



Sen. Suzy Glowiak Hilton

Filed: 4/1/2025

10400SB2494sam001

LRB104 09451 AAS 24535 a

1 AMENDMENT TO SENATE BILL 2494

2 AMENDMENT NO. _____. Amend Senate Bill 2494 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.36 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.36)

7 Sec. 4.36. Acts repealed on January 1, 2026. The following
8 Acts are repealed on January 1, 2026:

9 The Barber, Cosmetology, Esthetics, Hair Braiding, and
10 Nail Technology Act of 1985.

11 The Collection Agency Act.

12 The Hearing Instrument Consumer Protection Act.

13 ~~The Illinois Athletic Trainers Practice Act.~~

14 The Illinois Dental Practice Act.

15 The Illinois Roofing Industry Licensing Act.

16 The Illinois Physical Therapy Act.

1 The Professional Geologist Licensing Act.

2 ~~The Respiratory Care Practice Act.~~

3 (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;
4 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;
5 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff.
6 12-31-15; 99-642, eff. 7-28-16.)

7 (5 ILCS 80/4.41 new)

8 Sec. 4.41. Acts repealed on January 1, 2031. The following
9 Acts are repealed on January 1, 2031:

10 The Illinois Athletic Trainers Practice Act.

11 The Respiratory Care Practice Act.

12 Section 10. The Illinois Athletic Trainers Practice Act is
13 amended by changing Sections 3, 4, 5, 8, 9, 11, 12, 13, 14, 16,
14 17, 18, 19, 19.5, 22, 24, 27, 28, and 30 and by adding Section
15 3.5 as follows:

16 (225 ILCS 5/3) (from Ch. 111, par. 7603)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 3. Definitions. As used in this Act:

19 (1) "Department" means the Department of Financial and
20 Professional Regulation.

21 (2) "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 (3) (Blank). ~~"Board" means the Illinois Board of Athletic~~

1 ~~Trainers appointed by the Secretary.~~

2 (4) "Licensed athletic trainer" means a person licensed to
3 practice athletic training as defined in this Act and with the
4 specific qualifications set forth in Section 9 of this Act
5 who, upon the direction or consultation of a physician,
6 carries out the practice of evaluation, prevention or
7 emergency care, or physical reconditioning of injuries
8 incurred by athletes conducted by an educational institution,
9 professional athletic organization, sanctioned amateur
10 athletic organization, performing arts setting, clinical
11 setting, or employment setting employing the athletic trainer;
12 or a person who, under the direction of a physician, carries
13 out comparable functions for a health organization-based
14 extramural program of athletic training services for athletes.
15 Specific duties of the athletic trainer include, but are not
16 limited to:

17 A. Supervision of the selection, fitting, and
18 maintenance of protective equipment;

19 B. Provision of assistance to the coaching staff in
20 the development and implementation of conditioning
21 programs;

22 C. Counseling of athletes on nutrition and hygiene;

23 D. Supervision of athletic training facility and
24 inspection of playing facilities;

25 E. Selection and maintenance of athletic training
26 equipment and supplies;

1 F. (Blank);

2 G. Coordination with a physician to provide:

3 (i) pre-competition physical exam and health
4 history updates,

5 (ii) game coverage or phone access to a physician
6 or paramedic,

7 (iii) follow-up injury care,

8 (iv) reconditioning programs, and

9 (v) assistance on all matters pertaining to the
10 health and well-being of athletes;

11 H. Provision of on-site injury care and evaluation as
12 well as appropriate transportation, follow-up treatment
13 and reconditioning as necessary for all injuries sustained
14 by athletes in the program;

15 I. With a physician, determination of when an athlete
16 may safely return to full participation post-injury;

17 J. Maintenance of complete and accurate records of all
18 athlete injuries and treatments rendered; and

19 K. Written reports to a referring individual every 30
20 days services are provided.

21 To carry out these functions the athletic trainer is
22 authorized to utilize modalities, including, but not limited
23 to, heat, light, sound, cold, electricity, exercise, or
24 mechanical devices related to care and reconditioning. An
25 athletic trainer may also carry out these functions upon
26 receiving a referral. A licensed athletic trainer shall use

1 "LAT" or "L.A.T." in connection with the athletic trainer's
2 name to denote licensure under this Act.

3 (5) "Referral" means the written authorization for
4 athletic trainer services as provided in paragraph (4) given
5 by a physician, physician assistant, advanced practice
6 registered nurse, podiatric physician, or dentist, who shall
7 maintain medical supervision of the athlete and makes a
8 diagnosis or verifies that the patient's condition is such
9 that it may be treated by an athletic trainer.

10 (6) "Aide" means a person who has received on-the-job
11 training specific to the facility in which that person ~~he or~~
12 ~~she~~ is employed, on either a paid or volunteer basis, but is
13 not enrolled in an accredited curriculum.

14 (7) "Address of record" means the designated address
15 recorded by the Department in the applicant's or licensee's
16 application file or license file as maintained by the
17 Department's licensure maintenance unit. ~~It is the duty of the~~
18 ~~applicant or licensee to inform the Department of any change~~
19 ~~of address, and those changes must be made either through the~~
20 ~~Department's website or by contacting the Department.~~

21 (8) "Email address of record" means the designated email
22 address recorded by the Department in the applicant's
23 application file or the licensee's license file, as maintained
24 by the Department's licensure maintenance unit.

25 (9) ~~(8)~~ "Board of Certification" means the Board of
26 Certification for the Athletic Trainer.

1 (10) ~~(9)~~ "Athlete" means a person participating in an
2 activity that requires a level of strength, endurance,
3 flexibility, range of motion, speed, or agility which may
4 include exercise, sports, recreation, wellness, or employment
5 activity.

6 (11) ~~(10)~~ "Physician assistant" means a physician
7 assistant licensed to practice under the Physician Assistant
8 Practice Act of 1987 in accordance with a written
9 collaborative agreement with a physician licensed to practice
10 medicine in all of its branches.

11 (12) ~~(11)~~ "Advanced practice registered nurse" means an
12 advanced practice registered nurse licensed to practice under
13 the Nurse Practice Act.

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

15 (225 ILCS 5/3.5 new)

16 Sec. 3.5. Address of record; email address of record. All
17 applicants and licensees shall:

18 (1) provide a valid address and email address to the
19 Department, which shall serve as the address of record and
20 email address of record, respectively, at the time of
21 application for licensure or renewal of a license; and

22 (2) inform the Department of any change of address of
23 record or email address of record within 14 days after
24 such change either through the Department's website or by
25 contacting the Department's licensure maintenance unit.

1 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

3 Sec. 4. Licensure; exempt activities. No person shall
4 provide any of the services set forth in subsection (4) of
5 Section 3 of this Act, or use the title "athletic trainer",
6 "certified athletic trainer", "athletic trainer certified", or
7 "licensed athletic trainer" or the letters "LAT", "L.A.T.",
8 "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after the
9 athletic trainer's name, unless licensed under this Act.

10 Nothing in this Act shall be construed as preventing or
11 restricting the practice, services, or activities of:

12 (1) Any person licensed or registered in this State by
13 any other law from engaging in the profession or
14 occupation for which the person ~~he or she~~ is licensed or
15 registered.

16 (2) Any person employed as an athletic trainer by the
17 Government of the United States, if such person provides
18 athletic training solely under the direction or control of
19 the organization by which the person ~~he or she~~ is
20 employed.

21 (3) Any person pursuing a course of study leading to a
22 degree in athletic training at an accredited educational
23 program if such activities and services constitute a part
24 of a supervised course of study involving daily personal
25 or verbal contact at the site of supervision between the

1 athletic training student and the licensed athletic
2 trainer who plans, directs, advises, and evaluates the
3 student's athletic training clinical education. The
4 supervising licensed athletic trainer must be on-site
5 where the athletic training clinical education is being
6 obtained. A person meeting the criteria under this
7 paragraph (3) must be designated by a title which clearly
8 indicates the person's ~~his or her~~ status as a student.

9 (4) (Blank).

10 (5) The practice of athletic training under the
11 supervision of a licensed athletic trainer by one who has
12 applied in writing to the Department for licensure and has
13 complied with all the provisions of Section 9 except the
14 passing of the examination to be eligible to receive such
15 license. This temporary right to act as an athletic
16 trainer shall expire 3 months after the filing of a
17 person's ~~his or her~~ written application to the Department;
18 when the applicant has been notified of the applicant's
19 ~~his or her~~ failure to pass the examination authorized by
20 the Department; when the applicant has withdrawn the
21 applicant's ~~his or her~~ application; when the applicant has
22 received a license from the Department after successfully
23 passing the examination authorized by the Department; or
24 when the applicant has been notified by the Department to
25 cease and desist from practicing, whichever occurs first.
26 This provision shall not apply to an applicant who has

1 previously failed the examination.

2 (6) Any person in a coaching position from rendering
3 emergency care on an as needed basis to the athletes under
4 the person's ~~his or her~~ supervision when a licensed
5 athletic trainer is not available.

