

1 treatment and counseling regarding the impairment to the
2 extent permitted by applicable federal statutes and
3 regulations safeguarding the confidentiality of medical
4 records.

5 Individuals licensed under this Act who are affected under
6 this Section shall be afforded an opportunity to demonstrate
7 to the Department that they can resume practice in compliance
8 with acceptable and prevailing standards under the provisions
9 of their license.

10 (5) (Blank).

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

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

24 Section 30. The Behavior Analyst Licensing Act is amended
25 by changing Section 60 as follows:

1 (225 ILCS 6/60)

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

3 Sec. 60. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or renew a license,
5 or may suspend, revoke, place on probation, reprimand, or take
6 any other disciplinary or nondisciplinary action deemed
7 appropriate by the Department, including the imposition of
8 fines not to exceed \$10,000 for each violation, with regard to
9 any license issued under the provisions of this Act for any one
10 or a combination of the following grounds:

11 (1) material misstatements in furnishing information
12 to the Department or to any other State agency or in
13 furnishing information to any insurance company with
14 respect to a claim on behalf of a licensee or a patient;

15 (2) violations or negligent or intentional disregard
16 of this Act or its rules;

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

1 (4) fraud or misrepresentation in applying for or
2 procuring a license under this Act or in connection with
3 applying for renewal or restoration of a license under
4 this Act;

5 (5) professional incompetence;

6 (6) gross negligence in practice under this Act;

7 (7) aiding or assisting another person in violating
8 any provision of this Act or its rules;

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

11 (9) engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public as defined by the rules of the
14 Department or violating the rules of professional conduct
15 adopted by the Department;

16 (10) habitual or excessive use or abuse of drugs
17 defined in law as controlled substances, of alcohol, or of
18 any other substances that results in the inability to
19 practice with reasonable judgment, skill, or safety;

20 (11) adverse action taken by another state or
21 jurisdiction if at least one of the grounds for the
22 discipline is the same or substantially equivalent to
23 those set forth in this Section;

24 (12) directly or indirectly giving to or receiving
25 from any person, firm, corporation, partnership, or
26 association any fee, commission, rebate, or other form of

1 compensation for any professional service not actually
2 rendered; nothing in this paragraph affects any bona fide
3 independent contractor or employment arrangements among
4 health care professionals, health facilities, health care
5 providers, or other entities, except as otherwise
6 prohibited by law; any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this
10 Act; nothing in this paragraph shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered;

13 (13) a finding by the Department that the licensee,
14 after having the license placed on probationary status,
15 has violated the terms of probation or failed to comply
16 with those terms;

17 (14) abandonment, without cause, of a client;

18 (15) willfully making or filing false records or
19 reports relating to a licensee's practice, including, but
20 not limited to, false records filed with federal or State
21 agencies or departments;

22 (16) willfully failing to report an instance of
23 suspected child abuse or neglect as required by the Abused
24 and Neglected Child Reporting Act;

25 (17) being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act;

6 (18) physical illness, mental illness, or any other
7 impairment or disability, including, but not limited to,
8 deterioration through the aging process, or loss of motor
9 skills that results in the inability to practice the
10 profession with reasonable judgment, skill, or safety;

11 (19) solicitation of professional services by using
12 false or misleading advertising;

13 (20) violation of the Health Care Worker Self-Referral
14 Act;

15 (21) willfully failing to report an instance of
16 suspected abuse, neglect, financial exploitation, or
17 self-neglect of an eligible adult as defined in and
18 required by the Adult Protective Services Act; ~~or~~

19 (22) being named as an abuser in a verified report by
20 the Department on Aging under the Adult Protective
21 Services Act, and upon proof by clear and convincing
22 evidence that the licensee abused, neglected, or
23 financially exploited an eligible adult as defined in the
24 Adult Protective Services Act; or ~~-~~

25 (23) failure to report actual or alleged reportable
26 misconduct or an investigation related to actual or

1 alleged reportable misconduct in accordance with Section
2 2105-390 of the Department of Professional Regulation Law
3 of the Civil Administrative Code of Illinois.

4 (b) The determination by a court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code shall result in an automatic suspension of the licensee's
8 license. The suspension shall end upon a finding by a court
9 that the licensee is no longer subject to involuntary
10 admission or judicial admission and issues an order so finding
11 and discharging the patient, and upon the recommendation of
12 the Board to the Secretary that the licensee be allowed to
13 resume professional practice.

14 (c) The Department shall refuse to issue or renew or may
15 suspend the license of a person who (i) fails to file a tax
16 return, pay the tax, penalty, or interest shown in a filed tax
17 return, or pay any final assessment of tax, penalty, or
18 interest, as required by any tax Act administered by the
19 Department of Revenue, until the requirements of the tax Act
20 are satisfied or (ii) has failed to pay any court-ordered
21 child support as determined by a court order or by referral
22 from the Department of Healthcare and Family Services.

23 (c-1) The Department shall not revoke, suspend, place on
24 probation, reprimand, refuse to issue or renew, or take any
25 other disciplinary or non-disciplinary action against the
26 license or permit issued under this Act based solely upon the

1 licensed behavior analyst recommending, aiding, assisting,
2 referring for, or participating in any health care service, so
3 long as the care was not unlawful under the laws of this State,
4 regardless of whether the patient was a resident of this State
5 or another state.

6 (c-2) The Department shall not revoke, suspend, place on
7 prohibition, reprimand, refuse to issue or renew, or take any
8 other disciplinary or non-disciplinary action against the
9 license or permit issued under this Act to practice as a
10 licensed behavior analyst based upon the licensed behavior
11 analyst's license being revoked or suspended, or the licensed
12 behavior analyst being otherwise disciplined by any other
13 state, if that revocation, suspension, or other form of
14 discipline was based solely on the licensed behavior analyst
15 violating 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 a licensed behavior analyst
21 practicing in Illinois.

22 (c-3) The conduct specified in subsections (c-1) and (c-2)
23 shall not constitute grounds for suspension under Section 125.

24 (c-4) The Department shall not revoke, suspend, summarily
25 suspend, place on prohibition, reprimand, refuse to issue or
26 renew, or take any other disciplinary or non-disciplinary

1 action against the license or permit issued under this Act to
2 practice as a licensed behavior analyst based solely upon the
3 license of a licensed behavior analyst being revoked or the
4 licensed behavior analyst being otherwise disciplined by any
5 other state or territory other than Illinois for the referral
6 for or having otherwise participated in any health care
7 service, if the revocation or disciplinary action was based
8 solely on a violation of the other state's law prohibiting
9 such health care services in the state, for a resident of the
10 state, or in any other state.

11 (d) In enforcing this Section, the Department, upon a
12 showing of a possible violation, may compel a person licensed
13 to practice under this Act, or who has applied for licensure
14 under this Act, to submit to a mental or physical examination,
15 or both, which may include a substance abuse or sexual
16 offender evaluation, as required by and at the expense of the
17 Department.

18 (1) The Department shall specifically designate the
19 examining physician licensed to practice medicine in all
20 of its branches or, if applicable, the multidisciplinary
21 team involved in providing the mental or physical
22 examination or both. The multidisciplinary team shall be
23 led by a physician licensed to practice medicine in all of
24 its branches and may consist of one or more or a
25 combination of physicians licensed to practice medicine in
26 all of its branches, licensed clinical psychologists,

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

10 (2) The Department may order the examining physician
11 or any member of the multidisciplinary team to present
12 testimony concerning this mental or physical examination
13 of the licensee or applicant. No information, report,
14 record, or other documents in any way related to the
15 examination shall be excluded by reason of any common law
16 or statutory privilege relating to communications between
17 the licensee or applicant and the examining physician or
18 any member of the multidisciplinary team. No authorization
19 is necessary from the licensee or applicant ordered to
20 undergo an examination for the examining physician or any
21 member of the multidisciplinary team to provide
22 information, reports, records, or other documents or to
23 provide any testimony regarding the examination and
24 evaluation.

25 (3) The person to be examined may have, at the
26 person's own expense, another physician of the person's

1 choice present during all aspects of the examination.
2 However, that physician shall be present only to observe
3 and may not interfere in any way with the examination.

4 (4) The failure of any person to submit to a mental or
5 physical examination without reasonable cause, when
6 ordered, shall result in an automatic suspension of the
7 person's license until the person submits to the
8 examination.

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

26 (f) All fines imposed shall be paid within 60 days after

1 the effective date of the order imposing the fine or in
2 accordance with the terms set forth in the order imposing the
3 fine.

4 If the Secretary immediately suspends a person's license
5 under this subsection, a hearing on that person's license must
6 be convened by the Department within 30 days after the
7 suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 subject person's record of treatment and counseling regarding
10 the impairment, to the extent permitted by applicable federal
11 statutes and regulations safeguarding the confidentiality of
12 medical records.

13 A person licensed under this Act and affected under this
14 Section shall be afforded an opportunity to demonstrate to the
15 Department or Board that the person can resume practice in
16 compliance with acceptable and prevailing standards under the
17 provisions of the person's license.

18 (g) The Department may adopt rules to implement,
19 administer, and enforce this Section ~~the changes made by this~~
20 ~~amendatory Act of the 102nd General Assembly.~~

21 (Source: P.A. 102-953, eff. 5-27-22; 102-1117, eff. 1-13-23.)

22 Section 35. The Clinical Psychologist Licensing Act is
23 amended by changing Section 15 as follows:

24 (225 ILCS 15/15) (from Ch. 111, par. 5365)

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

2 Sec. 15. Disciplinary action; grounds.

3 (a) The Department may refuse to issue, refuse to renew,
4 suspend, or revoke any license, or may place on probation,
5 reprimand, or take other disciplinary or non-disciplinary
6 action deemed appropriate by the Department, including the
7 imposition of fines not to exceed \$10,000 for each violation,
8 with regard to any license issued under the provisions of this
9 Act for any one or a combination of the following reasons:

10 (1) Conviction of, or entry of a plea of guilty or nolo
11 contendere to, any crime that is a felony under the laws of
12 the United States or any state or territory thereof or
13 that is a misdemeanor of which an essential element is
14 dishonesty, or any crime that is directly related to the
15 practice of the profession.

16 (2) Gross negligence in the rendering of clinical
17 psychological services.

18 (3) Using fraud or making any misrepresentation in
19 applying for a license or in passing the examination
20 provided for in this Act.

21 (4) Aiding or abetting or conspiring to aid or abet a
22 person, not a clinical psychologist licensed under this
23 Act, in representing himself or herself as so licensed or
24 in applying for a license under this Act.

25 (5) Violation of any provision of this Act or the
26 rules promulgated thereunder.

1 (6) Professional connection or association with any
2 person, firm, association, partnership or corporation
3 holding himself, herself, themselves, or itself out in any
4 manner contrary to this Act.

5 (7) Unethical, unauthorized or unprofessional conduct
6 as defined by rule. In establishing those rules, the
7 Department shall consider, though is not bound by, the
8 ethical standards for psychologists promulgated by
9 recognized national psychology associations.

10 (8) Aiding or assisting another person in violating
11 any provisions of this Act or the rules promulgated
12 thereunder.

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

15 (10) Habitual or excessive use or addiction to
16 alcohol, narcotics, stimulants, or any other chemical
17 agent or drug that results in a clinical psychologist's
18 inability to practice with reasonable judgment, skill or
19 safety.

20 (11) Discipline by another state, territory, the
21 District of Columbia or foreign country, if at least one
22 of the grounds for the discipline is the same or
23 substantially equivalent to those set forth herein.

24 (12) Directly or indirectly giving or receiving from
25 any person, firm, corporation, association or partnership
26 any fee, commission, rebate, or other form of compensation

1 for any professional service not actually or personally
2 rendered. Nothing in this paragraph (12) affects any bona
3 fide independent contractor or employment arrangements
4 among health care professionals, health facilities, health
5 care providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this
10 Act. Nothing in this paragraph (12) shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered.

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

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

19 (15) Physical illness, including but not limited to,
20 deterioration through the aging process, mental illness or
21 disability that results in the inability to practice the
22 profession with reasonable judgment, skill and safety.

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

26 (17) Being named as a perpetrator in an indicated

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

7 (18) Violation of the Health Care Worker Self-Referral
8 Act.

9 (19) Making a material misstatement in furnishing
10 information to the Department, any other State or federal
11 agency, or any other entity.

12 (20) Failing to report to the Department any adverse
13 judgment, settlement, or award arising from a liability
14 claim related to an act or conduct similar to an act or
15 conduct that would constitute grounds for action as set
16 forth in this Section.

17 (21) Failing to report to the Department any adverse
18 final action taken against a licensee or applicant by
19 another licensing jurisdiction, including any other state
20 or territory of the United States or any foreign state or
21 country, or any peer review body, health care institution,
22 professional society or association related to the
23 profession, governmental agency, law enforcement agency,
24 or court for an act or conduct similar to an act or conduct
25 that would constitute grounds for disciplinary action as
26 set forth in this Section.

1 (22) Prescribing, selling, administering,
2 distributing, giving, or self-administering (A) any drug
3 classified as a controlled substance (designated product)
4 for other than medically accepted therapeutic purposes or
5 (B) any narcotic drug.

6 (23) Violating state or federal laws or regulations
7 relating to controlled substances, legend drugs, or
8 ephedra as defined in the Ephedra Prohibition Act.

9 (24) Exceeding the terms of a collaborative agreement
10 or the prescriptive authority delegated to a licensee by
11 his or her collaborating physician or established under a
12 written collaborative agreement.

13 (25) Failure to report actual or alleged reportable
14 misconduct or an investigation related to actual or
15 alleged reportable misconduct in accordance with Section
16 2105-390 of the Department of Professional Regulation Law
17 of the Civil Administrative Code of Illinois.

18 The entry of an order by any circuit court establishing
19 that any person holding a license under this Act is subject to
20 involuntary admission or judicial admission as provided for in
21 the Mental Health and Developmental Disabilities Code,
22 operates as an automatic suspension of that license. That
23 person may have his or her license restored only upon the
24 determination by a circuit court that the patient is no longer
25 subject to involuntary admission or judicial admission and the
26 issuance of an order so finding and discharging the patient

1 and upon the Board's recommendation to the Department that the
2 license be restored. Where the circumstances so indicate, the
3 Board may recommend to the Department that it require an
4 examination prior to restoring any license so automatically
5 suspended.

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

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

1 examined may have, at his or her own expense, another
2 physician or clinical psychologist of his or her choice
3 present during all aspects of the examination. Failure of any
4 person to submit to a mental or physical examination, when
5 directed, shall be grounds for suspension of a license until
6 the person submits to the examination if the Department or
7 Board finds, after notice and hearing, that the refusal to
8 submit to the examination was without reasonable cause.

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

26 In instances in which the Secretary immediately suspends a

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

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

14 (b) The Department shall not revoke, suspend, place on
15 probation, reprimand, refuse to issue or renew, or take any
16 other disciplinary or non-disciplinary action against the
17 license or permit issued under this Act based solely upon the
18 licensed clinical psychologist recommending, aiding,
19 assisting, referring for, or participating in any health care
20 service, so long as the care was not unlawful under the laws of
21 this State, regardless of whether the patient was a resident
22 of this State or another state.

23 (c) The Department shall not revoke, suspend, place on
24 prohibition, reprimand, refuse to issue or renew, or take any
25 other disciplinary or non-disciplinary action against the
26 license or permit issued under this Act to practice as a

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

13 (d) The conduct specified in subsections (b) and (c) shall
14 not constitute grounds for suspension under Section 21.6.

15 (e) The Department shall not revoke, suspend, summarily
16 suspend, place on prohibition, reprimand, refuse to issue or
17 renew, or take any other disciplinary or non-disciplinary
18 action against the license or permit issued under this Act to
19 practice as a licensed clinical psychologist based solely upon
20 the license of a licensed clinical psychologist being revoked
21 or the licensed clinical psychologist being otherwise
22 disciplined by any other state or territory other than
23 Illinois for the referral for or having otherwise participated
24 in any health care service, if the revocation or disciplinary
25 action was based solely on a violation of the other state's law
26 prohibiting such health care services in the state, for a

1 resident of the state, or in any other state.

2 (f) The Department may adopt rules to implement,
3 administer, and enforce this Section ~~the changes made by this~~
4 ~~amendatory Act of the 102nd General Assembly.~~

5 (Source: P.A. 102-1117, eff. 1-13-23.)

6 Section 40. The Clinical Social Work and Social Work
7 Practice Act is amended by changing Section 19 as follows:

8 (225 ILCS 20/19)

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

10 Sec. 19. Grounds for disciplinary action.

11 (1) The Department may refuse to issue or renew a license,
12 or may suspend, revoke, place on probation, reprimand, or take
13 any other disciplinary or non-disciplinary action deemed
14 appropriate by the Department, including the imposition of
15 fines not to exceed \$10,000 for each violation, with regard to
16 any license issued under the provisions of this Act for any one
17 or a combination of the following grounds:

18 (a) material misstatements in furnishing information
19 to the Department or to any other State agency or in
20 furnishing information to any insurance company with
21 respect to a claim on behalf of a licensee or a patient;

22 (b) violations or negligent or intentional disregard
23 of this Act, or any of the rules promulgated hereunder;

24 (c) conviction of or entry of a plea of guilty or nolo

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

10 (d) fraud or misrepresentation in applying for or
11 procuring a license under this Act or in connection with
12 applying for renewal or restoration of a license under
13 this Act;

14 (e) professional incompetence;

15 (f) gross negligence in practice under this Act;

16 (g) aiding or assisting another person in violating
17 any provision of this Act or its rules;

18 (h) failing to provide information within 60 days in
19 response to a written request made by the Department;

20 (i) engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public as defined by the rules of the
23 Department, or violating the rules of professional conduct
24 adopted by the Department;

25 (j) habitual or excessive use or abuse of drugs
26 defined in law as controlled substances, of alcohol, or of

1 any other substances that results in the inability to
2 practice with reasonable judgment, skill, or safety;

3 (k) adverse action taken by another state or
4 jurisdiction, if at least one of the grounds for the
5 discipline is the same or substantially equivalent to
6 those set forth in this Section;

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

22 (m) a finding by the Department that the licensee,
23 after having the license placed on probationary status,
24 has violated the terms of probation or failed to comply
25 with such terms;

26 (n) abandonment, without cause, of a client;

1 (o) willfully making or filing false records or
2 reports relating to a licensee's practice, including, but
3 not limited to, false records filed with Federal or State
4 agencies or departments;

5 (p) willfully failing to report an instance of
6 suspected child abuse or neglect as required by the Abused
7 and Neglected Child Reporting Act;

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

15 (r) physical illness, mental illness, or any other
16 impairment or disability, including, but not limited to,
17 deterioration through the aging process, or loss of motor
18 skills that results in the inability to practice the
19 profession with reasonable judgment, skill or safety;

20 (s) solicitation of professional services by using
21 false or misleading advertising;

22 (t) violation of the Health Care Worker Self-Referral
23 Act;

24 (u) willfully failing to report an instance of
25 suspected abuse, neglect, financial exploitation, or
26 self-neglect of an eligible adult as defined in and

1 required by the Adult Protective Services Act; ~~or~~

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

8 (w) failure to report actual or alleged reportable
9 misconduct or an investigation related to actual or
10 alleged reportable misconduct in accordance with Section
11 2105-390 of the Department of Professional Regulation Law
12 of the Civil Administrative Code of Illinois.

13 (2) (Blank).

14 (3) The determination by a court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code, will result in an automatic suspension of the licensee's
18 license. Such suspension will end upon a finding by a court
19 that the licensee is no longer subject to involuntary
20 admission or judicial admission and issues an order so finding
21 and discharging the patient, and upon the recommendation of
22 the Board to the Secretary that the licensee be allowed to
23 resume professional practice.

24 (4) The Department shall refuse to issue or renew or may
25 suspend the license of a person who (i) fails to file a return,
26 pay the tax, penalty, or interest shown in a filed return, or

1 pay any final assessment of tax, penalty, or interest, as
2 required by any tax Act administered by the Department of
3 Revenue, until the requirements of the tax Act are satisfied
4 or (ii) has failed to pay any court-ordered child support as
5 determined by a court order or by referral from the Department
6 of Healthcare and Family Services.

7 (4.5) The Department shall not revoke, suspend, summarily
8 suspend, place on prohibition, reprimand, refuse to issue or
9 renew, or take any other disciplinary or non-disciplinary
10 action against a license or permit issued under this Act based
11 solely upon the licensed clinical social worker authorizing,
12 recommending, aiding, assisting, referring for, or otherwise
13 participating in any health care service, so long as the care
14 was not unlawful under the laws of this State, regardless of
15 whether the patient was a resident of this State or another
16 state.

17 (4.10) The Department shall not revoke, suspend, summarily
18 suspend, place on prohibition, reprimand, refuse to issue or
19 renew, or take any other disciplinary or non-disciplinary
20 action against the license or permit issued under this Act to
21 practice as a licensed clinical social worker based upon the
22 licensed clinical social worker's license being revoked or
23 suspended, or the licensed clinical social worker being
24 otherwise disciplined by any other state, if that revocation,
25 suspension, or other form of discipline was based solely on
26 the licensed clinical social worker violating another state's

1 laws prohibiting the provision of, authorization of,
2 recommendation of, aiding or assisting in, referring for, or
3 participation in any health care service if that health care
4 service as provided would not have been unlawful under the
5 laws of this State and is consistent with the standards of
6 conduct for a licensed clinical social worker practicing in
7 Illinois.

8 (4.15) The conduct specified in subsection (4.5), (4.10),
9 (4.25), or (4.30) shall not constitute grounds for suspension
10 under Section 32.

11 (4.20) An applicant seeking licensure, certification, or
12 authorization pursuant to this Act who has been subject to
13 disciplinary action by a duly authorized professional
14 disciplinary agency of another jurisdiction solely on the
15 basis of having authorized, recommended, aided, assisted,
16 referred for, or otherwise participated in health care shall
17 not be denied such licensure, certification, or authorization,
18 unless the Department determines that such action would have
19 constituted reportable ~~professional~~ misconduct in this State;
20 however, nothing in this Section shall be construed as
21 prohibiting the Department from evaluating the conduct of such
22 applicant and making a determination regarding the licensure,
23 certification, or authorization to practice a profession under
24 this Act.

25 (4.25) The Department may 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 a license or permit issued under this Act based
3 solely upon an immigration violation by the licensed clinical
4 social worker.

5 (4.30) The Department may not revoke, suspend, summarily
6 suspend, place on prohibition, reprimand, refuse to issue or
7 renew, or take any other disciplinary or non-disciplinary
8 action against the license or permit issued under this Act to
9 practice as a licensed clinical social worker based upon the
10 licensed clinical social worker's license being revoked or
11 suspended, or the licensed clinical social worker being
12 otherwise disciplined by any other state, if that revocation,
13 suspension, or other form of discipline was based solely upon
14 an immigration violation by the licensed clinical social
15 worker.

16 (5) (a) In enforcing this Section, the Department or Board,
17 upon a showing of a possible violation, may compel a person
18 licensed to practice under this Act, or who has applied for
19 licensure under this Act, to submit to a mental or physical
20 examination, or both, which may include a substance abuse or
21 sexual offender evaluation, as required by and at the expense
22 of the Department.

23 (b) The Department shall specifically designate the
24 examining physician licensed to practice medicine in all of
25 its branches or, if applicable, the multidisciplinary team
26 involved in providing the mental or physical examination or

1 both. The multidisciplinary team shall be led by a physician
2 licensed to practice medicine in all of its branches and may
3 consist of one or more or a combination of physicians licensed
4 to practice medicine in all of its branches, licensed clinical
5 psychologists, licensed clinical social workers, licensed
6 clinical professional counselors, and other professional and
7 administrative staff. Any examining physician or member of the
8 multidisciplinary team may require any person ordered to
9 submit to an examination pursuant to this Section to submit to
10 any additional supplemental testing deemed necessary to
11 complete any examination or evaluation process, including, but
12 not limited to, blood testing, urinalysis, psychological
13 testing, or neuropsychological testing.

14 (c) The Board or the Department may order the examining
15 physician or any member of the multidisciplinary team to
16 present testimony concerning this mental or physical
17 examination of the licensee or applicant. No information,
18 report, record, or other documents in any way related to the
19 examination 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 or any
22 member of the multidisciplinary team. No authorization is
23 necessary from the licensee or applicant ordered to undergo an
24 examination for the examining physician or any member of the
25 multidisciplinary team to provide information, reports,
26 records, or other documents or to provide any testimony

1 regarding the examination and evaluation.

2 (d) The person to be examined may have, at the person's own
3 expense, another physician of the person's choice present
4 during all aspects of the examination. However, that physician
5 shall be present only to observe and may not interfere in any
6 way with the examination.

7 (e) Failure of any person to submit to a mental or physical
8 examination without reasonable cause, when ordered, shall
9 result in an automatic suspension of the person's license
10 until the person submits to the examination.

