



Rep. Michael J. Zalewski

# Adopted in House Comm. on Nov 12, 2019

10100SB2104ham001

LRB101 09864 SMS 64544 a

1 AMENDMENT TO SENATE BILL 2104

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2104 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.30 and 4.33 as follows:

6 (5 ILCS 80/4.30)

7 Sec. 4.30. Acts repealed on January 1, 2020. The following  
8 Acts are repealed on January 1, 2020:

9 The Community Association Manager Licensing and  
10 Disciplinary Act.

11 The Illinois Landscape Architecture Act of 1989.

12 ~~The Pharmacy Practice Act.~~

13 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;  
14 100-863, eff. 8-14-18; 101-269, eff. 8-9-19; 101-310, eff.  
15 8-9-19; 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313,  
16 eff. 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19;

1 101-357, eff. 8-9-19; revised 9-27-19.)

2 (5 ILCS 80/4.33)

3 Sec. 4.33. Acts repealed on January 1, 2023. The following  
4 Acts are repealed on January 1, 2023:

5 The Dietitian Nutritionist Practice Act.

6 The Elevator Safety and Regulation Act.

7 The Fire Equipment Distributor and Employee Regulation Act  
8 of 2011.

9 The Funeral Directors and Embalmers Licensing Code.

10 The Naprapathic Practice Act.

11 The Pharmacy Practice Act.

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

14 The Wholesale Drug Distribution Licensing Act.

15 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;  
16 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.  
17 8-22-12; 97-1130, eff. 8-28-12; 97-1141, eff. 12-28-12.)

18 Section 10. The Pharmacy Practice Act is amended by  
19 changing Sections 4.5, 9, 9.5, 17.1, 30, 33, 35.3, 35.5, 35.9,  
20 35.10, and 35.21 and by adding Sections 15.1 and 22c as  
21 follows:

22 (225 ILCS 85/4.5)

23 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 4.5. The Collaborative Pharmaceutical Task Force. In  
2 order to protect the public and provide quality pharmaceutical  
3 care, the Collaborative Pharmaceutical Task Force is  
4 established. The Task Force shall discuss how to further  
5 advance the practice of pharmacy in a manner that recognizes  
6 the needs of the healthcare system, patients, pharmacies,  
7 pharmacists, and pharmacy technicians. As a part of its  
8 discussions, the Task Force shall consider, at a minimum, the  
9 following:

10           (1) the extent to which providing whistleblower  
11 protections for pharmacists and pharmacy technicians  
12 reporting violation of worker policies and requiring  
13 pharmacies to have at least one pharmacy technician on duty  
14 whenever the practice of pharmacy is conducted, to set a  
15 prescription filling limit of not more than 10  
16 prescriptions filled per hour, to mandate at least 10  
17 pharmacy technician hours per 100 prescriptions filled, to  
18 place a general prohibition on activities that distract  
19 pharmacists, to provide a pharmacist a minimum of 2  
20 15-minute paid rest breaks and one 30-minute meal period in  
21 each workday on which the pharmacist works at least 7  
22 hours, to not require a pharmacist to work during a break  
23 period, to pay to the pharmacist 3 times the pharmacist's  
24 regular hourly rate of pay for each workday during which  
25 the required breaks were not provided, to make available at  
26 all times a room on the pharmacy's premises with adequate

1 seating and tables for the purpose of allowing a pharmacist  
2 to enjoy break periods in a clean and comfortable  
3 environment, to keep a complete and accurate record of the  
4 break periods of its pharmacists, to limit a pharmacist  
5 from working more than 8 hours a workday, and to retain  
6 records of any errors in the receiving, filling, or  
7 dispensing of prescriptions of any kind could be integrated  
8 into the Pharmacy Practice Act; and

9 (2) the extent to which requiring the Department to  
10 adopt rules requiring pharmacy prescription systems  
11 contain mechanisms to require prescription discontinuation  
12 orders to be forwarded to a pharmacy, to require patient  
13 verification features for pharmacy automated prescription  
14 refills, and to require that automated prescription  
15 refills notices clearly communicate to patients the  
16 medication name, dosage strength, and any other  
17 information required by the Department governing the use of  
18 automated dispensing and storage systems to ensure that  
19 discontinued medications are not dispensed to a patient by  
20 a pharmacist or by any automatic refill dispensing systems  
21 whether prescribed through electronic prescriptions or  
22 paper prescriptions may be integrated into the Pharmacy  
23 Practice Act to better protect the public.

24 In developing standards related to its discussions, the  
25 Collaborative Pharmaceutical Task Force shall consider the  
26 extent to which Public Act 99-473 (enhancing continuing

1 education requirements for pharmacy technicians) and Public  
2 Act 99-863 (enhancing reporting requirements to the Department  
3 of pharmacy employee terminations) may be relevant to the  
4 issues listed in paragraphs (1) and (2).

