



Rep. Maura Hirschauer

Filed: 3/31/2022

10200HB1464ham001

LRB102 03480 AMQ 38375 a

1 AMENDMENT TO HOUSE BILL 1464

2 AMENDMENT NO. _____. Amend House Bill 1464 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Medical Practice Act of 1987 is amended by
5 changing Sections 22 as follows:

6 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 22. Disciplinary action.

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

16 (1) (Blank).

1 (2) (Blank).

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

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

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

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

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

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

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

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

1 body or mind.

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

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

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

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

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

1 (16) Abandonment of a patient.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Coordinator.

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

4 (40) Willful failure to provide notice when notice is
5 required under the Parental Notice of Abortion Act of
6 1995.

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

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

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

15 (44) Violating the Compassionate Use of Medical
16 Cannabis Program Act.

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

21 (46) Repeated failure to adequately collaborate with a
22 licensed prescribing psychologist.

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

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

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

11 (50) Repeated failure to adequately collaborate with a
12 physician assistant.

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

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

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

25 The Department may refuse to issue or take disciplinary
26 action concerning the license of any person who fails to file a

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

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

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

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

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

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

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

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

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

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

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

26 An individual licensed under this Act, affected under this

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

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

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

17 (B) The Department shall revoke the license or permit
18 issued under this Act to practice medicine or a chiropractic
19 physician who has been convicted a second time of committing
20 any felony under the Illinois Controlled Substances Act or the
21 Methamphetamine Control and Community Protection Act, or who
22 has been convicted a second time of committing a Class 1 felony
23 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
24 person whose license or permit is revoked under this
25 subsection B shall be prohibited from practicing medicine or
26 treating human ailments without the use of drugs and without

1 operative surgery.

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

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

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

15 (3) based solely upon the license of a physician being
16 revoked or disciplined by any state or territory for the
17 provision of, authorization of, or participation in any
18 health care, medical service, or procedure related to an
19 abortion on the basis that such health care, medical
20 service, or procedure related to an abortion is unlawful
21 or prohibited in that state or territory, if the provision
22 of, authorization of, or participation in that health
23 care, medical service, or procedure related to an abortion
24 is not unlawful or prohibited in this State.

25 (D) The Medical Board shall recommend to the Department
26 civil penalties and any other appropriate discipline in

1 disciplinary cases when the Medical Board finds that a
2 physician willfully performed an abortion with actual
3 knowledge that the person upon whom the abortion has been
4 performed is a minor or an incompetent person without notice
5 as required under the Parental Notice of Abortion Act of 1995.
6 Upon the Medical Board's recommendation, the Department shall
7 impose, for the first violation, a civil penalty of \$1,000 and
8 for a second or subsequent violation, a civil penalty of
9 \$5,000.

10 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
11 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
12 8-20-21; revised 12-2-21.)

13 Section 10. The Nurse Practice Act is amended by changing
14 Section 70-5 as follows:

15 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

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

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

18 (a) The Department may refuse to issue or to renew, or may
19 revoke, suspend, place on probation, reprimand, or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate, including fines not to exceed \$10,000 per
22 violation, with regard to a license for any one or combination
23 of the causes set forth in subsection (b) below. All fines
24 collected under this Section shall be deposited in the Nursing

1 Dedicated and Professional Fund.

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

3 (1) Material deception in furnishing information to
4 the Department.

5 (2) Material violations of any provision of this Act
6 or violation of the rules of or final administrative
7 action of the Secretary, after consideration of the
8 recommendation of the Board.

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

18 (4) A pattern of practice or other behavior which
19 demonstrates incapacity or incompetency to practice under
20 this Act.

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

23 (6) Failing, within 90 days, to provide a response to
24 a request for information in response to a written request
25 made by the Department by certified or registered mail or
26 by email to the email address of record.

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

4 (8) Unlawful taking, theft, selling, distributing, or
5 manufacturing of any drug, narcotic, or prescription
6 device.

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

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

15 (11) A finding that the licensee, after having her or
16 his license placed on probationary status or subject to
17 conditions or restrictions, has violated the terms of
18 probation or failed to comply with such terms or
19 conditions.

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

1 (13) Willful omission to file or record, or willfully
2 impeding the filing or recording or inducing another
3 person to omit to file or record medical reports as
4 required by law.

5 (13.5) Willfully failing to report an instance of
6 suspected child abuse or neglect as required by the Abused
7 and Neglected Child Reporting Act.

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

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

12 (16) Failure of a licensee to report to the Department
13 any adverse final action taken against him or her by
14 another licensing jurisdiction of the United States or any
15 foreign state or country, any peer review body, any health
16 care institution, any professional or nursing society or
17 association, any governmental agency, any law enforcement
18 agency, or any court or a nursing liability claim related
19 to acts or conduct similar to acts or conduct that would
20 constitute grounds for action as defined in this Section.

21 (17) Failure of a licensee to report to the Department
22 surrender by the licensee of a license or authorization to
23 practice nursing or advanced practice registered nursing
24 in another state or jurisdiction or current surrender by
25 the licensee of membership on any nursing staff or in any
26 nursing or advanced practice registered nursing or

1 professional association or society while under
2 disciplinary investigation by any of those authorities or
3 bodies for acts or conduct similar to acts or conduct that
4 would constitute grounds for action as defined by this
5 Section.

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

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

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

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

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

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

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

1 (25) Willfully or negligently violating the
2 confidentiality between nurse and patient except as
3 required by law.