11 (f) If the Department or Board finds a person unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board may require that person to submit to care,
14 counseling, or treatment by physicians approved or designated
15 by the Department or Board, as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice; or, in lieu of care, counseling or treatment, the
18 Department may file, or the Board may recommend to the
19 Department to file, a complaint to immediately suspend,
20 revoke, or otherwise discipline the license of the person. Any
21 person whose license was granted, continued, reinstated,
22 renewed, disciplined or supervised subject to such terms,
23 conditions or restrictions, and who fails to comply with such
24 terms, conditions, or restrictions, shall be referred to the
25 Secretary for a determination as to whether the person's
26 license shall be suspended immediately, pending a hearing by

1 the Department.

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

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

15 A person licensed under this Act and affected under this
16 Section shall be afforded an opportunity to demonstrate to the
17 Department or Board that the person can resume practice in
18 compliance with acceptable and prevailing standards under the
19 provisions of the person's license.

20 (h) The Department may adopt rules to implement,
21 administer, and enforce this Section ~~the changes made by this~~
22 ~~amendatory Act of the 102nd General Assembly.~~

23 (Source: P.A. 102-1117, eff. 1-13-23; 103-715, eff. 1-1-25;
24 103-1048, eff. 1-1-25; revised 11-26-24.)

25 Section 45. The Illinois Dental Practice Act is amended by

1 changing Section 23 as follows:

2 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

4 Sec. 23. Refusal, revocation or suspension of dental
5 licenses. The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand or take other
7 disciplinary or non-disciplinary action as the Department may
8 deem proper, including imposing fines not to exceed \$10,000
9 per violation, with regard to any license for any one or any
10 combination of the following causes:

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

14 2. Inability to practice with reasonable judgment,
15 skill, or safety as a result of habitual or excessive use
16 or addiction to alcohol, narcotics, stimulants, or any
17 other chemical agent or drug.

18 3. Willful or repeated violations of the rules of the
19 Department of Public Health or Department of Nuclear
20 Safety.

21 4. Acceptance of a fee for service as a witness,
22 without the knowledge of the court, in addition to the fee
23 allowed by the court.

24 5. Division of fees or agreeing to split or divide the
25 fees received for dental services with any person for

1 bringing or referring a patient, except in regard to
2 referral services as provided for under Section 45, or
3 assisting in the care or treatment of a patient, without
4 the knowledge of the patient or his or her legal
5 representative. Nothing in this item 5 affects any bona
6 fide independent contractor or employment arrangements
7 among health care professionals, health facilities, health
8 care providers, or other entities, except as otherwise
9 prohibited by law. Any employment arrangements may include
10 provisions for compensation, health insurance, pension, or
11 other employment benefits for the provision of services
12 within the scope of the licensee's practice under this
13 Act. Nothing in this item 5 shall be construed to require
14 an employment arrangement to receive professional fees for
15 services rendered.

16 6. Employing, procuring, inducing, aiding or abetting
17 a person not licensed or registered as a dentist or dental
18 hygienist to engage in the practice of dentistry or dental
19 hygiene. The person practiced upon is not an accomplice,
20 employer, procurer, inducer, aider, or abetter within the
21 meaning of this Act.

22 7. Making any misrepresentations or false promises,
23 directly or indirectly, to influence, persuade or induce
24 dental patronage.

25 8. Professional connection or association with or
26 lending his or her name to another for the illegal

1 practice of dentistry by another, or professional
2 connection or association with any person, firm or
3 corporation holding himself, herself, themselves, or
4 itself out in any manner contrary to this Act.

5 9. Obtaining or seeking to obtain practice, money, or
6 any other things of value by false or fraudulent
7 representations, but not limited to, engaging in such
8 fraudulent practice to defraud the medical assistance
9 program of the Department of Healthcare and Family
10 Services (formerly Department of Public Aid) under the
11 Illinois Public Aid Code.

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

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

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

26 13. Permitting a dental hygienist, dental assistant or

1 other person under his or her supervision to perform any
2 operation not authorized by this Act.

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

5 15. A violation of any provision of this Act or any
6 rules promulgated under this Act.

7 16. Taking impressions for or using the services of
8 any person, firm or corporation violating this Act.

9 17. Violating any provision of Section 45 relating to
10 advertising.

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

15 19. 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 20. Gross negligence in practice under this Act.

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

23 22. Willfully making or filing false records or
24 reports in his or her practice as a dentist, including,
25 but not limited to, false records to support claims
26 against the dental assistance program of the Department of

1 Healthcare and Family Services (formerly Illinois
2 Department of Public Aid).

3 23. Professional incompetence as manifested by poor
4 standards of care.

5 24. Physical or mental illness, including, but not
6 limited to, deterioration through the aging process, or
7 loss of motor skills which results in a dentist's
8 inability to practice dentistry with reasonable judgment,
9 skill or safety. In enforcing this paragraph, the
10 Department may compel a person licensed to practice under
11 this Act to submit to a mental or physical examination
12 pursuant to the terms and conditions of Section 23b.

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

16 (a) Reporting excessive charges for the purpose of
17 obtaining a total payment in excess of that usually
18 received by the dentist for the services rendered.

19 (b) Reporting charges for services not rendered.

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

22 26. Continuing the active practice of dentistry while
23 knowingly having any infectious, communicable, or
24 contagious disease proscribed by rule or regulation of the
25 Department.

26 27. Being named as a perpetrator in an indicated

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

7 28. Violating the Health Care Worker Self-Referral
8 Act.

9 29. Abandonment of a patient.

10 30. Mental incompetency as declared by a court of
11 competent jurisdiction.

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

15 32. Material misstatement in furnishing information to
16 the Department.

17 33. Failing, within 60 days, to provide information in
18 response to a written request by the Department in the
19 course of an investigation.

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

23 35. Cheating on or attempting to subvert the licensing
24 examination administered under this Act.

25 36. A pattern of practice or other behavior that
26 demonstrates incapacity or incompetence to practice under

1 this Act.

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

4 38. Failure to provide copies of dental records as
5 required by law.

6 39. Failure of a licensed dentist who owns or is
7 employed at a dental office to give notice of an office
8 closure to his or her patients at least 30 days prior to
9 the office closure pursuant to Section 50.1.

10 40. Failure to maintain a sanitary work environment.

11 41. Failure to comply with the provisions of Section
12 17.2 of this Act.

13 42. Failure to report actual or alleged reportable
14 misconduct or an investigation related to actual or
15 alleged reportable misconduct in accordance with Section
16 2105-390 of the Department of Professional Regulation Law
17 of the Civil Administrative Code of Illinois.

18 All proceedings to suspend, revoke, place on probationary
19 status, or take any other disciplinary action as the
20 Department may deem proper, with regard to a license on any of
21 the foregoing grounds, must be commenced within 5 years after
22 receipt by the Department of a complaint alleging the
23 commission of or notice of the conviction order for any of the
24 acts described herein. Except for fraud in procuring a
25 license, no action shall be commenced more than 7 years after
26 the date of the incident or act alleged to have violated this

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

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 Section 50. The Dietitian Nutritionist Practice Act is
23 amended by changing Section 95 as follows:

24 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

2 Sec. 95. Grounds for discipline.

3 (1) The Department may refuse to issue or renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary or non-disciplinary action as the Department may
6 deem appropriate, including imposing fines not to exceed
7 \$10,000 for each violation, with regard to any license or
8 certificate for any one or combination of the following
9 causes:

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

12 (b) Violations of this Act or of rules adopted under
13 this Act.

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

26 (e) Professional incompetence or gross negligence.

1 (f) Malpractice.

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

4 (h) Failing to provide information within 60 days in
5 response to a written request made by the Department.

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

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

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

17 (l) Charging for professional services not rendered,
18 including filing false statements for the collection of
19 fees for which services are not rendered. Nothing in this
20 paragraph (1) affects any bona fide independent contractor
21 or employment arrangements among health care
22 professionals, health facilities, health care providers,
23 or other entities, except as otherwise prohibited by law.
24 Any employment arrangements may include provisions for
25 compensation, health insurance, pension, or other
26 employment benefits for the provision of services within

1 the scope of the licensee's practice under this Act.
2 Nothing in this paragraph (1) shall be construed to
3 require an employment arrangement to receive professional
4 fees for services rendered.

5 (m) 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 (n) Willfully making or filing false records or
9 reports in his or her practice, including, but not limited
10 to, false records filed with State agencies or
11 departments.

12 (o) Allowing one's license under this Act to be used
13 by an unlicensed person in violation of this Act.

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

16 (q) Gross and willful overcharging for professional
17 services.

18 (r) (Blank).

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

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

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

5 (w) Advising an individual to discontinue, reduce,
6 increase, or otherwise alter the intake of a drug
7 prescribed by a physician licensed to practice medicine in
8 all its branches or by a prescriber as defined in Section
9 102 of the Illinois Controlled Substances Act.

10 (x) Failure to report actual or alleged reportable
11 misconduct or an investigation related to actual or
12 alleged reportable misconduct in accordance with Section
13 2105-390 of the Department of Professional Regulation Law
14 of the Civil Administrative Code of Illinois.

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

25 (3) (Blank).

26 (4) In cases where the Department of Healthcare and Family

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

11 (5) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission, as
13 provided in the Mental Health and Developmental Disabilities
14 Code, operates as an automatic suspension. The suspension
15 shall end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission
17 and the issuance of an order so finding and discharging the
18 patient.

19 (6) In enforcing this Act, the Department, upon a showing
20 of a possible violation, may compel an individual licensed to
21 practice under this Act, or who has applied for licensure
22 under this Act, to submit to a mental or physical examination,
23 or both, as required by and at the expense of the Department.
24 The Department may order the examining physician to present
25 testimony concerning the mental or physical examination of the
26 licensee or applicant. No information shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communications between the licensee or applicant and the
3 examining physician. The examining physicians shall be
4 specifically designated by the Department. The individual to
5 be examined may have, at his or her own expense, another
6 physician of his or her choice present during all aspects of
7 this examination. The examination shall be performed by a
8 physician licensed to practice medicine in all its branches.
9 Failure of an individual to submit to a mental or physical
10 examination, when directed, shall result in an automatic
11 suspension without hearing.

12 A person holding a license under this Act or who has
13 applied for a license under this Act who, because of a physical
14 or mental illness or disability, including, but not limited
15 to, deterioration through the aging process or loss of motor
16 skill, is unable to practice the profession with reasonable
17 judgment, skill, or safety, may be required by the Department
18 to submit to care, counseling, or treatment by physicians
19 approved or designated by the Department as a condition, term,
20 or restriction for continued, reinstated, or renewed licensure
21 to practice. Submission to care, counseling, or treatment as
22 required by the Department shall not be considered discipline
23 of a license. If the licensee refuses to enter into a care,
24 counseling, or treatment agreement or fails to abide by the
25 terms of the agreement, then the Department may file a
26 complaint to revoke, suspend, or otherwise discipline the

1 license of the individual. The Secretary may order the license
2 suspended immediately, pending a hearing by the Department.
3 Fines shall not be assessed in disciplinary actions involving
4 physical or mental illness or impairment.

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

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

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

20 Section 55. The Marriage and Family Therapy Licensing Act
21 is amended by changing Section 85 as follows:

22 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

24 Sec. 85. Refusal, revocation, or suspension.

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

8 (1) Material misstatement in furnishing information to
9 the Department.

10 (2) Violation of any provision of this Act or its
11 rules.

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

21 (4) Fraud or misrepresentation in applying for or
22 procuring a license under this Act or in connection with
23 applying for renewal or restoration of a license under
24 this Act or its rules.

25 (5) Professional incompetence.

26 (6) Gross negligence in practice under this Act.

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

3 (8) Failing, within 60 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 as defined by the rules of the
8 Department, or violating the rules of professional conduct
9 adopted by the Department.

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

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

17 (12) Directly or indirectly giving to or receiving
18 from any person, firm, corporation, partnership, or
19 association any fee, commission, rebate, or other form of
20 compensation for any professional services not actually or
21 personally rendered. Nothing in this paragraph (12)
22 affects any bona fide independent contractor or employment
23 arrangements among health care professionals, health
24 facilities, health care providers, or other entities,
25 except as otherwise prohibited by law. Any employment
26 arrangements may include provisions for compensation,

1 health insurance, pension, or other employment benefits
2 for the provision of services within the scope of the
3 licensee's practice under this Act. Nothing in this
4 paragraph (12) shall be construed to require an employment
5 arrangement to receive professional fees for services
6 rendered.

7 (13) A finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status, has violated the terms of probation or failed to
10 comply with the terms.

11 (14) Abandonment of a patient without cause.

12 (15) Willfully making or filing false records or
13 reports relating to a licensee's practice, including but
14 not limited to false records filed with State agencies or
15 departments.

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

19 (17) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 under the Abused and Neglected Child Reporting Act and
22 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 (18) Physical illness or mental illness or impairment,

1 including, but not limited to, deterioration through the
2 aging process or loss of motor skill that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety.

5 (19) Solicitation of professional services by using
6 false or misleading advertising.

7 (20) A pattern of practice or other behavior that
8 demonstrates incapacity or incompetence to practice under
9 this Act.

10 (21) Practicing under a false or assumed name, except
11 as provided by law.

12 (22) Gross, willful, and continued overcharging for
13 professional services, including filing false statements
14 for collection of fees or moneys for which services are
15 not rendered.

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

18 (24) Cheating on or attempting to subvert the
19 licensing examinations administered under this Act.

20 (25) Willfully failing to report an instance of
21 suspected abuse, neglect, financial exploitation, or
22 self-neglect of an eligible adult as defined in and
23 required by the Adult Protective Services Act.

24 (26) Being named as an abuser in a verified report by
25 the Department on Aging and under the Adult Protective
26 Services Act and upon proof by clear and convincing

1 evidence that the licensee abused, neglected, or
2 financially exploited an eligible adult as defined in the
3 Adult Protective Services Act.

4 (27) Failure to report actual or alleged reportable
5 misconduct or an investigation related to actual or
6 alleged reportable misconduct in accordance with Section
7 2105-390 of the Department of Professional Regulation Law
8 of the Civil Administrative Code of Illinois.

9 (b) (Blank).

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

21 (d) The Department shall refuse to issue or may suspend
22 the license of any person who fails to file a return, pay the
23 tax, penalty, or interest shown in a filed return or pay any
24 final assessment of tax, penalty, or interest, as required by
25 any tax Act administered by the Illinois Department of
26 Revenue, until the time the requirements of the tax Act are

1 satisfied.

2 (d-5) The Department shall not revoke, suspend, summarily
3 suspend, place on prohibition, reprimand, refuse to issue or
4 renew, or take any other disciplinary or non-disciplinary
5 action against the license or permit issued under this Act to
6 practice as a marriage and family therapist or associate
7 licensed marriage and family therapist based solely upon the
8 marriage and family therapist or associate licensed marriage
9 and family therapist authorizing, recommending, aiding,
10 assisting, referring for, or otherwise participating in any
11 health care service, so long as the care was not Unlawful under
12 the laws of this State, regardless of whether the patient was a
13 resident of this State or another state.

14 (d-10) The Department shall not revoke, suspend, summarily
15 suspend, place on prohibition, reprimand, refuse to issue or
16 renew, or take any other disciplinary or non-disciplinary
17 action against the license or permit issued under this Act to
18 practice as a marriage and family therapist or associate
19 licensed marriage and family therapist based upon the marriage
20 and family therapist's or associate licensed marriage and
21 family therapist's license being revoked or suspended, or the
22 marriage and family therapist or associate licensed marriage
23 and family therapist being otherwise disciplined by any other
24 state, if that revocation, suspension, or other form of
25 discipline was based solely on the marriage and family
26 therapist or associate licensed marriage and family therapist

1 violating another state's laws prohibiting the provision of,
2 authorization of, recommendation of, aiding or assisting in,
3 referring for, or participation in any health care service if
4 that health care service as provided would not have been
5 unlawful under the laws of this State and is consistent with
6 the standards of conduct for a marriage and family therapist
7 or an associate licensed marriage and family therapist
8 practicing in Illinois.

9 (d-15) The conduct specified in subsection (d-5), (d-10),
10 (d-25), or (d-30) shall not constitute grounds for suspension
11 under Section 145.

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

26 (d-25) The Department may not revoke, suspend, summarily

1 suspend, place on prohibition, reprimand, refuse to issue or
2 renew, or take any other disciplinary or non-disciplinary
3 action against the license or permit issued under this Act to
4 practice as a marriage and family therapist or associate
5 licensed marriage and family therapist based solely upon an
6 immigration violation by the marriage and family therapist or
7 associate licensed marriage and family therapist.

8 (d-30) The Department may not revoke, suspend, summarily
9 suspend, place on prohibition, reprimand, refuse to issue or
10 renew, or take any other disciplinary or non-disciplinary
11 action against the license or permit issued under this Act to
12 practice as a marriage and family therapist or associate
13 licensed marriage and family therapist based upon the marriage
14 and family therapist's or associate licensed marriage and
15 family therapist's license being revoked or suspended, or the
16 marriage and family therapist or associate licensed marriage
17 and family therapist being otherwise disciplined by any other
18 state, if that revocation, suspension, or other form of
19 discipline was based solely upon an immigration violation by
20 the marriage and family therapist or associate licensed
21 marriage and family therapist.

22 (e) In enforcing this Section, the Department or Board
23 upon a showing of a possible violation may compel an
24 individual licensed to practice under this Act, or who has
25 applied for licensure under this Act, to submit to a mental or
26 physical examination, or both, which may include a substance

1 abuse or sexual offender evaluation, as required by and at the
2 expense of the Department.

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

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

26 The Department or Board may order the examining physician

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

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

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

23 If the Department or Board finds an individual unable to
24 practice because of the reasons set forth in this Section, the
25 Department or Board may require that individual to submit to
26 care, counseling, or treatment by physicians approved or

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

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

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

1 the provisions of his or her license.

2 (f) A fine shall be paid within 60 days after the effective
3 date of the order imposing the fine or in accordance with the
4 terms set forth in the order imposing the fine.

5 (g) The Department may adopt rules to implement,
6 administer, and enforce this Section ~~the changes made by this~~
7 ~~amendatory Act of the 102nd General Assembly.~~

8 (Source: P.A. 102-1117, eff. 1-13-23; 103-715, eff. 1-1-25.)

9 Section 60. The Music Therapy Licensing and Practice Act
10 is amended by changing Section 95 as follows:

11 (225 ILCS 56/95)

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

13 Sec. 95. Grounds for discipline.

14 (a) The Department may refuse to issue, renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary or nondisciplinary action as the Department deems
17 appropriate, including the issuance of fines not to exceed
18 \$10,000 for each violation, with regard to any license for any
19 one or more of the following:

20 (1) Material misstatement in furnishing information to
21 the Department or to any other State agency.

22 (2) Violations or negligent or intentional disregard
23 of this Act, or any of its rules.

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 (i) that is a felony or
6 (ii) that is a misdemeanor, an essential element of which
7 is dishonesty, or that is directly related to the practice
8 of music therapy.

9 (4) Making any misrepresentation for the purpose of
10 obtaining a license, or violating any provision of this
11 Act or its rules.

12 (5) Negligence in the rendering of music therapy
13 services.

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

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

18 (8) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public and violating the rules of
21 professional conduct adopted by the Department.

22 (9) Failing to maintain the confidentiality of any
23 information received from a client, unless otherwise
24 authorized or required by law.

25 (10) Failure to maintain client records of services
26 provided and provide copies to clients upon request.

1 (11) Exploiting a client for personal advantage,
2 profit, or interest.

3 (12) Habitual or excessive use or addiction to
4 alcohol, narcotics, stimulants, or any other chemical
5 agent or drug which results in inability to practice with
6 reasonable skill, judgment, or safety.

7 (13) Discipline by another governmental agency or unit
8 of government, by any jurisdiction of the United States,
9 or by a foreign nation, if at least one of the grounds for
10 the discipline is the same or substantially equivalent to
11 those set forth in this Section.

12 (14) 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 service not actually
16 rendered. Nothing in this paragraph affects any bona fide
17 independent contractor or employment arrangements among
18 health care professionals, health facilities, health care
19 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 shall be construed to
25 require an employment arrangement to receive professional
26 fees for services rendered.

1 (15) A finding by the Department that the licensee,
2 after having the license placed on probationary status,
3 has violated the terms of probation.

4 (16) Failing to refer a client to other health care
5 professionals when the licensee is unable or unwilling to
6 adequately support or serve the client.

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

11 (18) 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 (19) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 pursuant to the Abused and Neglected Child Reporting Act,
17 and 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 (20) Physical or mental disability, including
22 deterioration through the aging process or loss of
23 abilities and skills which results in the inability to
24 practice the profession with reasonable judgment, skill,
25 or safety.

26 (21) Solicitation of professional services by using

1 false or misleading advertising.

2 (22) Fraud or making any misrepresentation in applying
3 for or procuring a license under this Act or in connection
4 with applying for renewal of a license under this Act.

5 (23) Practicing or attempting to practice under a name
6 other than the full name as shown on the license or any
7 other legally authorized name.

8 (24) Gross overcharging for professional services,
9 including filing statements for collection of fees or
10 moneys for which services are not rendered.

11 (25) Charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered.

14 (26) Allowing one's license under this Act to be used
15 by an unlicensed person in violation of this Act.

16 (27) Failure to report actual or alleged reportable
17 misconduct or an investigation related to actual or
18 alleged reportable misconduct in accordance with Section
19 2105-390 of the Department of Professional Regulation Law
20 of the Civil Administrative Code of Illinois.

21 (b) The determination by a court that a licensee is
22 subject to involuntary admission or judicial admission as
23 provided in the Mental Health and Developmental Disabilities
24 Code shall result in an automatic suspension of the licensee's
25 license. The suspension will end upon a finding by a court that
26 the licensee is no longer subject to involuntary admission or

1 judicial admission, the issuance of an order so finding and
2 discharging the patient, and the determination of the
3 Secretary that the licensee be allowed to resume professional
4 practice.

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

15 (d) In cases where the Department of Healthcare and Family
16 Services has previously determined that a licensee or a
17 potential licensee is more than 30 days delinquent in the
18 payment of child support and has subsequently certified the
19 delinquency to the Department, the Department may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or may take other disciplinary action against that person
22 based solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance
24 with paragraph (5) of subsection (a) of Section 2105-15 of the
25 Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois.

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

5 (Source: P.A. 102-993, eff. 5-27-22; 103-605, eff. 7-1-24.)

6 Section 65. The Massage Therapy Practice Act is amended by
7 changing Section 45 as follows:

8 (225 ILCS 57/45)

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

10 Sec. 45. Grounds for discipline.

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

17 (1) violations of this Act or of the rules adopted
18 under this Act;

19 (2) 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)

1 that is a felony; or (ii) that is a misdemeanor, an
2 essential element of which is dishonesty, or that is
3 directly related to the practice of the profession;

4 (3) professional incompetence;

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

8 (5) aiding, abetting, assisting, procuring, advising,
9 employing, or contracting with any unlicensed person to
10 practice massage contrary to any rules or provisions of
11 this Act;

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

15 (7) engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public;

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

23 (9) knowingly delegating professional
24 responsibilities to a person unqualified by training,
25 experience, or licensure to perform;

26 (10) failing to provide information in response to a

1 written request made by the Department within 60 days;

2 (11) having a habitual or excessive use of or
3 addiction to alcohol, narcotics, stimulants, or any other
4 chemical agent or drug which results in the inability to
5 practice with reasonable judgment, skill, or safety;

6 (12) having a pattern of practice or other behavior
7 that demonstrates incapacity or incompetence to practice
8 under this Act;

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

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

17 (15) willfully making or filing false records or
18 reports in his or her practice, including, but not limited
19 to, false records filed with State agencies or
20 departments;

21 (16) making a material misstatement in furnishing
22 information to the Department or otherwise making
23 misleading, deceptive, untrue, or fraudulent
24 representations in violation of this Act or otherwise in
25 the practice of the profession;

26 (17) fraud or misrepresentation in applying for or

1 procuring a license under this Act or in connection with
2 applying for renewal of a license under this Act;

3 (18) inability to practice the profession with
4 reasonable judgment, skill, or safety as a result of
5 physical illness, including, but not limited to,
6 deterioration through the aging process, loss of motor
7 skill, or a mental illness or disability;

8 (19) charging for professional services not rendered,
9 including filing false statements for the collection of
10 fees for which services are not rendered;

11 (20) practicing under a false or, except as provided
12 by law, an assumed name; ~~or~~

13 (21) cheating on or attempting to subvert the
14 licensing examination administered under this Act; or ~~or~~

15 (22) failure to report actual or alleged reportable
16 misconduct or an investigation related to actual or
17 alleged reportable misconduct in accordance with Section
18 2105-390 of the Department of Professional Regulation Law
19 of the Civil Administrative Code of Illinois.

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

22 (b) A person not licensed under this Act and engaged in the
23 business of offering massage therapy services through others,
24 shall not aid, abet, assist, procure, advise, employ, or
25 contract with any unlicensed person to practice massage
26 therapy contrary to any rules or provisions of this Act. A

1 person violating this subsection (b) shall be treated as a
2 licensee for the purposes of disciplinary action under this
3 Section and shall be subject to cease and desist orders as
4 provided in Section 90 of this Act.