6 (7) Any person who is an athletic trainer from another
7 state or territory of the United States or another nation,
8 state, or territory acting as an athletic trainer while
9 performing the person's ~~his or her~~ duties for the ~~his or~~
10 ~~her~~ respective non-Illinois based team or organization, so
11 long as the person's duties are restricted to the
12 respective ~~he or she restricts his or her duties to his or~~
13 ~~her~~ team or organization during the course of the ~~his or~~
14 ~~her~~ team's or organization's stay in this State. For the
15 purposes of this Act, a team shall be considered based in
16 Illinois if its home contests are held in Illinois,
17 regardless of the location of the team's administrative
18 offices.

19 (8) The practice of athletic training by persons
20 licensed in another state who have applied in writing to
21 the Department for licensure by endorsement. This
22 temporary right to act as an athletic trainer shall expire
23 6 months after the filing of such person's ~~his or her~~
24 written application to the Department; upon the withdrawal
25 of the application for licensure under this Act; upon
26 delivery of a notice of intent to deny the application

1 from the Department; or upon the denial of the application
2 by the Department, whichever occurs first.

3 (9) The practice of athletic training by one who has
4 applied in writing to the Department for licensure and has
5 complied with all the provisions of Section 9. This
6 temporary right to act as an athletic trainer shall expire
7 6 months after the filing of that individual's ~~his or her~~
8 written application to the Department; upon the withdrawal
9 of the application for licensure under this Act; upon
10 delivery of a notice of intent to deny the application
11 from the Department; or upon the denial of the application
12 by the Department, whichever occurs first.

13 (10) The practice of athletic training by persons
14 actively licensed as an athletic trainer in another state
15 or territory of the United States or another country, or
16 currently certified by the Board of Certification, or its
17 successor entity, at a special athletic tournament or
18 event conducted by a sanctioned amateur athletic
19 organization for no more than 14 days. This shall not
20 include contests or events that are part of a scheduled
21 series of regular season events.

22 (11) Aides from performing patient care activities
23 under the on-site supervision of a licensed athletic
24 trainer. These patient care activities shall not include
25 interpretation of referrals or evaluation procedures,
26 planning or major modifications of patient programs,

1 administration of medication, or solo practice or event
2 coverage without immediate access to a licensed athletic
3 trainer.

4 (12) (Blank).

5 (Source: P.A. 102-940, eff. 1-1-23; 103-154, eff. 6-30-23.)

6 (225 ILCS 5/5) (from Ch. 111, par. 7605)

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

8 Sec. 5. Administration of Act; rules and forms.

9 (a) The Department shall exercise the powers and duties
10 prescribed by the Civil Administrative Code of Illinois for
11 the administration of Licensure Acts and shall exercise such
12 other powers and duties necessary for effectuating the
13 purposes of this Act.

14 (b) The Department ~~Secretary~~ may adopt ~~promulgate~~ rules
15 consistent with the provisions of this Act for the
16 administration and enforcement thereof, and for the payment of
17 fees connected therewith, and may prescribe forms which shall
18 be issued in connection therewith. The rules may include
19 standards and criteria for licensure, certification, and
20 professional conduct and discipline. ~~The Department may~~
21 ~~consult with the Board in promulgating rules.~~

22 (c) (Blank). ~~The Department may at any time seek the~~
23 ~~advice and the expert knowledge of the Board on any matter~~
24 ~~relating to the administration of this Act.~~

25 (d) (Blank).

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

2 (225 ILCS 5/8) (from Ch. 111, par. 7608)

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

4 Sec. 8. Examinations. If an applicant neglects, fails, or
5 refuses to take an examination or fails to pass an examination
6 for licensure under this Act within 3 years after filing an ~~his~~
7 ~~or her~~ application, the application shall be denied. The
8 applicant may thereafter make a new application accompanied by
9 the required fee; however, the applicant shall meet all
10 requirements in effect at the time of subsequent application
11 before obtaining licensure.

12 The Department may employ consultants for the purposes of
13 preparing and conducting examinations.

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

15 (225 ILCS 5/9) (from Ch. 111, par. 7609)

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

17 Sec. 9. Qualifications for licensure. A person shall be
18 qualified for licensure as an athletic trainer if the person
19 fulfills the following ~~he or she fulfills all of the~~
20 ~~following:~~

21 (a) Has graduated from a curriculum in athletic
22 training accredited by the Commission on Accreditation of
23 Athletic Training Education (CAATE), its successor entity,
24 or its equivalent, as approved by the Department.

1 (b) Gives proof of current certification, on the date
2 of application, in cardiopulmonary resuscitation (CPR) and
3 automated external defibrillators (AED) for Healthcare
4 Providers and Professional Rescuers or its equivalent
5 based on American Red Cross or American Heart Association
6 standards.

7 (b-5) Has graduated from a 4-year ~~4-year~~ accredited
8 college or university.

9 (c) Has passed an examination approved by the
10 Department to determine the person's ~~his or her~~ fitness
11 for practice as an athletic trainer, or is entitled to be
12 licensed without examination as provided in Section 13
13 ~~Sections 7 and 8~~ of this Act.

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

15 (225 ILCS 5/11) (from Ch. 111, par. 7611)

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

17 Sec. 11. Inactive licenses; restoration. Any athletic
18 trainer who notifies the Department in writing on forms
19 prescribed by the Department, may elect to place the athletic
20 trainer's ~~his or her~~ license on ~~an~~ inactive status and shall,
21 subject to the rules of the Department, be excused from
22 payment of renewal fees until ~~he or she notifies~~ the
23 Department is notified in writing of the athletic trainer's
24 ~~his or her~~ desire to resume active status.

25 Any athletic trainer requesting restoration from inactive

1 status shall be required to pay the current renewal fee, shall
2 demonstrate compliance with continuing education requirements,
3 if any, and shall be required to restore the athletic
4 trainer's ~~his or her~~ license as provided in Section 12.

5 Any athletic trainer whose license is in expired or
6 inactive status shall not practice athletic training in the
7 State of Illinois.

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

9 (225 ILCS 5/12) (from Ch. 111, par. 7612)

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

11 Sec. 12. Restoration of expired licenses. An athletic
12 trainer who has permitted the athletic trainer's ~~his or her~~
13 license to expire or who has had a ~~his or her~~ license on
14 inactive status may have the ~~his or her~~ license restored by
15 making application to the Department and filing proof
16 acceptable to the Department of the athletic trainer's ~~his or~~
17 ~~her~~ fitness to have the ~~his or her~~ license restored, and by
18 paying the required fees. Proof of fitness may include sworn
19 evidence certifying active lawful practice in another
20 jurisdiction.

21 If the athletic trainer has not maintained an active
22 practice in another jurisdiction satisfactory to the
23 Department, the Department shall determine, by an evaluation
24 program established by rule, the athletic trainer's ~~his or her~~
25 fitness for restoration of the license and shall establish

1 procedures and requirements for restoration.

2 Any athletic trainer whose license has been expired for
3 more than 5 years may have the ~~his or her~~ license restored by
4 making application to the Department and filing proof
5 acceptable to the Department of the athletic trainer's ~~his or~~
6 ~~her~~ fitness to have the ~~his or her~~ license restored, including
7 sworn evidence certifying to active practice in another
8 jurisdiction and by paying the required restoration fee.
9 However, any athletic trainer whose license has expired while
10 ~~he or she has been~~ engaged (1) in the federal service in active
11 duty with the Army of the United States, the United States
12 Navy, the Marine Corps, the Air Force, the Coast Guard, or the
13 State Militia called into the service or training of the
14 United States of America, or (2) in training or education
15 under the supervision of the United States preliminary to
16 induction into the military service, may have the ~~his or her~~
17 license restored without paying any lapsed renewal fees or
18 restoration fee, if within 2 years after termination of such
19 service, training, or education, other than by dishonorable
20 discharge, the Department is furnished with satisfactory
21 evidence to the effect that the licensee has been so engaged
22 and that the service, training, or education has been
23 terminated ~~he or she furnished the Department with an~~
24 ~~affidavit to the effect that he or she has been so engaged and~~
25 ~~that his or her service, training, or education has been so~~
26 ~~terminated.~~

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

2 (225 ILCS 5/13) (from Ch. 111, par. 7613)

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

4 Sec. 13. Endorsement. The Department may, at its
5 discretion, license as an athletic trainer, without
6 examination, upon ~~on~~ payment of the required fee, an applicant
7 for licensure who is an athletic trainer registered or
8 licensed under the laws of another jurisdiction if the
9 requirements pertaining to athletic trainers in such
10 jurisdiction were, at the date of the applicant's ~~his or her~~
11 registration or licensure, substantially equal to the
12 requirements in force in Illinois on that date or equivalent
13 to the requirements of this Act.

14 An applicant for endorsement who has practiced for 10
15 consecutive years in another jurisdiction shall meet the
16 requirements for licensure by endorsement upon filing an
17 application on forms provided by the Department, paying the
18 required fee, and showing proof of licensure in another
19 jurisdiction for at least 10 consecutive years without
20 discipline by certified verification of licensure from the
21 jurisdiction in which the applicant practiced.

22 Applicants have 3 years from the date of application to
23 complete the application process. If the process has not been
24 completed in 3 years, the application shall be denied, the fee
25 forfeited and the applicant must reapply and meet the

1 requirements in effect at the time of reapplication.

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

3 (225 ILCS 5/14) (from Ch. 111, par. 7614)

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

5 Sec. 14. Fees; returned checks. The fees for
6 administration and enforcement of this Act, including but not
7 limited to original licensure, renewal, and restoration shall
8 be set by rule. The fees shall be non-refundable.