5 The voting members of the Collaborative Pharmaceutical  
6 Task Force shall be appointed as follows:

7 (1) the Speaker of the House of Representatives, or his  
8 or her designee, shall appoint: a representative of a  
9 statewide organization exclusively representing retailers,  
10 including pharmacies; and a retired licensed pharmacist  
11 who has previously served on the Board of Pharmacy and on  
12 the executive committee of a national association  
13 representing pharmacists and who shall serve as the  
14 chairperson of the Collaborative Pharmaceutical Task  
15 Force;

16 (2) the President of the Senate, or his or her  
17 designee, shall appoint: a representative of a statewide  
18 organization representing pharmacists; and a  
19 representative of a statewide organization representing  
20 unionized pharmacy employees;

21 (3) the Minority Leader of the House of  
22 Representatives, or his or her designee, shall appoint: a  
23 representative of a statewide organization representing  
24 physicians licensed to practice medicine in all its  
25 branches in Illinois; and a representative of a statewide  
26 professional association representing pharmacists,

1 pharmacy technicians, pharmacy students, and others  
2 working in or with an interest in hospital and  
3 health-system pharmacy; and

4 (4) the Minority Leader of the Senate, or his or her  
5 designee, shall appoint: a representative of a statewide  
6 organization representing hospitals; and a representative  
7 of a statewide association exclusively representing  
8 long-term care pharmacists.

9 The Secretary, or his or her designee, shall appoint the  
10 following non-voting members of the Task Force: a  
11 representative of the University of Illinois at Chicago College  
12 of Pharmacy; a clinical pharmacist who has done extensive study  
13 in pharmacy e-prescribing and e-discontinuation; and a  
14 representative of the Department.

15 The Department shall provide administrative support to the  
16 Collaborative Pharmaceutical Task Force. The Collaborative  
17 Pharmaceutical Task Force shall meet at least monthly at the  
18 call of the chairperson.

19 No later than September 1, 2019, the voting members of the  
20 Collaborative Pharmaceutical Task Force shall vote on  
21 recommendations concerning the standards in paragraphs (1) and  
22 (2) of this Section.

23 No later than November 1, 2019, the Department, in direct  
24 consultation with the Collaborative Pharmaceutical Task Force,  
25 shall propose rules for adoption that are consistent with the  
26 Collaborative Pharmaceutical Task Force's recommendations, or

1 recommend legislation to the General Assembly, concerning the  
2 standards in paragraphs (1) and (2) of this Section.

3 For the purposes of continuing dialogue on best practices  
4 for pharmacy in the State of Illinois, the Task Force shall be  
5 reconvened beginning January 1, 2020. Members who served on the  
6 Task Force before January 1, 2020 shall continue to serve. The  
7 following additional voting members shall be appointed to the  
8 Task Force as follows:

9 (A) one representative of a statewide organization  
10 exclusively representing retailers, including pharmacies,  
11 who shall be appointed by the Governor;

12 (B) one representative of a statewide organization  
13 representing unionized pharmacy employees who shall be  
14 appointed by the Governor;

15 (C) one member of the General Assembly who shall be  
16 appointed by the Speaker of the House of Representatives;

17 (D) one member of the General Assembly who shall be  
18 appointed by the Minority Leader of the House of  
19 Representatives;

20 (E) one member of the General Assembly who shall be  
21 appointed by the President of the Senate; and

22 (F) one member of the General Assembly who shall be  
23 appointed by the Minority Leader of the Senate.

24 All provisions relating to the operation and meeting of the  
25 Task Force shall continue to apply during the extended period  
26 beginning January 1, 2020.

1       No later than October 1, 2020, the voting members of the  
2 Task Force shall vote on recommendations that are in addition  
3 to those voted on or before September 1, 2019.

4       No later than November 1, 2020, the Department, in direct  
5 consultation with the Task Force, shall propose rules for  
6 adoption that are consistent with the Task Force's  
7 recommendations, or recommend legislation to the General  
8 Assembly, concerning the items considered by the Task Force.

9       This Section is repealed on November 1, 2021 ~~2020~~.

10      (Source: P.A. 100-497, eff. 9-8-17.)

11           (225 ILCS 85/9) (from Ch. 111, par. 4129)

12           (Section scheduled to be repealed on January 1, 2020)

13           Sec. 9. Licensure as registered pharmacy technician.

14           (a) Any person shall be entitled to licensure as a  
15 registered pharmacy technician who is of the age of 16 or over,  
16 has not engaged in conduct or behavior determined to be grounds  
17 for discipline under this Act, is attending or has graduated  
18 from an accredited high school or comparable school or  
19 educational institution or received a high school equivalency  
20 certificate, and has filed a written or electronic application  
21 for licensure on a form to be prescribed and furnished by the  
22 Department for that purpose. The Department shall issue a  
23 license as a registered pharmacy technician to any applicant  
24 who has qualified as aforesaid, and such license shall be the  
25 sole authority required to assist licensed pharmacists in the



1 practice of pharmacy, under the supervision of a licensed  
2 pharmacist. ~~A registered pharmacy technician may, under the~~  
3 ~~supervision of a pharmacist, assist in the practice of pharmacy~~  
4 ~~and perform such functions as assisting in the dispensing~~  
5 ~~process, offering counseling, receiving new verbal~~  
6 ~~prescription orders, and having prescriber contact concerning~~  
7 ~~prescription drug order clarification.~~ A registered pharmacy  
8 technician may be delegated to perform any task within the  
9 practice of pharmacy if specifically trained for that task,  
10 except for ~~not engage in~~ patient counseling, drug regimen  
11 review, or clinical conflict resolution.

12 (b) Beginning on January 1, 2017, within 2 years after  
13 initial licensure as a registered pharmacy technician, the  
14 licensee must meet the requirements described in Section 9.5 of  
15 this Act and become licensed as a registered certified pharmacy  
16 technician. If the licensee has not yet attained the age of 18,  
17 then upon the next renewal as a registered pharmacy technician,  
18 the licensee must meet the requirements described in Section  
19 9.5 of this Act and become licensed as a registered certified  
20 pharmacy technician. This requirement does not apply to  
21 pharmacy technicians registered prior to January 1, 2008.

