



Rep. Theresa Mah

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LRB100 09385 SMS 24238 a

1 AMENDMENT TO HOUSE BILL 2630

2 AMENDMENT NO. _____. Amend House Bill 2630 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 ~~The Acupuncture Practice Act.~~

12 The Illinois Speech-Language Pathology and Audiology
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

1 The Pharmacy Practice Act.

2 The Home Medical Equipment and Services Provider License
3 Act.

4 The Marriage and Family Therapy Licensing Act.

5 The Nursing Home Administrators Licensing and Disciplinary
6 Act.

7 The Physician Assistant Practice Act of 1987.

8 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
9 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
10 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
11 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
12 96-328, eff. 8-11-09.)

13 (5 ILCS 80/4.38 new)

14 Sec. 4.38. Act repealed on January 1, 2028. The following
15 Act is repealed on January 1, 2028:

16 The Acupuncture Practice Act.

17 Section 10. The Acupuncture Practice Act is amended by
18 changing Sections 5, 10, 15, 20, 20.1, 25, 30, 35, 40, 50, 60,
19 70, 105, 110, 120, 130, 140, 152, 160, 170, 175, 190, and 200
20 and by adding Sections 12, 20.2, and 142 as follows:

21 (225 ILCS 2/5)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 5. Objects and purpose. The practice of acupuncture in

1 the State of Illinois is hereby declared to affect the public
2 health, safety, and welfare and to be subject to regulation and
3 control in the public interest. It is further declared to be a
4 matter of public interest and concern that the practice of
5 acupuncture as defined in this Act merit and receive the
6 confidence of the public, and that only qualified persons, as
7 set forth by this Act, be authorized to practice acupuncture in
8 the State of Illinois. This Act shall be liberally construed to
9 best carry out these subjects and purposes.

10 (Source: P.A. 89-706, eff. 1-31-97.)

11 (225 ILCS 2/10)

12 (Section scheduled to be repealed on January 1, 2018)

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

14 "Acupuncture" means ~~the~~ evaluation or treatment that is
15 effected by stimulating ~~of persons affected through a method of~~
16 ~~stimulation of a certain~~ body points ~~point or points on or~~
17 ~~immediately below the surface of the body~~ by the insertion of
18 pre-sterilized, single-use, disposable needles, unless
19 medically contraindicated. "Acupuncture" includes, but is not
20 limited to, stimulation that may be effected by, ~~with or~~
21 ~~without~~ the application of heat, including far infrared, or
22 cold, electricity, electro or magnetic ~~electronic~~ stimulation,
23 cold laser, vibration, cupping, qua sha, ~~or~~ manual pressure, or
24 other methods, with or without the concurrent use of needles,
25 to prevent or modify the perception of pain, to normalize

1 physiological functions, or for the treatment of ~~certain~~
2 diseases or dysfunctions of the body and includes the
3 determination of a care regimen or treatment protocol according
4 to traditional East Asian principles and activities referenced
5 in Section 15 of this Act for which a written referral is not
6 required. In accordance with this Section, the practice known
7 as dry needling or intramuscular manual stimulation, or similar
8 wording intended to describe such practice, is determined to be
9 within the definition, scope, and practice of acupuncture.
10 Acupuncture also includes evaluation or treatment in
11 accordance with traditional and modern practices of East Asian
12 medical theory, including, but not limited to, moxibustion,
13 herbal medicinals, natural or dietary supplements, manual
14 methods, exercise, and diet to prevent or modify the perception
15 of pain, to normalize physiological functions, or for the
16 treatment of diseases or dysfunctions of the body and includes
17 activities referenced in Section 15 of this Act for which a
18 written referral is not required. Acupuncture does not include
19 radiology, electrosurgery, chiropractic technique, physical
20 therapy, naprapathic technique, use or prescribing of any
21 pharmaceuticals, ~~drugs, medications, herbal preparations,~~
22 ~~nutritional supplements, serums,~~ or vaccines, or determination
23 of a differential diagnosis. An acupuncturist licensed
24 ~~registered~~ under this Act who is not also licensed as a
25 physical therapist under the Illinois Physical Therapy Act
26 shall not hold himself or herself out as being qualified to

1 provide physical therapy or physiotherapy services. ~~An~~
2 ~~acupuncturist shall refer to a licensed physician or dentist,~~
3 ~~any patient whose condition should, at the time of evaluation~~
4 ~~or treatment, be determined to be beyond the scope of practice~~
5 ~~of the acupuncturist.~~

6 "Acupuncturist" means a person who practices acupuncture
7 in all its forms, including traditional and modern practices in
8 both teachings and delivery, and who is licensed by the
9 Department. An acupuncturist shall refer to a licensed
10 physician or dentist any patient whose condition should, at the
11 time of evaluation or treatment, be determined to be beyond the
12 scope of practice of the acupuncturist.