9 Any person who delivers a check or other payment to the
10 Department that is returned to the Department unpaid by the
11 financial institution upon which it is drawn shall pay to the
12 Department, in addition to the amount already owed to the
13 Department, a fine of \$50.

14 The fines imposed by this Section are in addition to any
15 other discipline provided under this Act for unlicensed
16 practice or practice on a nonrenewed license. The Department
17 shall notify the person that payment of fees and fines shall be
18 paid to the Department by certified check or money order
19 within 30 calendar days of the notification. If, after the
20 expiration of 30 days from the date of the notification, the
21 person has failed to submit the necessary remittance, the
22 Department shall automatically terminate the license or
23 certificate or deny the application, without hearing. If,
24 after termination or denial, the person seeks a license or
25 certificate, the person ~~he or she~~ shall apply to the

1 Department for restoration or issuance of the license or
2 certificate and pay all fees and fines due to the Department.
3 The Department may establish a fee for the processing of an
4 application for restoration of a license or certificate to pay
5 all expenses of processing this application. The Secretary may
6 waive the fines due under this Section in individual cases
7 where the Secretary finds that the fines would be unreasonable
8 or unnecessarily burdensome.

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

10 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

12 Sec. 16. Grounds for discipline.

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

19 (A) Material misstatement in furnishing information to
20 the Department;

21 (B) Violations of this Act, or of the rules or
22 regulations promulgated hereunder;

23 (C) Conviction of or plea of guilty to any crime under
24 the Criminal Code of 2012 or the laws of any jurisdiction
25 of the United States that is (i) a felony, (ii) a

1 misdemeanor, an essential element of which is dishonesty,
2 or (iii) of any crime that is directly related to the
3 practice of the profession;

4 (D) Fraud or any misrepresentation in applying for or
5 procuring a license under this Act, or in connection with
6 applying for renewal of a license under this Act;

7 (E) Professional incompetence or gross negligence;

8 (F) Malpractice;

9 (G) Aiding or assisting another person, firm,
10 partnership, or corporation in violating any provision of
11 this Act or rules;

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

14 (I) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud or harm the public;

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

21 (K) Discipline by another state, unit of government,
22 government agency, the District of Columbia, territory, or
23 foreign nation, if at least one of the grounds for the
24 discipline is the same or substantially equivalent to
25 those set forth herein;

26 (L) 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 subparagraph (L) affects any
5 bona fide independent contractor or employment
6 arrangements among health care professionals, health
7 facilities, health care providers, or other entities,
8 except as otherwise prohibited by law. Any employment
9 arrangements may include provisions for compensation,
10 health insurance, pension, or other employment benefits
11 for the provision of services within the scope of the
12 licensee's practice under this Act. Nothing in this
13 subparagraph (L) shall be construed to require an
14 employment arrangement to receive professional fees for
15 services rendered;

16 (M) A finding by the Department that the licensee
17 after having the licensee's ~~his or her~~ license disciplined
18 has violated the terms of probation;

19 (N) Abandonment of an athlete;

20 (O) Willfully making or filing false records or
21 reports in the person's ~~his or her~~ practice, including but
22 not limited to false records filed with State agencies or
23 departments;

24 (P) 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 (Q) Physical illness, including but not limited to
2 deterioration through the aging process, or loss of motor
3 skill that results in the inability to practice the
4 profession with reasonable judgment, skill, or safety;

5 (R) Solicitation of professional services other than
6 by permitted institutional policy;

7 (S) The use of any words, abbreviations, figures or
8 letters with the intention of indicating practice as an
9 athletic trainer without a valid license as an athletic
10 trainer under this Act;

11 (T) The evaluation or treatment of ailments of human
12 beings other than by the practice of athletic training as
13 defined in this Act or the treatment of injuries of
14 athletes by a licensed athletic trainer except by the
15 referral of a physician, physician assistant, advanced
16 practice registered nurse, podiatric physician, or
17 dentist;

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

21 (V) Willfully violating or knowingly assisting in the
22 violation of any law of this State relating to the
23 practice of abortion;

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

26 (X) 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 (X-5) Failure to provide a monthly report on the
8 patient's progress to the referring physician, physician
9 assistant, advanced practice registered nurse, podiatric
10 physician, or dentist;

11 (Y) (Blank);

12 (Z) Failure to fulfill continuing education
13 requirements;

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

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

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

21 (DD) Gross, willful, or continued overcharging for
22 professional services;

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

26 (FF) Cheating on or attempting to subvert the

1 licensing examination administered under this Act;

2 (GG) Violation of the Health Care Worker Self-Referral
3 Act; or

4 (HH) Failure by a supervising athletic trainer of an
5 aide to maintain contact, including personal supervision
6 and instruction, to ensure the safety and welfare of an
7 athlete.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

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

20 (3) The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Code of Civil
22 Procedure, the license of any person who fails to file a
23 return, to pay the tax, penalty, or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty, or
25 interest as required by any tax Act administered by the
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance
2 with subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code
4 of Illinois.

5 (4) In enforcing this Section, the Department, upon a
6 showing of a possible violation, may compel any individual who
7 is licensed under this Act or any individual who has applied
8 for licensure to submit to a mental or physical examination or
9 evaluation, or both, which may include a substance abuse or
10 sexual offender evaluation, at the expense of the 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 and evaluation.
15 The multidisciplinary team shall be led by a physician
16 licensed to practice medicine in all of its branches and may
17 consist of one or more or a combination of physicians licensed
18 to practice medicine in all of its branches, licensed
19 chiropractic physicians, licensed clinical psychologists,
20 licensed clinical social workers, licensed clinical
21 professional counselors, and other professional and
22 administrative staff. Any examining physician or member of the
23 multidisciplinary team may require any person ordered to
24 submit to an examination and evaluation pursuant to this
25 Section to submit to any additional supplemental testing
26 deemed necessary to complete any examination or evaluation

1 process, including, but not limited to, blood testing,
2 urinalysis, psychological testing, or neuropsychological
3 testing.

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to provide to the
6 Department any and all records, including business records,
7 that relate to the examination and evaluation, including any
8 supplemental testing performed. The Department may order the
9 examining physician or any member of the multidisciplinary
10 team to present testimony concerning this examination and
11 evaluation of the licensee or applicant, including testimony
12 concerning any supplemental testing or documents relating to
13 the examination and evaluation. No information, report,
14 record, or other documents in any way related to the
15 examination and evaluation shall be excluded by reason of any
16 common law or statutory privilege relating to communication
17 between the licensee or applicant and the examining physician
18 or any member of the multidisciplinary team. No authorization
19 is necessary from the licensee or applicant ordered to undergo
20 an evaluation and examination for the examining physician or
21 any 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. The individual to be examined may choose to have,
25 at the individual's ~~his or her~~ own expense, another physician
26 ~~of his or her choice~~ present during all aspects of the

1 examination.

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

12 All substance-related violations shall mandate an
13 automatic substance abuse assessment. Failure to submit to an
14 assessment by a licensed physician who is certified as an
15 addictionist or an advanced practice registered nurse with a
16 specialty certification in addictions may be grounds for an
17 automatic suspension.

18 If the Department finds an individual unable to practice
19 or unfit for duty because of the reasons set forth in this
20 Section, the Department may require the individual to submit
21 to a substance abuse evaluation or treatment by individuals or
22 programs approved or designated by the Department, as a
23 condition, term, or restriction for continued, restored, or
24 renewed licensure to practice; or, in lieu of evaluation or
25 treatment, the Department may file a complaint to immediately
26 suspend, revoke, or otherwise discipline the license of the

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

8 When the Secretary immediately suspends a license under
9 this Section, a hearing upon such person's license must be
10 convened by the Department within 15 days after the suspension
11 and completed without appreciable delay. The Department shall
12 have the authority to review the licensee's record of
13 treatment and counseling regarding the impairment to the
14 extent permitted by applicable federal statutes and
15 regulations safeguarding the confidentiality of medical
16 records.

17 Individuals licensed under this Act who are affected under
18 this Section shall be afforded an opportunity to demonstrate
19 to the Department that they can resume practice in compliance
20 with acceptable and prevailing standards under the provisions
21 of their license.

22 (5) (Blank).

23 (6) In cases where the Department of Healthcare and Family
24 Services has previously determined a licensee or a potential
25 licensee is more than 30 days delinquent in the payment of
26 child support and has subsequently certified the delinquency

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

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

10 (225 ILCS 5/17) (from Ch. 111, par. 7617)

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

12 Sec. 17. Violations; injunction; cease and desist order.

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

1 all other remedies and penalties provided by this Act.

2 (b) If any person holds oneself ~~shall hold himself or~~
3 ~~herself~~ out in a manner prohibited by this Act, any interested
4 party or any person injured thereby may, in addition to the
5 Secretary, petition for relief as provided in subsection (a)
6 of this Section.

7 (c) Whenever in the opinion of the Department any person
8 violates any provision of this Act, the Department may issue a
9 rule to show cause why an order to cease and desist should not
10 be entered against the person ~~him or her~~. The rule shall
11 clearly set forth the grounds relied upon by the Department
12 and shall provide a period of 7 days from the date of the rule
13 to file an answer to the satisfaction of the Department.
14 Failure to answer to the satisfaction of the Department shall
15 cause an order to cease and desist to be issued forthwith.