22 (c) Any person registered as a pharmacy technician who is  
23 also enrolled in a first professional degree program in  
24 pharmacy in a school or college of pharmacy or a department of  
25 pharmacy of a university approved by the Department or has  
26 graduated from such a program within the last 18 months, shall

1 be considered a "student pharmacist" and entitled to use the  
2 title "student pharmacist". A student pharmacist must meet all  
3 of the requirements for licensure as a registered pharmacy  
4 technician set forth in this Section excluding the requirement  
5 of certification prior to the second license renewal and pay  
6 the required registered pharmacy technician license fees. A  
7 student pharmacist may, under the supervision of a pharmacist,  
8 assist in the practice of pharmacy and perform any and all  
9 functions delegated to him or her by the pharmacist.

10 (d) Any person seeking licensure as a pharmacist who has  
11 graduated from a pharmacy program outside the United States  
12 must register as a pharmacy technician and shall be considered  
13 a "student pharmacist" and be entitled to use the title  
14 "student pharmacist" while completing the 1,200 clinical hours  
15 of training approved by the Board of Pharmacy described and for  
16 no more than 18 months after completion of these hours. These  
17 individuals are not required to become registered certified  
18 pharmacy technicians while completing their Board approved  
19 clinical training, but must become licensed as a pharmacist or  
20 become licensed as a registered certified pharmacy technician  
21 before the second pharmacy technician license renewal  
22 following completion of the Board approved clinical training.

23 (e) The Department shall not renew the registered pharmacy  
24 technician license of any person who has been licensed as a  
25 registered pharmacy technician with the designation "student  
26 pharmacist" who: (1) has dropped out of or been expelled from

1 an ACPE accredited college of pharmacy; (2) has failed to  
2 complete his or her 1,200 hours of Board approved clinical  
3 training within 24 months; or (3) has failed the pharmacist  
4 licensure examination 3 times. The Department shall require  
5 these individuals to meet the requirements of and become  
6 licensed as a registered certified pharmacy technician.

7 (f) The Department may take any action set forth in Section  
8 30 of this Act with regard to a license pursuant to this  
9 Section.

10 (g) Any person who is enrolled in a non-traditional  
11 Pharm.D. program at an ACPE accredited college of pharmacy and  
12 is licensed as a registered pharmacist under the laws of  
13 another United States jurisdiction shall be permitted to engage  
14 in the program of practice experience required in the academic  
15 program by virtue of such license. Such person shall be exempt  
16 from the requirement of licensure as a registered pharmacy  
17 technician or registered certified pharmacy technician while  
18 engaged in the program of practice experience required in the  
19 academic program.

20 An applicant for licensure as a registered pharmacy  
21 technician may assist a pharmacist in the practice of pharmacy  
22 for a period of up to 60 days prior to the issuance of a license  
23 if the applicant has submitted the required fee and an  
24 application for licensure to the Department. The applicant  
25 shall keep a copy of the submitted application on the premises  
26 where the applicant is assisting in the practice of pharmacy.

1 The Department shall forward confirmation of receipt of the  
2 application with start and expiration dates of practice pending  
3 licensure.

4 (Source: P.A. 99-473, eff. 1-1-17; 100-497, eff. 9-8-17.)

5 (225 ILCS 85/9.5)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 9.5. Registered certified pharmacy technician.

8 (a) An individual licensed as a registered pharmacy  
9 technician under this Act may be licensed as a registered  
10 certified pharmacy technician, if he or she meets all of the  
11 following requirements:

12 (1) He or she has submitted a written application in  
13 the form and manner prescribed by the Department.

14 (2) He or she has attained the age of 18.

15 (3) He or she is of good moral character, as determined  
16 by the Department.

17 (4) Beginning on January 1, 2022, a new pharmacy  
18 technician is required to have ~~He or she has~~ (i) graduated  
19 from a pharmacy technician training program that meets  
20 ~~meeting~~ the requirements set forth in subsection (a) of  
21 Section 17.1 of this Act or (ii) obtained documentation  
22 from the pharmacist-in-charge of the pharmacy where the  
23 applicant is employed verifying that he or she has  
24 successfully completed a standardized nationally  
25 accredited education and training program, and has

1           successfully completed an objective assessment mechanism  
2           prepared in accordance with rules established by the  
3           Department.

4           (5) He or she has successfully passed an examination  
5           accredited by the National Commission for Certifying  
6           Agencies, as approved and required by the Board or by rule.

7           (6) He or she has paid the required licensure fees.

8           (b) No pharmacist whose license has been denied, revoked,  
9           suspended, or restricted for disciplinary purposes may be  
10          eligible to be registered as a certified pharmacy technician  
11          unless authorized by order of the Department as a condition of  
12          restoration from revocation, suspension, or restriction.

13          (c) The Department may, by rule, establish any additional  
14          requirements for licensure under this Section.

15          (d) A person who is not a licensed registered pharmacy  
16          technician and meets the requirements of this Section may be  
17          licensed as a registered certified pharmacy technician without  
18          first being licensed as a registered pharmacy technician.