13 "Address of record" means the designated address recorded
14 by the Department in the applicant's or licensee's application
15 file or license file as maintained by the Department's
16 licensure maintenance unit.

17 "Board" means the Board of Acupuncture appointed by the
18 Secretary.

19 "Dentist" means a person licensed under the Illinois Dental
20 Practice Act.

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

23 "Email address of record" means the designated email
24 address recorded by the Department in the applicant's
25 application file or the licensee's license file as maintained
26 by the Department's licensure maintenance unit.

1 "Physician" means a person licensed under the Medical
2 Practice Act of 1987.

3 "Referral by written order" for purposes of this Act means
4 a diagnosis, substantiated by signature of a physician or
5 dentist, identifying a patient's condition and recommending
6 treatment by acupuncture as defined in this Act. The diagnosis
7 shall remain in effect until changed by the physician or
8 dentist who may, through express direction in the referral,
9 maintain management of the patient.

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

12 "State" includes:

- 13 (1) the states of the United States of America;
- 14 (2) the District of Columbia; and
- 15 (3) the Commonwealth of Puerto Rico.

16 (Source: P.A. 95-450, eff. 8-27-07.)

17 (225 ILCS 2/12 new)

18 Sec. 12. Address of record; email address of record. All
19 applicants and licensees shall:

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

24 (2) inform the Department of any change of address of
25 record or email address of record within 14 days after such

1 change either through the Department's website or by
2 contacting the Department's licensure maintenance unit.

3 (225 ILCS 2/15)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 15. Who may practice acupuncture. No person licensed
6 under this Act may treat human ailments otherwise than by the
7 practice of acupuncture as defined in this Act and shall only
8 practice acupuncture consistent with the education and
9 certifications obtained pursuant to the requirements set forth
10 in this Act. A physician or dentist licensed in Illinois may
11 practice acupuncture in accordance with his or her training
12 pursuant to this Act or the Medical Practice Act of 1987. A
13 ~~physician or a dentist may refer by written order a patient to~~
14 ~~an acupuncturist for the practice of acupuncture as defined in~~
15 ~~this Act and may, through express direction in the referral,~~
16 ~~maintain management of the patient. Nothing in this Act shall~~
17 ~~be construed to require a referral of a patient to an~~
18 ~~acupuncturist for evaluation and treatment based on~~
19 ~~acupuncture principles and techniques as taught by schools~~
20 ~~accredited by the Accreditation Commission for Acupuncture and~~
21 ~~Oriental Medicine or a similar accrediting body approved by the~~
22 ~~Department.~~ An acupuncturist shall refer to a licensed
23 physician or dentist, any patient whose condition should, at
24 the time of evaluation or treatment, be determined to be beyond
25 the scope of practice of the acupuncturist.

1 Nothing in this Act regarding the use of dietary
2 supplements or herbs shall be construed to prohibit a person
3 licensed in this State under any other Act from engaging in the
4 practice for which he or she is licensed.

5 (Source: P.A. 93-999, eff. 8-23-04.)

6 (225 ILCS 2/20)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 20. Exempt activities. This Act does not prohibit any
9 person licensed in this State ~~as a dentist or physician~~ from
10 engaging in the practice for which he or she is licensed.

11 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

12 (225 ILCS 2/20.1)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 20.1. Guest instructors of acupuncture; professional
15 education. The provisions of this Act do not prohibit an
16 acupuncturist from another state or country, who is not
17 licensed under this Act and who is an invited guest of a
18 professional acupuncture association or scientific acupuncture
19 foundation or an acupuncture training program or continuing
20 education provider approved by the Department under this Act,
21 from engaging in professional education through lectures,
22 clinics, or demonstrations, provided that the acupuncturist is
23 currently licensed in another state or country and his or her
24 license is active and has not been disciplined, or he or she is

1 currently certified in good standing as an acupuncturist by the
2 National Certification Commission for Acupuncture and Oriental
3 Medicine or similar body approved by the Department.