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

17 (225 ILCS 5/18) (from Ch. 111, par. 7618)

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

19 Sec. 18. Investigations; notice and hearing. The
20 Department may investigate the actions of any applicant or of
21 any person or persons holding or claiming to hold a license.
22 The Department shall, before refusing to issue or to renew a
23 license or disciplining a registrant, at least 30 days prior
24 to the date set for the hearing, notify in writing the
25 applicant or licensee of the nature of the charges and the time

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

21 (Source: P.A. 99-469, eff. 8-26-15; 99-642, eff. 7-28-16.)

22 (225 ILCS 5/19) (from Ch. 111, par. 7619)

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

24 Sec. 19. Record of proceedings. The Department, at its
25 expense, shall preserve a record of all proceedings at the

1 formal hearing of any case. The notice of hearing, complaint,
2 and all other documents in the nature of pleadings and written
3 motions filed in the proceedings, the transcript of testimony,
4 the report ~~of the Board~~ and order of the Department shall be
5 the record of such proceeding. Any licensee who is found to
6 have violated this Act or who fails to appear for a hearing to
7 refuse to issue, restore, or renew a license or to discipline a
8 licensee may be required by the Department to pay for the costs
9 of the proceeding. These costs are limited to costs for court
10 reporters, transcripts, and witness attendance and mileage
11 fees. All costs imposed under this Section shall be paid
12 within 60 days after the effective date of the order imposing
13 the fine or in accordance with the terms set forth in the order
14 imposing the fine.

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

16 (225 ILCS 5/19.5)

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

18 Sec. 19.5. Subpoenas; oaths. The Department may subpoena
19 and bring before it any person and may take the oral or written
20 testimony of any person or compel the production of any books,
21 papers, records, or any other documents that the Secretary or
22 the Secretary's ~~his or her~~ designee deems relevant or material
23 to an investigation or hearing conducted by the Department
24 with the same fees and mileage and in the same manner as
25 prescribed by law in judicial procedure in civil cases in

1 courts of this State.

2 The Secretary, the designated hearing officer, ~~any member~~
3 ~~of the Board,~~ or a certified shorthand court reporter may
4 administer oaths at any hearing which the Department conducts.
5 Notwithstanding any other statute or Department rule to the
6 contrary, all requests for testimony or production of
7 documents or records shall be in accordance with this Act.

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

9 (225 ILCS 5/22) (from Ch. 111, par. 7622)

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

11 Sec. 22. Motion for rehearing ~~Report of Board; motion for~~
12 ~~rehearing~~. In any case involving the refusal to issue or renew
13 a license or the discipline of a licensee, a copy of the
14 hearing officer's ~~Board's~~ report shall be served upon the
15 respondent by the Department as provided under Section 18 of
16 ~~in~~ this Act for the service of the notice of hearing. Within 20
17 days after such service, the respondent may present to the
18 Department a motion in writing for a rehearing, which motion
19 shall specify the particular grounds therefor. If no motion
20 for rehearing is filed, then upon the expiration of the time
21 specified for filing such a motion, or if a motion for
22 rehearing is denied, then upon such denial the Secretary may
23 enter an order in accordance with recommendations of the
24 Department, ~~Board~~ except as provided in Section 23 of this
25 Act. If the respondent shall order from the reporting service,

1 and pay for a transcript of the record within the time for
2 filing a motion for rehearing, the 20 day period within which
3 such a motion may be filed shall commence upon the delivery of
4 the transcript to the respondent.

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

6 (225 ILCS 5/24) (from Ch. 111, par. 7624)

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

8 Sec. 24. Hearing officer appointment. The Secretary shall
9 have the authority to appoint any attorney duly licensed to
10 practice law in the State of Illinois to serve as the hearing
11 officer in any action for refusal to issue or renew a license,
12 or for the taking of disciplinary action against a license.
13 The hearing officer shall have full authority to conduct the
14 hearing. The hearing officer shall report any ~~his or her~~
15 findings of fact, conclusions of law, and recommendations to
16 ~~the Board and~~ the Secretary. In the report, the hearing
17 officer shall make a finding of whether or not the charged
18 licensee or applicant violated a provision of this Act or any
19 rules adopted under this Act. Upon presenting the report to
20 the Secretary, the Secretary may issue an order based on the
21 report of the hearing officer. If the Secretary disagrees with
22 the report of the hearing officer, the Secretary may issue an
23 order in contravention of the hearing officer's report. The
24 finding by the hearing officer shall not be admissible in
25 evidence against the person in a criminal prosecution brought

1 for a violation of this Act nor shall a finding by the hearing
2 officer be a bar to a criminal prosecution brought for a
3 violation of this Act. ~~The Board shall have 90 days from~~
4 ~~receipt of the report to review the report of the hearing~~
5 ~~officer and present its findings of fact, conclusions of law~~
6 ~~and recommendation to the Secretary. If the Board fails to~~
7 ~~present its report within the 90 day period, the Secretary may~~
8 ~~issue an order based on the report of the hearing officer. If~~
9 ~~the Secretary determines that the Board's report is contrary~~
10 ~~to the manifest weight of the evidence, he or she may issue an~~
11 ~~order in contravention of the Board's report.~~

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

13 (225 ILCS 5/27) (from Ch. 111, par. 7627)

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

15 Sec. 27. Surrender of license. Upon the revocation or
16 suspension of any license, the licensee shall forthwith
17 surrender the license or licenses to the Department, and if
18 the licensee ~~he or she~~ fails to do so, the Department shall
19 have the right to seize the license.

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

21 (225 ILCS 5/28) (from Ch. 111, par. 7628)

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

23 Sec. 28. Summary suspension of a license. The Secretary
24 may summarily suspend the license of an athletic trainer

1 without a hearing, simultaneously with the institution of
2 proceedings for a hearing provided for in Section 20 of this
3 Act, if the Secretary finds that evidence indicates that an
4 athletic trainer's continuation in practice would constitute
5 an imminent danger to the public. In the event that the
6 Secretary summarily suspends, ~~summarily,~~ the license of an
7 athletic trainer without a hearing, a hearing shall be
8 commenced within 30 days after such suspension has occurred
9 and shall be concluded as expeditiously as possible.

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

11 (225 ILCS 5/30) (from Ch. 111, par. 7630)

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

13 Sec. 30. Certifications of record; costs. The Department
14 shall not be required to certify any record to the Court or
15 file any answer in court or otherwise appear in any court in a
16 judicial review proceeding, unless and until the Department
17 has received from the plaintiff payment of the costs of
18 furnishing and certifying the record, which costs shall be
19 determined by the Department. ~~Exhibits shall be certified~~
20 ~~without cost.~~ Failure on the part of the plaintiff to file a
21 receipt in court shall be grounds for dismissal of the action.

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

23 (225 ILCS 5/6 rep.)

24 (225 ILCS 5/15 rep.)

1 (225 ILCS 5/21 rep.)

2 (225 ILCS 5/34 rep.)

3 Section 15. The Illinois Athletic Trainers Practice Act is
4 amended by repealing Sections 6, 15, 21, and 34.

5 Section 20. The Respiratory Care Practice Act is amended
6 by changing Sections 10, 15, 20, 22, 30, 35, 42, 50, 60, 65,
7 70, 80, 85, 90, 95, 100, 105, 110, 135, 155, 160, 170, and 180
8 and by adding Section 12 as follows:

9 (225 ILCS 106/10)

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

11 Sec. 10. Definitions. In this Act:

12 "Address of record" means the designated address recorded
13 by the Department in the applicant's or licensee's application
14 file or license file as maintained by the Department's
15 licensure maintenance unit. ~~It is the duty of the applicant or
16 licensee to inform the Department of any change of address and
17 those changes must be made either through the Department's
18 website or by contacting the Department.~~

19 "Advanced practice registered nurse" means an advanced
20 practice registered nurse licensed under the Nurse Practice
21 Act.

22 "Board" means the Respiratory Care Board appointed by the
23 Secretary.

24 "Basic respiratory care activities" means and includes all

1 of the following activities:

2 (1) Cleaning, disinfecting, and sterilizing equipment
3 used in the practice of respiratory care as delegated by a
4 licensed health care professional or other authorized
5 licensed personnel.

6 (2) Assembling equipment used in the practice of
7 respiratory care as delegated by a licensed health care
8 professional or other authorized licensed personnel.

9 (3) Collecting and reviewing patient data through
10 non-invasive means, provided that the collection and
11 review does not include the individual's interpretation of
12 the clinical significance of the data. Collecting and
13 reviewing patient data includes the performance of pulse
14 oximetry and non-invasive monitoring procedures in order
15 to obtain vital signs and notification to licensed health
16 care professionals and other authorized licensed personnel
17 in a timely manner.

18 (4) Maintaining a nasal cannula or face mask for
19 oxygen therapy in the proper position on the patient's
20 face.

21 (5) Assembling a nasal cannula or face mask for oxygen
22 therapy at patient bedside in preparation for use.

23 (6) Maintaining a patient's natural airway by
24 physically manipulating the jaw and neck, suctioning the
25 oral cavity, or suctioning the mouth or nose with a bulb
26 syringe.