19          (e) As a condition for the renewal of a license as a  
20          registered certified pharmacy technician, the licensee shall  
21          provide evidence to the Department of completion of a total of  
22          20 hours of continuing pharmacy education during the 24 months  
23          preceding the expiration date of the certificate as established  
24          by rule. One hour of continuing pharmacy education must be in  
25          the subject of pharmacy law. One hour of continuing pharmacy  
26          education must be in the subject of patient safety. The

1 continuing education shall be approved by the Accreditation  
2 Council on Pharmacy Education.

3 The Department may establish by rule a means for the  
4 verification of completion of the continuing education  
5 required by this subsection (e). This verification may be  
6 accomplished through audits of records maintained by  
7 licensees, by requiring the filing of continuing education  
8 certificates with the Department or a qualified organization  
9 selected by the Department to maintain such records, or by  
10 other means established by the Department.

11 Rules developed under this subsection (e) may provide for a  
12 reasonable annual fee, not to exceed \$20, to fund the cost of  
13 such recordkeeping. The Department may, by rule, further  
14 provide an orderly process for the restoration of a license  
15 that has not been renewed due to the failure to meet the  
16 continuing pharmacy education requirements of this subsection  
17 (e). The Department may waive the requirements of continuing  
18 pharmacy education, in whole or in part, in cases of extreme  
19 hardship as defined by rule of the Department. The waivers may  
20 be granted for not more than one of any 2 ~~3~~ consecutive renewal  
21 periods.

22 (Source: P.A. 99-473, eff. 1-1-17; 100-497, eff. 9-8-17.)

23 (225 ILCS 85/15.1 new)

24 Sec. 15.1. Pharmacy working conditions.

25 (a) A pharmacy licensed under this Act shall not require a

1 pharmacist, student pharmacist, or pharmacy technician to work  
2 longer than 12 continuous hours per day, inclusive of the  
3 breaks required under subsection (b).

4 (b) A pharmacist who works 6 continuous hours or longer per  
5 day shall be allowed to take, at a minimum, one 30-minute  
6 uninterrupted meal break and one 15-minute break during that  
7 6-hour period. If such pharmacist is required to work 12  
8 continuous hours per day, at a minimum, he or she qualifies for  
9 an additional 15-minute break. A pharmacist who is entitled to  
10 take such breaks shall not be required to work more than 5  
11 continuous hours, excluding a 15-minute break, before being  
12 given the opportunity to take a 30-minute uninterrupted meal  
13 break. If the pharmacy has a private break room available, or  
14 if there is a private break room in the establishment or  
15 business in which the pharmacy is located, a pharmacist who is  
16 entitled to breaks must be given access to that private break  
17 room and allowed to spend his or her break time in that room.

18 (c) A pharmacy may, but is not required to, close when a  
19 pharmacist is allowed to take a break under subsection (b). If  
20 the pharmacy does not close, the pharmacist shall either remain  
21 within the licensed pharmacy or within the establishment in  
22 which the licensed pharmacy is located in order to be available  
23 for emergencies. In addition, the following applies:

24 (1) pharmacy technicians, student pharmacists, and  
25 other supportive staff authorized by the pharmacist on duty  
26 may continue to perform duties as allowed under this Act;

1           (2) no duties reserved to pharmacists and student  
2           pharmacists under this Act, or that require the  
3           professional judgment of a pharmacist, may be performed by  
4           pharmacy technicians or other supportive staff; and

5           (3) only prescriptions that have received final  
6           verification by a pharmacist may be dispensed while the  
7           pharmacist is on break, except those prescriptions that  
8           require counseling by a pharmacist, including all new  
9           prescriptions and those refill prescriptions for which a  
10           pharmacist has determined that counseling is necessary,  
11           may be dispensed only if the following conditions are met:

12           (i) the patient or other individual who is picking  
13           up the prescription on behalf of the patient is told  
14           that the pharmacist is on a break and is offered the  
15           chance to wait until the pharmacist returns from break  
16           in order to receive counseling;

17           (ii) if the patient or other individual who is  
18           picking up the prescription on behalf of the patient  
19           declines to wait, a telephone number at which the  
20           patient or other individual who is picking up the  
21           prescription on behalf of the patient can be reached is  
22           obtained;

23           (iii) after returning from the break, the  
24           pharmacist makes a reasonable effort to contact the  
25           patient or other individual who is picking up the  
26           prescription on behalf of the patient and provide



1           counseling; and

2           (iv) the pharmacist documents the counseling that  
3           was provided or documents why counseling was not  
4           provided after a minimum of 2 attempts, including a  
5           description of the efforts made to contact the patient  
6           or other individual who is picking up the prescription  
7           on behalf of the patient; the documentation shall be  
8           retained by the pharmacy and made available for  
9           inspection by the Board or its authorized  
10           representatives for at least 2 years.

11           (d) In a pharmacy staffed by 2 or more pharmacists, the  
12           pharmacists shall stagger breaks so that at least one  
13           pharmacist remains on duty during all times that the pharmacy  
14           remains open for the transaction of business.

15           (e) A pharmacy shall keep and maintain a complete and  
16           accurate record showing its pharmacists' daily break periods.

17           (f) Subsections (a) and (b) shall not apply when an  
18           emergency, as deemed by the professional judgment of the  
19           pharmacist, necessitates that a pharmacist, student  
20           pharmacist, or pharmacy technician work longer than 12  
21           continuous hours, work without taking required meal breaks, or  
22           have a break interrupted in order to minimize immediate health  
23           risks for patients.