4 Licensees under this Act may engage in professional
5 education through lectures, clinics, or demonstrations as an
6 invited guest of a professional acupuncture association or
7 scientific acupuncture foundation or an acupuncture training
8 program or continuing education provider approved by the
9 Department under this Act. The Department may, but is not
10 required to, establish rules concerning this Section.

11 (Source: P.A. 95-450, eff. 8-27-07; 96-255, eff. 8-11-09;
12 96-483, eff. 8-14-09.)

13 (225 ILCS 2/20.2 new)

14 Sec. 20.2. Guest practitioners of acupuncture. The
15 provisions of this Act do not prohibit an acupuncturist from
16 another state or country who is not licensed under the Act from
17 practicing in Illinois during a state of emergency as declared
18 by the Governor of Illinois, provided that the acupuncturist is
19 currently licensed in another state or country and his or her
20 license is active and has not been disciplined, or he or she is
21 certified by the National Certification Commission for
22 Acupuncture and Oriental Medicine or similar body approved by
23 the Department. Such practice is limited to the time period
24 during which the declared state of emergency is in effect and
25 may not exceed 2 consecutive weeks or a total of 30 days in one

1 calendar year.

2 (225 ILCS 2/25)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 25. Powers and duties of Department. The Department
5 shall exercise powers and duties under this Act as follows:

6 (1) Review applications to ascertain the
7 qualifications of applicants for licensure.

8 (2) Adopt rules consistent with the provisions of this
9 Act for its administration and enforcement and may
10 prescribe forms that shall be used in connection with this
11 Act. The rules may define standards and criteria for
12 professional conduct and discipline. The Department shall
13 consult with the Board in adopting rules. ~~Notice of~~
14 ~~proposed rulemaking shall be transmitted to the Board, and~~
15 ~~the Department shall review the Board's response and any~~
16 ~~recommendations made in the response.~~

17 (3) The Department may at any time seek the advice and
18 the expert knowledge of the Board on any matter relating to
19 the administration of this Act.

20 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

21 (225 ILCS 2/30)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 30. Illinois Administrative Procedure Act. The
24 Illinois Administrative Procedure Act is hereby expressly

1 adopted and incorporated herein as if all of the provisions of
2 that Act were included in this Act, except that the provision
3 of subsection (d) of Section 10-65 of the Illinois
4 Administrative Procedure Act, which provides that at hearings
5 the licensee has the right to show compliance with all lawful
6 requirements for retention or continuation or renewal of the
7 license, is specifically excluded. For the purposes of this
8 Act, the notice required under Section 10-25 of the Illinois
9 Administrative Procedure Act is deemed sufficient when mailed
10 to the address of record. ~~shall apply to all administrative~~
11 ~~rules and procedures of the Department under this Act, except~~
12 ~~that in the case of a conflict between the Illinois~~
13 ~~Administrative Procedure Act and this Act, the provisions of~~
14 ~~this Act shall control.~~

15 (Source: P.A. 89-706, eff. 1-31-97.)

16 (225 ILCS 2/35)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 35. Board of Acupuncture. The Secretary shall appoint
19 a Board of Acupuncture to consist of 7 persons who shall ~~be~~
20 ~~appointed by and shall~~ serve in an advisory capacity to the
21 Secretary. Four members must hold an active license to engage
22 in the practice of acupuncture in this State, one member shall
23 be a chiropractic physician licensed under the Medical Practice
24 Act of 1987 who is actively engaged in the practice of
25 acupuncture, one member shall be a physician licensed to

1 practice medicine in all of its branches in Illinois, and one
2 member must be a member of the public who is not licensed under
3 this Act or a similar Act of another jurisdiction and who has
4 no connection with the profession.

5 Members shall serve 4-year terms and until their successors
6 are appointed and qualified. No member may be appointed to more
7 than 2 consecutive full terms ~~shall be reappointed to the Board~~
8 ~~for a term that would cause his or her continuous service on~~
9 ~~the Board to be longer than 8 consecutive years.~~ Appointments
10 to fill vacancies shall be made in the same manner as original
11 appointments for the unexpired portion of the vacated term.
12 Initial terms shall begin upon the effective date of this
13 amendatory Act of 1997.

14 The Board may annually elect a chairperson and a
15 vice-chairperson who shall preside in the absence of the
16 chairperson. The membership of the Board should reasonably
17 reflect representation from the geographic areas in this State.
18 The Secretary may terminate the appointment of any member for
19 cause. The Secretary may give due consideration to all
20 recommendations of the Board. A majority of the Board members
21 currently appointed shall constitute a quorum. A vacancy in the
22 membership of the Board shall not impair the right of a quorum
23 to exercise the right and perform all the duties of the Board.
24 Members of the Board shall have no liability in any action
25 based upon any disciplinary proceeding or other activity
26 performed in good faith as a member of the Board.