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

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

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

19 (2) involuntary sexual servitude of a minor;

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

23 (4) a forcible felony.

24 If the victim of the crime the licensee has been charged
25 with is a patient of the licensee, the prosecuting attorney
26 shall also provide notice to the Department of the patient's

1 name.

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

19 The licensed massage therapist shall provide a written
20 plan of compliance with the administrative order that is
21 acceptable to the Department within 5 business days after
22 receipt of the administrative order. Failure to comply with
23 the administrative order, failure to file a compliance plan,
24 or failure to follow the compliance plan shall subject the
25 licensed massage therapist to temporary suspension of his or
26 her license until the completion of the criminal proceedings.

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

5 The Department may adopt rules to implement this
6 subsection.

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

15 (e) (Blank).

16 (f) In cases where the Department of Healthcare and Family
17 Services has previously determined that a licensee or a
18 potential licensee is more than 30 days delinquent in the
19 payment of child support and has subsequently certified the
20 delinquency to the Department, the Department may refuse to
21 issue or renew or may revoke or suspend that person's license
22 or may take other disciplinary action against that person
23 based solely upon the certification of delinquency made by the
24 Department of Healthcare and Family Services in accordance
25 with item (5) of subsection (a) of Section 2105-15 of the Civil
26 Administrative Code of Illinois.

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

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

1 directed, shall result in an automatic suspension without
2 hearing.

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

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that
24 person's license must be convened by the Department within 15
25 days after the suspension and completed without appreciable
26 delay. The Department and Board shall have the authority to

1 review the subject individual's record of treatment and
2 counseling regarding the impairment to the extent permitted by
3 applicable federal statutes and regulations safeguarding the
4 confidentiality of medical records.

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

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

12 Section 70. The Medical Practice Act of 1987 is amended by
13 changing Sections 22 and 23 as follows:

14 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

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

16 Sec. 22. Disciplinary action.

17 (A) The Department may revoke, suspend, place on
18 probation, reprimand, refuse to issue or renew, or take any
19 other disciplinary or non-disciplinary action as the
20 Department may deem proper with regard to the license or
21 permit of any person issued under this Act, including imposing
22 fines not to exceed \$10,000 for each violation, upon any of the
23 following grounds:

24 (1) (Blank).

1 (2) (Blank).

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

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

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

12 (6) Obtaining any fee by fraud, deceit, or
13 misrepresentation.

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

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

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

23 (10) Making a false or misleading statement regarding
24 their skill or the efficacy or value of the medicine,
25 treatment, or remedy prescribed by them at their direction
26 in the treatment of any disease or other condition of the

1 body or mind.

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

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

15 (13) Violation of any provision of this Act or of the
16 Medical Practice Act prior to the repeal of that Act, or
17 violation of the rules, or a final administrative action
18 of the Secretary, after consideration of the
19 recommendation of the Medical Board.

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

22 (15) A finding by the Medical Board that the
23 registrant after having his or her license placed on
24 probationary status or subjected to conditions or
25 restrictions violated the terms of the probation or failed
26 to comply with such terms or conditions.

1 (16) Abandonment of a patient.

2 (17) Prescribing, selling, administering,
3 distributing, giving, or self-administering any drug
4 classified as a controlled substance (designated product)
5 or narcotic for other than medically accepted therapeutic
6 purposes.

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

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

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

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

26 (22) Willful omission to file or record, or willfully

1 impeding the filing or recording, or inducing another
2 person to omit to file or record, medical reports as
3 required by law, or willfully failing to report an
4 instance of suspected abuse or neglect as required by law.

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

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

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

24 (26) A pattern of practice or other behavior which
25 demonstrates incapacity or incompetence to practice under
26 this Act.

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

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

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

10 (30) Willfully or negligently violating the
11 confidentiality between physician and patient except as
12 required by law.

13 (31) The use of any false, fraudulent, or deceptive
14 statement in any document connected with practice under
15 this Act.

16 (32) Aiding and abetting an individual not licensed
17 under this Act in the practice of a profession licensed
18 under this Act.

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

22 (34) Failure to report to the Department any adverse
23 final action taken against them by another licensing
24 jurisdiction (any other state or any territory of the
25 United States or any foreign state or country), by any
26 peer review body, by any health care institution, by any

1 professional society or association related to practice
2 under this Act, by any governmental agency, by any law
3 enforcement agency, or by any court for acts or conduct
4 similar to acts or conduct which would constitute grounds
5 for action as defined in this Section.

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

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

21 (37) Failure to provide copies of medical records as
22 required by law.

23 (38) Failure to furnish the Department, its
24 investigators or representatives, relevant information,
25 legally requested by the Department after consultation
26 with the Chief Medical Coordinator or the Deputy Medical

1 Coordinator.

2 (39) Violating the Health Care Worker Self-Referral
3 Act.

4 (40) (Blank).

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

7 (42) Entering into an excessive number of written
8 collaborative agreements with licensed advanced practice
9 registered nurses resulting in an inability to adequately
10 collaborate.

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

13 (44) Violating the Compassionate Use of Medical
14 Cannabis Program Act.

15 (45) Entering into an excessive number of written
16 collaborative agreements with licensed prescribing
17 psychologists resulting in an inability to adequately
18 collaborate.

19 (46) Repeated failure to adequately collaborate with a
20 licensed prescribing psychologist.

21 (47) Willfully failing to report an instance of
22 suspected abuse, neglect, financial exploitation, or
23 self-neglect of an eligible adult as defined in and
24 required by the Adult Protective Services Act.

25 (48) Being named as an abuser in a verified report by
26 the Department on Aging under the Adult Protective

1 Services Act, and upon proof by clear and convincing
2 evidence that the licensee abused, neglected, or
3 financially exploited an eligible adult as defined in the
4 Adult Protective Services Act.

5 (49) Entering into an excessive number of written
6 collaborative agreements with licensed physician
7 assistants resulting in an inability to adequately
8 collaborate.

9 (50) Repeated failure to adequately collaborate with a
10 physician assistant.

11 (51) Failure to report actual or alleged reportable
12 misconduct or an investigation related to actual or
13 alleged reportable misconduct in accordance with Section
14 2105-390 of the Department of Professional Regulation Law
15 of the Civil Administrative Code of Illinois.

16 (B) All proceedings to take disciplinary action as the
17 Department may deem proper regarding a license must be
18 commenced within 5 years after receipt of a complaint received
19 by the Department alleging the commission of or notice of the
20 conviction order for any of the violations provided in this
21 Section. No action shall be commenced more than 10 years after
22 the date of the incident or act alleged to have violated this
23 Section. Paragraphs (8), (9), and (29) are exempt from this
24 10-year limitation. In the event of the settlement of any
25 claim or cause of action in favor of the claimant or the
26 reduction to final judgment of any civil action in favor of the

1 plaintiff, such claim, cause of action, or civil action being
2 grounded on the allegation that a person licensed under this
3 Act was negligent in providing care, the Department shall be
4 exempt from the 10-year limitation and shall have 5 years from
5 receipt of the report under Section 23 of this Act in which to
6 investigate and commence formal disciplinary proceedings under
7 Section 36 of this Act, except as otherwise provided by law.
8 Paragraph (26) is exempt from the 5-year and 10-year
9 limitations, including all incidents alleged to be part of the
10 pattern of practice or other behavior that occurred, or a
11 report pursuant to Section 23 of this Act received, within the
12 10-year period preceding the filing of the complaint. Except
13 ~~for actions involving the ground numbered (26), all~~
14 ~~proceedings to suspend, revoke, place on probationary status,~~
15 ~~or take any other disciplinary action as the Department may~~
16 ~~deem proper, with regard to a license on any of the foregoing~~
17 ~~grounds, must be commenced within 5 years next after receipt~~
18 ~~by the Department of a complaint alleging the commission of or~~
19 ~~notice of the conviction order for any of the acts described~~
20 ~~herein. Except for the grounds numbered (8), (9), (26), and~~
21 ~~(29), no action shall be commenced more than 10 years after the~~
22 ~~date of the incident or act alleged to have violated this~~
23 ~~Section. For actions involving the ground numbered (26), a~~
24 ~~pattern of practice or other behavior includes all incidents~~
25 ~~alleged to be part of the pattern of practice or other behavior~~
26 ~~that occurred, or a report pursuant to Section 23 of this Act~~

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

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

25 (D) The Department may refuse to issue or take
26 disciplinary action concerning the license of any person who

1 fails to file a return, or to pay the tax, penalty, or interest
2 shown in a filed return, or to pay any final assessment of tax,
3 penalty, or interest, as required by any tax Act administered
4 by the Illinois Department of Revenue, until such time as the
5 requirements of any such tax Act are satisfied as determined
6 by the Illinois Department of Revenue.

7 (E) The Department, upon the recommendation of the Medical
8 Board, shall adopt rules which set forth standards to be used
9 in determining:

10 (1) ~~(a)~~ when a person will be deemed sufficiently
11 rehabilitated to warrant the public trust;

12 (2) ~~(b)~~ what constitutes dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public;

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

19 (4) ~~(d)~~ what constitutes gross negligence in the
20 practice of medicine.

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

24 (F) In enforcing this Section, the Medical Board, upon a
25 showing of a possible violation, may compel any individual who
26 is licensed to practice under this Act or holds a permit to

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

1 all records, including business records, that relate to the
2 examination and evaluation, including any supplemental testing
3 performed. The Medical Board or the Department may order the
4 examining physician or any member of the multidisciplinary
5 team to present testimony concerning this examination and
6 evaluation of the licensee, permit holder, or applicant,
7 including testimony concerning any supplemental testing or
8 documents relating to the examination and evaluation. No
9 information, report, record, or other documents in any way
10 related to the examination and evaluation shall be excluded by
11 reason of any common law or statutory privilege relating to
12 communication between the licensee, permit holder, or
13 applicant and the examining physician or any member of the
14 multidisciplinary team. No authorization is necessary from the
15 licensee, permit holder, or applicant ordered to undergo an
16 evaluation and examination for the examining physician or any
17 member of the multidisciplinary team to provide information,
18 reports, records, or other documents or to provide any
19 testimony regarding the examination and evaluation. 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 the examination. Failure of any individual to
23 submit to mental or physical examination and evaluation, or
24 both, when directed, shall result in an automatic suspension,
25 without hearing, until such time as the individual submits to
26 the examination. If the Medical Board finds a physician unable

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

26 An individual licensed under this Act, affected under this

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

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

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

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

20 (I) ~~(B)~~ The Department shall revoke the license or permit
21 issued under this Act to practice medicine of ~~or~~ a
22 chiropractic physician who has been convicted a second time of
23 committing any felony under the Illinois Controlled Substances
24 Act or the Methamphetamine Control and Community Protection
25 Act, or who has been convicted a second time of committing a
26 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois

1 Public Aid Code. A person whose license or permit is revoked
2 under this subsection (I) ~~B~~ shall be prohibited from
3 practicing medicine or treating human ailments without the use
4 of drugs and without operative surgery.

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

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

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

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

24 (4) based upon the physician's license being revoked
25 or suspended, or the physician being otherwise disciplined
26 by any other state, if that revocation, suspension, or

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

9 (K) ~~(D)~~ (Blank).

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

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

1 determination regarding the licensure, certification, or
2 authorization to practice a profession under this Act.

3 (N) ~~(G)~~ The Department may adopt rules to implement,
4 administer, and enforce this Section ~~the changes made by this~~
5 ~~amendatory Act of the 102nd General Assembly.~~

6 (Source: P.A. 102-20, eff. 1-1-22; 102-558, eff. 8-20-21;
7 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23; 103-442, eff.
8 1-1-24; revised 10-22-24.)

9 (225 ILCS 60/23) (from Ch. 111, par. 4400-23)

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

11 Sec. 23. Reports relating to professional conduct and
12 capacity.

13 (A) Entities required to report.

14 (1) Health care institutions. The chief administrator
15 or executive officer of any health care institution
16 licensed by the Illinois Department of Public Health shall
17 report to the Medical Board when any person's clinical
18 privileges are terminated or are restricted based on a
19 final determination made in accordance with that
20 institution's by-laws or rules and regulations that a
21 person has either committed an act or acts which may
22 directly threaten patient care or that a person may have a
23 mental or physical disability that may endanger patients
24 under that person's care. Such officer also shall report
25 if a person accepts voluntary termination or restriction

1 of clinical privileges in lieu of formal action based upon
2 conduct related directly to patient care or in lieu of
3 formal action seeking to determine whether a person may
4 have a mental or physical disability that may endanger
5 patients under that person's care. The Medical Board
6 shall, by rule, provide for the reporting to it by health
7 care institutions of all instances in which a person,
8 licensed under this Act, who is impaired by reason of age,
9 drug or alcohol abuse or physical or mental impairment, is
10 under supervision and, where appropriate, is in a program
11 of rehabilitation. Such reports shall be strictly
12 confidential and may be reviewed and considered only by
13 the members of the Medical Board, or by authorized staff
14 as provided by rules of the Medical Board. Provisions
15 shall be made for the periodic report of the status of any
16 such person not less than twice annually in order that the
17 Medical Board shall have current information upon which to
18 determine the status of any such person. Such initial and
19 periodic reports of impaired physicians shall not be
20 considered records within the meaning of the State Records
21 Act and shall be disposed of, following a determination by
22 the Medical Board that such reports are no longer
23 required, in a manner and at such time as the Medical Board
24 shall determine by rule. The filing of such reports shall
25 be construed as the filing of a report for purposes of
26 subsection (C) of this Section. Such health care

1 institution shall not take any adverse action, including,
2 but not limited to, restricting or terminating any
3 person's clinical privileges, as a result of an adverse
4 action against a person's license or clinical privileges
5 or other disciplinary action by another state or health
6 care institution that resulted from the person's provision
7 of, authorization of, recommendation of, aiding or
8 assistance with, referral for, or participation in any
9 health care service if the adverse action was based solely
10 on a violation of the other state's law prohibiting the
11 provision of such health care and related services in the
12 state or for a resident of the state if that health care
13 service would not have been unlawful under the laws of
14 this State and is consistent with the standards of conduct
15 for physicians practicing in Illinois.

16 (1.5) Clinical training programs. The program director
17 of any post-graduate clinical training program shall
18 report to the Medical Board if a person engaged in a
19 post-graduate clinical training program at the
20 institution, including, but not limited to, a residency or
21 fellowship, separates from the program for any reason
22 prior to its conclusion. The program director shall
23 provide all documentation relating to the separation if,
24 after review of the report, the Medical Board determines
25 that a review of those documents is necessary to determine
26 whether a violation of this Act occurred.

1 (2) Professional associations. The President or chief
2 executive officer of any association or society, of
3 persons licensed under this Act, operating within this
4 State shall report to the Medical Board when the
5 association or society renders a final determination that
6 a person has committed unprofessional conduct related
7 directly to patient care or that a person may have a mental
8 or physical disability that may endanger patients under
9 that person's care.

10 (3) Professional liability insurers. Every insurance
11 company which offers policies of professional liability
12 insurance to persons licensed under this Act, or any other
13 entity which seeks to indemnify the professional liability
14 of a person licensed under this Act, shall report to the
15 Medical Board the settlement of any claim or cause of
16 action, or final judgment rendered in any cause of action,
17 which alleged negligence in the furnishing of medical care
18 by such licensed person when such settlement or final
19 judgment is in favor of the plaintiff. Such insurance
20 company shall not take any adverse action, including, but
21 not limited to, denial or revocation of coverage, or rate
22 increases, against a person licensed under this Act with
23 respect to coverage for services provided in the State if
24 based solely on the person providing, authorizing,
25 recommending, aiding, assisting, referring for, or
26 otherwise participating in health care services in this

1 State in violation of another state's law, or a revocation
2 or other adverse action against the person's license in
3 another state for violation of such law if that health
4 care service as provided would have been lawful and
5 consistent with the standards of conduct for physicians if
6 it occurred in the State. Notwithstanding this provision,
7 it is against public policy to require coverage for an
8 illegal action.

9 (4) State's Attorneys. The State's Attorney of each
10 county shall report to the Medical Board, within 5 days,
11 any instances in which a person licensed under this Act is
12 convicted of any felony or Class A misdemeanor.

13 (5) State agencies. All agencies, boards, commissions,
14 departments, or other instrumentalities of the government
15 of the State of Illinois shall report to the Medical Board
16 any instance arising in connection with the operations of
17 such agency, including the administration of any law by
18 such agency, in which a person licensed under this Act has
19 either committed an act or acts which may be a violation of
20 this Act or which may constitute unprofessional conduct
21 related directly to patient care or which indicates that a
22 person licensed under this Act may have a mental or
23 physical disability that may endanger patients under that
24 person's care.

25 (B) Mandatory reporting. All reports required by items
26 (34), (35), and (36) of subsection (A) of Section 22 and by

1 Section 23 shall be submitted to the Medical Board in a timely
2 fashion. Unless otherwise provided in this Section, the
3 reports shall be filed in writing within 60 days after a
4 determination that a report is required under this Act. All
5 reports shall contain the following information:

6 (1) The name, address and telephone number of the
7 person making the report.

8 (2) The name, address and telephone number of the
9 person who is the subject of the report.

10 (3) The name and date of birth of any patient or
11 patients whose treatment is a subject of the report, if
12 available, or other means of identification if such
13 information is not available, identification of the
14 hospital or other healthcare facility where the care at
15 issue in the report was rendered, provided, however, no
16 medical records may be revealed.

17 (4) A brief description of the facts which gave rise
18 to the issuance of the report, including the dates of any
19 occurrences deemed to necessitate the filing of the
20 report.

21 (5) If court action is involved, the identity of the
22 court in which the action is filed, along with the docket
23 number and date of filing of the action.

24 (6) Any further pertinent information which the
25 reporting party deems to be an aid in the evaluation of the
26 report.

1 The Medical Board or Department may also exercise the
2 power under Section 38 of this Act to subpoena copies of
3 hospital or medical records in mandatory report cases alleging
4 death or permanent bodily injury. Appropriate rules shall be
5 adopted by the Department with the approval of the Medical
6 Board.

7 When the Department has received written reports
8 concerning incidents required to be reported in items (34),
9 (35), and (36) of subsection (A) of Section 22, the licensee's
10 failure to report the incident to the Department under those
11 items shall not be the sole grounds for disciplinary action.

12 Nothing contained in this Section shall act to, in any
13 way, waive or modify the confidentiality of medical reports
14 and committee reports to the extent provided by law. Any
15 information reported or disclosed shall be kept for the
16 confidential use of the Medical Board, the Medical
17 Coordinators, the Medical Board's attorneys, the medical
18 investigative staff, and authorized clerical staff, as
19 provided in this Act, and shall be afforded the same status as
20 is provided information concerning medical studies in Part 21
21 of Article VIII of the Code of Civil Procedure, except that the
22 Department may disclose information and documents to a
23 federal, State, or local law enforcement agency pursuant to a
24 subpoena in an ongoing criminal investigation or to a health
25 care licensing body or medical licensing authority of this
26 State or another state or jurisdiction pursuant to an official

1 request made by that licensing body or medical licensing
2 authority. Furthermore, information and documents disclosed to
3 a federal, State, or local law enforcement agency may be used
4 by that agency only for the investigation and prosecution of a
5 criminal offense, or, in the case of disclosure to a health
6 care licensing body or medical licensing authority, only for
7 investigations and disciplinary action proceedings with regard
8 to a license. Information and documents disclosed to the
9 Department of Public Health may be used by that Department
10 only for investigation and disciplinary action regarding the
11 license of a health care institution licensed by the
12 Department of Public Health.

13 (C) Immunity from prosecution. Any individual or
14 organization acting in good faith, and not in a willful ~~wilful~~
15 and wanton manner, in complying with this Act by providing any
16 report or other information to the Medical Board or a peer
17 review committee, or assisting in the investigation or
18 preparation of such information, or by voluntarily reporting
19 to the Medical Board or a peer review committee information
20 regarding alleged errors or negligence by a person licensed
21 under this Act, or by participating in proceedings of the
22 Medical Board or a peer review committee, or by serving as a
23 member of the Medical Board or a peer review committee, shall
24 not, as a result of such actions, be subject to criminal
25 prosecution or civil damages.

26 (D) Indemnification. Members of the Medical Board, the

1 Medical Coordinators, the Medical Board's attorneys, the
2 medical investigative staff, physicians retained under
3 contract to assist and advise the medical coordinators in the
4 investigation, and authorized clerical staff shall be
5 indemnified by the State for any actions occurring within the
6 scope of services on the Medical Board, done in good faith and
7 not willful ~~wilful~~ and wanton in nature. The Attorney General
8 shall defend all such actions unless he or she determines
9 either that there would be a conflict of interest in such
10 representation or that the actions complained of were not in
11 good faith or were willful ~~wilful~~ and wanton.

12 Should the Attorney General decline representation, the
13 member shall have the right to employ counsel of his or her
14 choice, whose fees shall be provided by the State, after
15 approval by the Attorney General, unless there is a
16 determination by a court that the member's actions were not in
17 good faith or were willful ~~wilful~~ and wanton.

18 The member must notify the Attorney General within 7 days
19 of receipt of notice of the initiation of any action involving
20 services of the Medical Board. Failure to so notify the
21 Attorney General shall constitute an absolute waiver of the
22 right to a defense and indemnification.

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

26 (E) Deliberations of Medical Board. Upon the receipt of

1 any report called for by this Act, other than those reports of
2 impaired persons licensed under this Act required pursuant to
3 the rules of the Medical Board, the Medical Board shall notify
4 in writing, by mail or email, the person who is the subject of
5 the report. Such notification shall be made within 30 days of
6 receipt by the Medical Board of the report.

7 The notification shall include a written notice setting
8 forth the person's right to examine the report. Included in
9 such notification shall be the address at which the file is
10 maintained, the name of the custodian of the reports, and the
11 telephone number at which the custodian may be reached. The
12 person who is the subject of the report shall submit a written
13 statement responding, clarifying, adding to, or proposing the
14 amending of the report previously filed. The person who is the
15 subject of the report shall also submit with the written
16 statement any medical records related to the report. The
17 statement and accompanying medical records shall become a
18 permanent part of the file and must be received by the Medical
19 Board no more than 30 days after the date on which the person
20 was notified by the Medical Board of the existence of the
21 original report.

22 The Medical Board shall review all reports received by it,
23 together with any supporting information and responding
24 statements submitted by persons who are the subject of
25 reports. The review by the Medical Board shall be in a timely
26 manner but in no event, shall the Medical Board's initial

1 review of the material contained in each disciplinary file be
2 less than 61 days nor more than 180 days after the receipt of
3 the initial report by the Medical Board.

4 When the Medical Board makes its initial review of the
5 materials contained within its disciplinary files, the Medical
6 Board shall, in writing, make a determination as to whether
7 there are sufficient facts to warrant further investigation or
8 action. Failure to make such determination within the time
9 provided shall be deemed to be a determination that there are
10 not sufficient facts to warrant further investigation or
11 action.

12 Should the Medical Board find that there are not
13 sufficient facts to warrant further investigation, or action,
14 the report shall be accepted for filing and the matter shall be
15 deemed closed and so reported to the Secretary. The Secretary
16 shall then have 30 days to accept the Medical Board's decision
17 or request further investigation. The Secretary shall inform
18 the Medical Board of the decision to request further
19 investigation, including the specific reasons for the
20 decision. The individual or entity filing the original report
21 or complaint and the person who is the subject of the report or
22 complaint shall be notified in writing by the Secretary of any
23 final action on their report or complaint. The Department
24 shall disclose to the individual or entity who filed the
25 original report or complaint, on request, the status of the
26 Medical Board's review of a specific report or complaint. Such

1 request may be made at any time, including prior to the Medical
2 Board's determination as to whether there are sufficient facts
3 to warrant further investigation or action.

4 (F) Summary reports. The Medical Board shall prepare, on a
5 timely basis, but in no event less than once every other month,
6 a summary report of final disciplinary actions taken upon
7 disciplinary files maintained by the Medical Board. The
8 summary reports shall be made available to the public upon
9 request and payment of the fees set by the Department. This
10 publication may be made available to the public on the
11 Department's website. Information or documentation relating to
12 any disciplinary file that is closed without disciplinary
13 action taken shall not be disclosed and shall be afforded the
14 same status as is provided by Part 21 of Article VIII of the
15 Code of Civil Procedure.

16 (G) Any violation of this Section shall be a Class A
17 misdemeanor.

18 (H) If any such person violates the provisions of this
19 Section an action may be brought in the name of the People of
20 the State of Illinois, through the Attorney General of the
21 State of Illinois, for an order enjoining such violation or
22 for an order enforcing compliance with this Section. Upon
23 filing of a verified petition in such court, the court may
24 issue a temporary restraining order without notice or bond and
25 may preliminarily or permanently enjoin such violation, and if
26 it is established that such person has violated or is

1 violating the injunction, the court may punish the offender
2 for contempt of court. Proceedings under this paragraph shall
3 be in addition to, and not in lieu of, all other remedies and
4 penalties provided for by this Section.