24           (225 ILCS 85/17.1)

25           (Section scheduled to be repealed on January 1, 2020)

1           Sec. 17.1. Registered pharmacy technician training.

2           (a) ~~It Beginning January 1, 2004, it~~ shall be the joint  
3 responsibility of a pharmacy and its pharmacist in charge to  
4 have trained all of its registered pharmacy technicians or  
5 obtain proof of prior training in all of the following practice  
6 areas as they apply to Illinois law and topics as they relate  
7 to the specific practice site and job responsibilities:

8           (1) The duties and responsibilities of the technicians  
9 and pharmacists.

10          (2) Tasks and technical skills, policies, and  
11 procedures.

12          (3) Compounding, packaging, labeling, and storage.

13          (4) Pharmaceutical and medical terminology.

14          (5) Record keeping requirements.

15          (6) The ability to perform and apply arithmetic  
16 calculations.

17          Beginning January 1, 2022, it shall also be the joint  
18 responsibility of a pharmacy and its pharmacist in charge to  
19 ensure that all new pharmacy technicians are educated and  
20 trained using a standard nationally accredited education and  
21 training program, such as those accredited by the Accreditation  
22 Council for Pharmacy Education (ACPE)/the American Society of  
23 Health-System Pharmacists (ASHP) or other board approved  
24 education and training programs. The pharmacist in charge is  
25 not required to provide the required education to the pharmacy  
26 technician, but the pharmacist in charge must ensure that the

1 pharmacy technician has presented proof that he or she  
2 completed a standard nationally accredited or board approved  
3 education and training program.

4 (b) Within 2 years of initial licensure as a pharmacy  
5 technician and within 6 months before beginning any new ~~after~~  
6 ~~initial employment or changing the~~ duties and responsibilities  
7 of a registered pharmacy technician, it shall be the joint  
8 responsibility of the pharmacy and the pharmacist in charge to  
9 train the registered pharmacy technician or obtain proof of  
10 prior training in the areas listed in subsection (a) of this  
11 Section as they relate to the practice site or to document that  
12 the pharmacy technician is making appropriate progress.

13 (c) All pharmacies shall maintain an up-to-date training  
14 program policies and procedures manual describing the duties  
15 and responsibilities of a registered pharmacy technician and  
16 registered certified pharmacy technician.

17 (d) All pharmacies shall create and maintain retrievable  
18 records of training or proof of training as required in this  
19 Section.

20 (Source: P.A. 100-497, eff. 9-8-17.)

21 (225 ILCS 85/22c new)

22 Sec. 22c. Automated prescription refills.

23 (a) Before a prescription that has a refill on file from a  
24 prescribing practitioner may be included in an auto-refill  
25 program, a patient or patient's agent must enroll each

1 prescription medication in an auto-refill program.  
2 Prescriptions without a refill on file are not eligible for  
3 auto-refill.

4 (b) Beginning January 1, 2021, a pharmacy using the  
5 National Council for Prescription Drug Programs's SCRIPT  
6 standard for receiving electronic prescriptions must enable,  
7 activate, and maintain the ability to receive transmissions of  
8 electronic prescription cancellation and to transmit  
9 cancellation response transactions.

10 (c) Within 2 business days of receipt of a prescription  
11 cancellation transaction, pharmacy staff must either review  
12 the cancellation transaction for deactivation or provide that  
13 deactivation occurs automatically.

14 (d) The Department shall adopt rules to implement this  
15 Section. The rules shall ensure that discontinued medications  
16 are not dispensed to a patient by a pharmacist or by any  
17 automatic refill dispensing systems, whether prescribed  
18 through electronic prescriptions or paper prescriptions.

19 (225 ILCS 85/30) (from Ch. 111, par. 4150)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 30. Refusal, revocation, suspension, or other  
22 discipline.

23 (a) The Department may refuse to issue or renew, or may  
24 revoke a license, or may suspend, place on probation, fine, or  
25 take any disciplinary or non-disciplinary action as the

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

4 1. Material misstatement in furnishing information to  
5 the Department.

6 2. Violations of this Act, or the rules promulgated  
7 hereunder.

8 3. Making any misrepresentation for the purpose of  
9 obtaining licenses.

10 4. A pattern of conduct which demonstrates  
11 incompetence or unfitness to practice.

12 5. Aiding or assisting another person in violating any  
13 provision of this Act or rules.

14 6. Failing, within 60 days, to respond to a written  
15 request made by the Department for information.

16 7. Engaging in unprofessional, dishonorable, or  
17 unethical conduct of a character likely to deceive, defraud  
18 or harm the public.

19 8. Adverse action taken by another state or  
20 jurisdiction against a license or other authorization to  
21 practice as a pharmacy, pharmacist, registered certified  
22 pharmacy technician, or registered pharmacy technician  
23 that is the same or substantially equivalent to those set  
24 forth in this Section, a certified copy of the record of  
25 the action taken by the other state or jurisdiction being  
26 prima facie evidence thereof.

1           9. Directly or indirectly giving to or receiving from  
2 any person, firm, corporation, partnership, or association  
3 any fee, commission, rebate or other form of compensation  
4 for any professional services not actually or personally  
5 rendered. Nothing in this item 9 affects any bona fide  
6 independent contractor or employment arrangements among  
7 health care professionals, health facilities, health care  
8 providers, or other entities, except as otherwise  
9 prohibited by law. Any employment arrangements may include  
10 provisions for compensation, health insurance, pension, or  
11 other employment benefits for the provision of services  
12 within the scope of the licensee's practice under this Act.  
13 Nothing in this item 9 shall be construed to require an  
14 employment arrangement to receive professional fees for  
15 services rendered.