1 (Source: P.A. 95-450, eff. 8-27-07.)

2 (225 ILCS 2/40)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 40. Application for licensure. Applications for
5 original licensure as an acupuncturist shall be made to the
6 Department in writing on forms prescribed by the Department and
7 shall be accompanied by the required fee, which shall not be
8 refundable.

9 ~~Until December 31, 2001, applicants shall submit with the~~
10 ~~application proof of passing the National Certification~~
11 ~~Commission for Acupuncture and Oriental Medicine examination~~
12 ~~or a substantially equivalent examination approved by the~~
13 ~~Department or meeting any other qualifications established by~~
14 ~~the Department.~~

15 The ~~On and after January 1, 2002, the~~ Department may ~~shall~~
16 issue a license to an applicant who submits with the
17 application proof of each of the following:

18 (1) (A) graduation from a school accredited by the
19 Accreditation Commission for Acupuncture and Oriental
20 Medicine or a similar accrediting body approved by the
21 Department; or (B) completion of a comprehensive
22 educational program approved by the Department; and

23 (2) for applications submitted on or before December
24 31, 2019, passing the National Certification Commission
25 for Acupuncture and Oriental Medicine examination or a

1 substantially equivalent examination approved by the
2 Department; for applications submitted on or after January
3 1, 2020, demonstration of status as a Diplomat of
4 Acupuncture or Diplomat of Oriental Medicine with the
5 National Certification Commission for Acupuncture and
6 Oriental Medicine or a substantially equivalent credential
7 as approved by the Department.

8 An applicant has 3 years from the date of his or her
9 application to complete the application process. If the process
10 has not been completed in 3 years, the application shall be
11 denied, the fee shall be forfeited, and the applicant must
12 reapply and meet the requirements in effect at the time of
13 reapplication.

14 (Source: P.A. 93-999, eff. 8-23-04.)

15 (225 ILCS 2/50)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 50. Practice prohibited. Unless he or she has been
18 issued, by the Department, a valid, existing license as an
19 acupuncturist under this Act, no person may use the title and
20 designation of "Acupuncturist", "Licensed Acupuncturist",
21 "Certified Acupuncturist", "Doctor of Acupuncture and Chinese
22 Medicine", "Doctor of Acupuncture and Oriental Medicine",
23 "Doctor of Acupuncture", "Oriental Medicine Practitioner",
24 "Licensed Oriental Medicine Practitioner", "Oriental Medicine
25 Doctor", "Licensed Oriental Medicine Doctor", "C.A.", "Act.",

1 "Lic. Act.", ~~or~~ "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or
2 "O.M.D." either directly or indirectly, in connection with his
3 or her profession or business. No person licensed under this
4 Act may use the designation "medical", directly or indirectly,
5 in connection with his or her profession or business. Nothing
6 shall prevent a physician from using the designation
7 "Acupuncturist".

8 No person may practice, offer to practice, attempt to
9 practice, or hold himself or herself out to practice as a
10 licensed acupuncturist without being licensed under this Act.

11 This Act does not prohibit a person from applying
12 acupuncture needles, modalities, or techniques as part of his
13 or her educational training when he or she:

14 (1) is engaged in a State-approved course in
15 acupuncture, as provided in this Act;

16 (2) is a graduate of a school of acupuncture and
17 participating in a postgraduate training program;

18 (3) is a graduate of a school of acupuncture and
19 participating in a review course in preparation for taking
20 the National Certification Commission for Acupuncture and
21 Oriental Medicine examination; or

22 (4) is participating in a State-approved continuing
23 education course offered through a State-approved
24 provider.

25 Students attending schools of acupuncture, and
26 professional acupuncturists who are not licensed in Illinois,

1 may engage in the practice of ~~the application of~~ acupuncture
2 ~~techniques~~ in conjunction with their education as provided in
3 this Act, but may not open an office, appoint a place to meet
4 private patients, consult with private patients, or otherwise
5 engage in the practice of acupuncture beyond what is required
6 in conjunction with their education.

7 (Source: P.A. 92-70, eff. 7-12-01.)

8 (225 ILCS 2/60)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 60. Exhibition of license upon request; change of
11 address. A licensee shall, whenever requested, exhibit his or
12 her license to any representative of the Department ~~and shall~~
13 ~~notify the Department of the address or addresses, and of every~~
14 ~~change of address, where the licensee practices acupuncture.~~

15 (Source: P.A. 95-450, eff. 8-27-07.)