5 (I) The Department may adopt rules to implement,
6 administer, and enforce this Section ~~the changes made by this~~
7 ~~amendatory Act of the 102nd General Assembly.~~

8 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
9 102-1117, eff. 1-13-23.)

10 Section 75. The Naprapathic Practice Act is amended by
11 changing Section 110 as follows:

12 (225 ILCS 63/110)

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

14 Sec. 110. Grounds for disciplinary action; refusal,
15 revocation, suspension.

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

22 (1) Violations of this Act or of rules adopted under
23 this Act.

24 (2) Making a material misstatement in furnishing

1 information to the Department or otherwise making
2 misleading, deceptive, untrue, or fraudulent
3 representations in violation of this Act or otherwise in
4 the practice of the profession.

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

14 (4) Fraud or any misrepresentation in applying for or
15 procuring a license under this Act or in connection with
16 applying for renewal of a license under this Act.

17 (5) Professional incompetence or gross negligence.

18 (6) Malpractice.

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

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

23 (9) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (10) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, alcohol, or any
2 other substance which results in the inability to practice
3 with reasonable judgment, skill, or safety.

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

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

1 fees for services rendered.

2 (13) Using the title "Doctor" or its abbreviation
3 without further clarifying that title or abbreviation with
4 the word "naprapath" or "naprapathy" or the designation
5 "D.N.".

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

9 (15) Abandonment of a patient without cause.

10 (16) Willfully making or filing false records or
11 reports relating to a licensee's practice, including but
12 not limited to, false records filed with State agencies or
13 departments.

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

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

22 (19) Solicitation of professional services by means
23 other than permitted advertising.

24 (20) Failure to provide a patient with a copy of his or
25 her record upon the written request of the patient.

26 (21) Cheating on or attempting to subvert the

1 licensing examination administered under this Act.

2 (22) Allowing one's license under this Act to be used
3 by an unlicensed person in violation of this Act.

4 (23) (Blank).

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

12 (25) Practicing under a false or, except as provided
13 by law, an assumed name.

14 (26) Immoral conduct in the commission of any act,
15 such as sexual abuse, sexual misconduct, or sexual
16 exploitation, related to the licensee's practice.

17 (27) Maintaining a professional relationship with any
18 person, firm, or corporation when the naprapath knows, or
19 should know, that the person, firm, or corporation is
20 violating this Act.

21 (28) Promotion of the sale of food supplements,
22 devices, appliances, or goods provided for a client or
23 patient in such manner as to exploit the patient or client
24 for financial gain of the licensee.

25 (29) Having treated ailments of human beings other
26 than by the practice of naprapathy as defined in this Act

1 unless authorized to do so by State law.

2 (30) Use by a registered naprapath of the word
3 "infirmary", "hospital", "school", "university", in
4 English or any other language, in connection with the
5 place where naprapathy may be practiced or demonstrated.

6 (31) Continuance of a naprapath in the employ of any
7 person, firm, or corporation, or as an assistant to any
8 naprapath or naprapaths, directly or indirectly, after his
9 or her employer or superior has been found guilty of
10 violating or has been enjoined from violating the laws of
11 the State of Illinois relating to the practice of
12 naprapathy when the employer or superior persists in that
13 violation.

14 (32) The performance of naprapathic service in
15 conjunction with a scheme or plan with another person,
16 firm, or corporation known to be advertising in a manner
17 contrary to this Act or otherwise violating the laws of
18 the State of Illinois concerning the practice of
19 naprapathy.

20 (33) Failure to provide satisfactory proof of having
21 participated in approved continuing education programs as
22 determined by and approved by the Secretary. Exceptions
23 for extreme hardships are to be defined by the rules of the
24 Department.

25 (34) (Blank).

26 (35) Gross or willful overcharging for professional

1 services.

2 (36) (Blank).

3 (37) Failure to report actual or alleged reportable
4 misconduct or an investigation related to actual or
5 alleged reportable misconduct in accordance with Section
6 2105-390 of the Department of Professional Regulation Law
7 of the Civil Administrative Code of Illinois.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the
10 fine, unless an alternate payment schedule has been agreed
11 upon in writing.

12 (b) A person not licensed under this Act and engaged in the
13 business of offering naprapathy services through others, shall
14 not aid, abet, assist, procure, advise, employ, or contract
15 with any unlicensed person to practice naprapathy contrary to
16 any rules or provisions of this Act. A person violating this
17 subsection (b) shall be treated as a licensee for the purposes
18 of disciplinary action under this Section and shall be subject
19 to cease and desist orders as provided in Section 90 of this
20 Act.

21 (b-5) The Department may refuse to issue or may suspend
22 the license of any person who fails to file a tax return, to
23 pay the tax, penalty, or interest shown in a filed tax return,
24 or to pay any final assessment of tax, penalty, or interest, as
25 required by any tax Act administered by the Department of
26 Revenue, until the requirements of the tax Act are satisfied

1 in accordance with subsection (g) of Section 2105-15 of the
2 Civil Administrative Code of Illinois.

3 (c) (Blank).

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

16 (e) 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
20 shall end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of an order so finding and discharging the
23 patient and upon the Board's recommendation to the Department
24 that the license be restored. Where the circumstances so
25 indicate, the Board may recommend to the Department that it
26 require an examination prior to restoring a suspended license.

1 (f) In enforcing this Act, the Department, upon a showing
2 of a possible violation, may compel an individual licensed to
3 practice under this Act, or who has applied for licensure
4 under this Act, to submit to a mental or physical examination,
5 or both, as required by and at the expense of the Department.
6 The Department or Board may order the examining physician to
7 present testimony concerning the mental or physical
8 examination of the licensee or applicant. No information shall
9 be excluded by reason of any common law or statutory privilege
10 relating to communications between the licensee or applicant
11 and the examining physician. The examining physicians shall be
12 specifically designated by the Board or Department. The
13 individual to be examined may have, at his or her own expense,
14 another physician of his or her choice present during all
15 aspects of this examination. The examination shall be
16 performed by a physician under the Medical Practice Act of
17 1987. Failure of an individual to submit to a mental or
18 physical examination, when directed, shall result in an
19 automatic suspension without hearing.

20 A person holding a license under this Act or who has
21 applied for a license under this Act who, because of a physical
22 or mental illness or disability, including, but not limited
23 to, deterioration through the aging process or loss of motor
24 skill, is unable to practice the profession with reasonable
25 judgment, skill, or safety, may be required by the Department
26 to submit to care, counseling, or treatment by physicians

1 approved or designated by the Department as a condition, term,
2 or restriction for continued, reinstated, or renewed licensure
3 to practice. Submission to care, counseling, or treatment as
4 required by the Department shall not be considered discipline
5 of a license. If the licensee refuses to enter into a care,
6 counseling, or treatment agreement or fails to abide by the
7 terms of the agreement, the Department may file a complaint to
8 revoke, suspend, or otherwise discipline the license of the
9 individual. The Secretary may order the license suspended
10 immediately, pending a hearing by the Department. Fines shall
11 not be assessed in disciplinary actions involving physical or
12 mental illness or impairment.

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

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

1 (Source: P.A. 102-880, eff. 1-1-23.)

2 Section 80. The Licensed Certified Professional Midwife
3 Practice Act is amended by changing Section 100 as follows:

4 (225 ILCS 64/100)

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

6 Sec. 100. Grounds for disciplinary action.

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

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violations of this Act, or the rules adopted under
17 this Act.

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

1 dishonesty, or that is directly related to the practice of
2 the profession.

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

5 (5) Professional incompetence.

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

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

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

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

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

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

1 arrangements, including provisions for compensation,
2 health insurance, pension, or other employment benefits,
3 with persons or entities authorized under this Act for the
4 provision of services within the scope of the licensee's
5 practice under this Act.

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

9 (13) Abandonment of a patient.

10 (14) Willfully making or filing false records or
11 reports in his or her practice, including, but not limited
12 to, false records filed with state agencies or
13 departments.

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

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

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

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (18) Gross negligence resulting in permanent injury or
4 death of a patient.

5 (19) Employment of fraud, deception, or any unlawful
6 means in applying for or securing a license as a licensed
7 certified professional midwife.

8 (21) Immoral conduct in the commission of any act,
9 including sexual abuse, sexual misconduct, or sexual
10 exploitation related to the licensee's practice.

11 (22) Violation of the Health Care Worker Self-Referral
12 Act.

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

15 (24) Making a false or misleading statement regarding
16 his or her skill or the efficacy or value of the medicine,
17 treatment, or remedy prescribed by him or her in the
18 course of treatment.

19 (25) Allowing another person to use his or her license
20 to practice.

21 (26) Prescribing, selling, administering,
22 distributing, giving, or self-administering a drug
23 classified as a controlled substance for purposes other
24 than medically accepted therapeutic purposes.

25 (27) Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in a manner to

1 exploit the patient for financial gain.

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

5 (29) Violating State or federal laws, rules, or
6 regulations relating to controlled substances or other
7 legend drugs or ephedra as defined in the Ephedra
8 Prohibition Act.

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

11 (31) Attempting to subvert or cheat on the examination
12 of the North American Registry of Midwives or its
13 successor agency.

14 (32) Willfully or negligently violating the
15 confidentiality between licensed certified professional
16 midwives and patient, except as required by law.

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

21 (34) Being named as an abuser in a verified report by
22 the Department on Aging under the Adult Protective
23 Services Act and upon proof by clear and convincing
24 evidence that the licensee abused, neglected, or
25 financially exploited an eligible adult as defined in the
26 Adult Protective Services Act.

1 (35) Failure to report to the Department an adverse
2 final action taken against him or her by another licensing
3 jurisdiction of the United States or a foreign state or
4 country, a peer review body, a health care institution, a
5 professional society or association, a governmental
6 agency, a law enforcement agency, or a court.

7 (36) Failure to provide copies of records of patient
8 care or treatment, except as required by law.

9 (37) Failure of a licensee to report to the Department
10 surrender by the licensee of a license or authorization to
11 practice in another state or jurisdiction or current
12 surrender by the licensee of membership professional
13 association or society while under disciplinary
14 investigation by any of those authorities or bodies for
15 acts or conduct similar to acts or conduct that would
16 constitute grounds for action under this Section.

17 (38) Failing, within 90 days, to provide a response to
18 a request for information in response to a written request
19 made by the Department by certified or registered mail or
20 by email to the email address of record.

21 (39) Failure to supervise a midwife assistant or
22 student midwife including, but not limited to, allowing a
23 midwife assistant or student midwife to exceed their
24 scope.

25 (40) Failure to adequately inform a patient about
26 their malpractice liability insurance coverage and the

1 policy limits of the coverage.

2 (41) Failure to submit an annual report to the
3 Department of Public Health.

4 (42) Failure to disclose active cardiopulmonary
5 resuscitation certification or neonatal resuscitation
6 provider status to clients.

7 (43) Engaging in one of the prohibited practices
8 provided for in Section 85 of this Act.

9 (44) Failure to report actual or alleged reportable
10 misconduct or an investigation related to actual or
11 alleged reportable misconduct in accordance with Section
12 2105-390 of the Department of Professional Regulation Law
13 of the Civil Administrative Code of Illinois.

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

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

1 and issues an order so finding and discharging the patient,
2 and upon the recommendation of the Board to the Secretary that
3 the licensee be allowed to resume his or her practice.

4 (d) In enforcing this Section, the Department, upon a
5 showing of a possible violation, may compel an individual
6 licensed to practice under this Act, or who has applied for
7 licensure under this Act, to submit to a mental or physical
8 examination, or both, including a substance abuse or sexual
9 offender evaluation, as required by and at the expense of the
10 Department.

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

1 testing, or neuropsychological testing.

2 The Department may order the examining physician or any
3 member of the multidisciplinary team to provide to the
4 Department any and all records, including business records,
5 that relate to the examination and evaluation, including any
6 supplemental testing performed.

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

21 The individual to be examined may have, at his or her own
22 expense, another physician of his or her choice present during
23 all aspects of this examination. However, that physician shall
24 be present only to observe and may not interfere in any way
25 with the examination.

26 Failure of an individual to submit to a mental or physical

1 examination, when ordered, shall result in an automatic
2 suspension of his or her license until the individual submits
3 to the examination.

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

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that
22 person's license must be convened by the Department within 30
23 days after the suspension and completed without appreciable
24 delay. The Department shall have the authority to review the
25 subject individual's record of treatment and counseling
26 regarding the impairment to the extent permitted by applicable

1 federal statutes and regulations safeguarding the
2 confidentiality of medical records.

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

8 (Source: P.A. 102-683, eff. 10-1-22; 103-605, eff. 7-1-24.)

9 Section 85. The Nurse Practice Act is amended by changing
10 Sections 65-65 and 70-5 as follows:

11 (225 ILCS 65/65-65) (was 225 ILCS 65/15-55)

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

13 Sec. 65-65. Reports relating to APRN professional conduct
14 and capacity.

15 (a) Entities Required to Report.

16 (1) Health Care Institutions. The chief administrator
17 or executive officer of a health care institution licensed
18 by the Department of Public Health, which provides the
19 minimum due process set forth in Section 10.4 of the
20 Hospital Licensing Act, shall report to the Board when an
21 advanced practice registered nurse's organized
22 professional staff clinical privileges are terminated or
23 are restricted based on a final determination, in
24 accordance with that institution's bylaws or rules and

1 regulations, that (i) a person has either committed an act
2 or acts that may directly threaten patient care and that
3 are not of an administrative nature or (ii) that a person
4 may have a mental or physical disability that may endanger
5 patients under that person's care. The chief administrator
6 or officer shall also report if an advanced practice
7 registered nurse accepts voluntary termination or
8 restriction of clinical privileges in lieu of formal
9 action based upon conduct related directly to patient care
10 and not of an administrative nature, or in lieu of formal
11 action seeking to determine whether a person may have a
12 mental or physical disability that may endanger patients
13 under that person's care. The Department shall provide by
14 rule for the reporting to it of all instances in which a
15 person licensed under this Article, who is impaired by
16 reason of age, drug, or alcohol abuse or physical or
17 mental impairment, is under supervision and, where
18 appropriate, is in a program of rehabilitation. Reports
19 submitted under this subsection shall be strictly
20 confidential and may be reviewed and considered only by
21 the members of the Board or authorized staff as provided
22 by rule of the Department. Provisions shall be made for
23 the periodic report of the status of any such reported
24 person not less than twice annually in order that the
25 Board shall have current information upon which to
26 determine the status of that person. Initial and periodic

1 reports of impaired advanced practice registered nurses
2 shall not be considered records within the meaning of the
3 State Records Act and shall be disposed of, following a
4 determination by the Board that such reports are no longer
5 required, in a manner and at an appropriate time as the
6 Board shall determine by rule. The filing of reports
7 submitted under this subsection shall be construed as the
8 filing of a report for purposes of subsection (c) of this
9 Section. Such health care institution shall not take any
10 adverse action, including, but not limited to, restricting
11 or terminating any person's clinical privileges, as a
12 result of an adverse action against a person's license or
13 clinical privileges or other disciplinary action by
14 another state or health care institution that resulted
15 from the person's provision of, authorization of,
16 recommendation of, aiding or assistance with, referral
17 for, or participation in any health care service if the
18 adverse action was based solely on a violation of the
19 other state's law prohibiting the provision of such health
20 care and related services in the state or for a resident of
21 the state if that health care service would not have been
22 unlawful under the laws of this State and is consistent
23 with the standards of conduct for advanced practice
24 registered nurses practicing in Illinois.

25 (2) Professional Associations. The President or chief
26 executive officer of an association or society of persons

1 licensed under this Article, operating within this State,
2 shall report to the Board when the association or society
3 renders a final determination that a person licensed under
4 this Article has committed unprofessional conduct related
5 directly to patient care or that a person may have a mental
6 or physical disability that may endanger patients under
7 the person's care.

8 (3) Professional Liability Insurers. Every insurance
9 company that offers policies of professional liability
10 insurance to persons licensed under this Article, or any
11 other entity that seeks to indemnify the professional
12 liability of a person licensed under this Article, shall
13 report to the Board the settlement of any claim or cause of
14 action, or final judgment rendered in any cause of action,
15 that alleged negligence in the furnishing of patient care
16 by the licensee when the settlement or final judgment is
17 in favor of the plaintiff. Such insurance company shall
18 not take any adverse action, including, but not limited
19 to, denial or revocation of coverage, or rate increases,
20 against a person licensed under this Act with respect to
21 coverage for services provided in Illinois if based solely
22 on the person providing, authorizing, recommending,
23 aiding, assisting, referring for, or otherwise
24 participating in health care services this State in
25 violation of another state's law, or a revocation or other
26 adverse action against the person's license in another

1 state for violation of such law if that health care
2 service as provided would have been lawful and consistent
3 with the standards of conduct for registered nurses and
4 advanced practice registered nurses if it occurred in
5 Illinois. Notwithstanding this provision, it is against
6 public policy to require coverage for an illegal action.

7 (4) State's Attorneys. The State's Attorney of each
8 county shall report to the Board all instances in which a
9 person licensed under this Article is convicted or
10 otherwise found guilty of the commission of a felony.

11 (5) State Agencies. All agencies, boards, commissions,
12 departments, or other instrumentalities of the government
13 of this State shall report to the Board any instance
14 arising in connection with the operations of the agency,
15 including the administration of any law by the agency, in
16 which a person licensed under this Article has either
17 committed an act or acts that may constitute a violation
18 of this Article, that may constitute unprofessional
19 conduct related directly to patient care, or that
20 indicates that a person licensed under this Article may
21 have a mental or physical disability that may endanger
22 patients under that person's care.

23 (b) Mandatory Reporting. All reports required under items
24 (16) and (17) of subsection (a) of Section 70-5 shall be
25 submitted to the Board in a timely fashion. The reports shall
26 be filed in writing within 30 ~~60~~ days after a determination

1 that a report is required under this Article. All reports
2 shall contain the following information:

3 (1) The name, address, and telephone number of the
4 person making the report.

5 (2) The name, address, and telephone number of the
6 person who is the subject of the report.

7 (3) The name or other means of identification of any
8 patient or patients whose treatment is a subject of the
9 report, except that no medical records may be revealed
10 without the written consent of the patient or patients.

11 (4) A brief description of the facts that gave rise to
12 the issuance of the report, including, but not limited to,
13 the dates of any occurrences deemed to necessitate the
14 filing of the report.

15 (5) If court action is involved, the identity of the
16 court in which the action is filed, the docket number, and
17 date of filing of the action.

18 (6) Any further pertinent information that the
19 reporting party deems to be an aid in the evaluation of the
20 report.

21 Nothing contained in this Section shall be construed to in
22 any way waive or modify the confidentiality of medical reports
23 and committee reports to the extent provided by law. Any
24 information reported or disclosed shall be kept for the
25 confidential use of the Board, the Board's attorneys, the
26 investigative staff, and authorized clerical staff and shall

1 be afforded the same status as is provided information
2 concerning medical studies in Part 21 of Article VIII of the
3 Code of Civil Procedure.

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

12 (d) Indemnification. Members of the Board, the Board's
13 attorneys, the investigative staff, advanced practice
14 registered nurses or physicians retained under contract to
15 assist and advise in the investigation, and authorized
16 clerical staff shall be indemnified by the State for any
17 actions (i) occurring within the scope of services on the
18 Board, (ii) performed in good faith, and (iii) not willful and
19 wanton in nature. The Attorney General shall defend all
20 actions taken against those persons unless he or she
21 determines either that there would be a conflict of interest
22 in the representation or that the actions complained of were
23 not performed in good faith or were willful and wanton in
24 nature. If the Attorney General declines representation, the
25 member shall have the right to employ counsel of his or her
26 choice, whose fees shall be provided by the State, after

1 approval by the Attorney General, unless there is a
2 determination by a court that the member's actions were not
3 performed in good faith or were willful and wanton in nature.
4 The member shall notify the Attorney General within 7 days of
5 receipt of notice of the initiation of an action involving
6 services of the Board. Failure to so notify the Attorney
7 General shall constitute an absolute waiver of the right to a
8 defense and indemnification. The Attorney General shall
9 determine within 7 days after receiving the notice whether he
10 or she will undertake to represent the member.

11 (e) Deliberations of Board. Upon the receipt of a report
12 called for by this Section, other than those reports of
13 impaired persons licensed under this Article required pursuant
14 to the rules of the Board, the Board shall notify in writing by
15 certified or registered mail or by email to the email address
16 of record the person who is the subject of the report. The
17 notification shall be made within 30 days of receipt by the
18 Board of the report. The notification shall include a written
19 notice setting forth the person's right to examine the report.
20 Included in the notification shall be the address at which the
21 file is maintained, the name of the custodian of the reports,
22 and the telephone number at which the custodian may be
23 reached. The person who is the subject of the report shall
24 submit a written statement responding to, clarifying, adding
25 to, or proposing to amend the report previously filed. The
26 statement shall become a permanent part of the file and shall

1 be received by the Board no more than 30 days after the date on
2 which the person was notified of the existence of the original
3 report. The Board shall review all reports received by it and
4 any supporting information and responding statements submitted
5 by persons who are the subject of reports. The review by the
6 Board shall be in a timely manner but in no event shall the
7 Board's initial review of the material contained in each
8 disciplinary file be less than 61 days nor more than 180 days
9 after the receipt of the initial report by the Board. When the
10 Board makes its initial review of the materials contained
11 within its disciplinary files, the Board shall, in writing,
12 make a determination as to whether there are sufficient facts
13 to warrant further investigation or action. Failure to make
14 that determination within the time provided shall be deemed to
15 be a determination that there are not sufficient facts to
16 warrant further investigation or action. Should the Board find
17 that there are not sufficient facts to warrant further
18 investigation or action, the report shall be accepted for
19 filing and the matter shall be deemed closed and so reported.
20 The individual or entity filing the original report or
21 complaint and the person who is the subject of the report or
22 complaint shall be notified in writing by the Board of any
23 final action on their report or complaint.

24 (f) (Blank).

25 (g) Any violation of this Section shall constitute a Class
26 A misdemeanor.

1 (h) If a person violates the provisions of this Section,
2 an action may be brought in the name of the People of the State
3 of Illinois, through the Attorney General of the State of
4 Illinois, for an order enjoining the violation or for an order
5 enforcing compliance with this Section. Upon filing of a
6 petition in court, the court may issue a temporary restraining
7 order without notice or bond and may preliminarily or
8 permanently enjoin the violation, and if it is established
9 that the person has violated or is violating the injunction,
10 the court may punish the offender for contempt of court.
11 Proceedings under this subsection shall be in addition to, and
12 not in lieu of, all other remedies and penalties provided for
13 by this Section.

14 (i) The Department may adopt rules to implement,
15 administer, and enforce this Section ~~the changes made by this~~
16 ~~amendatory Act of the 102nd General Assembly.~~

17 (Source: P.A. 102-1117, eff. 1-13-23.)

18 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

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

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

21 (a) The Department may refuse to issue or to renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department may
24 deem appropriate, including fines not to exceed \$10,000 per
25 violation, with regard to a license for any one or combination

1 of the causes set forth in subsection (b) below. All fines
2 collected under this Section shall be deposited in the Nursing
3 Dedicated and Professional Fund.

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

5 (1) Material deception in furnishing information to
6 the Department.

7 (2) Material violations of any provision of this Act
8 or violation of the rules of or final administrative
9 action of the Secretary, after consideration of the
10 recommendation of the Board.

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: (i)
17 that is a felony; or (ii) that is a misdemeanor, an
18 essential element of which is dishonesty, or that is
19 directly related to the practice of the profession.

20 (4) A pattern of practice or other behavior which
21 demonstrates incapacity or incompetency to practice under
22 this Act.

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

25 (6) Failing, within 90 days, to provide a response to
26 a request for information in response to a written request

1 made by the Department by certified or registered mail or
2 by email to the email address of record.

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

6 (8) Unlawful taking, theft, selling, distributing, or
7 manufacturing of any drug, narcotic, or prescription
8 device.

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

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

17 (11) A finding that the licensee, after having her or
18 his license placed on probationary status or subject to
19 conditions or restrictions, has violated the terms of
20 probation or failed to comply with such terms or
21 conditions.

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

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (13) Willful omission to file or record, or willfully
4 impeding the filing or recording or inducing another
5 person to omit to file or record medical reports as
6 required by law.

7 (13.5) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act.

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

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

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

23 (17) Failure of a licensee to report to the Department
24 surrender by the licensee of a license or authorization to
25 practice nursing or advanced practice registered nursing
26 in another state or jurisdiction or current surrender by

1 the licensee of membership on any nursing staff or in any
2 nursing or advanced practice registered nursing or
3 professional association or society while under
4 disciplinary investigation by any of those authorities or
5 bodies for acts or conduct similar to acts or conduct that
6 would constitute grounds for action as defined by this
7 Section.

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

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

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

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

17 (22) Willfully making or filing false records or
18 reports in the licensee's practice, 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 (23) Attempting to subvert or cheat on a licensing
24 examination administered under this Act.

25 (24) Immoral conduct in the commission of an act,
26 including, but not limited to, sexual abuse, sexual

1 misconduct, or sexual exploitation, related to the
2 licensee's practice.