1 (7) Performing assisted ventilation during emergency
2 resuscitation using a manual resuscitator.

3 (8) Using a manual resuscitator at the direction of a
4 licensed health care professional or other authorized
5 licensed personnel who is present and performing routine
6 airway suctioning. These activities do not include care of
7 a patient's artificial airway or the adjustment of
8 mechanical ventilator settings while a patient is
9 connected to the ventilator.

10 "Basic respiratory care activities" does not mean
11 activities that involve any of the following:

12 (1) Specialized knowledge that results from a course
13 of education or training in respiratory care.

14 (2) An unreasonable risk of a negative outcome for the
15 patient.

16 (3) The assessment or making of a decision concerning
17 patient care.

18 (4) The administration of aerosol medication or
19 medical gas.

20 (5) The insertion and maintenance of an artificial
21 airway.

22 (6) Mechanical ventilatory support.

23 (7) Patient assessment.

24 (8) Patient education.

25 (9) The transferring of oxygen devices, for purposes
26 of patient transport, with a liter flow greater than 6

1 liters per minute, and the transferring of oxygen devices
2 at any liter flow being delivered to patients less than 12
3 years of age.

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

6 "Email address of record" means the designated email
7 address recorded by the Department in the applicant's or
8 licensee's application file or license file as maintained by
9 the Department's licensure maintenance unit.

10 "Licensed" means that which is required to hold oneself
11 out as a respiratory care practitioner as defined in this Act.

12 "Licensed health care professional" means a physician
13 licensed to practice medicine in all its branches, a licensed
14 advanced practice registered nurse, or a licensed physician
15 assistant.

16 "Order" means a written, oral, or telecommunicated
17 authorization for respiratory care services for a patient by
18 (i) a licensed health care professional who maintains medical
19 supervision of the patient and makes a diagnosis or verifies
20 that the patient's condition is such that it may be treated by
21 a respiratory care practitioner or (ii) a certified registered
22 nurse anesthetist in a licensed hospital or ambulatory
23 surgical treatment center.

24 "Other authorized licensed personnel" means a licensed
25 respiratory care practitioner, a licensed registered nurse, or
26 a licensed practical nurse whose scope of practice authorizes

1 the professional to supervise an individual who is not
2 licensed, certified, or registered as a health professional.

3 "Proximate supervision" means a situation in which an
4 individual is responsible for directing the actions of another
5 individual in the facility and is physically close enough to
6 be readily available, if needed, by the supervised individual.

7 "Respiratory care" and "cardiorespiratory care" mean
8 preventative services, evaluation and assessment services,
9 therapeutic services, cardiopulmonary disease management, and
10 rehabilitative services under the order of a licensed health
11 care professional for an individual with a disorder, disease,
12 or abnormality of the cardiopulmonary system. These terms
13 include, but are not limited to, measuring, observing,
14 assessing, and monitoring signs and symptoms, reactions,
15 general behavior, and general physical response of individuals
16 to respiratory care services, including the determination of
17 whether those signs, symptoms, reactions, behaviors, or
18 general physical responses exhibit abnormal characteristics;
19 the administration of pharmacological and therapeutic agents
20 and procedures related to respiratory care services; the
21 administration of vaccinations for the prevention of
22 respiratory illness upon completion of training set forth by
23 rule, limited to patients 18 years of age and older pursuant to
24 a valid prescription or standing order by a physician licensed
25 to practice medicine in all its branches who, in the course of
26 professional practice, administers vaccines to patients; the

1 collection of blood specimens and other bodily fluids and
2 tissues for, and the performance of, cardiopulmonary
3 diagnostic testing procedures, including, but not limited to,
4 blood gas analysis; development, implementation, and
5 modification of respiratory care treatment plans and provision
6 of education and skill training to patients and caregivers
7 based on assessed abnormalities of the cardiopulmonary system,
8 respiratory care guidelines, referrals, and orders of a
9 licensed health care professional; application, operation, and
10 management of mechanical ventilatory support and other means
11 of life support, including, but not limited to, hemodynamic
12 cardiovascular support; and the initiation of emergency
13 procedures under the rules promulgated by the Department. The
14 Department shall adopt any rules necessary to implement this
15 Section, including training and education requirements
16 regarding vaccinations, which includes, but is not limited to,
17 how to address contraindications and adverse reactions,
18 appropriate vaccine storage, proper administration, the
19 provision of written notice to the patient's physician, and
20 record retention requirements. A respiratory care practitioner
21 shall refer to a licensed health care professional ~~physician~~
22 ~~licensed to practice medicine in all its branches~~ any patient
23 whose condition, at the time of evaluation or treatment, is
24 determined to be beyond the scope of practice of the
25 respiratory care practitioner.

26 "Respiratory care education program" means a course of

1 academic study leading to eligibility for registry or
2 certification in respiratory care. The training is to be
3 approved by an accrediting agency recognized by the Board and
4 shall include an evaluation of competence through a
5 standardized testing mechanism that is determined by the Board
6 to be both valid and reliable.

7 "Respiratory care practitioner" means a person who is
8 licensed by the Department of Professional Regulation and
9 meets all of the following criteria:

10 (1) The person is engaged in the practice of
11 cardiorespiratory care and has the knowledge and skill
12 necessary to administer respiratory care.

13 (2) The person is capable of serving as a resource to
14 the licensed health care professional in relation to the
15 technical aspects of cardiorespiratory care and the safe
16 and effective methods for administering cardiorespiratory
17 care modalities.

18 (3) The person is able to function in situations of
19 unsupervised patient contact requiring great individual
20 judgment.

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

23 (Source: P.A. 99-173, eff. 7-29-15; 99-230, eff. 8-3-15;
24 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

1 Sec. 12. Address of record; email address of record. All
2 applicants and licensees shall:

3 (1) provide a valid address and email address to the
4 Department, which shall serve as the address of record and
5 email address of record, respectively, at the time of
6 application for licensure or renewal of a license; and

7 (2) inform the Department of any change of address of
8 record or email address of record within 14 days after the
9 change either through the Department's website or by
10 contacting the Department's licensure maintenance unit.

11 (225 ILCS 106/15)

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

13 Sec. 15. Exemptions.

14 (a) This Act does not prohibit a person legally regulated
15 in this State by any other Act from engaging in any practice
16 for which that person ~~he or she~~ is authorized.

17 (b) Nothing in this Act shall prohibit the practice of
18 respiratory care by a person who is employed by the United
19 States government or any bureau, division, or agency thereof
20 while in the discharge of the employee's official duties.

21 (c) Nothing in this Act shall be construed to limit the
22 activities and services of a person enrolled in an approved
23 course of study leading to a degree or certificate of registry
24 or certification eligibility in respiratory care if these
25 activities and services constitute a part of a supervised

1 course of study and if the person is designated by a title
2 which clearly indicates the person's ~~his or her~~ status as a
3 student or trainee. Status as a student or trainee shall not
4 exceed 3 years from the date of enrollment in an approved
5 course for an approved associate's degree program or 5 years
6 for an approved bachelor's degree program.

7 (d) Nothing in this Act shall prohibit a person from
8 treating ailments by spiritual means through prayer alone in
9 accordance with the tenets and practices of a recognized
10 church or religious denomination.

11 (e) Nothing in this Act shall be construed to prevent a
12 person who is a registered nurse, an advanced practice
13 registered nurse, a licensed practical nurse, a physician
14 assistant, or a physician licensed to practice medicine in all
15 its branches from providing respiratory care.

16 (f) Nothing in this Act shall limit a person who is
17 credentialed by the National Society for Cardiopulmonary
18 Technology or the National Board for Respiratory Care from
19 performing pulmonary function tests and respiratory care
20 procedures related to the pulmonary function test. Individuals
21 who do not possess a license to practice respiratory care or a
22 license in another health care field may perform basic
23 screening spirometry limited to peak flow, forced vital
24 capacity, slow vital capacity, and maximum voluntary
25 ventilation if they possess spirometry certification from the
26 National Institute for Occupational Safety and Health, an

1 Office Spirometry Certificate from the American Association
2 for Respiratory Care, or other similarly accepted
3 certification training.

4 (g) Nothing in this Act shall prohibit the collection and
5 analysis of blood by clinical laboratory personnel meeting the
6 personnel standards of the Illinois Clinical Laboratory Act.

7 (h) Nothing in this Act shall prohibit a polysomnographic
8 technologist, technician, or trainee, as defined in the job
9 descriptions jointly accepted by the American Academy of Sleep
10 Medicine, the Association of Polysomnographic Technologists,
11 the Board of Registered Polysomnographic Technologists, and
12 the American Society of Electroneurodiagnostic Technologists,
13 from performing activities within the scope of practice of
14 polysomnographic technology while under the direction of a
15 physician licensed in this State.

16 (i) Nothing in this Act shall prohibit a family member
17 from providing respiratory care services to an ill person.

18 (j) Nothing in this Act shall be construed to limit an
19 unlicensed practitioner in a licensed hospital who is working
20 under the proximate supervision of a licensed health care
21 professional or other authorized licensed personnel and
22 providing direct patient care services from performing basic
23 respiratory care activities if the unlicensed practitioner (i)
24 has been trained to perform the basic respiratory care
25 activities at the facility that employs or contracts with the
26 individual and (ii) at a minimum, has annually received an

1 evaluation of the unlicensed practitioner's performance of
2 basic respiratory care activities documented by the facility.