16 (225 ILCS 2/70)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 70. ~~Renewal, reinstatement,~~ or restoration of
19 license; continuing education; military service. The
20 expiration date and renewal period for each license issued
21 under this Act shall be set by rule. The holder of a license
22 may renew that license during the month preceding its
23 expiration date by paying the required fee.

24 In order to renew or restore a license, applicants shall

1 provide proof of having met the requirements of continuing
2 education set forth in the rules of the Department. Continuing
3 education sponsors approved by the Department may not use an
4 individual to engage in clinical demonstration, unless that
5 individual is actively licensed under this Act or licensed by
6 another state or country as set forth in Section 20.1 of this
7 Act.

8 A person who has permitted his or her license to expire or
9 who has had his or her license on inactive status may have the
10 license restored by submitting an application to the
11 Department, by meeting continuing education requirements, and
12 by filing proof acceptable to the Department of fitness to have
13 the license restored, which may include sworn evidence
14 certifying to active practice in another jurisdiction
15 satisfactory to the Department and by paying the required
16 restoration fee. If the person has not maintained an active
17 practice in another jurisdiction satisfactory to the
18 Department, the Department shall determine, ~~by an evaluation~~
19 ~~program established by rule,~~ his or her fitness to resume
20 active status and ~~may require the person to complete a period~~
21 ~~of evaluated clinical experience and~~ may require successful
22 completion of a practical examination.

23 Any acupuncturist whose license expired while he or she was
24 (1) in federal service on active duty with the Armed Forces of
25 the United States or the State Militia called into service or
26 training or (2) in training or education under the supervision

1 of the United States preliminary to induction into the military
2 service, however, may have his or her license ~~registration~~
3 restored without paying any lapsed renewal fees if within 2
4 years after honorable termination of service, training, or
5 education, he or she furnishes the Department with satisfactory
6 evidence that he or she has been so engaged and that his or her
7 service, training, or education has been terminated.

8 (Source: P.A. 95-450, eff. 8-27-07.)

9 (225 ILCS 2/105)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 105. Unlicensed practice; civil penalty.

12 (a) A person who practices, offers to practice, attempts to
13 practice, or holds himself or herself out to practice as a
14 licensed acupuncturist without being licensed under this Act
15 shall, in addition to any other penalty provided by law, pay a
16 civil penalty to the Department in an amount not to exceed
17 \$10,000 for each offense as determined by the Department. The
18 civil penalty shall be assessed by the Department after a
19 hearing is held in accordance with the provisions set forth in
20 this Act regarding the provision of a hearing for the
21 discipline of a licensee.

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

24 (c) The civil penalty shall be paid within 60 days after
25 the effective date of the order imposing the civil penalty. The

1 order shall constitute a judgment and may be filed and
2 execution had thereon in the same manner as any judgment from
3 any court of record.

4 (Source: P.A. 95-450, eff. 8-27-07.)

5 (225 ILCS 2/110)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 110. Grounds for disciplinary action.

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

14 (1) Violations of this ~~the~~ Act or its rules.

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

25 (3) Making any misrepresentation for the purpose of

1 obtaining a license.

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

4 (5) Failing to provide information within 60 days in
5 response to a written request made by the Department which
6 has been sent by certified or registered mail to the
7 licensee's ~~last known~~ address of record or by email to the
8 licensee's email address of record.

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

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

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

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

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

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

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

1 (13) 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 upon
4 proof by clear and convincing evidence that the licensee
5 has caused a child to be an abused child or a neglected
6 child as defined in the Abused and Neglected Child
7 Reporting Act.

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

11 (15) The use of any words, abbreviations, figures or
12 letters (such as "Acupuncturist", "Licensed
13 Acupuncturist", "Certified Acupuncturist", "Doctor of
14 Acupuncture and Chinese Medicine", "Doctor of Acupuncture
15 and Oriental Medicine", "Doctor of Acupuncture", "Oriental
16 Medicine Practitioner", "Licensed Oriental Medicine
17 Practitioner", "Oriental Medicine Doctor", "Licensed
18 Oriental Medicine Doctor", "C.A.", "Act.", "Lic. Act.", ~~or~~
19 "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or "O.M.D.") or any
20 designation used by the Accreditation Commission for
21 Acupuncture and Oriental Medicine with the intention of
22 indicating practice as a licensed acupuncturist without a
23 valid license as an acupuncturist issued under this Act.