3 (25) Willfully or negligently violating the
4 confidentiality between nurse and patient except as
5 required by law.

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

8 (27) The use of any false, fraudulent, or deceptive
9 statement in any document connected with the licensee's
10 practice.

11 (28) Directly or indirectly giving to or receiving
12 from a person, firm, corporation, partnership, or
13 association a fee, commission, rebate, or other form of
14 compensation for professional services not actually or
15 personally rendered. Nothing in this paragraph (28)
16 affects any bona fide independent contractor or employment
17 arrangements among health care professionals, health
18 facilities, health care providers, or other entities,
19 except as otherwise prohibited by law. Any employment
20 arrangements may include provisions for compensation,
21 health insurance, pension, or other employment benefits
22 for the provision of services within the scope of the
23 licensee's practice under this Act. Nothing in this
24 paragraph (28) shall be construed to require an employment
25 arrangement to receive professional fees for services
26 rendered.

1 (29) A violation of the Health Care Worker
2 Self-Referral Act.

3 (30) Physical illness, mental illness, or disability
4 that results in the inability to practice the profession
5 with reasonable judgment, skill, or safety.

6 (31) Exceeding the terms of a collaborative agreement
7 or the prescriptive authority delegated to a licensee by
8 his or her collaborating physician or podiatric physician
9 in guidelines established under a written collaborative
10 agreement.

11 (32) Making a false or misleading statement regarding
12 a licensee's skill or the efficacy or value of the
13 medicine, treatment, or remedy prescribed by him or her in
14 the course of treatment.

15 (33) Prescribing, selling, administering,
16 distributing, giving, or self-administering a drug
17 classified as a controlled substance (designated product)
18 or narcotic for other than medically accepted therapeutic
19 purposes.

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

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

25 (36) Willfully or negligently violating the
26 confidentiality between an advanced practice registered

1 nurse, collaborating physician, dentist, or podiatric
2 physician and a patient, except as required by law.

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

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

13 (39) A violation of any provision of this Act or any
14 rules adopted under this Act.

15 (40) Violating the Compassionate Use of Medical
16 Cannabis Program Act.

17 (41) Failure to report actual or alleged reportable
18 misconduct or an investigation related to actual or
19 alleged reportable misconduct in accordance with Section
20 2105-390 of the Department of Professional Regulation Law
21 of the Civil Administrative Code of Illinois.

22 (b-5) The Department shall not revoke, suspend, summarily
23 suspend, place on probation, reprimand, refuse to issue or
24 renew, or take any other disciplinary or non-disciplinary
25 action against the license or permit issued under this Act to
26 practice as a registered nurse or an advanced practice

1 registered nurse based solely upon the registered nurse or
2 advanced practice registered nurse providing, authorizing,
3 recommending, aiding, assisting, referring for, or otherwise
4 participating in any health care service, so long as the care
5 was not unlawful under the laws of this State, regardless of
6 whether the patient was a resident of this State or another
7 state.

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

1 (b-15) The conduct specified in subsections (b-5) and
2 (b-10) shall not trigger reporting requirements under Section
3 65-65 or constitute grounds for suspension under Section
4 70-60.

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

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

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

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

10 (e) In enforcing this Act, the Department, upon a showing
11 of a possible violation, may compel an individual licensed to
12 practice under this Act or who has applied for licensure under
13 this Act, to submit to a mental or physical examination, or
14 both, as required by and at the expense of the Department. The
15 Department may order the examining physician to present
16 testimony concerning the mental or physical examination of the
17 licensee or applicant. No information shall be excluded by
18 reason of any common law or statutory privilege relating to
19 communications between the licensee or applicant and the
20 examining physician. The examining physicians shall be
21 specifically designated by the Department. The individual to
22 be examined may have, at his or her own expense, another
23 physician of his or her choice present during all aspects of
24 this examination. Failure of an individual to submit to a
25 mental or physical examination, when directed, shall result in
26 an automatic suspension without hearing.

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

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this subsection (e), 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 subsection (e) shall be afforded an opportunity to
10 demonstrate to the Department that he or she can resume
11 practice in compliance with nursing standards under the
12 provisions of his or her license.

13 (f) The Department may adopt rules to implement, administer,
14 and enforce this Section ~~the changes made by this~~
15 ~~amendatory Act of the 102nd General Assembly.~~

16 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
17 102-1117, eff. 1-13-23.)

18 Section 90. The Nursing Home Administrators Licensing and
19 Disciplinary Act is amended by changing Section 17 as follows:

20 (225 ILCS 70/17) (from Ch. 111, par. 3667)

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

22 Sec. 17. Grounds for disciplinary action.

23 (a) The Department may refuse to issue or to renew a
24 license, or may revoke, suspend, place on probation,

1 reprimand, or take other disciplinary or non-disciplinary
2 action as the Department deems proper, including fines not to
3 exceed \$10,000 for each violation, with regard to any license
4 issued under the provisions of this Act, for any one or
5 combination of the following causes:

6 (1) Intentional material misstatement in furnishing
7 information to the Department or any other State agency or
8 in furnishing information to an insurance company with
9 respect to a claim on behalf of a licensee or patient.

10 (2) Conviction of or entry of a plea of guilty or nolo
11 contendere, finding of guilt, jury verdict, or entry of
12 judgment or sentencing, 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 is
16 (i) a felony or (ii) a misdemeanor, an essential element
17 of which is dishonesty or that is directly related to the
18 practice of the profession of nursing home administration.

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

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

26 (5) Failing to respond within 60 days, to a written

1 request made by the Department for information.

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

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

10 (8) Adverse action taken by another U.S. jurisdiction
11 if at least one of the grounds for the discipline is the
12 same or substantially equivalent to those set forth
13 herein.

14 (9) A finding by the Department that the licensee,
15 after having his or her license placed on probationary
16 status, has violated the terms of probation or failed to
17 comply with those terms.

18 (10) Willfully making or filing false records or
19 reports related to the licensee's practice, including, but
20 not limited to, false records filed with federal or State
21 agencies or departments.

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

1 (12) Disregard or violation of this Act or of any rule
2 issued pursuant to this Act.

3 (13) Aiding or abetting another in the violation of
4 this Act or any rule adopted pursuant to this Act.

5 (14) Allowing one's license to be used by an
6 unlicensed person.

7 (15) (Blank).

8 (16) Professional incompetence in the practice of
9 nursing home administration.

10 (17) Conviction of a violation of Section 12-19 or
11 subsection (a) of Section 12-4.4a of the Criminal Code of
12 1961 or the Criminal Code of 2012 for the abuse and
13 criminal neglect of a long term care facility resident.

14 (18) Violation of the Nursing Home Care Act, the
15 Specialized Mental Health Rehabilitation Act of 2013, the
16 ID/DD Community Care Act, or the MC/DD Act or of any rule
17 issued under the Nursing Home Care Act, the Specialized
18 Mental Health Rehabilitation Act of 2013, the ID/DD
19 Community Care Act, or the MC/DD Act. A final adjudication
20 of a Type "AA" violation of the Nursing Home Care Act made
21 by the Illinois Department of Public Health, as identified
22 by rule, relating to the hiring, training, planning,
23 organizing, directing, or supervising the operation of a
24 nursing home and a licensee's failure to comply with this
25 Act or the rules adopted under this Act, shall create a
26 rebuttable presumption of a violation of this subsection.

1 (19) Failure to report to the Department any adverse
2 final action taken against the licensee by a licensing
3 authority of another state, territory of the United
4 States, or foreign country; or by any governmental or law
5 enforcement agency; or by any court for acts or conduct
6 similar to acts or conduct that would constitute grounds
7 for disciplinary action under this Section.

8 (20) Failure to report to the Department the surrender
9 of a license or authorization to practice as a nursing
10 home administrator in another state or jurisdiction for
11 acts or conduct similar to acts or conduct that would
12 constitute grounds for disciplinary action under this
13 Section.

14 (21) Failure to report to the Department any adverse
15 judgment, settlement, or award arising from a liability
16 claim related to acts or conduct similar to acts or
17 conduct that would constitute grounds for disciplinary
18 action under this Section.

19 (22) Failure to submit any required report under
20 Section 80-10 of the Nurse Practice Act.

21 (23) Willfully failing to report an instance of
22 suspected abuse, neglect, financial exploitation, or
23 self-neglect of an eligible adult as defined in and
24 required by the Adult Protective Services Act.

25 (24) Being named as an abuser in a verified report by
26 the Department on Aging under the Adult Protective

1 Services Act and upon proof by clear and convincing
2 evidence that the licensee abused, neglected, or
3 financially exploited an eligible adult as defined in the
4 Adult Protective Services Act.

5 (25) Failure to report actual or alleged reportable
6 misconduct or an investigation related to actual or
7 alleged reportable misconduct in accordance with Section
8 2105-390 of the Department of Professional Regulation Law
9 of the Civil Administrative Code of Illinois.

10 All proceedings to suspend, revoke, place on probationary
11 status, or take any other disciplinary action as the
12 Department may deem proper, with regard to a license on any of
13 the foregoing grounds, must be commenced within 5 years next
14 after receipt by the Department of (i) a complaint alleging
15 the commission of or notice of the conviction order for any of
16 the acts described herein or (ii) a referral for investigation
17 under Section 3-108 of the Nursing Home Care Act.

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 their
22 practice only upon the entry of a Department order based upon a
23 finding by the Board that they have been determined to be
24 recovered from mental illness by the court and upon the
25 Board's recommendation that they be permitted to resume their
26 practice.

1 The Department, upon the recommendation of the Board, may
2 adopt rules which set forth standards to be used in
3 determining what constitutes:

4 (i) when a person will be deemed sufficiently
5 rehabilitated to warrant the public trust;

6 (ii) dishonorable, unethical or unprofessional conduct
7 of a character likely to deceive, defraud, or harm the
8 public;

9 (iii) immoral conduct in the commission of any act
10 related to the licensee's practice; and

11 (iv) professional incompetence in the practice of
12 nursing home administration.

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

16 In enforcing this Section, the Department or Board, upon a
17 showing of a possible violation, may compel any individual
18 licensed to practice under this Act, or who has applied for
19 licensure pursuant to this Act, to submit to a mental or
20 physical examination, or both, as required by and at the
21 expense of the Department. The examining physician or
22 physicians shall be those specifically designated by the
23 Department or Board. The Department or Board may order the
24 examining physician to present testimony concerning this
25 mental or physical examination of the licensee or applicant.
26 No information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician. The
3 individual to be examined may have, at his or her own expense,
4 another physician of his or her choice present during all
5 aspects of the examination. Failure of any individual to
6 submit to mental or physical examination, when directed, shall
7 be grounds for suspension of his or her license until such time
8 as the individual submits to the examination if the Department
9 finds, after notice and hearing, that the refusal to submit to
10 the examination was without reasonable cause.

11 If the Department or Board finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board shall require such individual to submit to
14 care, counseling, or treatment by physicians approved or
15 designated by the Department or Board, as a condition, term,
16 or restriction for continued, reinstated, or renewed licensure
17 to practice; or in lieu of care, counseling, or treatment, the
18 Department may file, or the Board may recommend to the
19 Department to file, a complaint to immediately suspend,
20 revoke, or otherwise discipline the license of the individual.
21 Any individual whose license was granted pursuant to this Act
22 or continued, reinstated, renewed, disciplined or supervised,
23 subject to such terms, conditions or restrictions who shall
24 fail to comply with such terms, conditions or restrictions
25 shall be referred to the Secretary for a determination as to
26 whether the licensee shall have his or her license suspended

1 immediately, pending a hearing by the Department. In instances
2 in which the Secretary immediately suspends a license under
3 this Section, a hearing upon such person's license must be
4 convened by the Board within 30 days after such suspension and
5 completed without appreciable delay. The Department and Board
6 shall have the authority to review the subject administrator's
7 record of treatment and counseling regarding the impairment,
8 to the extent permitted by applicable federal statutes and
9 regulations safeguarding the confidentiality of medical
10 records.

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

16 (b) Any individual or organization acting in good faith,
17 and not in a willful and wanton manner, in complying with this
18 Act by providing any report or other information to the
19 Department, or assisting in the investigation or preparation
20 of such information, or by participating in proceedings of the
21 Department, or by serving as a member of the Board, shall not,
22 as a result of such actions, be subject to criminal
23 prosecution or civil damages.

24 (c) Members of the Board, and persons retained under
25 contract to assist and advise in an investigation, shall be
26 indemnified by the State for any actions occurring within the

1 scope of services on or for the Board, done in good faith and
2 not willful and wanton in nature. The Attorney General shall
3 defend all such actions unless he or she determines either
4 that there would be a conflict of interest in such
5 representation or that the actions complained of were not in
6 good faith or were willful and wanton.

7 Should the Attorney General decline representation, a
8 person entitled to indemnification under this Section shall
9 have the right to employ counsel of his or her choice, whose
10 fees shall be provided by the State, after approval by the
11 Attorney General, unless there is a determination by a court
12 that the member's actions were not in good faith or were
13 willful and wanton.

14 A person entitled to indemnification under this Section
15 must notify the Attorney General within 7 days of receipt of
16 notice of the initiation of any action involving services of
17 the Board. Failure to so notify the Attorney General shall
18 constitute an absolute waiver of the right to a defense and
19 indemnification.

20 The Attorney General shall determine within 7 days after
21 receiving such notice, whether he or she will undertake to
22 represent a person entitled to indemnification under this
23 Section.

24 (d) The determination by a circuit court that a licensee
25 is subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

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

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

15 (f) The Department of Public Health shall transmit to the
16 Department a list of those facilities which receive an "A"
17 violation as defined in Section 1-129 of the Nursing Home Care
18 Act.

19 (Source: P.A. 99-180, eff. 7-29-15; 100-675, eff. 8-3-18.)

20 Section 95. The Illinois Occupational Therapy Practice Act
21 is amended by changing Section 19 as follows:

22 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

24 Sec. 19. Grounds for discipline.

1 (a) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem proper, including imposing fines not to exceed \$10,000
5 for each violation and the assessment of costs as provided
6 under Section 19.3 of this Act, with regard to any license for
7 any one or combination of the following:

8 (1) Material misstatement in furnishing information to
9 the Department;

10 (2) Violations of this Act, or of the rules
11 promulgated thereunder;

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

21 (4) Fraud, misrepresentation, or concealment in
22 applying for or procuring a license under this Act, or in
23 connection with applying for renewal of a license under
24 this Act;

25 (5) Professional incompetence;

26 (6) Aiding or assisting another person, firm,

1 partnership or corporation in violating any provision of
2 this Act or rules;

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

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

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

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

17 (11) Directly or indirectly giving to or receiving
18 from any person, firm, corporation, partnership, or
19 association any fee, commission, rebate, or other form of
20 compensation for professional services not actually or
21 personally rendered. Nothing in this paragraph (11)
22 affects any bona fide independent contractor or employment
23 arrangements among health care professionals, health
24 facilities, health care providers, or other entities,
25 except as otherwise prohibited by law. Any employment
26 arrangements may include provisions for compensation,

1 health insurance, pension, or other employment benefits
2 for the provision of services within the scope of the
3 licensee's practice under this Act. Nothing in this
4 paragraph (11) shall be construed to require an employment
5 arrangement to receive professional fees for services
6 rendered;

7 (12) A finding by the Department that the license
8 holder, after having the license disciplined, has violated
9 the terms of the discipline;

10 (13) Willfully making or filing false records or
11 reports in the practice of occupational therapy,
12 including, but not limited to, false records filed with
13 the State agencies or departments;

14 (14) Physical illness, including, but not limited to,
15 deterioration through the aging process or loss of motor
16 skill which results in the inability to practice under
17 this Act with reasonable judgment, skill, or safety;

18 (15) Solicitation of professional services other than
19 by permitted advertising;

20 (16) Allowing one's license under this Act to be used
21 by an unlicensed person in violation of this Act;

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

24 (18) Professional incompetence or gross negligence;

25 (19) Malpractice;

26 (20) Promotion of the sale of drugs, devices,

1 appliances, or goods provided for a patient in any manner
2 to exploit the client for financial gain of the licensee;

3 (21) Gross, willful, or continued overcharging for
4 professional services;

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

8 (23) Violating the Health Care Worker Self-Referral
9 Act;

10 (24) Failing to refer a patient or individual whose
11 medical condition should, at the time of evaluation or
12 treatment, be determined to be beyond the scope of
13 practice of the occupational therapist to an appropriate
14 health care professional;

15 (25) Cheating on or attempting to subvert the
16 licensing examination administered under this Act;

17 (26) Charging for professional services not rendered,
18 including filing false statements for the collection of
19 fees for which services are not rendered;

20 (27) Practicing beyond the scope of the practice of
21 occupational therapy;

22 (28) Providing substandard care as an occupational
23 therapist due to a deliberate or negligent act, negligent
24 supervision of an occupational therapy assistant, or
25 failure to act regardless of whether actual injury to the
26 recipient is established;

1 (29) Providing substandard care as an occupational
2 therapy assistant, including exceeding the authority to
3 perform components of intervention selected and delegated
4 by the supervising occupational therapist regardless of
5 whether actual injury to the recipient is established;

6 (30) Knowingly delegating responsibilities to an
7 individual who does not have the knowledge, skills, or
8 abilities to perform those responsibilities; ~~and~~

9 (31) Engaging in sexual misconduct. For the purposes
10 of this paragraph, sexual misconduct includes:

11 (A) engaging in or soliciting a sexual
12 relationship, whether consensual or non-consensual,
13 while an occupational therapist or occupational
14 therapy assistant with the recipient of occupational
15 therapy services; and

16 (B) making sexual advances, requesting sexual
17 favors, or engaging in physical contact of a sexual
18 nature with the recipient of occupational therapy
19 services; and -

20 (32) failure to report actual or alleged reportable
21 misconduct or an investigation related to actual or
22 alleged reportable misconduct in accordance with Section
23 2105-390 of the Department of Professional Regulation Law
24 of the Civil Administrative Code of Illinois.

25 All fines imposed under this Section shall be paid within
26 60 days after the effective date of the order imposing the fine

1 or in accordance with the terms set forth in the order imposing
2 the fine.

3 (b) The determination by a circuit court that a license
4 holder is subject to involuntary admission or judicial
5 admission as provided in the Mental Health and Developmental
6 Disabilities Code, as now or hereafter amended, operates as an
7 automatic suspension. Such suspension will end only upon a
8 finding by a court that the patient is no longer subject to
9 involuntary admission or judicial admission and an order by
10 the court so finding and discharging the patient. In any case
11 where a license is suspended under this provision, the
12 licensee shall file a petition for restoration and shall
13 include evidence acceptable to the Department that the
14 licensee can resume practice in compliance with acceptable and
15 prevailing standards of their profession.

16 (c) The Department may refuse to issue or may suspend
17 without hearing, as provided for in the Code of Civil
18 Procedure, the license of any person who fails to file a
19 return, to pay the tax, penalty, or interest shown in a filed
20 return, or to pay any final assessment of tax, penalty, or
21 interest as required by any tax Act administered by the
22 Illinois Department of Revenue, until such time as the
23 requirements of any such tax Act are satisfied in accordance
24 with subsection (a) of Section 2105-15 of the Department of
25 Professional Regulation Law of the Civil Administrative Code
26 of Illinois.

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

26 The Department may order the examining physician or any

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

23 Failure of any individual to submit to mental or physical
24 examination or evaluation, or both, when directed, shall
25 result in an automatic suspension without hearing, until such
26 time as the individual submits to the examination. If the

1 Department finds a licensee unable to practice because of the
2 reasons set forth in this Section, the Department shall
3 require the licensee to submit to care, counseling, or
4 treatment by physicians approved or designated by the
5 Department as a condition for continued, reinstated, or
6 renewed licensure.

7 When the Secretary immediately suspends a license under
8 this Section, a hearing upon such person's license must be
9 convened by the Department within 15 days after the suspension
10 and completed without appreciable delay. The Department shall
11 have the authority to review the licensee's record of
12 treatment and counseling regarding the impairment to the
13 extent permitted by applicable federal statutes and
14 regulations safeguarding the confidentiality of medical
15 records.

16 Individuals licensed under this Act that are affected
17 under this Section, shall be afforded an opportunity to
18 demonstrate to the Department that they can resume practice in
19 compliance with acceptable and prevailing standards under the
20 provisions of their license.

21 (e) (Blank).

22 (f) In cases where the Department of Healthcare and Family
23 Services has previously determined a licensee or a potential
24 licensee 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 license or may take
2 other disciplinary action against that person based solely
3 upon the certification of delinquency made by the Department
4 of Healthcare and Family Services in accordance with paragraph
5 (5) of subsection (a) of Section 2105-15 of the Department of
6 Professional Regulation Law of the Civil Administrative Code
7 of Illinois.

8 (Source: P.A. 103-251, eff. 1-1-24.)

9 Section 100. The Illinois Optometric Practice Act of 1987
10 is amended by changing Section 24 as follows:

11 (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

13 Sec. 24. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or to renew, or may
15 revoke, suspend, place on probation, reprimand or take other
16 disciplinary or non-disciplinary action as the Department may
17 deem appropriate, including fines not to exceed \$10,000 for
18 each violation, with regard to any license for any one or
19 combination of the causes set forth in subsection (a-3) of
20 this Section. All fines collected under this Section shall be
21 deposited in the Optometric Licensing and Disciplinary Board
22 Fund. Any fine imposed shall be payable within 60 days after
23 the effective date of the order imposing the fine.

24 (a-3) Grounds for disciplinary action include the

1 following:

2 (1) Violations of this Act, or of the rules
3 promulgated hereunder.

4 (2) Conviction of or entry of a plea of guilty to any
5 crime under the laws of any U.S. jurisdiction thereof that
6 is a felony or that is a misdemeanor of which an essential
7 element is dishonesty, or any crime that is directly
8 related to the practice of the profession.

9 (3) Making any misrepresentation for the purpose of
10 obtaining a license.

11 (4) Professional incompetence or gross negligence in
12 the practice of optometry.

13 (5) Gross malpractice, prima facie evidence of which
14 may be a conviction or judgment of malpractice in any
15 court of competent jurisdiction.

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

18 (7) Failing, within 60 days, to provide information in
19 response to a written request made by the Department that
20 has been sent by certified or registered mail to the
21 licensee's last known address.

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

25 (9) Habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants or any other chemical agent or drug

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

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

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

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

12 (13) Abandonment of a patient.

13 (14) 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 departments.

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

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

23 (17) Solicitation of professional services other than
24 permitted advertising.

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

1 (19) Conviction by any court of competent
2 jurisdiction, either within or without this State, of any
3 violation of any law governing the practice of optometry,
4 conviction in this or another State of any crime that is a
5 felony under the laws of this State or conviction of a
6 felony in a federal court, if the Department determines,
7 after investigation, that such person has not been
8 sufficiently rehabilitated to warrant the public trust.

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

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

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

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

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

25 (25) Maintaining a professional relationship with any
26 person, firm, or corporation when the optometrist knows,

1 or should know, that such person, firm, or corporation is
2 violating this Act.

3 (26) Promotion of the sale of drugs, devices,
4 appliances or goods provided for a client or patient in
5 such manner as to exploit the patient or client for
6 financial gain of the licensee.

7 (27) Using the title "Doctor" or its abbreviation
8 without further qualifying that title or abbreviation with
9 the word "optometry" or "optometrist".

10 (28) Use by a licensed optometrist of the word
11 "infirmary", "hospital", "school", "university", in
12 English or any other language, in connection with the
13 place where optometry may be practiced or demonstrated
14 unless the licensee is employed by and practicing at a
15 location that is licensed as a hospital or accredited as a
16 school or university.

17 (29) Continuance of an optometrist in the employ of
18 any person, firm or corporation, or as an assistant to any
19 optometrist or optometrists, directly or indirectly, after
20 his or her employer or superior has been found guilty of
21 violating or has been enjoined from violating the laws of
22 the State of Illinois relating to the practice of
23 optometry, when the employer or superior persists in that
24 violation.

25 (30) The performance of optometric service in
26 conjunction with a scheme or plan with another person,

1 firm or corporation known to be advertising in a manner
2 contrary to this Act or otherwise violating the laws of
3 the State of Illinois concerning the practice of
4 optometry.

5 (31) Failure to provide satisfactory proof of having
6 participated in approved continuing education programs as
7 determined by the Board and approved by the Secretary.
8 Exceptions for extreme hardships are to be defined by the
9 rules of the Department.

10 (32) Willfully making or filing false records or
11 reports in the practice of optometry, including, but not
12 limited to false records to support claims against the
13 medical assistance program of the Department of Healthcare
14 and Family Services (formerly Department of Public Aid)
15 under the Illinois Public Aid Code.

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

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

1 (35) Violation of the Health Care Worker Self-Referral
2 Act.

3 (36) Failure to report actual or alleged reportable
4 misconduct or an investigation related to actual or
5 alleged reportable misconduct in accordance with Section
6 2105-390 of the Department of Professional Regulation Law
7 of the Civil Administrative Code of Illinois.