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

19           11. Selling or engaging in the sale of drug samples  
20 provided at no cost by drug manufacturers.

21           12. Physical illness, including but not limited to,  
22 deterioration through the aging process, or loss of motor  
23 skill which results in the inability to practice the  
24 profession with reasonable judgment, skill or safety.

25           13. A finding that licensure or registration has been  
26 applied for or obtained by fraudulent means.

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

10           15. Habitual or excessive use or addiction to alcohol,  
11           narcotics, stimulants or any other chemical agent or drug  
12           which results in the inability to practice with reasonable  
13           judgment, skill or safety.

14           16. Willfully making or filing false records or reports  
15           in the practice of pharmacy, including, but not limited to  
16           false records to support claims against the medical  
17           assistance program of the Department of Healthcare and  
18           Family Services (formerly Department of Public Aid) under  
19           the Public Aid Code.

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

1 the Public Aid Code.

2 18. Dispensing prescription drugs without receiving a  
3 written or oral prescription in violation of law.

4 19. Upon a finding of a substantial discrepancy in a  
5 Department audit of a prescription drug, including  
6 controlled substances, as that term is defined in this Act  
7 or in the Illinois Controlled Substances Act.

8 20. Physical or mental illness or any other impairment  
9 or disability, including, without limitation: (A)  
10 deterioration through the aging process or loss of motor  
11 skills that results in the inability to practice with  
12 reasonable judgment, skill or safety; or (B) mental  
13 incompetence, as declared by a court of competent  
14 jurisdiction.

15 21. Violation of the Health Care Worker Self-Referral  
16 Act.

17 22. Failing to sell or dispense any drug, medicine, or  
18 poison in good faith. "Good faith", for the purposes of  
19 this Section, has the meaning ascribed to it in subsection  
20 (u) of Section 102 of the Illinois Controlled Substances  
21 Act. "Good faith", as used in this item (22), shall not be  
22 limited to the sale or dispensing of controlled substances,  
23 but shall apply to all prescription drugs.

24 23. Interfering with the professional judgment of a  
25 pharmacist by any licensee under this Act, or the  
26 licensee's agents or employees.



1           24. Failing to report within 60 days to the Department  
2 any adverse final action taken against a pharmacy,  
3 pharmacist, registered pharmacy technician, or registered  
4 certified pharmacy technician by another licensing  
5 jurisdiction in any other state or any territory of the  
6 United States or any foreign jurisdiction, any  
7 governmental agency, any law enforcement agency, or any  
8 court for acts or conduct similar to acts or conduct that  
9 would constitute grounds for discipline as defined in this  
10 Section.

11           25. Failing to comply with a subpoena issued in  
12 accordance with Section 35.5 of this Act.

13           26. Disclosing protected health information in  
14 violation of any State or federal law.

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

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

25           29. Using advertisements or making solicitations that  
26 may jeopardize the health, safety, or welfare of patients,

1 including, but not be limited to, the use of advertisements  
2 or solicitations that:

3 (A) are false, fraudulent, deceptive, or  
4 misleading; or

5 (B) include any claim regarding a professional  
6 service or product or the cost or price thereof that  
7 cannot be substantiated by the licensee.

8 30. Requiring a pharmacist to participate in the use or  
9 distribution of advertisements or in making solicitations  
10 that may jeopardize the health, safety, or welfare of  
11 patients.

12 31. Failing to provide a working environment for all  
13 pharmacy personnel that protects the health, safety, and  
14 welfare of a patient, which includes, but is not limited  
15 to, failing to:

16 (A) employ sufficient personnel to prevent  
17 fatigue, distraction, or other conditions that  
18 interfere with a pharmacist's ability to practice with  
19 competency and safety or creates an environment that  
20 jeopardizes patient care;

21 (B) provide appropriate opportunities for  
22 uninterrupted rest periods and meal breaks;

23 (C) provide adequate time for a pharmacist to  
24 complete professional duties and responsibilities,  
25 including, but not limited to:

26 (i) drug utilization review;

1                   (ii) immunization;

2                   (iii) counseling;

3                   (iv) verification of the accuracy of a  
4                   prescription; and

5                   (v) all other duties and responsibilities of a  
6                   pharmacist as listed in the rules of the  
7                   Department.

8                   32. Introducing or enforcing external factors, such as  
9                   productivity or production quotas or other programs  
10                   against pharmacists, student pharmacists or pharmacy  
11                   technicians, to the extent that they interfere with the  
12                   ability of those individuals to provide appropriate  
13                   professional services to the public.

14                   33. Providing an incentive for or inducing the transfer  
15                   of a prescription for a patient absent a professional  
16                   rationale.

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

24                   (c) The Department shall revoke any license issued under  
25 the provisions of this Act or any prior Act of this State of  
26 any person who has been convicted a second time of committing

1 any felony under the Illinois Controlled Substances Act, or who  
2 has been convicted a second time of committing a Class 1 felony  
3 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
4 person whose license issued under the provisions of this Act or  
5 any prior Act of this State is revoked under this subsection  
6 (c) shall be prohibited from engaging in the practice of  
7 pharmacy in this State.