24 When the name of the licensed acupuncturist is used
25 professionally in oral, written, or printed announcements,
26 professional cards, or publications for the information of

1 the public, the degree title or degree abbreviation shall
2 be added immediately following title and name. When the
3 announcement, professional card, or publication is in
4 writing or in print, the explanatory addition shall be in
5 writing, type, or print not less than 1/2 the size of that
6 used in the name and title. No person other than the holder
7 of a valid existing license under this Act shall use the
8 title and designation of "acupuncturist", either directly
9 or indirectly, in connection with his or her profession or
10 business.

11 (16) Using claims of superior quality of care to entice
12 the public or advertising fee comparisons of available
13 services with those of other persons providing acupuncture
14 services.

15 (17) Advertising of professional services that the
16 offeror of the services is not licensed to render.
17 Advertising of professional services that contains false,
18 fraudulent, deceptive, or misleading material or
19 guarantees of success, statements that play upon the vanity
20 or fears of the public, or statements that promote or
21 produce unfair competition.

22 (18) Having treated ailments ~~of human beings~~ other than
23 by the practice of acupuncture as defined in this Act, or
24 having treated ailments of ~~human beings~~ as a licensed
25 acupuncturist pursuant to a referral by written order that
26 provides for management of the patient by a physician or

1 dentist without having notified the physician or dentist
2 who established the diagnosis that the patient is receiving
3 acupuncture treatments ~~treatment~~.

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

6 (20) Physical illness, mental illness, or other
7 impairment that results in the inability to practice the
8 profession with reasonable judgment, skill, and safety,
9 including, without limitation, deterioration through the
10 aging process, mental illness, or disability.

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

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

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

1 restored. Where the circumstances so indicate, the Board may
2 recommend to the Department that it require an examination
3 prior to restoring a suspended license.

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

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

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

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

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 30 days after
25 the suspension and completed without appreciable delay. The
26 Department and Board shall have the authority to review the

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

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

10 (Source: P.A. 95-450, eff. 8-27-07.)

11 (225 ILCS 2/120)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 120. Checks or orders to Department dishonored because
14 of insufficient funds. Any person who issues or delivers a
15 check or other order to the Department that is not honored on 2
16 occasions by the financial institution upon which it is drawn
17 because of insufficient funds on account, the account is
18 closed, or a stop payment has been placed on the check or order
19 shall pay to the Department, in addition to the amount owing
20 upon the check or other order, a fee of \$50. If the check or
21 other order was issued or delivered in payment of a renewal or
22 issuance fee and the person whose license ~~registration~~ has
23 lapsed continues to practice acupuncture without paying the
24 renewal or issuance fee and the required \$50 fee under this
25 Section, an additional fee of \$100 shall be imposed. The fees

1 imposed by this Section are in addition to any other
2 disciplinary provision under this Act prohibiting practice on
3 an expired or non-renewed license registration. ~~The Department~~
4 ~~shall mail a registration renewal form to each registrant 60~~
5 ~~days before the expiration of the registrant's current~~
6 ~~registration. The Department shall notify a person whose~~
7 ~~registration has lapsed, within 30 days after the discovery of~~
8 ~~the lapse, that the individual is engaged in the unauthorized~~
9 ~~practice of acupuncture and of the amount due to the Department~~
10 ~~which shall include the lapsed renewal fee and all other fees~~
11 ~~required by this Section.~~ If after the expiration of 30 days
12 from the date of the notification a person whose license
13 ~~registration~~ has lapsed seeks a current license registration,
14 he or she shall thereafter apply to the Department for
15 restoration of the license registration and pay all fees due to
16 the Department. The Department may establish a fee for the
17 processing of an application for restoration of a license
18 ~~registration~~ that allows the Department to pay all costs and
19 expenses incident to the processing of this application. The
20 Secretary may waive the fees due under this Section in
21 individual cases where he or she finds that the fees would be
22 unreasonably or unnecessarily burdensome.

23 (Source: P.A. 95-450, eff. 8-27-07.)

24 (225 ILCS 2/130)

25 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 130. Injunctions; criminal offenses; cease and desist
2 order.