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

15 (a-5) In enforcing this Section, the Board or Department,
16 upon a showing of a possible violation, may compel any
17 individual licensed to practice under this Act, or who has
18 applied for licensure or certification pursuant to this Act,
19 to submit to a mental or physical examination, or both, as
20 required by and at the expense of the Department. The
21 examining physicians or clinical psychologists shall be those
22 specifically designated by the Department. The Board or the
23 Department may order the examining physician or clinical
24 psychologist to present testimony concerning this mental or
25 physical examination of the licensee or applicant. No
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician or clinical
3 psychologist. Eye examinations may be provided by a licensed
4 optometrist. The individual to be examined may have, at his or
5 her own expense, another physician of his or her choice
6 present during all aspects of the examination. Failure of any
7 individual to submit to a mental or physical examination, when
8 directed, shall be grounds for suspension of a license until
9 such time as the individual submits to the examination if the
10 Board or Department finds, after notice and hearing, that the
11 refusal to submit to the examination was without reasonable
12 cause.

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

1 subject to such conditions, terms, or restrictions, who shall
2 fail to comply with such conditions, terms, or restrictions,
3 shall be referred to the Secretary for a determination as to
4 whether the individual shall have his or her license suspended
5 immediately, pending a hearing by the Board.

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

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

16 Section 105. The Orthotics, Prosthetics, and Pedorthics
17 Practice Act is amended by changing Section 90 as follows:

18 (225 ILCS 84/90)

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

20 Sec. 90. Grounds for discipline.

21 (a) The Department may refuse to issue or renew a license,
22 or may revoke or suspend a license, or may suspend, place on
23 probation, or reprimand a licensee or take other disciplinary
24 or non-disciplinary action as the Department may deem proper,

1 including, but not limited to, the imposition of fines not to
2 exceed \$10,000 for each violation for one or any combination
3 of the following:

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

6 (2) Violations of or negligent or intentional
7 disregard of this Act or its rules.

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

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

21 (5) A pattern of practice or other behavior that
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (6) Gross negligence under this Act.

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

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

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

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

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

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

1 licensee's practice under this Act. Nothing in this
2 paragraph (12) shall be construed to require an employment
3 arrangement to receive professional fees for services
4 rendered.

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

9 (14) Abandonment of a patient or client.

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

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

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

24 (18) Solicitation of professional services using false
25 or misleading advertising.

26 (19) Failure to report actual or alleged reportable

1 misconduct or an investigation related to actual or
2 alleged reportable misconduct in accordance with Section
3 2105-390 of the Department of Professional Regulation Law
4 of the Civil Administrative Code of Illinois.

5 (b) In enforcing this Section, the Department or Board
6 upon a showing of a possible violation, may compel a licensee
7 or applicant to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department. The
9 Department or Board may order the examining physician to
10 present testimony concerning the mental or physical
11 examination of the licensee or applicant. No information shall
12 be excluded by reason of any common law or statutory privilege
13 relating to communications between the licensee or applicant
14 and the examining physician. The examining physicians shall be
15 specifically designated by the Board or Department. The
16 individual to be examined may have, at his or her own expense,
17 another physician of his or her choice present during all
18 aspects of this examination. Failure of an individual to
19 submit to a mental or physical examination, when directed,
20 shall be grounds for the immediate suspension of his or her
21 license until the individual submits to the examination if the
22 Department finds that the refusal to submit to the examination
23 was without reasonable cause as defined by rule.

24 If the Secretary immediately suspends a person's license
25 for his or her failure to submit to a mental or physical
26 examination, when directed, a hearing on that person's license

1 must be convened by the Department within 15 days after the
2 suspension and completed without appreciable delay.

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

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

18 (c) (Blank).

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

1 of delinquency made by the Department of Healthcare and Family
2 Services in accordance with subsection (a)(5) of Section
3 2105-15 of the Department of Professional Regulation Law of
4 the Civil Administrative Code of Illinois.

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

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

15 Section 110. The Pharmacy Practice Act is amended by
16 changing Section 30 as follows:

17 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

19 Sec. 30. Refusal, revocation, suspension, or other
20 discipline.

21 (a) The Department may refuse to issue or renew, or may
22 revoke a license, or may suspend, place on probation, fine, or
23 take any disciplinary or non-disciplinary action as the
24 Department may deem proper, including fines not to exceed

1 \$10,000 for each violation, with regard to any licensee for
2 any one or combination of the following causes:

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

5 2. Violations of this Act, or the rules promulgated
6 hereunder.

7 3. Making any misrepresentation for the purpose of
8 obtaining licenses.

9 4. A pattern of conduct which demonstrates
10 incompetence or unfitness to practice.

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

13 6. Failing, within 60 days, to respond to a written
14 request made by the Department for information.

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

18 8. Adverse action taken by another state or
19 jurisdiction against a license or other authorization to
20 practice as a pharmacy, pharmacist, registered certified
21 pharmacy technician, or registered pharmacy technician
22 that is the same or substantially equivalent to those set
23 forth in this Section, a certified copy of the record of
24 the action taken by the other state or jurisdiction being
25 prima facie evidence thereof.

26 9. Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership, or association
2 any fee, commission, rebate or other form of compensation
3 for any professional services not actually or personally
4 rendered. Nothing in this item 9 affects any bona fide
5 independent contractor or employment arrangements among
6 health care professionals, health facilities, health care
7 providers, or other entities, except as otherwise
8 prohibited by law. Any employment arrangements may include
9 provisions for compensation, health insurance, pension, or
10 other employment benefits for the provision of services
11 within the scope of the licensee's practice under this
12 Act. Nothing in this item 9 shall be construed to require
13 an employment arrangement to receive professional fees for
14 services rendered.

15 10. A finding by the Department that the licensee,
16 after having his license placed on probationary status,
17 has violated the terms of probation.

18 11. Selling or engaging in the sale of drug samples
19 provided at no cost by drug manufacturers.

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

24 13. A finding that licensure or registration has been
25 applied for or obtained by fraudulent means.

26 14. 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 or
6 (ii) a misdemeanor, an essential element of which is
7 dishonesty, or that is directly related to the practice of
8 pharmacy or involves controlled substances.

9 15. Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants or any other chemical agent or drug
11 which results in the inability to practice with reasonable
12 judgment, skill or safety.

13 16. Willfully making or filing false records or
14 reports in the practice of pharmacy, including, but not
15 limited to, false records to support claims against the
16 medical assistance program of the Department of Healthcare
17 and Family Services (formerly Department of Public Aid)
18 under the Public Aid Code.

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

1 18. Dispensing prescription drugs without receiving a
2 written or oral prescription in violation of law.

3 19. Upon a finding of a substantial discrepancy in a
4 Department audit of a prescription drug, including
5 controlled substances, as that term is defined in this Act
6 or in the Illinois Controlled Substances Act.

7 20. Physical or mental illness or any other impairment
8 or disability, including, without limitation: (A)
9 deterioration through the aging process or loss of motor
10 skills that results in the inability to practice with
11 reasonable judgment, skill or safety; or (B) mental
12 incompetence, as declared by a court of competent
13 jurisdiction.

14 21. Violation of the Health Care Worker Self-Referral
15 Act.

16 22. Failing to sell or dispense any drug, medicine, or
17 poison in good faith. "Good faith", for the purposes of
18 this Section, has the meaning ascribed to it in subsection
19 (u) of Section 102 of the Illinois Controlled Substances
20 Act. "Good faith", as used in this item (22), shall not be
21 limited to the sale or dispensing of controlled
22 substances, but shall apply to all prescription drugs.

23 23. Interfering with the professional judgment of a
24 pharmacist by any licensee under this Act, or the
25 licensee's agents or employees.

26 24. Failing to report within 60 days to the Department

1 any adverse final action taken against a pharmacy,
2 pharmacist, registered pharmacy technician, or registered
3 certified pharmacy technician by another licensing
4 jurisdiction in any other state or any territory of the
5 United States or any foreign jurisdiction, any
6 governmental agency, any law enforcement agency, or any
7 court for acts or conduct similar to acts or conduct that
8 would constitute grounds for discipline as defined in this
9 Section.

10 25. Failing to comply with a subpoena issued in
11 accordance with Section 35.5 of this Act.

12 26. Disclosing protected health information in
13 violation of any State or federal law.

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

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

24 29. Using advertisements or making solicitations that
25 may jeopardize the health, safety, or welfare of patients,
26 including, but not limited to, the use of advertisements

1 or solicitations that:

2 (A) are false, fraudulent, deceptive, or
3 misleading; or

4 (B) include any claim regarding a professional
5 service or product or the cost or price thereof that
6 cannot be substantiated by the licensee.

7 30. Requiring a pharmacist to participate in the use
8 or distribution of advertisements or in making
9 solicitations that may jeopardize the health, safety, or
10 welfare of patients.

11 31. Failing to provide a working environment for all
12 pharmacy personnel that protects the health, safety, and
13 welfare of a patient, which includes, but is not limited
14 to, failing to:

15 (A) employ sufficient personnel to prevent
16 fatigue, distraction, or other conditions that
17 interfere with a pharmacist's ability to practice with
18 competency and safety or creates an environment that
19 jeopardizes patient care;

20 (B) provide appropriate opportunities for
21 uninterrupted rest periods and meal breaks;

22 (C) provide adequate time for a pharmacist to
23 complete professional duties and responsibilities,
24 including, but not limited to:

25 (i) drug utilization review;

26 (ii) immunization;

- 1 (iii) counseling;
- 2 (iv) verification of the accuracy of a
- 3 prescription; and
- 4 (v) all other duties and responsibilities of a
- 5 pharmacist as listed in the rules of the
- 6 Department.

7 32. Introducing or enforcing external factors, such as

8 productivity or production quotas or other programs

9 against pharmacists, student pharmacists or pharmacy

10 technicians, to the extent that they interfere with the

11 ability of those individuals to provide appropriate

12 professional services to the public.

13 33. Providing an incentive for or inducing the

14 transfer of a prescription for a patient absent a

15 professional rationale.

16 34. Failure to report actual or alleged reportable

17 misconduct or an investigation related to actual or

18 alleged reportable misconduct in accordance with Section

19 2105-390 of the Department of Professional Regulation Law

20 of the Civil Administrative Code of Illinois.

21 (b) The Department may refuse to issue or may suspend the

22 license of any person who fails to file a return, or to pay the

23 tax, penalty or interest shown in a filed return, or to pay any

24 final assessment of tax, penalty or interest, as required by

25 any tax Act administered by the Illinois Department of

26 Revenue, until such time as the requirements of any such tax

1 Act are satisfied.

2 (c) The Department shall revoke any license issued under
3 the provisions of this Act or any prior Act of this State of
4 any person who has been convicted a second time of committing
5 any felony under the Illinois Controlled Substances Act, or
6 who has been convicted a second time of committing a Class 1
7 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid
8 Code. A person whose license issued under the provisions of
9 this Act or any prior Act of this State is revoked under this
10 subsection (c) shall be prohibited from engaging in the
11 practice of pharmacy in this State.

12 (c-5) The Department shall not revoke, suspend, summarily
13 suspend, place on prohibition, reprimand, refuse to issue or
14 renew, or take any other disciplinary or non-disciplinary
15 action against the license or permit issued under this Act to
16 practice as a pharmacist, registered pharmacy technician, or
17 registered certified pharmacy technician based solely upon the
18 pharmacist, registered pharmacy technician, or registered
19 certified pharmacy technician providing, authorizing,
20 recommending, aiding, assisting, referring for, or otherwise
21 participating in any health care service, so long as the care
22 was not unlawful under the laws of this State, regardless of
23 whether the patient was a resident of this State or another
24 state.

25 (c-10) 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 pharmacist, registered pharmacy technician, or
4 registered certified pharmacy technician based upon the
5 pharmacist's, registered pharmacy technician's, or registered
6 certified pharmacy technician's license being revoked or
7 suspended, or the pharmacist being otherwise disciplined by
8 any other state, if that revocation, suspension, or other form
9 of discipline was based solely on the pharmacist, registered
10 pharmacy technician, or registered certified pharmacy
11 technician violating another state's laws prohibiting the
12 provision of, authorization of, recommendation of, aiding or
13 assisting in, referring for, or participation in any health
14 care service if that health care service as provided would not
15 have been unlawful under the laws of this State and is
16 consistent with the standards of conduct for a pharmacist,
17 registered pharmacy technician, or registered certified
18 pharmacy technician practicing in Illinois.

19 (c-15) The conduct specified in subsections (c-5) and
20 (c-10) shall not constitute grounds for suspension under
21 Section 35.16.

22 (c-20) An applicant seeking licensure, certification, or
23 authorization pursuant to this Act who has been subject to
24 disciplinary action by a duly authorized professional
25 disciplinary agency of another jurisdiction solely on the
26 basis of having provided, authorized, recommended, aided,

1 assisted, referred for, or otherwise participated in health
2 care shall not be denied such licensure, certification, or
3 authorization, unless the Department determines that such
4 action would have constituted reportable ~~professional~~
5 misconduct in this State; however, nothing in this Section
6 shall be construed as prohibiting the Department from
7 evaluating the conduct of such applicant and making a
8 determination regarding the licensure, certification, or
9 authorization to practice a profession under this Act.

10 (d) Fines may be imposed in conjunction with other forms
11 of disciplinary action, but shall not be the exclusive
12 disposition of any disciplinary action arising out of conduct
13 resulting in death or injury to a patient. Fines shall be paid
14 within 60 days or as otherwise agreed to by the Department. Any
15 funds collected from such fines shall be deposited in the
16 Illinois State Pharmacy Disciplinary Fund.

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

26 (f) The Department shall issue quarterly to the Board a

1 status of all complaints related to the profession received by
2 the Department.

3 (g) In enforcing this Section, the Board or the
4 Department, upon a showing of a possible violation, may compel
5 any licensee or applicant for licensure under this Act to
6 submit to a mental or physical examination or both, as
7 required by and at the expense of the Department. The
8 examining physician, or multidisciplinary team involved in
9 providing physical and mental examinations led by a physician
10 consisting of one or a combination of licensed physicians,
11 licensed clinical psychologists, licensed clinical social
12 workers, licensed clinical professional counselors, and other
13 professional and administrative staff, shall be those
14 specifically designated by the Department. The Board or the
15 Department may order the examining physician or any member of
16 the multidisciplinary team to present testimony concerning
17 this mental or physical examination of the licensee or
18 applicant. No information, report, or other documents in any
19 way related to the examination shall be excluded by reason of
20 any common law or statutory privilege relating to
21 communication between the licensee or applicant and the
22 examining physician or any member of the multidisciplinary
23 team. The individual to be examined may have, at his or her own
24 expense, another physician of his or her choice present during
25 all aspects of the examination. Failure of any individual to
26 submit to a mental or physical examination when directed shall

1 result in the automatic suspension of his or her license until
2 such time as the individual submits to the examination. If the
3 Board or Department finds a pharmacist, registered certified
4 pharmacy technician, or registered pharmacy technician unable
5 to practice because of the reasons set forth in this Section,
6 the Board or Department shall require such pharmacist,
7 registered certified pharmacy technician, or registered
8 pharmacy technician to submit to care, counseling, or
9 treatment by physicians or other appropriate health care
10 providers approved or designated by the Department as a
11 condition for continued, restored, or renewed licensure to
12 practice. Any pharmacist, registered certified pharmacy
13 technician, or registered pharmacy technician whose license
14 was granted, continued, restored, renewed, disciplined, or
15 supervised, subject to such terms, conditions, or
16 restrictions, and who fails to comply with such terms,
17 conditions, or restrictions or to complete a required program
18 of care, counseling, or treatment, as determined by the chief
19 pharmacy coordinator, shall be referred to the Secretary for a
20 determination as to whether the licensee shall have his or her
21 license suspended immediately, pending a hearing by the Board.
22 In instances in which the Secretary immediately suspends a
23 license under this subsection (g), a hearing upon such
24 person's license must be convened by the Board within 15 days
25 after such suspension and completed without appreciable delay.
26 The Department and Board shall have the authority to review

1 the subject pharmacist's, registered certified pharmacy
2 technician's, or registered pharmacy technician's record of
3 treatment and counseling regarding the impairment.

4 (h) An individual or organization acting in good faith,
5 and not in a willful and wanton manner, in complying with this
6 Section by providing a report or other information to the
7 Board, by assisting in the investigation or preparation of a
8 report or information, by participating in proceedings of the
9 Board, or by serving as a member of the Board shall not, as a
10 result of such actions, be subject to criminal prosecution or
11 civil damages. Any person who reports a violation of this
12 Section to the Department is protected under subsection (b) of
13 Section 15 of the Whistleblower Act.

14 (i) Members of the Board shall have no liability in any
15 action based upon any disciplinary proceedings or other
16 activity performed in good faith as a member of the Board. The
17 Attorney General shall defend all such actions unless he or
18 she determines either that there would be a conflict of
19 interest in such representation or that the actions complained
20 of were not in good faith or were willful and wanton.

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

1 The member must notify the Attorney General within 7 days
2 of receipt of notice of the initiation of any action involving
3 services of the Board. Failure to so notify the Attorney
4 General shall constitute an absolute waiver of the right to a
5 defense and indemnification.

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

9 (j) The Department may adopt rules to implement,
10 administer, and enforce this Section ~~the changes made by this~~
11 ~~amendatory Act of the 102nd General Assembly.~~

12 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;
13 102-1117, eff. 1-13-23.)

14 Section 115. The Illinois Physical Therapy Act is amended
15 by changing Section 17 as follows:

16 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

18 Sec. 17. (1) The Department may refuse to issue or to
19 renew, or may revoke, suspend, place on probation, reprimand,
20 or take other disciplinary action as the Department deems
21 appropriate, including the issuance of fines not to exceed
22 \$5000, with regard to a license for any one or a combination of
23 the following:

24 A. Material misstatement in furnishing information to

1 the Department or otherwise making misleading, deceptive,
2 untrue, or fraudulent representations in violation of this
3 Act or otherwise in the practice of the profession;

4 B. Violations of this Act, or of the rules or
5 regulations promulgated hereunder;

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

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

18 E. A pattern of practice or other behavior which
19 demonstrates incapacity or incompetency to practice under
20 this Act;

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

23 G. Failing, within 60 days, to provide information in
24 response to a written request made by the Department;

25 H. Engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public. Unprofessional conduct shall
2 include any departure from or the failure to conform to
3 the minimal standards of acceptable and prevailing
4 physical therapy practice, in which proceeding actual
5 injury to a patient need not be established;

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

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

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

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 contained in this paragraph prohibits
25 persons holding valid and current licenses under this Act
26 from practicing physical therapy in partnership under a

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

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

23 N. Abandonment of a patient;

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

1 P. Willfully failing to report an instance of
2 suspected elder abuse or neglect as required by the Elder
3 Abuse Reporting Act;

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

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

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

19 T. Willfully violating or knowingly assisting in the
20 violation of any law of this State relating to the
21 practice of abortion;

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

24 V. Having treated ailments of human beings otherwise
25 than by the practice of physical therapy as defined in
26 this Act, or having treated ailments of human beings as a

1 licensed physical therapist in violation of Section 1.2;

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

9 X. Interpretation of referrals, performance of
10 evaluation procedures, planning or making major
11 modifications of patient programs by a physical therapist
12 assistant;

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

17 Z. Violation of the Health Care Worker Self-Referral
18 Act; and -

19 AA. Failure to report actual or alleged reportable
20 misconduct or an investigation related to actual or
21 alleged reportable misconduct in accordance with Section
22 2105-390 of the Department of Professional Regulation Law
23 of the Civil Administrative Code of Illinois.

24 (2) The determination by a circuit court that a licensee
25 is subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

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

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

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

15 Section 120. The Physician Assistant Practice Act of 1987
16 is amended by changing Section 21 as follows:

17 (225 ILCS 95/21) (from Ch. 111, par. 4621)

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

19 Sec. 21. 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 with regard to any
23 license issued under this Act as the Department may deem
24 proper, including the issuance of fines not to exceed \$10,000

1 for each violation, for any one or combination of the
2 following causes:

3 (1) Material misstatement in furnishing information to
4 the Department.

5 (2) Violations of this Act, or the rules adopted under
6 this Act.

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

16 (4) Making any misrepresentation for the purpose of
17 obtaining licenses.

18 (5) Professional incompetence.

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

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

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

26 (9) Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that results in a physician assistant's inability to
3 practice with reasonable judgment, skill, or safety.

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

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

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

22 (13) Abandonment of a patient.

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

26 (15) Willfully failing to report an instance of

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

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

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

15 (18) (Blank).

16 (19) Gross negligence resulting in permanent injury or
17 death of a patient.

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

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

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

1 (23) Violation of the Health Care Worker Self-Referral
2 Act.

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

5 (25) Making a false or misleading statement regarding
6 his or her skill or the efficacy or value of the medicine,
7 treatment, or remedy prescribed by him or her in the
8 course of treatment.

9 (26) Allowing another person to use his or her license
10 to practice.

11 (27) Prescribing, selling, administering,
12 distributing, giving, or self-administering a drug
13 classified as a controlled substance for other than
14 medically accepted therapeutic purposes.

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

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

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

24 (31) Exceeding the prescriptive authority delegated by
25 the collaborating physician or violating the written
26 collaborative agreement delegating that authority.

1 (32) Practicing without providing to the Department a
2 notice of collaboration or delegation of prescriptive
3 authority.

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

6 (34) Attempting to subvert or cheat on the examination
7 of the National Commission on Certification of Physician
8 Assistants or its successor agency.

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

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

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

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

1 agency, a law enforcement agency, or a court acts or
2 conduct similar to acts or conduct that would constitute
3 grounds for action under this Section.

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

6 (40) Entering into an excessive number of written
7 collaborative agreements with licensed physicians
8 resulting in an inability to adequately collaborate.

9 (41) Repeated failure to adequately collaborate with a
10 collaborating physician.

11 (42) Violating the Compassionate Use of Medical
12 Cannabis Program Act.

13 (43) Failure to report actual or alleged reportable
14 misconduct or an investigation related to actual or
15 alleged reportable misconduct in accordance with Section
16 2105-390 of the Department of Professional Regulation Law
17 of the Civil Administrative Code of Illinois.

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 reportable ~~professional~~
11 misconduct in this State; however, nothing in this Section
12 shall be construed as prohibiting the Department from
13 evaluating the conduct of such applicant and making a
14 determination regarding the licensure, certification, or
15 authorization to practice a profession under 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,
7 administer, and enforce this Section ~~the changes made by this~~
8 ~~amendatory Act of the 102nd General 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 125. The Podiatric Medical Practice Act of 1987 is
12 amended by changing Section 24 as follows:

13 (225 ILCS 100/24) (from Ch. 111, par. 4824)

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

15 Sec. 24. Grounds for disciplinary action. The Department
16 may refuse to issue, may refuse to renew, may refuse to
17 restore, may suspend, or may revoke any license, or may place
18 on probation, reprimand or take other disciplinary or
19 non-disciplinary action as the Department may deem proper,
20 including fines not to exceed \$10,000 for each violation upon
21 anyone licensed under this Act for any of the following
22 reasons:

23 (1) Making a material misstatement in furnishing
24 information to the Department.

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

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

12 (4) Making any misrepresentation for the purpose of
13 obtaining licenses, or violating any provision of this Act
14 or the rules promulgated thereunder pertaining to
15 advertising.

16 (5) Professional incompetence.

17 (6) Gross or repeated malpractice or negligence.

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

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

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

25 (10) Habitual or excessive use of alcohol, narcotics,
26 stimulants, or other chemical agent or drug that results

1 in the inability to practice podiatric medicine with
2 reasonable judgment, skill or safety.

3 (11) Discipline by another United States jurisdiction
4 if at least one of the grounds for the discipline is the
5 same or substantially equivalent to those set forth in
6 this Section.

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

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

12 (14) Abandonment of a patient.

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

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

25 (18) Solicitation of professional services other than
26 permitted advertising.

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

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

14 (21) Revocation or suspension or other action taken
15 with respect to a podiatric medical license in another
16 jurisdiction that would constitute disciplinary action
17 under this Act.

18 (22) Promotion of the sale of drugs, devices,
19 appliances, or goods provided for a patient in such manner
20 as to exploit the patient for financial gain of the
21 podiatric physician.

22 (23) Gross, willful, and continued overcharging for
23 professional services including filing false statements
24 for collection of fees for those services, including, but
25 not limited to, filing false statement for collection of
26 monies for services not rendered from the medical

1 assistance program of the Department of Healthcare and
2 Family Services (formerly Department of Public Aid) under
3 the Illinois Public Aid Code or other private or public
4 third party payor.

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

12 (25) Willfully making or filing false records or
13 reports in the practice of podiatric medicine, including,
14 but not limited to, false records to support claims
15 against the medical assistance program of the Department
16 of Healthcare and Family Services (formerly Department of
17 Public Aid) under the Illinois Public Aid Code.

18 (26) (Blank).

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

22 (28) Violation of the Health Care Worker Self-Referral
23 Act.

24 (29) Failure to report to the Department any adverse
25 final action taken against him or her by another licensing
26 jurisdiction of the United States or any foreign state or

1 country, any peer review body, any health care
2 institution, any professional society or association, any
3 governmental agency, any law enforcement agency, or any
4 court for acts or conduct similar to acts or conduct that
5 would constitute grounds for action as defined in this
6 Section.