8 (d) Fines may be imposed in conjunction with other forms of  
9 disciplinary action, but shall not be the exclusive disposition  
10 of any disciplinary action arising out of conduct resulting in  
11 death or injury to a patient. Fines shall be paid within 60  
12 days or as otherwise agreed to by the Department. Any funds  
13 collected from such fines shall be deposited in the Illinois  
14 State Pharmacy Disciplinary Fund.

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

24 (f) The Department shall issue quarterly to the Board a  
25 status of all complaints related to the profession received by  
26 the Department.

1           (g) In enforcing this Section, the Board or the Department,  
2 upon a showing of a possible violation, may compel any licensee  
3 or applicant for licensure under this Act to submit to a mental  
4 or physical examination or both, as required by and at the  
5 expense of the Department. The examining physician, or  
6 multidisciplinary team involved in providing physical and  
7 mental examinations led by a physician consisting of one or a  
8 combination of licensed physicians, licensed clinical  
9 psychologists, licensed clinical social workers, licensed  
10 clinical professional counselors, and other professional and  
11 administrative staff, shall be those specifically designated  
12 by the Department. The Board or the Department may order the  
13 examining physician or any member of the multidisciplinary team  
14 to present testimony concerning this mental or physical  
15 examination of the licensee or applicant. No information,  
16 report, or other documents in any way related to the  
17 examination shall be excluded by reason of any common law or  
18 statutory privilege relating to communication between the  
19 licensee or applicant and the examining physician or any member  
20 of the multidisciplinary team. The individual to be examined  
21 may have, at his or her own expense, another physician of his  
22 or her choice present during all aspects of the examination.  
23 Failure of any individual to submit to a mental or physical  
24 examination when directed shall result in the automatic  
25 suspension of his or her license until such time as the  
26 individual submits to the examination. If the Board or

1 Department finds a pharmacist, registered certified pharmacy  
2 technician, or registered pharmacy technician unable to  
3 practice because of the reasons set forth in this Section, the  
4 Board or Department shall require such pharmacist, registered  
5 certified pharmacy technician, or registered pharmacy  
6 technician to submit to care, counseling, or treatment by  
7 physicians or other appropriate health care providers approved  
8 or designated by the Department as a condition for continued,  
9 restored ~~reinstated~~, or renewed licensure to practice. Any  
10 pharmacist, registered certified pharmacy technician, or  
11 registered pharmacy technician whose license was granted,  
12 continued, restored ~~reinstated~~, renewed, disciplined, or  
13 supervised, subject to such terms, conditions, or  
14 restrictions, and who fails to comply with such terms,  
15 conditions, or restrictions or to complete a required program  
16 of care, counseling, or treatment, as determined by the chief  
17 pharmacy coordinator, shall be referred to the Secretary for a  
18 determination as to whether the licensee shall have his or her  
19 license suspended immediately, pending a hearing by the Board.  
20 In instances in which the Secretary immediately suspends a  
21 license under this subsection (g), a hearing upon such person's  
22 license must be convened by the Board within 15 days after such  
23 suspension and completed without appreciable delay. The  
24 Department and Board shall have the authority to review the  
25 subject pharmacist's, registered certified pharmacy  
26 technician's, or registered pharmacy technician's record of

1 treatment and counseling regarding the impairment.

2 (h) An individual or organization acting in good faith, and  
3 not in a willful and wanton manner, in complying with this  
4 Section by providing a report or other information to the  
5 Board, by assisting in the investigation or preparation of a  
6 report or information, by participating in proceedings of the  
7 Board, or by serving as a member of the Board shall not, as a  
8 result of such actions, be subject to criminal prosecution or  
9 civil damages. Any person who reports a violation of this  
10 Section to the Department is protected under subsection (b) of  
11 Section 15 of the Whistleblower Act.

12 (i) Members of the Board shall have no liability in any  
13 action based upon any disciplinary proceedings or other  
14 activity performed in good faith as a member of the Board ~~be~~  
15 ~~indemnified by the State for any actions occurring within the~~  
16 ~~scope of services on the Board, done in good faith, and not~~  
17 ~~willful and wanton in nature.~~ The Attorney General shall defend  
18 all such actions unless he or she determines either that there  
19 would be a conflict of interest in such representation or that  
20 the actions complained of were not in good faith or were  
21 willful and wanton.

22 If the Attorney General declines representation, the  
23 member shall have the right to employ counsel of his or her  
24 choice, whose fees shall be provided by the State, after  
25 approval by the Attorney General, unless there is a  
26 determination by a court that the member's actions were not in

1 good faith or were willful and wanton.

2 The member must notify the Attorney General within 7 days  
3 of receipt of notice of the initiation of any action involving  
4 services of the Board. Failure to so notify the Attorney  
5 General shall constitute an absolute waiver of the right to a  
6 defense and indemnification.

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

10 (Source: P.A. 100-497, eff. 9-8-17.)

11 (225 ILCS 85/33) (from Ch. 111, par. 4153)

12 (Section scheduled to be repealed on January 1, 2020)

13 Sec. 33. The Secretary may, upon receipt of a written  
14 communication from the Secretary of Human Services, the  
15 Director of Healthcare and Family Services (formerly Director  
16 of Public Aid), or the Director of Public Health that  
17 continuation of practice of a person licensed or registered  
18 under this Act constitutes an immediate danger to the public,  
19 immediately suspend the license of such person without a  
20 hearing. In instances in which the Secretary immediately  
21 suspends a license under this Act, a hearing upon such person's  
22 license must be convened by the Board within 15 days after such  
23 suspension and completed without appreciable delay, such  
24 hearing held to determine whether to recommend to the Secretary  
25 that the person's license be revoked, suspended, placed on



1 probationary status or restored ~~reinstated~~, or such person be  
2 subject to other disciplinary action. In such hearing, the  
3 written communication and any other evidence submitted  
4 therewith may be introduced as evidence against such person;  
5 provided however, the person, or his counsel, shall have the  
6 opportunity to discredit or impeach such evidence and submit  
7 evidence rebutting same.