3 (a) If any person violates the provisions of this Act, the
4 Secretary may, in the name of the People of the State of
5 Illinois, through the Attorney General of the State of Illinois
6 or the State's Attorney for any county in which the action is
7 brought, petition for an order enjoining the violation or for
8 an order enforcing compliance with this Act. Upon the filing of
9 a ~~verified~~ petition in court, the court may issue a temporary
10 restraining order, without notice or condition, and may
11 preliminarily and permanently enjoin the violation. If it is
12 established that the person has violated or is violating the
13 injunction, the court ~~Court~~ may punish the offender for
14 contempt of court. Proceedings under this Section shall be in
15 addition to, and not in lieu of, all other remedies and
16 penalties provided by this Act.

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

26 (c) Other than as provided in Section 20 of this Act, if

1 any person practices as an acupuncturist or holds himself or
2 herself out as a licensed acupuncturist under this Act without
3 being issued a valid existing license by the Department, then
4 any licensed acupuncturist, any interested party, or any person
5 injured thereby may, in addition to the Secretary, petition for
6 relief as provided in subsection (a) of this Section.

7 (Source: P.A. 95-450, eff. 8-27-07.)

8 (225 ILCS 2/140)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 140. Investigation; notice; hearing. Licenses may be
11 refused, revoked, suspended, or otherwise disciplined in the
12 manner provided by this Act and not otherwise. The Department
13 may upon its own motion or upon the complaint of any person
14 setting forth facts that if proven would constitute grounds for
15 refusal to issue or renew or for suspension, revocation, or
16 other disciplinary action under this Act, investigate the
17 actions of a person applying for, holding, or claiming to hold
18 a license. The Department shall, before refusing to issue or
19 renew, suspending, revoking, or taking other disciplinary
20 action regarding a license or taking other discipline pursuant
21 to Section 110 of this Act, and at least 30 days prior to the
22 date set for the hearing, notify in writing the applicant or
23 licensee of any charges made, shall afford the applicant or
24 licensee an opportunity to be heard in person or by counsel in
25 reference to the charges, and direct the applicant or licensee

1 to file a written answer to the Department under oath within 20
2 days after the service of the notice and inform the applicant
3 or licensee that failure to file an answer will result in
4 default being taken against the applicant or licensee and that
5 the license may be suspended, revoked, placed on probationary
6 status, or other disciplinary action may be taken, including
7 limiting the scope, nature, or extent of practice, as the
8 Secretary may deem proper. Written notice may be served by: (1)
9 personal delivery to the applicant or licensee; ~~or by~~ (2)
10 mailing the notice by registered or certified mail to his or
11 her address of record ~~last known place of residence~~ or to the
12 place of business last specified by the applicant or licensee
13 in his or her last notification to the Department; or (3)
14 sending notice via email to the applicant's or licensee's email
15 address of record. If the person fails to file an answer after
16 receiving notice, his or her license may, in the discretion of
17 the Department, be suspended, revoked, or placed on
18 probationary status or the Department may take whatever
19 disciplinary action deemed proper, including limiting the
20 scope, nature, or extent of the person's practice or the
21 imposition of a fine, without a hearing, if the act or acts
22 charged constitute sufficient grounds for such action under
23 this Act. At the time and place fixed in the notice, the
24 Department shall proceed to hearing of the charges and both the
25 applicant or licensee and the complainant shall be afforded
26 ample opportunity to present, in person or by counsel, any

1 statements, testimony, evidence, and arguments that may be
2 pertinent to the charges or to their defense. The Department
3 may continue a hearing from time to time. If the Board is not
4 sitting at the time and place fixed in the notice or at the
5 time and place to which the hearing shall have been continued,
6 the Department may continue the hearing for a period not to
7 exceed 30 days.

8 (Source: P.A. 95-450, eff. 8-27-07.)

9 (225 ILCS 2/142 new)

10 Sec. 142. Confidentiality. All information collected by
11 the Department in the course of an examination or investigation
12 of a licensee or applicant, including, but not limited to, any
13 complaint against a licensee filed with the Department and
14 information collected to investigate any such complaint, shall
15 be maintained for the confidential use of the Department and
16 may not be disclosed. The Department may not disclose the
17 information to anyone other than law enforcement officials,
18 other regulatory agencies that have an appropriate regulatory
19 interest as determined by the Secretary of the Department, or a
20 party presenting a lawful subpoena to the Department.
21 Information and documents disclosed to a federal, State,
22 county, or local law enforcement agency may not be disclosed by
23 the agency for any purpose to any other agency or person. A
24 formal complaint filed by the Department against a licensee or
25 applicant is a public record, except as otherwise prohibited by

1 law.