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

11 (31) Being named as a perpetrator in an indicated
12 report by the Department on Aging under the Adult
13 Protective Services Act, and upon proof by clear and
14 convincing evidence that the licensee has caused an
15 eligible adult to be abused, neglected, or financially
16 exploited as defined in the Adult Protective Services Act.

17 (32) Failure to report actual or alleged reportable
18 misconduct or an investigation related to actual or
19 alleged reportable misconduct in accordance with Section
20 2105-390 of the Department of Professional Regulation Law
21 of the Civil Administrative Code of Illinois.

22 The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, or to pay the
24 tax, penalty, or interest shown in a filed return, or to pay
25 any final assessment of tax, penalty, or interest, as required
26 by any tax Act administered by the Illinois Department of

1 Revenue, until such time as the requirements of any such tax
2 Act are satisfied.

3 Upon receipt of a written communication from the Secretary
4 of Human Services, the Director of Healthcare and Family
5 Services (formerly Director of Public Aid), or the Director of
6 Public Health that continuation of practice of a person
7 licensed under this Act constitutes an immediate danger to the
8 public, the Secretary may immediately suspend the license of
9 such person without a hearing. In instances in which the
10 Secretary immediately suspends a license under this Section, a
11 hearing upon such person's license must be convened by the
12 Board within 15 days after such suspension and completed
13 without appreciable delay, such hearing held to determine
14 whether to recommend to the Secretary that the person's
15 license be revoked, suspended, placed on probationary status,
16 or restored, or such person be subject to other disciplinary
17 action. In such hearing, the written communication and any
18 other evidence submitted therewith may be introduced as
19 evidence against such person; provided, however, the person or
20 his counsel shall have the opportunity to discredit or impeach
21 such evidence and submit evidence rebutting the same.

22 Except for fraud in procuring a license, all proceedings
23 to suspend, revoke, place on probationary status, or take any
24 other disciplinary action as the Department may deem proper,
25 with regard to a license on any of the foregoing grounds, must
26 be commenced within 5 years after receipt by the Department of

1 a complaint alleging the commission of or notice of the
2 conviction order for any of the acts described in this
3 Section. Except for the grounds set forth in items (8), (9),
4 (26), and (29) of this Section, no action shall be commenced
5 more than 10 years after the date of the incident or act
6 alleged to have been a violation of this Section. In the event
7 of the settlement of any claim or cause of action in favor of
8 the claimant or the reduction to final judgment of any civil
9 action in favor of the plaintiff, such claim, cause of action,
10 or civil action being grounded on the allegation that a person
11 licensed under this Act was negligent in providing care, the
12 Department shall have an additional period of 2 years from the
13 date of notification to the Department under Section 26 of
14 this Act of such settlement or final judgment in which to
15 investigate and commence formal disciplinary proceedings under
16 Section 24 of this Act, except as otherwise provided by law.
17 The time during which the holder of the license was outside the
18 State of Illinois shall not be included within any period of
19 time limiting the commencement of disciplinary action by the
20 Department.

21 In enforcing this Section, the Department or Board upon a
22 showing of a possible violation may compel an individual
23 licensed to practice under this Act, or who has applied for
24 licensure under this Act, to submit to a mental or physical
25 examination, or both, as required by and at the expense of the
26 Department. The Department or Board may order the examining

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

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

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

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

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

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

22 Section 130. The Respiratory Care Practice Act is amended
23 by changing Section 95 as follows:

24 (225 ILCS 106/95)

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

2 Sec. 95. Grounds for discipline.

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

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

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

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

23 (4) Making any misrepresentation for the purpose of
24 obtaining a license.

25 (5) Professional incompetence or negligence in the
26 rendering of respiratory care services.

1 (6) Malpractice.

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

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

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

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

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

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

1 require an employment arrangement to receive professional
2 fees for services rendered.

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

8 (14) Abandonment of a patient.

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

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

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

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

23 (19) Solicitation of professional services by using
24 false or misleading advertising.

25 (20) Failure to file a tax return, or to pay the tax,
26 penalty, or interest shown in a filed return, or to pay any

1 final assessment of tax penalty, or interest, as required
2 by any tax Act administered by the Illinois Department of
3 Revenue or any successor agency or the Internal Revenue
4 Service or any successor agency.

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

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

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

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

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

1 self-neglect of an adult with disabilities or an older
2 adult as required by the Adult Protective Services Act.

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

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

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

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

17 (30) Failure to report actual or alleged reportable
18 misconduct or an investigation related to actual or
19 alleged reportable misconduct in accordance with Section
20 2105-390 of the Department of Professional Regulation Law
21 of the Civil Administrative Code of Illinois.

22 (b) The determination by a court that a licensee is
23 subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code will result in an automatic suspension of his or her
26 license. The suspension will end upon a finding by a court that

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

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

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

11 Section 135. The Professional Counselor and Clinical
12 Professional Counselor Licensing and Practice Act is amended
13 by changing Section 80 as follows:

14 (225 ILCS 107/80)

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

16 Sec. 80. Grounds for discipline.

17 (a) The Department may refuse to issue, renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or non-disciplinary action as the Department
20 deems appropriate, including the issuance of fines not to
21 exceed \$10,000 for each violation, with regard to any license
22 for any one or more of the following:

23 (1) Material misstatement in furnishing information to
24 the Department or to any other State agency.

1 (2) Violations or negligent or intentional disregard
2 of this Act or rules adopted under this Act.

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

12 (4) Fraud or any misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal of a license under this Act.

15 (5) Professional incompetence or gross negligence in
16 the rendering of professional counseling or clinical
17 professional counseling services.

18 (6) Malpractice.

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

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

23 (9) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public and violating the rules of
26 professional conduct adopted by the Department.

1 (10) Habitual or excessive use or abuse of drugs as
2 defined in law as controlled substances, alcohol, or any
3 other substance which results in inability to practice
4 with reasonable skill, judgment, or safety.

5 (11) Discipline by another jurisdiction, the District
6 of Columbia, territory, county, or governmental agency, if
7 at least one of the grounds for the discipline is the same
8 or substantially equivalent to those set forth in this
9 Section.

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

25 (13) A finding by the Board that the licensee, after
26 having the license placed on probationary status, has

1 violated the terms of probation.

2 (14) Abandonment of a client.

3 (15) Willfully filing false reports relating to a
4 licensee's practice, including but not limited to false
5 records filed with federal or State agencies or
6 departments.

7 (16) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act and in matters
10 pertaining to suspected abuse, neglect, financial
11 exploitation, or self-neglect of adults with disabilities
12 and older adults as set forth in the Adult Protective
13 Services Act.

14 (17) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 pursuant to the Abused and Neglected Child Reporting Act,
17 and 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 (18) Physical or mental illness or disability,
22 including, but not limited to, deterioration through the
23 aging process or loss of abilities and skills which
24 results in the inability to practice the profession with
25 reasonable judgment, skill, or safety.

26 (19) Solicitation of professional services by using

1 false or misleading advertising.

2 (20) Allowing one's license under this Act to be used
3 by an unlicensed person in violation of this Act.

4 (21) A finding that licensure has been applied for or
5 obtained by fraudulent means.

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

8 (23) Gross and willful overcharging for professional
9 services including filing statements for collection of
10 fees or moneys for which services are not rendered.

11 (24) Rendering professional counseling or clinical
12 professional counseling services without a license or
13 practicing outside the scope of a license.

14 (25) Clinical supervisors failing to adequately and
15 responsibly monitor supervisees.

16 (26) Failure to report actual or alleged reportable
17 misconduct or an investigation related to actual or
18 alleged reportable misconduct in accordance with Section
19 2105-390 of the Department of Professional Regulation Law
20 of the Civil Administrative Code of Illinois.

21 All fines imposed under this Section shall be paid within
22 60 days after the effective date of the order imposing the
23 fine.

24 (b) (Blank).

25 (b-5) 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, pay the tax, penalty, or interest shown in a filed
3 return, or pay any final assessment of the 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 (g) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code
9 of Illinois.

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

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

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

6 (c-1) The Department shall not revoke, suspend, summarily
7 suspend, place on prohibition, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against the license or permit issued under this Act to
10 practice as a professional counselor or clinical professional
11 counselor based solely upon the professional counselor or
12 clinical professional counselor authorizing, recommending,
13 aiding, assisting, referring for, or otherwise participating
14 in any health care service, so long as the care was not
15 unlawful under the laws of this State, regardless of whether
16 the patient was a resident of this State or another state.

17 (c-2) The Department shall not revoke, suspend, summarily
18 suspend, place on prohibition, reprimand, refuse to issue or
19 renew, or take any other disciplinary or non-disciplinary
20 action against the license or permit issued under this Act to
21 practice as a professional counselor or clinical professional
22 counselor based upon the professional counselor's or clinical
23 professional counselor's license being revoked or suspended,
24 or the professional counselor or clinical professional
25 counselor being otherwise disciplined by any other state, if
26 that revocation, suspension, or other form of discipline was

1 based solely on the professional counselor or clinical
2 professional counselor violating another state's laws
3 prohibiting the provision of, authorization of, recommendation
4 of, aiding or assisting in, referring for, or participation in
5 any health care service if that health care service as
6 provided would not have been unlawful under the laws of this
7 State and is consistent with the standards of conduct for a
8 professional counselor or clinical professional counselor
9 practicing in Illinois.

10 (c-3) The conduct specified in subsection (c-1), (c-2),
11 (c-6), or (c-7) shall not constitute grounds for suspension
12 under Section 145.

13 (c-4) An applicant seeking licensure, certification, or
14 authorization pursuant to this Act who has been subject to
15 disciplinary action by a duly authorized professional
16 disciplinary agency of another jurisdiction solely on the
17 basis of having authorized, recommended, aided, assisted,
18 referred for, or otherwise participated in health care shall
19 not be denied such licensure, certification, or authorization,
20 unless the Department determines that such action would have
21 constituted reportable ~~professional~~ misconduct in this State;
22 however, nothing in this Section shall be construed as
23 prohibiting the Department from evaluating the conduct of such
24 applicant and making a determination regarding the licensure,
25 certification, or authorization to practice a profession under
26 this Act.

1 (c-5) In enforcing this Act, the Department, upon a
2 showing of a possible violation, may compel an individual
3 licensed to practice under this Act, or who has applied for
4 licensure under this Act, to submit to a mental or physical
5 examination, or both, as required by and at the expense of the
6 Department. The Department may order the examining physician
7 to present testimony concerning the mental or physical
8 examination of the licensee or applicant. No information shall
9 be excluded by reason of any common law or statutory privilege
10 relating to communications between the licensee or applicant
11 and the examining physician. The examining physicians shall be
12 specifically designated by the Department. The individual to
13 be examined may have, at his or her own expense, another
14 physician of his or her choice present during all aspects of
15 this examination. The examination shall be performed by a
16 physician licensed to practice medicine in all its branches.
17 Failure of an individual to submit to a mental or physical
18 examination, when directed, shall result in an automatic
19 suspension without hearing.

20 All substance-related violations shall mandate an
21 automatic substance abuse assessment. Failure to submit to an
22 assessment by a licensed physician who is certified as an
23 addictionist or an advanced practice registered nurse with
24 specialty certification in addictions may be grounds for an
25 automatic suspension.

26 If the Department finds an individual unable to practice

1 or unfit for duty because of the reasons set forth in this
2 subsection (c-5), the Department may require that individual
3 to submit to a substance abuse evaluation or treatment by
4 individuals or programs approved or designated by the
5 Department, as a condition, term, or restriction for
6 continued, restored, or renewed licensure to practice; or, in
7 lieu of evaluation or treatment, the Department may file, or
8 the Board may recommend to the Department to file, a complaint
9 to immediately suspend, revoke, or otherwise discipline the
10 license of the individual. An individual whose license was
11 granted, continued, restored, renewed, disciplined, or
12 supervised subject to such terms, conditions, or restrictions,
13 and who fails to comply with such terms, conditions, or
14 restrictions, shall be referred to the Secretary for a
15 determination as to whether the individual shall have his or
16 her license suspended immediately, pending a hearing by the
17 Department.

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

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

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

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

25 (c-6) The Department may 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 professional counselor or clinical professional
4 counselor based solely upon an immigration violation by the
5 counselor.

6 (c-7) The Department may not revoke, suspend, summarily
7 suspend, place on prohibition, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against the license or permit issued under this Act to
10 practice as a professional counselor or clinical professional
11 counselor based upon the professional counselor's or clinical
12 professional counselor's license being revoked or suspended,
13 or the professional counselor or clinical professional
14 counselor being otherwise disciplined by any other state, if
15 that revocation, suspension, or other form of discipline was
16 based solely upon an immigration violation by the counselor.

17 (d) (Blank).

18 (e) The Department may adopt rules to implement,
19 administer, and enforce this Section ~~the changes made by this~~
20 ~~amendatory Act of the 102nd General Assembly.~~

21 (Source: P.A. 102-878, eff. 1-1-23; 102-1117, eff. 1-13-23;
22 103-715, eff. 1-1-25.)

23 Section 140. The Sex Offender Evaluation and Treatment
24 Provider Act is amended by changing Section 75 as follows:

1 (225 ILCS 109/75)

2 Sec. 75. Refusal, revocation, or suspension.

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

9 (1) violations of this Act or of the rules adopted
10 under this Act;

11 (2) discipline by the Department under other state law
12 and rules which the licensee is subject to;

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

22 (4) professional incompetence;

23 (5) advertising in a false, deceptive, or misleading
24 manner;

25 (6) aiding, abetting, assisting, procuring, advising,
26 employing, or contracting with any unlicensed person to

1 provide sex offender evaluation or treatment services
2 contrary to any rules or provisions of this Act;

3 (7) engaging in immoral conduct in the commission of
4 any act, such as sexual abuse, sexual misconduct, or
5 sexual exploitation, related to the licensee's practice;

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

9 (9) practicing or offering to practice beyond the
10 scope permitted by law or accepting and performing
11 professional responsibilities which the licensee knows or
12 has reason to know that he or she is not competent to
13 perform;

14 (10) knowingly delegating professional
15 responsibilities to a person unqualified by training,
16 experience, or licensure to perform;

17 (11) failing to provide information in response to a
18 written request made by the Department within 60 days;

19 (12) having a habitual or excessive use of or
20 addiction to alcohol, narcotics, stimulants, or any other
21 chemical agent or drug which results in the inability to
22 practice with reasonable judgment, skill, or safety;

23 (13) having a pattern of practice or other behavior
24 that demonstrates incapacity or incompetence to practice
25 under this Act;

26 (14) discipline by another state, District of

1 Columbia, territory, or foreign nation, if at least one of
2 the grounds for the discipline is the same or
3 substantially equivalent to those set forth in this
4 Section;

5 (15) 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 (16) willfully making or filing false records or
9 reports in his or her practice, including, but not limited
10 to, false records filed with State agencies or
11 departments;

12 (17) making a material misstatement in furnishing
13 information to the Department or otherwise making
14 misleading, deceptive, untrue, or fraudulent
15 representations in violation of this Act or otherwise in
16 the practice of the profession;

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

20 (19) inability to practice the profession with
21 reasonable judgment, skill, or safety as a result of
22 physical illness, including, but not limited to,
23 deterioration through the aging process, loss of motor
24 skill, or a mental illness or disability;

25 (20) charging for professional services not rendered,
26 including filing false statements for the collection of

1 fees for which services are not rendered; ~~or~~

2 (21) practicing under a false or, except as provided
3 by law, an assumed name; or ~~or~~

4 (22) failure to report actual or alleged reportable
5 misconduct or an investigation related to actual or
6 alleged reportable misconduct in accordance with Section
7 2105-390 of the Department of Professional Regulation Law
8 of the Civil Administrative Code of Illinois.

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

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

19 (c) (Blank).

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

1 based solely upon the certification of delinquency made by the
2 Department of Healthcare and Family Services in accordance
3 with item (5) of subsection (a) of Section 2105-15 of the Civil
4 Administrative Code of Illinois.

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

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

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

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

26 In instances in which the Secretary immediately suspends a

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

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

14 (Source: P.A. 100-872, eff. 8-14-18; 101-81, eff. 7-12-19.)

15 Section 145. The Illinois Speech-Language Pathology and
16 Audiology Practice Act is amended by changing Section 16 as
17 follows:

18 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

20 Sec. 16. Refusal, revocation or suspension of licenses.

21 (1) The Department may refuse to issue or renew, or may
22 revoke, suspend, place on probation, censure, reprimand or
23 take other disciplinary or non-disciplinary action as the
24 Department may deem proper, including fines not to exceed

1 \$10,000 for each violation, with regard to any license for any
2 one or combination of the following causes:

3 (a) Fraud in procuring the license.

4 (b) (Blank).

5 (c) Willful or repeated violations of the rules of the
6 Department of Public Health.

7 (d) Division of fees or agreeing to split or divide
8 the fees received for speech-language pathology or
9 audiology services with any person for referring an
10 individual, or assisting in the care or treatment of an
11 individual, without the knowledge of the individual or his
12 or her legal representative. Nothing in this paragraph (d)
13 affects any bona fide independent contractor or employment
14 arrangements among health care professionals, health
15 facilities, health care providers, or other entities,
16 except as otherwise prohibited by law. Any employment
17 arrangements may include provisions for compensation,
18 health insurance, pension, or other employment benefits
19 for the provision of services within the scope of the
20 licensee's practice under this Act. Nothing in this
21 paragraph (d) shall be construed to require an employment
22 arrangement to receive professional fees for services
23 rendered.

24 (e) Employing, procuring, inducing, aiding or abetting
25 a person not licensed as a speech-language pathologist or
26 audiologist to engage in the unauthorized practice of

1 speech-language pathology or audiology.

2 (e-5) Employing, procuring, inducing, aiding, or
3 abetting a person not licensed as a speech-language
4 pathology assistant to perform the functions and duties of
5 a speech-language pathology assistant.

6 (f) Making any misrepresentations or false promises,
7 directly or indirectly, to influence, persuade or induce
8 patronage.

9 (g) Professional connection or association with, or
10 lending his or her name to another for the illegal
11 practice of speech-language pathology or audiology by
12 another, or professional connection or association with
13 any person, firm or corporation holding itself out in any
14 manner contrary to this Act.

15 (h) Obtaining or seeking to obtain checks, money, or
16 any other things of value by false or fraudulent
17 representations, including but not limited to, engaging in
18 such fraudulent practice to defraud the medical assistance
19 program of the Department of Healthcare and Family
20 Services (formerly Department of Public Aid).

21 (i) Practicing under a name other than his or her own.

22 (j) Improper, unprofessional or dishonorable conduct
23 of a character likely to deceive, defraud or harm the
24 public.

25 (k) Conviction by plea of guilty or nolo contendere,
26 finding of guilt, jury verdict, or entry of judgment or

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

8 (l) Permitting a person under his or her supervision
9 to perform any function not authorized by this Act.

10 (m) A violation of any provision of this Act or rules
11 promulgated thereunder.

12 (n) Discipline by another state, the District of
13 Columbia, territory, or foreign nation of a license to
14 practice speech-language pathology or audiology or a
15 license to practice as a speech-language pathology
16 assistant in its jurisdiction if at least one of the
17 grounds for that discipline is the same as or the
18 equivalent of one of the grounds for discipline set forth
19 herein.

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

23 (p) Gross or repeated malpractice.

24 (q) Willfully making or filing false records or
25 reports in his or her practice as a speech-language
26 pathologist, speech-language pathology assistant, or

1 audiologist, including, but not limited to, false records
2 to support claims against the public assistance program of
3 the Department of Healthcare and Family Services (formerly
4 Illinois Department of Public Aid).

5 (r) Professional incompetence as manifested by poor
6 standards of care or mental incompetence as declared by a
7 court of competent jurisdiction.

8 (s) Repeated irregularities in billing a third party
9 for services rendered to an individual. For purposes of
10 this Section, "irregularities in billing" shall include:

11 (i) reporting excessive charges for the purpose of
12 obtaining a total payment in excess of that usually
13 received by the speech-language pathologist,
14 speech-language pathology assistant, or audiologist
15 for the services rendered;

16 (ii) reporting charges for services not rendered;
17 or

18 (iii) incorrectly reporting services rendered for
19 the purpose of obtaining payment not earned.

20 (t) (Blank).

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

23 (v) Inability to practice with reasonable judgment,
24 skill, or safety as a result of habitual or excessive use
25 of or addiction to alcohol, narcotics, or stimulants or
26 any other chemical agent or drug or as a result of physical

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

4 (w) Violation of the Hearing Instrument Consumer
5 Protection Act.

6 (x) Failure by a speech-language pathology assistant
7 and supervising speech-language pathologist to comply with
8 the supervision requirements set forth in Section 8.8.

9 (y) Willfully exceeding the scope of duties
10 customarily undertaken by speech-language pathology
11 assistants set forth in Section 8.7 that results in, or
12 may result in, harm to the public.

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

17 (aa) 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
21 eligible adult to be abused, neglected, or financially
22 exploited as defined in the Adult Protective Services Act.

23 (bb) Violating Section 8.2 of this Act.

24 (cc) Violating Section 8.3 of this Act.

25 (dd) Failure to report actual or alleged reportable
26 misconduct or an investigation related to actual or

1 alleged reportable misconduct in accordance with Section
2 2105-390 of the Department of Professional Regulation Law
3 of the Civil Administrative Code of Illinois.

4 (2) (Blank).

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

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

26 (5) In enforcing this Section, the Board upon a showing of

1 a possible violation may compel an individual licensed to
2 practice under this Act, or who has applied for licensure
3 pursuant to this Act, to submit to a mental or physical
4 examination, or both, as required by and at the expense of the
5 Department. The examining physicians or clinical psychologists
6 shall be those specifically designated by the Board. The
7 individual to be examined may have, at his or her own expense,
8 another physician or clinical psychologist of his or her
9 choice present during all aspects of this examination. Failure
10 of any individual to submit to a mental or physical
11 examination, when directed, shall be grounds for suspension of
12 his or her license until the individual submits to the
13 examination if the Board finds, after notice and hearing, that
14 the refusal to submit to the examination was without
15 reasonable cause.

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

1 subject to such terms, conditions, or restrictions, and who
2 fails to comply with such terms, conditions, or restrictions,
3 shall be referred to the Secretary for a determination as to
4 whether the individual shall have his or her license suspended
5 immediately, pending a hearing by the Board.

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

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

20 (Source: P.A. 100-530, eff. 1-1-18; 100-872, eff. 8-14-18.)

21 Section 150. The Perfusionist Practice Act is amended by
22 changing Section 105 as follows:

23 (225 ILCS 125/105)

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

1 Sec. 105. Grounds for disciplinary action.

2 (a) The Department may refuse to issue, renew, or restore
3 a license, or may revoke, suspend, place on probation,
4 reprimand, or take any other disciplinary or non-disciplinary
5 action as the Department may deem proper, including fines not
6 to exceed \$10,000 per violation with regard to any license
7 issued under this Act, for any one or a combination of the
8 following reasons:

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

11 (2) Negligence, incompetence, or misconduct in the
12 practice of perfusion.

13 (3) Failure to comply with any provisions of this Act
14 or any of its rules.

15 (4) Fraud or any misrepresentation in applying for or
16 procuring a license under this Act or in connection with
17 applying for renewal or restoration of a license under
18 this Act.

19 (5) Purposefully making false statements or signing
20 false statements, certificates, or affidavits to induce
21 payment.

22 (6) Conviction of or entry of a plea of guilty or nolo
23 contendere, finding of guilt, jury verdict, or entry of
24 judgment or sentencing, including, but not limited to,
25 convictions, preceding sentences of supervision,
26 conditional discharge, or first offender probation under

1 the laws of any jurisdiction of the United States that is
2 (i) a felony or (ii) a misdemeanor, an essential element
3 of which is dishonesty, that is directly related to the
4 practice of the profession of perfusion.

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

7 (8) Failing to provide information in response to a
8 written request made by the Department within 60 days
9 after receipt of such written request.

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

13 (10) Habitual or excessive use or abuse of drugs
14 defined in law as controlled substances, of alcohol,
15 narcotics, stimulants, or any other substances that
16 results in the inability to practice with reasonable
17 judgment, skill, or safety.

18 (11) A finding by the Department that an applicant or
19 licensee has failed to pay a fine imposed by the
20 Department.

21 (12) A finding by the Department that the licensee,
22 after having his or her license placed on probationary
23 status, has violated the terms of probation, or failed to
24 comply with such terms.

25 (13) 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, mental illness, or disability.

4 (14) Discipline by another state, territory, foreign
5 country, the District of Columbia, the United States
6 government, or any other government agency if at least one
7 of the grounds for discipline is the same or substantially
8 equivalent to those set forth in this Act.

9 (15) The making of any willfully false oath or
10 affirmation in any matter or proceeding where an oath or
11 affirmation is required by this Act.

12 (16) Using or attempting to use an expired, inactive,
13 suspended, or revoked license, or the certificate or seal
14 of another, or impersonating another licensee.