3 (k) Nothing in this Act shall be construed to prohibit a
4 person enrolled in a respiratory care education program or an
5 approved course of study leading to a degree or certification
6 in a health care-related discipline that provides respiratory
7 care activities within the person's ~~his or her~~ scope of
8 practice and employed in a licensed hospital in order to
9 provide direct patient care services under the proximate
10 supervision ~~direction~~ of other authorized licensed personnel
11 from providing respiratory care activities.

12 (l) Nothing in this Act prohibits a person licensed as a
13 respiratory care practitioner in another jurisdiction from
14 providing respiratory care: (i) in a declared emergency in
15 this State; (ii) as a member of an organ procurement team; or
16 (iii) as part of a medical transport team that is transporting
17 a patient into or out of this State.

18 (Source: P.A. 99-230, eff. 8-3-15; 100-513, eff. 1-1-18.)

19 (225 ILCS 106/20)

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

21 Sec. 20. Restrictions and limitations.

22 (a) No person shall, without a valid license as a
23 respiratory care practitioner (i) hold oneself ~~himself or~~
24 ~~herself~~ out to the public as a respiratory care practitioner;
25 (ii) use the title "respiratory care practitioner"; or (iii)

1 perform or offer to perform the duties of a respiratory care
2 practitioner, except as provided in Section 15 of this Act.

3 (b) Nothing in the Act shall be construed to permit a
4 person licensed as a respiratory care practitioner to engage
5 in any manner in the practice of medicine in all its branches
6 as defined by State law.

7 (Source: P.A. 99-230, eff. 8-3-15.)

8 (225 ILCS 106/22)

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

10 Sec. 22. Durable medical equipment use and training.

11 (a) Notwithstanding any other provision of this Act,
12 unlicensed or non-credentialed individuals who deliver
13 prescribed respiratory care equipment, including, but not
14 limited to, oxygen, oxygen concentrators, pulmonary hygiene
15 devices, aerosol compressors and generators, suction machines,
16 and positive airway pressure devices, may deliver, set up,
17 calibrate, and demonstrate the mechanical operation of a
18 specific piece of equipment to the patient, family, and
19 caregivers, with the exception of mechanical ventilators,
20 which only a licensed respiratory care practitioner or other
21 authorized licensed personnel operating within the licensed
22 respiratory care practitioner's or other authorized licensed
23 personnel's ~~the scope of his or her scope~~ of practice may
24 deliver and set up. Demonstration of the mechanical operation
25 of a specific piece of equipment includes demonstration of the

1 on-off switches, emergency buttons, and alarm silence and
2 reset buttons, as appropriate. In order for unlicensed or
3 non-credentialed personnel to deliver, set up, calibrate, and
4 demonstrate a specific piece of equipment as allowed in this
5 subsection (a), the employer must document that the employee
6 has both received training and demonstrated competency using
7 the specific piece of equipment under the supervision of a
8 respiratory care practitioner licensed by this State or some
9 other licensed practitioner operating within the licensed
10 practitioner's ~~his or her~~ scope of practice.

11 Equipment demonstration is not to be interpreted as
12 teaching, administration, or performance of respiratory care.
13 Unlicensed or non-credentialed individuals may not attach the
14 equipment to the patient or instruct the patient, family, or
15 caregiver on the use of the equipment beyond the mechanical
16 functions of the device.

17 (b) Patients, family, and caregivers must be taught to use
18 the equipment for the intended clinical application by a
19 licensed respiratory care practitioner or other licensed
20 health care professional operating within the licensed
21 practitioner's ~~his or her~~ scope of practice. This instruction
22 may occur through follow-up after delivery, with an identical
23 model in the health care facility prior to discharge or with an
24 identical model at the medical supply office. Instructions to
25 the patient regarding the clinical use of equipment, patient
26 monitoring, patient assessment, or any other procedure used

1 with the intent of evaluating the effectiveness of the
2 treatment must be performed by a respiratory care practitioner
3 licensed by this State or any other licensed practitioner
4 operating within the licensed practitioner's ~~his or her~~ scope
5 of practice.

6 (Source: P.A. 99-230, eff. 8-3-15.)

7 (225 ILCS 106/30)

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

9 Sec. 30. Powers and duties of the Department. Subject to
10 the provision of this Act, the Department may:

11 (a) Authorize examinations to ascertain the
12 qualifications and fitness of an applicant for licensure
13 as a respiratory care practitioner.

14 (b) Pass upon the qualifications of an applicant for
15 licensure by endorsement.

16 (c) Conduct hearings on proceedings to refuse to
17 issue, renew, or revoke a license or to suspend, place on
18 probation, or reprimand a license issued or applied for
19 under this Act.

20 (d) Formulate rules required for the administration of
21 this Act. Notice of proposed rulemaking shall be
22 transmitted to the Board, and the Department shall review
23 the Board's response and any recommendations made in the
24 response.

25 (e) Solicit the advice and expert knowledge of the

1 Board on any matter relating to the administration and
2 enforcement of this Act.

3 (f) (Blank).

4 (g) (Blank). ~~Maintain a roster of the names and~~
5 ~~addresses of all licenses and all persons whose licenses~~
6 ~~have been suspended, revoked, or denied renewal for cause~~
7 ~~within the previous calendar year. The roster shall be~~
8 ~~available upon written request and payment of the required~~
9 ~~fee.~~

10 (Source: P.A. 99-230, eff. 8-3-15.)

11 (225 ILCS 106/35)

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

13 Sec. 35. Respiratory Care Board.

14 (a) The Secretary shall appoint a Respiratory Care Board
15 which shall serve in an advisory capacity to the Secretary.
16 The Board shall consist of 5 ~~7~~ persons of which 3 ~~4~~ members
17 shall be currently engaged in the practice of respiratory care
18 with a minimum of 3 years practice in the State of Illinois,
19 one member shall be a qualified medical director, and one
20 member ~~2 members~~ shall be a hospital administrator
21 ~~administrators~~.

22 (b) Members shall be appointed to a 4-year term. A member
23 whose term has expired shall continue to serve until his or her
24 successor is appointed and qualified. No member shall be
25 reappointed to the Board for a term that would cause his or her

1 continuous service on the Board to be longer than 10 years.
2 Appointments to fill vacancies shall be made in the same
3 manner as original appointments for the unexpired portion of
4 the vacated term.

5 (c) The membership of the Board shall reasonably represent
6 all the geographic areas in this State. The Secretary shall
7 consider the recommendations of the organization representing
8 the largest number of respiratory care practitioners for
9 appointment of the respiratory care practitioner members of
10 the Board and the organization representing the largest number
11 of physicians licensed to practice medicine in all its
12 branches for the appointment of the medical director to the
13 Board.

14 (d) The Secretary has the authority to remove any member
15 of the Board for cause at any time before the expiration of his
16 or her term. The Secretary shall be the sole arbiter of cause.

17 (e) The Secretary shall consider the recommendations of
18 the Board on questions involving standards of professional
19 conduct, discipline, and qualifications of candidates for
20 licensure under this Act.

21 (f) The members of the Board shall be reimbursed for all
22 legitimate and necessary expenses incurred in attending
23 meetings of the Board.

24 (g) A majority of the current members of ~~Four members of~~
25 the Board shall constitute a quorum. A vacancy in the
26 membership of the Board shall not impair the right of a quorum

1 to exercise all of the rights and perform all of the duties of
2 the Board.

3 (h) Members of the Board shall be immune from suit in any
4 action based upon any disciplinary proceedings or other
5 activities performed as members of the Board, except for
6 willful and wanton misconduct.

7 (Source: P.A. 99-230, eff. 8-3-15.)

8 (225 ILCS 106/42)

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

10 Sec. 42. Social Security Number or Individual Taxpayer
11 Identification Number on license application. In addition to
12 any other information required to be contained in the
13 application, every application for an original license under
14 this Act shall include the applicant's Social Security Number
15 or Individual Taxpayer Identification Number, which shall be
16 retained in the agency's records pertaining to the license. As
17 soon as practical, the Department shall assign a customer's
18 identification number to each applicant for a license.

19 Every application for a renewal or restored license shall
20 require the applicant's customer identification number.

21 (Source: P.A. 97-400, eff. 1-1-12.)

22 (225 ILCS 106/50)

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

24 Sec. 50. Qualifications for a license.

1 (a) A person is qualified to be licensed as a licensed
2 respiratory care practitioner, and the Department may issue a
3 license authorizing the practice of respiratory care to an
4 applicant who:

5 (1) has applied in writing or electronically on the
6 prescribed form and has paid the required fee;

7 (2) has successfully completed a respiratory care
8 training program approved by the Department;

9 (3) has successfully passed an examination for the
10 practice of respiratory care authorized by the Department,
11 within 5 years of making application; and

12 (4) has paid the fees required by this Act.

13 Any person who has received certification by any state or
14 national organization whose standards are accepted by the
15 Department as being substantially similar to the standards in
16 this Act may apply for a respiratory care practitioner license
17 without examination.