2 (225 ILCS 2/152)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 152. Certification of record. The Department shall not
5 be required to certify any a record to the court, file any
6 answer in court, or otherwise appear in any court in a judicial
7 review proceeding, unless and until the Department has received
8 from the plaintiff payment of the costs of furnishing and
9 certifying the record, which costs shall be determined by the
10 Department. Exhibits shall be certified without cost ~~there is~~
11 ~~filed in the court with the complaint a receipt from the~~
12 ~~Department acknowledging payment of the costs of furnishing and~~
13 ~~certifying the record.~~ Failure on the part of the plaintiff to
14 file a receipt in court shall be grounds for dismissal of the
15 action.

16 (Source: P.A. 90-61, eff. 7-3-97.)

17 (225 ILCS 2/160)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 160. Findings of facts, conclusions of law, and
20 recommendations. At the conclusion of the hearing, the Board
21 shall present to the Secretary a written report of its findings
22 of fact, conclusions of law, and recommendations. The report
23 shall contain a finding whether or not the accused person
24 violated this Act or failed to comply with the conditions

1 required in this Act. The Board shall specify the nature of the
2 violation or failure to comply and shall make its
3 recommendations to the Secretary.

4 The report of findings of fact, conclusions of law, and
5 recommendations of the Board may be the basis of the order of
6 the Department. If the Secretary disagrees in any regard with
7 the report of the Board, the Secretary may issue an order in
8 contravention of the report. ~~The Secretary shall provide notice~~
9 ~~to the Board on any deviation and the reasons for the~~
10 ~~deviation.~~ The finding is not admissible in evidence against
11 the person in a criminal prosecution brought for the violation
12 of this Act, but the hearing and findings are not a bar to a
13 criminal prosecution brought for the violation of this Act.

14 (Source: P.A. 95-450, eff. 8-27-07.)

15 (225 ILCS 2/170)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 170. Service of report; rehearing; order. In any case
18 involving the refusal to issue or renew a license or the
19 discipline of a license, a copy of the Board's hearing
20 ~~officer's~~ report shall be served upon the respondent by the
21 Department, ~~either personally or~~ as provided in this Act for
22 the service of the notice of hearing. Within 20 days after the
23 service, the respondent may present to the Department a motion
24 in writing for a rehearing that shall specify the particular
25 grounds for rehearing. If no motion for rehearing is filed,

1 then upon the expiration of the time specified for filing such
2 a motion, or if a motion for rehearing is denied, then upon the
3 denial the Secretary may enter an order in accordance with
4 recommendations of the Board, except as provided in Section 175
5 of this Act. If the respondent orders from the reporting
6 service office and pays for a transcript of the record within
7 the time for filing a motion for rehearing, the 20-day ~~20-day~~
8 period within which the motion may be filed shall commence upon
9 the delivery of the transcript to the respondent.

10 (Source: P.A. 95-450, eff. 8-27-07.)

11 (225 ILCS 2/175)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 175. Substantial justice to be done; rehearing.
14 Whenever the Secretary is satisfied that substantial justice
15 has not been done in the revocation, suspension, or refusal to
16 issue, restore, or renew ~~discipline of~~ a license, or other
17 discipline of an applicant or licensee, the Secretary may order
18 a rehearing by the same or other examiners ~~another hearing~~
19 ~~officer.~~

20 (Source: P.A. 95-450, eff. 8-27-07.)

21 (225 ILCS 2/190)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 190. Surrender of license ~~registration~~. Upon the
24 revocation or suspension of any license ~~registration,~~ the

1 licensee ~~registrant~~ shall immediately surrender the license
2 ~~registration~~ certificate to the Department. If the licensee
3 ~~registrant~~ fails to do so, the Department shall have the right
4 to seize the license ~~registration~~ certificate.

5 (Source: P.A. 95-450, eff. 8-27-07.)

6 (225 ILCS 2/200)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 200. Review under Administrative Review Law. All final
9 administrative decisions of the Department are subject to
10 judicial review under the Administrative Review Law and all
11 rules adopted under the Administrative Review Law. The term
12 "administrative decision" is defined as in Section 3-101 of the
13 Code of Civil Procedure.

14 Proceedings for judicial review shall be commenced in the
15 circuit court of the county in which the party applying for
16 review resides; however, if the party is not a resident of this
17 State, the venue shall be Sangamon County.

18 (Source: P.A. 89-706, eff. 1-31-97.)

19 (225 ILCS 2/90 rep.)

20 Section 15. The Acupuncture Practice Act is amended by
21 repealing Section 90.

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