8 (Source: P.A. 100-497, eff. 9-8-17.)

9 (225 ILCS 85/35.3) (from Ch. 111, par. 4155.3)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 35.3. The Department, at its expense, shall preserve a  
12 record of all proceedings at the formal hearing of any case  
13 involving the refusal to issue, renew or discipline of a  
14 license. The notice of hearing, complaint and all other  
15 documents in the nature of pleadings and written motions filed  
16 in the proceedings, the transcript of testimony, the report of  
17 the Board or hearing officer, exhibits, and orders of the  
18 Department shall be the record of such proceeding.

19 (Source: P.A. 85-796.)

20 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 35.5. The Department shall have power to subpoena and  
23 bring before it any person in this State and to take testimony,  
24 either orally or by deposition or both, with the same fees and

1 mileage and in the same manner as prescribed by law in judicial  
2 proceedings in civil cases in circuit courts of this State. The  
3 Department may subpoena and compel the production of documents,  
4 papers, files, books, and records in connection with any  
5 hearing or investigation.

6 The Secretary, hearing officer, and any member of the  
7 Board, shall each have power to administer oaths to witnesses  
8 at any hearing which the Department is authorized to conduct  
9 under this Act, and any other oaths required or authorized to  
10 be administered by the Department hereunder.

11 (Source: P.A. 100-497, eff. 9-8-17.)

12 (225 ILCS 85/35.9) (from Ch. 111, par. 4155.9)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 35.9. Whenever the Secretary ~~Director~~ is satisfied  
15 that substantial justice has not been done in the revocation,  
16 suspension or refusal to issue or renew a license or  
17 registration, the Secretary ~~Director~~ may order a rehearing by  
18 the same hearing officer and Board.

19 (Source: P.A. 88-428.)

20 (225 ILCS 85/35.10) (from Ch. 111, par. 4155.10)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 35.10. None of the disciplinary functions, powers and  
23 duties enumerated in this Act shall be exercised by the  
24 Department except upon the review of the Board.

1       ~~In all instances, under this Act, in which the Board has~~  
2 ~~rendered a recommendation to the Director with respect to a~~  
3 ~~particular license or certificate, the Director shall, in the~~  
4 ~~event that he or she disagrees with or takes action contrary to~~  
5 ~~the recommendation of the Board, file with the Board his or her~~  
6 ~~specific written reasons of disagreement with the Board.~~

7       (Source: P.A. 95-689, eff. 10-29-07.)

8       (225 ILCS 85/35.21)

9       (Section scheduled to be repealed on January 1, 2020)

10       Sec. 35.21. Citations.

11       (a) The Department may issue ~~shall adopt rules to permit~~  
12 ~~the issuance of~~ citations to any licensee for any violation of  
13 this Act or the rules. The citation shall be issued to the  
14 licensee or other person alleged to have committed one or more  
15 violations and shall contain the licensee's or other person's  
16 name and address, the licensee's license number, if any, a  
17 brief factual statement, the Sections of this Act or the rules  
18 allegedly violated, and the penalty imposed, which shall not  
19 exceed \$1,000. The citation must clearly state that if the  
20 cited person wishes to dispute the citation, he or she may  
21 request in writing, within 30 days after the citation is  
22 served, a hearing before the Department. If the cited person  
23 does not request a hearing within 30 days after the citation is  
24 served, then the citation shall become a final,  
25 non-disciplinary order and any fine imposed is due and payable.

1 If the cited person requests a hearing within 30 days after the  
2 citation is served, the Department shall afford the cited  
3 person a hearing conducted in the same manner as a hearing  
4 provided in this Act for any violation of this Act and shall  
5 determine whether the cited person committed the violation as  
6 charged and whether the fine as levied is warranted. If the  
7 violation is found, any fine shall constitute discipline and be  
8 due and payable within 30 days of the order of the Secretary.  
9 Failure to comply with any final order may subject the licensed  
10 person to further discipline or other action by the Department  
11 or a referral to the State's Attorney.

12 (b) A citation must be issued within 6 months after the  
13 reporting of a violation that is the basis for the citation.

14 (c) Service of a citation shall be made in person,  
15 electronically, or by mail to the licensee at the licensee's  
16 address of record or email address of record.

17 (d) Nothing in this Section shall prohibit or limit the  
18 Department from taking further action pursuant to this Act and  
19 rules for additional, repeated, or continuing violations.

20 (e) The Department may adopt rules for the issuance of  
21 citations in accordance with this Section.

22 (Source: P.A. 100-497, eff. 9-8-17.)

23 (225 ILCS 85/2.5 rep.)

24 (225 ILCS 85/29 rep.)

25 (225 ILCS 85/35.12 rep.)

1           Section 15. The Pharmacy Practice Act is amended by  
2   repealing Sections 2.5, 29, and 35.12.

3           Section 99. Effective date. This Act takes effect upon  
4   becoming law, except that Sections 10 and 15 take effect  
5   January 1, 2020."