18 (b) Beginning 6 months after December 31, 2005, all
19 individuals who provide satisfactory evidence to the
20 Department of 3 years of experience, with a minimum of 400
21 hours per year, in the practice of respiratory care during the
22 5 years immediately preceding December 31, 2005 shall be
23 issued a license, unless the license may be denied under
24 Section 95 of this Act. This experience must have been
25 obtained while under the supervision of a certified
26 respiratory therapist, a registered respiratory therapist, or

1 a licensed registered nurse or under the supervision or
2 direction of a licensed health care professional. All
3 applications for a license under this subsection (b) shall be
4 postmarked within 12 months after December 31, 2005.

5 (c) A person may practice as a respiratory care
6 practitioner if he or she has applied in writing to the
7 Department in form and substance satisfactory to the
8 Department for a license as a licensed respiratory care
9 practitioner and has complied with all the provisions under
10 this Section except for the passing of an examination to be
11 eligible to receive such license, until the Department has
12 made the decision that the applicant has failed to pass the
13 next available examination authorized by the Department or has
14 failed, without an approved excuse, to take the next available
15 examination authorized by the Department or until the
16 withdrawal of the application, but not to exceed 6 months. An
17 applicant practicing professional ~~registered~~ respiratory care
18 under this subsection (c) who passes the examination, however,
19 may continue to practice under this subsection (c) until such
20 time as he or she receives his or her license to practice or
21 until the Department notifies him or her that the license has
22 been denied. No applicant for licensure practicing under the
23 provisions of this subsection (c) shall practice professional
24 respiratory care except under the proximate ~~direct~~ supervision
25 of a licensed health care professional or authorized licensed
26 personnel. In no instance shall any such applicant practice or

1 be employed in any supervisory capacity.

2 (Source: P.A. 94-523, eff. 1-1-06.)

3 (225 ILCS 106/60)

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

5 Sec. 60. Professional identification; advertising.

6 (a) A person who is licensed pursuant to this Act with the
7 Department ~~of Professional Regulation in this State~~ may use
8 the title "respiratory care practitioner" and the abbreviation
9 "RCP".

10 (b) A licensee shall include in every advertisement for
11 services regulated under this Act the licensee's ~~his or her~~
12 title as it appears on the license or the initials authorized
13 under this Act.

14 (Source: P.A. 91-310, eff. 1-1-00; 91-357, eff. 7-29-99.)

15 (225 ILCS 106/65)

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

17 Sec. 65. Licenses; renewal; restoration; inactive status.

18 (a) The expiration date and renewal period for each
19 license issued under this Act shall be set by rule. The
20 licensee may renew a license during the 30 day period
21 preceding its expiration date by paying the required fee and
22 demonstrating compliance with any continuing education
23 requirements.

24 (b) A person who has permitted a license to expire or who

1 has a license on inactive status may have it restored by
2 submitting an application to the Department and filing proof
3 of fitness, as defined by rule, to have the license restored,
4 including, if appropriate, evidence that is satisfactory to
5 the Department certifying the active practice of respiratory
6 care in another jurisdiction and by paying the required fee.

7 A person practicing on an expired license is considered to
8 be practicing without a license.

9 (c) If the person has not maintained an active practice
10 that is satisfactory to the Department in another
11 jurisdiction, the Department shall determine the person's
12 fitness to resume active status. The Department may require
13 the person to complete a specified period of evaluated
14 respiratory care and may require successful completion of an
15 examination.

16 (d) A person whose license expired while that person ~~he or~~
17 ~~she~~ was (1) in federal service on active duty with the Armed
18 Forces of the United States or called into service or training
19 with the State Militia, or (2) in training or education under
20 the supervision of the United States government preliminary to
21 induction into military service may have the ~~his or her~~
22 license restored without paying any lapsed renewal fees if,
23 within 2 years after the termination of the person's ~~his or her~~
24 service, training, or education, except under conditions other
25 than honorable, the Department is furnished with satisfactory
26 evidence that the person has been so engaged and that the

1 service, training, or education has been terminated.

2 (e) A license to practice shall not be denied any
3 applicant because of the applicant's race, religion, creed,
4 national origin, political beliefs, or activities, age, sex,
5 sexual orientation, or physical impairment.

6 (Source: P.A. 99-230, eff. 8-3-15.)

7 (225 ILCS 106/70)

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

9 Sec. 70. Inactive status. A person who notifies the
10 Department in writing on forms prescribed by the Department
11 may elect to place the person's ~~his or her~~ license on an
12 inactive status and shall, subject to rules of the Department,
13 be excused from payment of renewal fees until that person ~~he or~~
14 ~~she~~ notifies the Department in writing of a desire to resume
15 active status.

16 A person requesting restoration from inactive status shall
17 be required to pay the current renewal fee and shall be
18 required to restore the ~~his or her~~ license as provided in
19 Section 65 of this Act.

20 Practice by a respiratory care practitioner whose license
21 is in an inactive status shall be considered to be the
22 unlicensed practice of respiratory care and shall be grounds
23 for discipline under this Act.

24 (Source: P.A. 89-33, eff. 1-1-96.)

1 (225 ILCS 106/80)

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

3 Sec. 80. Returned checks; fines. Any person who delivers a
4 check or other payment to the Department that is returned to
5 the Department unpaid by the financial institution upon which
6 it is drawn shall pay to the Department, in addition to the
7 amount already owed to the Department, a fine of \$50. The fines
8 imposed by this Section are in addition to any other
9 discipline provided under this Act for unlicensed practice or
10 practice on a nonrenewed license. The Department shall notify
11 the person that payment of fees and fines shall be paid to the
12 Department by certified check or money order within 30
13 calendar days of the notification. If, after the expiration of
14 30 days from the date of the notification, the person has
15 failed to submit the necessary remittance, the Department
16 shall automatically terminate the license or certificate or
17 deny the application, without hearing. If, after termination
18 or denial, the person seeks a license or certificate, that
19 person ~~he or she~~ shall apply to the Department for restoration
20 or issuance of the license or certificate and pay all fees and
21 fines due to the Department. The Department may establish a
22 fee for the processing of an application for restoration of a
23 license or certificate to pay all expenses of processing this
24 application. The Secretary may waive the fines due under this
25 Section in individual cases where the Secretary finds that the
26 fines would be unreasonable or unnecessarily burdensome.

1 (Source: P.A. 99-230, eff. 8-3-15.)

2 (225 ILCS 106/85)

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

4 Sec. 85. Endorsement.

5 (a) The Department may issue a license as a respiratory
6 care practitioner without the required examination, to an
7 applicant licensed under the laws of another state or United
8 States jurisdiction whose standards in the opinion of the
9 Department, are substantially equivalent at the date of the
10 ~~his or her~~ licensure in the other jurisdiction to the
11 requirements of this Act or the applicant, at the time of
12 licensure, possessed individual qualifications which were
13 substantially equivalent to the requirements of this Act. The
14 applicant shall pay all of the required fees.

15 (b) An applicant shall have 3 years from the date of
16 application to complete the application process. If the
17 process has not been completed within 3 years, the application
18 shall be denied, the fee forfeited, and the applicant must
19 reapply and meet the requirements in effect at the time of
20 reapplication.

21 (Source: P.A. 89-33, eff. 1-1-96.)

22 (225 ILCS 106/90)

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

24 Sec. 90. Continuing education. Proof or certification of

1 having met the minimum requirement of continuing education as
2 determined by the Department shall be required of all license
3 and certificate renewals. Pursuant to rule, the continuing
4 education requirement may upon petition be waived in whole or
5 in part if the respiratory care practitioner can demonstrate
6 that the practitioner ~~he or she~~ had served in the Coast Guard
7 or Armed Forces, had an extreme hardship as defined by rule, or
8 obtained the license or certification by examination or
9 endorsement within the preceding renewal period.

10 The Department shall establish by rule a means for the
11 verification of completion of the continuing education
12 required by this Section. This verification may be
13 accomplished through audits of records maintained by
14 licensees; by requiring the filing of continuing education
15 certificates with the Department; or by other means
16 established by the Department.

17 (Source: P.A. 89-33, eff. 1-1-96.)

18 (225 ILCS 106/95)

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

20 Sec. 95. Grounds for discipline.

21 (a) The Department may refuse to issue, renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department
24 considers appropriate, including the issuance of fines not to
25 exceed \$10,000 for each violation, with regard to any license

1 for any one or combination of the following:

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

4 (2) Violations of this Act, or any of the rules
5 adopted under this Act.

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

18 (5) Professional incompetence or negligence in the
19 rendering of respiratory care services.

20 (6) Malpractice.

21 (7) Aiding or assisting another person in violating
22 any rules or provisions of this Act.

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

25 (9) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (10) Violating the rules of professional conduct
3 adopted by the Department.

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

7 (12) 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 services not actually
11 rendered. Nothing in this paragraph (12) 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 (12) shall be construed to
20 require an employment arrangement to receive professional
21 fees for services rendered.

22 (13) A finding that the licensee, after having the ~~her~~
23 ~~or his~~ license placed on probationary status or subject to
24 conditions or restrictions, has violated the terms of
25 probation or failed to comply with such terms or
26 conditions.

1 (14) Abandonment of a patient.

2 (15) Willfully filing false records or reports
3 relating to a licensee's practice including, but not
4 limited to, false records filed with a federal or State
5 agency or department.

6 (16) 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 (17) Providing respiratory care, other than pursuant
10 to an order.