15 (17) Directly or indirectly giving to or receiving
16 from any person or entity any fee, commission, rebate, or
17 other form of compensation for any professional service
18 not actually or personally rendered.

19 (18) Willfully making or filing false records or
20 reports related to the licensee's practice, including, but
21 not limited to, false records filed with federal or State
22 agencies or departments.

23 (19) Willfully failing to report an instance of
24 suspected child abuse or neglect as required under the
25 Abused and Neglected Child Reporting Act.

26 (20) Being named as a perpetrator in an indicated

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

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

11 (22) Violation of the Health Care Worker Self-Referral
12 Act.

13 (23) Solicitation of business or professional
14 services, other than permitted advertising.

15 (24) Conviction of or cash compromise of a charge or
16 violation of the Illinois Controlled Substances Act.

17 (25) Gross, willful, or continued overcharging for
18 professional services, including filing false statements
19 for collection of fees for which services are not
20 rendered.

21 (26) Practicing under a false name or, except as
22 allowed by law, an assumed name.

23 (27) Failure to report actual or alleged reportable
24 misconduct or an investigation related to actual or
25 alleged reportable misconduct in accordance with Section
26 2105-390 of the Department of Professional Regulation Law

1 of the Civil Administrative Code of Illinois.

2 (b) In enforcing this Section, the Department or Board,
3 upon a showing of a possible violation, may order a licensee or
4 applicant to submit to a mental or physical examination, or
5 both, at the expense of the Department. The Department or
6 Board may order the examining physician to present testimony
7 concerning his or her examination of the licensee or
8 applicant. No information shall be excluded by reason of any
9 common law or statutory privilege relating to communications
10 between the licensee or applicant and the examining physician.
11 The examining physicians shall be specifically designated by
12 the Board or Department. The licensee or applicant may have,
13 at his or her own expense, another physician of his or her
14 choice present during all aspects of the examination. Failure
15 of a licensee or applicant to submit to any such examination
16 when directed, without reasonable cause as defined by rule,
17 shall be grounds for either the immediate suspension of his or
18 her license or immediate denial of his or her application.

19 (1) If the Secretary immediately suspends the license
20 of a licensee for his or her failure to submit to a mental
21 or physical examination when directed, a hearing must be
22 convened by the Department within 15 days after the
23 suspension and completed without appreciable delay.

24 (2) If the Secretary otherwise suspends a license
25 pursuant to the results of the licensee's mental or
26 physical examination, a hearing must be convened by the

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

8 (3) Any licensee suspended or otherwise affected under
9 this subsection (b) shall be afforded an opportunity to
10 demonstrate to the Department or Board that he or she can
11 resume practice in compliance with the acceptable and
12 prevailing standards under the provisions of his or her
13 license.

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

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

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

10 (e) The Department shall deny a license or renewal
11 authorized by this Act to a person who has failed to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty, or
14 interest as required by any tax Act administered by the
15 Department of Revenue, until the requirements of the tax Act
16 are satisfied in accordance with subsection (g) of Section
17 2105-15 of the Department of Professional Regulation Law of
18 the Civil Administrative Code of Illinois.

19 (Source: P.A. 101-311, eff. 8-9-19; 102-558, eff. 8-20-21.)

20 Section 155. The Registered Surgical Assistant and
21 Registered Surgical Technologist Title Protection Act is
22 amended by changing Section 75 as follows:

23 (225 ILCS 130/75)

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

1 Sec. 75. Grounds for disciplinary action.

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

10 (1) Making a material misstatement in furnishing
11 information to the Department.

12 (2) Violating a provision of this Act or rules adopted
13 under this Act.

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

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

26 (5) Aiding or assisting another person in violating a

1 provision of this Act or its rules.

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

4 (7) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public, as defined by rule of the
7 Department.

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

13 (9) Directly or indirectly giving to or receiving from
14 a person, firm, corporation, partnership, or association a
15 fee, commission, rebate, or other form of compensation for
16 professional services not actually or personally rendered.
17 Nothing in this paragraph (9) affects any bona fide
18 independent contractor or employment arrangements among
19 health care professionals, health facilities, health care
20 providers, or other entities, except as otherwise
21 prohibited by law. Any employment arrangements may include
22 provisions for compensation, health insurance, pension, or
23 other employment benefits for the provision of services
24 within the scope of the registrant's practice under this
25 Act. Nothing in this paragraph (9) shall be construed to
26 require an employment arrangement to receive professional

1 fees for services rendered.

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

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

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

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

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

20 (15) (Blank).

21 (16) Failure to report to the Department (A) any
22 adverse final action taken against the registrant by
23 another registering or licensing jurisdiction, government
24 agency, law enforcement agency, or any court or (B)
25 liability for conduct that would constitute grounds for
26 action as set forth in this Section.

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

5 (18) Physical or mental illness, including, but not
6 limited to, deterioration through the aging process or
7 loss of motor skills, which results in the inability to
8 practice the profession for which the person is registered
9 with reasonable judgment, skill, or safety.

10 (19) Gross malpractice.

11 (20) Immoral conduct in the commission of an act
12 related to the registrant's practice, including, but not
13 limited to, sexual abuse, sexual misconduct, or sexual
14 exploitation.

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

17 (22) Failure to report actual or alleged reportable
18 misconduct or an investigation related to actual or
19 alleged reportable misconduct in accordance with Section
20 2105-390 of the Department of Professional Regulation Law
21 of the Civil Administrative Code of Illinois.

22 (b) The Department may refuse to issue or may suspend
23 without hearing the registration of a person who fails to file
24 a return, to pay the tax, penalty, or interest shown in a filed
25 return, or to pay a final assessment of the tax, penalty, or
26 interest as required by a tax Act administered by the

1 Department of Revenue, until the requirements of the tax Act
2 are satisfied in accordance with subsection (g) of Section
3 2105-15 of the Department of Professional Regulation Law of
4 the Civil Administrative Code of Illinois.

5 (b-1) The Department shall not revoke, suspend, summarily
6 suspend, place on probation, reprimand, refuse to issue or
7 renew, or take any other disciplinary or non-disciplinary
8 action against the license issued under this Act to practice
9 as a registered surgical assistant or registered surgical
10 technologist based solely upon the registered surgical
11 assistant or registered surgical technologist providing,
12 authorizing, recommending, aiding, assisting, referring for,
13 or otherwise participating in any health care service, so long
14 as the care was not unlawful under the laws of this State,
15 regardless of whether the patient was a resident of this State
16 or another state.

17 (b-2) The Department shall not revoke, suspend, summarily
18 suspend, place on prohibition, 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 upon the registered surgical assistant's or
23 registered surgical technologist's license being revoked or
24 suspended, or the registered surgical assistant's or
25 registered surgical technologist's being otherwise disciplined
26 by any other state, if that revocation, suspension, or other

1 form of discipline was based solely on the registered surgical
2 assistant or registered surgical technologist violating
3 another state's laws prohibiting the provision of,
4 authorization of, recommendation of, aiding or assisting in,
5 referring for, or participation in any health care service if
6 that health care service as provided would not have been
7 unlawful under the laws of this State and is consistent with
8 the standards of conduct for the registered surgical assistant
9 or registered surgical technologist practicing in this State.

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

12 (b-4) An applicant seeking licensure, certification, or
13 authorization pursuant to this Act who has been subject to
14 disciplinary action by a duly authorized professional
15 disciplinary agency of another jurisdiction solely on the
16 basis of having provided, authorized, recommended, aided,
17 assisted, referred for, or otherwise participated in health
18 care shall not be denied such licensure, certification, or
19 authorization, unless the Department determines that such
20 action would have constituted reportable ~~professional~~
21 misconduct in this State. Nothing in this Section shall be
22 construed as prohibiting the Department from evaluating the
23 conduct of such applicant and making a determination regarding
24 the licensure, certification, or authorization to practice a
25 profession under this Act.

26 (c) The determination by a circuit court that a registrant

1 is subject to involuntary admission or judicial admission as
2 provided in the Mental Health and Developmental Disabilities
3 Code operates as an automatic suspension. The suspension will
4 end only upon (1) a finding by a court that the patient is no
5 longer subject to involuntary admission or judicial admission,
6 (2) issuance of an order so finding and discharging the
7 patient, and (3) filing of a petition for restoration
8 demonstrating fitness to practice.

9 (d) (Blank).

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

22 (f) In enforcing this Section, the Department, upon a
23 showing of a possible violation, may compel any individual
24 registered under this Act or any individual who has applied
25 for registration to submit to a mental or physical examination
26 and evaluation, or both, that may include a substance abuse or

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

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

1 team to present testimony concerning this examination and
2 evaluation of the registrant or applicant, including testimony
3 concerning any supplemental testing or documents relating to
4 the examination and evaluation. No information, report,
5 record, or other documents in any way related to the
6 examination and evaluation shall be excluded by reason of any
7 common law or statutory privilege relating to communication
8 between the registrant or applicant and the examining
9 physician or any member of the multidisciplinary team. No
10 authorization is necessary from the registrant or applicant
11 ordered to undergo an evaluation and examination for the
12 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. The individual to be examined may
16 have, at the individual's own expense, another physician of
17 the individual's choice present during all aspects of the
18 examination.

19 Failure of any individual to submit to mental or physical
20 examination and evaluation, or both, when directed, shall
21 result in an automatic suspension without a hearing until such
22 time as the individual submits to the examination. If the
23 Department finds a registrant unable to practice because of
24 the reasons set forth in this Section, the Department shall
25 require such registrant to submit to care, counseling, or
26 treatment by physicians approved or designated by the

1 Department as a condition for continued, reinstated, or
2 renewed registration.

3 When the Secretary immediately suspends a registration
4 under this Section, a hearing upon such person's registration
5 must be convened by the Department within 15 days after such
6 suspension and completed without appreciable delay. The
7 Department shall have the authority to review the registrant's
8 record of treatment and counseling regarding the impairment to
9 the extent permitted by applicable federal statutes and
10 regulations safeguarding the confidentiality of medical
11 records.

12 Individuals registered under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate
14 to the Department that they can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of their registration.

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

21 (h) ~~(f)~~ The Department may adopt rules to implement,
22 administer, and enforce this Section ~~the changes made by~~
23 ~~Public Act 102-1117.~~

24 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;
25 103-605, eff. 7-1-24; revised 10-16-24.)

1 Section 160. The Genetic Counselor Licensing Act is
2 amended by changing Section 95 as follows:

3 (225 ILCS 135/95)

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

5 Sec. 95. Grounds for discipline.

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

12 (1) Material misstatement in furnishing information to
13 the Department or to any other State agency.

14 (2) Violations or negligent or intentional disregard
15 of this Act, or any of its rules.

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

25 (4) Making any misrepresentation for the purpose of

1 obtaining a license, or violating any provision of this
2 Act or its rules.

3 (5) Negligence in the rendering of genetic counseling
4 services.

5 (6) Failure to provide genetic testing results and any
6 requested information to a referring physician licensed to
7 practice medicine in all its branches, advanced practice
8 registered nurse, or physician assistant.

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

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

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public and violating the rules of
16 professional conduct adopted by the Department.

17 (10) Failing to maintain the confidentiality of any
18 information received from a client, unless otherwise
19 authorized or required by law.

20 (10.5) Failure to maintain client records of services
21 provided and provide copies to clients upon request.

22 (11) Exploiting a client for personal advantage,
23 profit, or interest.

24 (12) Habitual or excessive use or addiction to
25 alcohol, narcotics, stimulants, or any other chemical
26 agent or drug which results in inability to practice with

1 reasonable skill, judgment, or safety.

2 (13) Discipline by another governmental agency or unit
3 of government, by any jurisdiction of the United States,
4 or by a foreign nation, if at least one of the grounds for
5 the discipline is the same or substantially equivalent to
6 those set forth in this Section.

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

22 (15) A finding by the Department that the licensee,
23 after having the license placed on probationary status,
24 has violated the terms of probation.

25 (16) Failing to refer a client to other health care
26 professionals when the licensee is unable or unwilling to

1 adequately support or serve the client.

2 (17) Willfully filing false reports relating to a
3 licensee's practice, including, but not limited to, false
4 records filed with federal or State agencies or
5 departments.

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

9 (19) Being named as a perpetrator in an indicated
10 report by the Department of Children and Family Services
11 pursuant to the Abused and Neglected Child Reporting Act,
12 and 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 (20) Physical or mental disability, including
17 deterioration through the aging process or loss of
18 abilities and skills which results in the inability to
19 practice the profession with reasonable judgment, skill,
20 or safety.

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

23 (22) Failure to file a return, or to pay the tax,
24 penalty of 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 (23) Fraud or making any misrepresentation in applying
4 for or procuring a license under this Act or in connection
5 with applying for renewal of a license under this Act.

6 (24) Practicing or attempting to practice under a name
7 other than the full name as shown on the license or any
8 other legally authorized name.

9 (25) Gross overcharging for professional services,
10 including filing statements for collection of fees or
11 moneys for which services are not rendered.

12 (26) (Blank).

13 (27) Charging for professional services not rendered,
14 including filing false statements for the collection of
15 fees for which services are not rendered.

16 (28) Allowing one's license under this Act to be used
17 by an unlicensed person in violation of this Act.

18 (29) Failure to report actual or alleged reportable
19 misconduct or an investigation related to actual or
20 alleged reportable misconduct in accordance with Section
21 2105-390 of the Department of Professional Regulation Law
22 of the Civil Administrative Code of Illinois.

23 (b) (Blank).

24 (b-5) The Department shall not revoke, suspend, summarily
25 suspend, place on prohibition, reprimand, refuse to issue or
26 renew, or take any other disciplinary or non-disciplinary

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

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

23 (b-15) The conduct specified in subsections (b-5) and
24 (b-10) shall not constitute grounds for suspension under
25 Section 160.

26 (b-20) An applicant seeking licensure, certification, or

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

14 (c) The determination by a court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code will result in an automatic suspension of the license.
18 The suspension will end upon a finding by a court that the
19 licensee is no longer subject to involuntary admission or
20 judicial admission, the issuance of an order so finding and
21 discharging the patient, and the determination of the
22 Secretary that the licensee be allowed to resume professional
23 practice.

24 (d) The Department may refuse to issue or renew or may
25 suspend without hearing the license of any person who fails to
26 file a return, to pay the tax penalty or interest shown in a

1 filed return, or to pay any final assessment of the tax,
2 penalty, or interest as required by any Act regarding the
3 payment of taxes administered by the Illinois Department of
4 Revenue until the requirements of the Act are satisfied in
5 accordance with subsection (g) of Section 2105-15 of the Civil
6 Administrative Code of Illinois.

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

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

23 (g) The Department may adopt rules to implement,
24 administer, and enforce this Section ~~the changes made by this~~
25 ~~amendatory Act of the 102nd General Assembly.~~

26 (Source: P.A. 102-1117, eff. 1-13-23; 103-763, eff. 1-1-25.)

1 Section 165. The Illinois Adverse Health Care Events
2 Reporting Law of 2005 is amended by changing Section 10-30 as
3 follows:

4 (410 ILCS 522/10-30)

5 Sec. 10-30. Establishment of reporting system.

6 (a) The Department shall establish an adverse health event
7 reporting system that will be fully operational by January 1,
8 2008 and designed to facilitate quality improvement in the
9 health care system through communication and collaboration
10 among the Department and health care facilities. The reporting
11 system shall not be designed or used to punish errors or,
12 except to enforce this Law, investigate or take disciplinary
13 action against health care facilities, health care
14 practitioners, or health care facility employees, with the
15 exception of allegations of abuse as set forth in Section 9.6
16 of the Hospital Licensing Act. The Department may not use the
17 adverse health care event reports, findings of the root cause
18 analyses, and corrective action plans filed under this Law for
19 any purpose not stated in this Law, including, but not limited
20 to, using such information for investigating possible
21 violations of the reporting health care facility's licensing
22 act or its regulations, with the exception of allegations of
23 abuse as set forth in Section 9.6 of Hospital Licensing Act.
24 The Department is not authorized to select from or between

1 competing alternate health care treatments, services, or
2 practices.

3 (b) The reporting system shall consist of:

4 (1) Mandatory reporting by health care facilities of
5 adverse health care events.

6 (2) Mandatory completion of a root cause analysis and
7 a corrective action plan by the health care facility and
8 reporting of the findings of the analysis and the plan to
9 the Department or reporting of reasons for not taking
10 corrective action.

11 (3) Analysis of reported information by the Department
12 to determine patterns of systemic failure in the health
13 care system and successful methods to correct these
14 failures.

15 (4) Sanctions against health care facilities for
16 failure to comply with reporting system requirements.

17 (5) Communication from the Department to health care
18 facilities, to maximize the use of the reporting system to
19 improve health care quality.

20 (c) In establishing the adverse health event reporting
21 system, including the design of the reporting format and
22 annual report, the Department must consult with and seek input
23 from experts and organizations specializing in patient safety.

24 (d) The Department must design the reporting system so
25 that a health care facility may file by electronic means the
26 reports required under this Law. The Department shall

1 encourage a health care facility to use the electronic filing
2 option when that option is feasible for the health care
3 facility.

4 (e) Nothing in this Section prohibits a health care
5 facility from taking any remedial action in response to the
6 occurrence of an adverse health care event.

7 (Source: P.A. 94-242, eff. 7-18-05.)

8 Section 170. The Professional Service Corporation Act is
9 amended by changing Section 13 as follows:

10 (805 ILCS 10/13) (from Ch. 32, par. 415-13)

11 Sec. 13. The regulating authority which issued the
12 certificate of registration may suspend or revoke the
13 certificate or may otherwise discipline the certificate holder
14 for any of the following reasons:

15 (a) The revocation or suspension of the license to
16 practice the profession of any officer, director, shareholder
17 or employee not promptly removed or discharged by the
18 corporation; (b) unethical professional conduct on the part of
19 any officer, director, shareholder or employee not promptly
20 removed or discharged by the corporation; (c) the death of the
21 last remaining shareholder; (d) upon finding that the holder
22 of a certificate has failed to comply with the provisions of
23 this Act or the regulations prescribed by the regulating
24 authority that issued it; ~~or~~ (e) the failure to file a return,

1 or to pay the tax, penalty or interest shown in a filed return,
2 or to pay any final assessment of tax, penalty or interest, as
3 required by any tax Act administered by the Illinois
4 Department of Revenue, until such time as the requirements of
5 any such tax Act are satisfied; or (f) for a certificate of
6 registration issued by the Department of Financial and
7 Professional Regulation, a willful or reckless failure to
8 report in accordance with Section 2105-391 of the Department
9 of Professional Regulation Law of the Civil Administrative
10 Code of Illinois.

11 Before any certificate of registration is suspended or
12 revoked, the holder shall be given written notice of the
13 proposed action and the reasons therefor, and shall provide a
14 public hearing by the regulating authority, with the right to
15 produce testimony and other evidence concerning the charges
16 made. The notice shall also state the place and date of the
17 hearing which shall be at least 10 days after service of said
18 notice.

19 All orders of regulating authorities denying an
20 application for a certificate of registration, suspending or
21 revoking a certificate of registration, or imposing a civil
22 penalty shall be subject to judicial review pursuant to the
23 provisions of the Administrative Review Law, as now or
24 hereafter amended, and the rules adopted pursuant thereto then
25 in force.

26 The proceedings for judicial review shall be commenced in

1 the circuit court of the county in which the party applying for
2 review is located. If the party is not currently located in
3 Illinois, the venue shall be in Sangamon County. The
4 regulating authority shall not be required to certify any
5 record to the court or file any answer in court or otherwise
6 appear in any court in a judicial review proceeding, unless
7 and until the regulating authority has received from the
8 plaintiff payment of the costs of furnishing and certifying
9 the record, which costs shall be determined by the regulating
10 authority. Exhibits shall be certified without cost. Failure
11 on the part of the plaintiff to file a receipt in court is
12 grounds for dismissal of the action.

13 (Source: P.A. 99-227, eff. 8-3-15.)

14 Section 175. The Medical Corporation Act is amended by
15 changing Section 10 as follows:

16 (805 ILCS 15/10) (from Ch. 32, par. 640)

17 Sec. 10. The Department may suspend or revoke any
18 certificate of registration or may otherwise discipline the
19 certificate holder for any of the following reasons: (a) the
20 revocation or suspension of the license to practice medicine
21 of any officer, director, shareholder or employee not promptly
22 removed or discharged by the corporation; (b) unethical
23 professional conduct on the part of any officer, director,
24 shareholder or employee not promptly removed or discharged by

1 the corporation; (c) the death of the last remaining
2 shareholder; ~~or~~ (d) upon finding that the holder of a
3 certificate has failed to comply with the provisions of this
4 Act or the regulations prescribed by the Department; or (e) a
5 willful or reckless failure to report in accordance with
6 Section 2105-391 of the Department of Professional Regulation
7 Law of the Civil Administrative Code of Illinois.

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

15 (Source: P.A. 99-227, eff. 8-3-15.)

16 Section 180. The Professional Limited Liability Company
17 Act is amended by changing Section 25 as follows:

18 (805 ILCS 185/25)

19 Sec. 25. Suspension, revocation or discipline of
20 certificate of registration.

21 (a) The Department may suspend, revoke, or otherwise
22 discipline the certificate of registration of a professional
23 limited liability company or a limited liability company for
24 any of the following reasons:

1 (1) the revocation or suspension of the license to
2 practice the profession of any officer, manager, member,
3 agent, or employee not promptly removed or discharged by
4 the professional limited liability company;

5 (2) unethical professional conduct on the part of any
6 officer, manager, member, agent, or employee not promptly
7 removed or discharged by the professional limited
8 liability company;

9 (3) the death of the last remaining member;

10 (4) upon finding that the holder of the certificate
11 has failed to comply with the provisions of this Act or the
12 regulations prescribed by the Department; ~~or~~

13 (5) the failure to file a return, to pay the tax,
14 penalty, or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty, or interest, as required
16 by a tax Act administered by the Illinois Department of
17 Revenue, until such time as the requirements of any such
18 tax Act are satisfied; or -

19 (6) the willful or reckless failure to report in
20 accordance with Section 2105-391 of the Department of
21 Professional Regulation Law of the Civil Administrative
22 Code of Illinois.

23 (b) Before any certificate of registration is suspended or
24 revoked, the holder shall be given written notice of the
25 proposed action and the reasons for the proposed action and
26 shall be provided a public hearing by the Department with the

1 right to produce testimony and other evidence concerning the
2 charges made. The notice shall also state the place and date of
3 the hearing, which shall be at least 10 days after service of
4 the notice.

5 (c) All orders of the Department denying an application
6 for a certificate of registration or suspending or revoking a
7 certificate of registration or imposing a civil penalty shall
8 be subject to judicial review pursuant to the Administrative
9 Review Law.

10 (d) The proceedings for judicial review shall be commenced
11 in the circuit court of the county in which the party applying
12 for review is located. If the party is not currently located in
13 Illinois, the venue shall be in Sangamon County. The
14 Department shall not be required to certify any record to the
15 court or file any answer in court or otherwise appear in any
16 court in a judicial review proceeding, unless and until the
17 Department has received from the plaintiff payment of the
18 costs of furnishing and certifying the record, which costs
19 shall be determined by the Department. Exhibits shall be
20 certified without cost. Failure on the part of the plaintiff
21 to file a receipt in court is grounds for dismissal of the
22 action.

23 (Source: P.A. 99-227, eff. 8-3-15.)

24 Section 995. No acceleration or delay. Where this Act
25 makes changes in a statute that is represented in this Act by

1 text that is not yet or no longer in effect (for example, a
2 Section represented by multiple versions), the use of that
3 text does not accelerate or delay the taking effect of (i) the
4 changes made by this Act or (ii) provisions derived from any
5 other Public Act.

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19	225 ILCS 56/95	
20	225 ILCS 57/45	
21	225 ILCS 60/22	from Ch. 111, par. 4400-22
22	225 ILCS 60/23	from Ch. 111, par. 4400-23
23	225 ILCS 63/110	
24	225 ILCS 64/100	
25	225 ILCS 65/65-65	was 225 ILCS 65/15-55

1	225 ILCS 65/70-5	was 225 ILCS 65/10-45
2	225 ILCS 70/17	from Ch. 111, par. 3667
3	225 ILCS 75/19	from Ch. 111, par. 3719
4	225 ILCS 80/24	from Ch. 111, par. 3924
5	225 ILCS 84/90	
6	225 ILCS 85/30	from Ch. 111, par. 4150
7	225 ILCS 90/17	from Ch. 111, par. 4267
8	225 ILCS 95/21	from Ch. 111, par. 4621
9	225 ILCS 100/24	from Ch. 111, par. 4824
10	225 ILCS 106/95	
11	225 ILCS 107/80	
12	225 ILCS 109/75	
13	225 ILCS 110/16	from Ch. 111, par. 7916
14	225 ILCS 125/105	
15	225 ILCS 130/75	
16	225 ILCS 135/95	
17	410 ILCS 522/10-30	
18	805 ILCS 10/13	from Ch. 32, par. 415-13
19	805 ILCS 15/10	from Ch. 32, par. 640
20	805 ILCS 185/25	