11 (18) Physical or mental disability including, but not
12 limited to, deterioration through the aging process or
13 loss of motor skills that results in the inability to
14 practice the profession with reasonable judgment, skill,
15 or safety.

16 (19) Solicitation of professional services by using
17 false or misleading advertising.

18 (20) Failure to file a tax return, or to pay the tax,
19 penalty, or interest shown in a filed return, or to pay any
20 final assessment of tax penalty, or interest, as required
21 by any tax Act administered by the Illinois Department of
22 Revenue or any successor agency or the Internal Revenue
23 Service or any successor agency.

24 (21) Irregularities in billing a third party for
25 services rendered or in reporting charges for services not
26 rendered.

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

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

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

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

22 (26) Willful omission to file or record, or willfully
23 impeding the filing or recording, or inducing another
24 person to omit to file or record medical reports as
25 required by law or willfully failing to report an instance
26 of suspected child abuse or neglect as required by the

1 Abused and Neglected Child Reporting Act.

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

4 (28) Willfully or negligently violating the
5 confidentiality between licensee and patient, except as
6 required by law.

7 (29) The use of any false, fraudulent, or deceptive
8 statement in any document connected with the licensee's
9 practice.

10 (b) The determination by a court that a licensee is
11 subject to involuntary admission or judicial admission as
12 provided in the Mental Health and Developmental Disabilities
13 Code will result in an automatic suspension of the licensee's
14 ~~his or her~~ license. The suspension will end upon a finding by a
15 court that the licensee is no longer subject to involuntary
16 admission or judicial admission, the issuance of an order so
17 finding and discharging the patient, and the recommendation of
18 the Board to the Secretary that the licensee be allowed to
19 resume the licensee's ~~his or her~~ practice.

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

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

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

2 Sec. 100. Violations; injunctions; cease and desist order.

3 (a) If a person violates any provision of this Act, the
4 Secretary may, in the name of the People of the State of
5 Illinois, through the Attorney General, petition for an order
6 enjoining the violation or an order enforcing compliance with
7 this Act. Upon the filling of a verified petition, the court
8 with appropriate jurisdiction may issue a temporary
9 restraining order without notice or bond and may preliminarily
10 and permanently enjoin the violation. If it is established
11 that the person has violated or is violating the injunction,
12 the court may punish the offender for contempt of court.
13 Proceedings under this Section are in addition to all other
14 remedies and penalties provided by this Act.

15 (b) If a person holds oneself ~~himself or herself~~ out as
16 being a respiratory care practitioner under this Act and is
17 not licensed to do so, then any licensed respiratory care
18 practitioner, interested party, or injured person may petition
19 for relief as provided in subsection (a) of this Section.

20 (c) Whenever, in the opinion of the Department, a person
21 violates any provision of this Act, the Department may issue a
22 rule to show cause why an order to cease and desist should not
23 be entered against that person. The rule shall clearly set
24 forth the grounds relied upon by the Department and shall
25 allow at least 7 days from the date of the rule to file an
26 answer satisfactory to the Department. Failure to answer to

1 the satisfaction of the Department shall cause an order to
2 cease and desist to be issued.

3 (Source: P.A. 99-230, eff. 8-3-15.)

4 (225 ILCS 106/105)

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

6 Sec. 105. Investigations; notice; hearing. The Department
7 may investigate the actions of an applicant, a licensee, or a
8 person claiming to hold a license. The Department shall,
9 before revoking, suspending, placing on probation,
10 reprimanding, or taking any other disciplinary action under
11 Section 95 of this Act, at least 30 days before the date set
12 for the hearing (i) notify the accused, in writing, of any
13 charges made and the time and place for the hearing on the
14 charges, (ii) direct the accused ~~him or her~~ to file a written
15 answer to the charges with the Board under oath within 20 days
16 after the service upon the accused ~~him or her~~ of the notice,
17 and (iii) inform the accused that, if the accused fails ~~he or~~
18 ~~she fails~~ to answer, default will be taken against the accused
19 ~~him or her~~ and the accused's ~~his or her~~ license may be
20 suspended, revoked, placed on probationary status, or other
21 disciplinary action taken with regard to the license,
22 including limiting the scope, nature, or extent of the
23 accused's ~~his or her~~ practice, without a hearing, as the
24 Department may consider proper. In case the person, after
25 receiving notice, fails to file an answer, the person's ~~his or~~

1 ~~her~~ license may, in the discretion of the Department, be
2 suspended, revoked, placed on probationary status, or the
3 Department may take whatever disciplinary action is considered
4 proper, including, limiting the scope, nature, or extent of
5 the person's practice or the imposition of a fine, without a
6 hearing, if the act or acts charged constitute sufficient
7 grounds for an action under this Act. The written notice may be
8 served by ~~personal delivery or certified~~ mail to the address
9 of record or by email to the email address of record.

10 (Source: P.A. 99-230, eff. 8-3-15.)

11 (225 ILCS 106/110)

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

13 Sec. 110. Record of proceedings; transcript. The
14 Department, at its expense, shall provide a certified
15 shorthand reporter to take down the testimony and preserve the
16 record of all proceedings at a formal hearing of any case. The
17 notice of hearing, complaint, all other documents in the
18 nature of pleadings and written motions filed in the
19 proceedings, the transcript of testimony, the report of the
20 Board and orders of the Department shall be in the record of
21 the proceedings. The record may be made available to any
22 person interested in the hearing upon payment of the fee
23 required by Section 2105-115 of the Department of Professional
24 Regulation Law of the Civil Administrative Code of Illinois.

25 (Source: P.A. 99-230, eff. 8-3-15.)

1 (225 ILCS 106/135)

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

3 Sec. 135. Secretary; rehearing. Whenever the Secretary
4 believes that substantial justice has not been done in the
5 revocation, suspension, refusal to issue or renew a license,
6 or any other discipline of an applicant or licensee, the
7 Secretary ~~he or she~~ may order a rehearing by the same or other
8 hearing officers.

9 (Source: P.A. 99-230, eff. 8-3-15.)

10 (225 ILCS 106/155)

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

12 Sec. 155. Surrender of license. Upon the revocation or
13 suspension of a license, the licensee shall immediately
14 surrender the ~~his or her~~ license to the Department. If the
15 licensee fails to do so, the Department has the right to seize
16 the license.

17 (Source: P.A. 89-33, eff. 1-1-96.)

18 (225 ILCS 106/160)

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

20 Sec. 160. Summary suspension of license. The Secretary may
21 summarily suspend the license of a respiratory care
22 practitioner without a hearing, simultaneously with the
23 institution of proceedings for a hearing provided for in

1 Section 105 of this Act, if the Secretary finds that evidence
2 in the Secretary's ~~his or her~~ possession indicates that the
3 continuation of practice by the respiratory care practitioner
4 would constitute an imminent danger to the public. In the
5 event that the Secretary summarily suspends the license of
6 respiratory care practitioner without a hearing, a hearing
7 must be commenced within 30 calendar days after the suspension
8 has occurred and concluded as expeditiously as practical.

9 (Source: P.A. 99-230, eff. 8-3-15.)

10 (225 ILCS 106/170)

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

12 Sec. 170. Administrative review; certification of record;
13 costs.

14 All final administrative decisions of the Department are
15 subject to judicial review pursuant to the Administrative
16 Review Law and its rules. The term "administrative decision"
17 is defined as in Section 3-101 of the Code of Civil Procedure.

18 Proceedings for judicial review shall be commenced in the
19 circuit court of the county in which the party applying for
20 review resides, but if the party is not a resident of this
21 State, the venue shall be in Sangamon County.

22 The Department shall not be required to certify any record
23 to the court, or file an answer in court, or otherwise appear
24 in any court in a judicial review proceeding, unless and until
25 the Department has received from the plaintiff payment of the

1 costs of furnishing and certifying the record, which costs
2 shall be determined by the Department. ~~Exhibits shall be~~
3 ~~certified without cost.~~ Failure on the part of the plaintiff
4 to file a receipt is grounds for dismissal of the action.
5 During the pendency and hearing of any and all judicial
6 proceedings incident to the disciplinary action, the sanctions
7 imposed upon the accused by the Department specified in the
8 Department's final administrative decision shall, as a matter
9 of public policy, remain in full force and effect in order to
10 protect the public pending final resolution of any of the
11 proceedings.

12 (Source: P.A. 99-230, eff. 8-3-15.)

13 (225 ILCS 106/180)

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

15 Sec. 180. Illinois Administrative Procedure Act;
16 application. The Illinois Administrative Procedure Act is
17 hereby expressly adopted and incorporated in this Act as if
18 all of the provisions of the Act were included in this Act,
19 except that the provision of paragraph (d) of Section 10-65 of
20 the Illinois Administrative Procedure Act, which provides that
21 at hearings the registrant or licensee has the right to show
22 compliance with all lawful requirements for retention or
23 continuation or renewal of the license, is specifically
24 excluded. For the purpose of this Act, the notice required
25 under Section 10-25 of the Illinois Administrative Procedure

1 Act is considered sufficient when mailed to address of record
2 or emailed to the email address of record of the licensee or
3 applicant.

4 (Source: P.A. 99-230, eff. 8-3-15.)

5 Section 99. Effective date. This Section and Section 5
6 take effect upon becoming law.".