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

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

9 (28) Directly or indirectly giving to or receiving
10 from a person, firm, corporation, partnership, or
11 association a fee, commission, rebate, or other form of
12 compensation for professional services not actually or
13 personally rendered. Nothing in this paragraph (28)
14 affects any bona fide independent contractor or employment
15 arrangements among health care professionals, health
16 facilities, health care providers, or other entities,
17 except as otherwise prohibited by law. Any employment
18 arrangements may include provisions for compensation,
19 health insurance, pension, or other employment benefits
20 for the provision of services within the scope of the
21 licensee's practice under this Act. Nothing in this
22 paragraph (28) shall be construed to require an employment
23 arrangement to receive professional fees for services
24 rendered.

25 (29) A violation of the Health Care Worker
26 Self-Referral Act.

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

4 (31) Exceeding the terms of a collaborative agreement
5 or the prescriptive authority delegated to a licensee by
6 his or her collaborating physician or podiatric physician
7 in guidelines established under a written collaborative
8 agreement.

9 (32) Making a false or misleading statement regarding
10 a licensee's skill or the efficacy or value of the
11 medicine, treatment, or remedy prescribed by him or her in
12 the course of treatment.

13 (33) Prescribing, selling, administering,
14 distributing, giving, or self-administering a drug
15 classified as a controlled substance (designated product)
16 or narcotic for other than medically accepted therapeutic
17 purposes.

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

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

23 (36) Willfully or negligently violating the
24 confidentiality between an advanced practice registered
25 nurse, collaborating physician, dentist, or podiatric
26 physician and a patient, except as required by law.

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

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

11 (39) A violation of any provision of this Act or any
12 rules adopted under this Act.

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

15 (b-5) The Department shall not revoke, suspend, place on
16 prohibition, reprimand, refuse to issue or renew, or take any
17 other disciplinary or non-disciplinary action against the
18 license or permit issued under this Act to practice as a
19 registered nurse or an advanced practice registered nurse
20 based solely upon the license of a registered nurse or an
21 advanced practice registered nurse being revoked or
22 disciplined by any state or territory for the provision of,
23 authorization of, or participation in any health care, medical
24 service, or procedure related to an abortion on the basis that
25 such health care, medical service, or procedure related to an
26 abortion is unlawful or prohibited in that state or territory,

1 if the provision of, authorization of, or participation in
2 that health care, medical service, or procedure related to an
3 abortion is not unlawful or prohibited in this State.

4 (c) The determination by a circuit court that a licensee
5 is subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code, as amended, operates as an automatic suspension. The
8 suspension will end only upon a finding by a court that the
9 patient is no longer subject to involuntary admission or
10 judicial admission and issues an order so finding and
11 discharging the patient; and upon the recommendation of the
12 Board to the Secretary that the licensee be allowed to resume
13 his or her practice.

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

21 (e) In enforcing this Act, the Department, upon a showing
22 of a possible violation, may compel an individual licensed to
23 practice under this Act or who has applied for licensure under
24 this Act, to submit to a mental or physical examination, or
25 both, as required by and at the expense of the Department. The
26 Department may order the examining physician to present

1 testimony concerning the mental or physical examination of the
2 licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician. The examining physicians shall be
6 specifically designated by the Department. The individual to
7 be examined may have, at his or her own expense, another
8 physician of his or her choice present during all aspects of
9 this examination. Failure of an individual to submit to a
10 mental or physical examination, when directed, shall result in
11 an automatic suspension without hearing.

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

18 If the Department finds an individual unable to practice
19 or unfit for duty because of the reasons set forth in this
20 subsection (e), the Department may require that individual to
21 submit to a substance abuse evaluation or treatment by
22 individuals or programs approved or designated by the
23 Department, as a condition, term, or restriction for
24 continued, restored, or renewed licensure to practice; or, in
25 lieu of evaluation or treatment, the Department may file, or
26 the Board may recommend to the Department to file, a complaint

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

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

19 An individual licensed under this Act and affected under
20 this subsection (e) shall be afforded an opportunity to
21 demonstrate to the Department that he or she can resume
22 practice in compliance with nursing standards under the
23 provisions of his or her license.

24 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

25 Section 15. The Physician Assistant Practice Act of 1987

1 is amended by changing Section 21 as follows:

2 (225 ILCS 95/21) (from Ch. 111, par. 4621)

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

4 Sec. 21. Grounds for disciplinary action.

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

12 (1) Material misstatement in furnishing information to
13 the Department.

14 (2) Violations of this Act, or the rules adopted under
15 this Act.

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

25 (4) Making any misrepresentation for the purpose of

1 obtaining licenses.

2 (5) Professional incompetence.

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

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

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

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

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

18 (11) Directly or indirectly giving to or receiving
19 from any person, firm, corporation, partnership, or
20 association any fee, commission, rebate or other form of
21 compensation for any professional services not actually or
22 personally rendered. Nothing in this paragraph (11)
23 affects any bona fide independent contractor or employment
24 arrangements, which may include provisions for
25 compensation, health insurance, pension, or other
26 employment benefits, with persons or entities authorized

1 under this Act for the provision of services within the
2 scope of the licensee's practice under this Act.

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

6 (13) Abandonment of a patient.

7 (14) Willfully making or filing false records or
8 reports in his or her practice, including but not limited
9 to false records filed with state agencies or departments.

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

13 (16) Physical illness, or mental illness or impairment
14 that results in the inability to practice the profession
15 with reasonable judgment, skill, or safety, including, but
16 not limited to, deterioration through the aging process or
17 loss of motor skill.

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

25 (18) (Blank).

26 (19) Gross negligence resulting in permanent injury or

1 death of a patient.

2 (20) Employment of fraud, deception or any unlawful
3 means in applying for or securing a license as a physician
4 assistant.

5 (21) Exceeding the authority delegated to him or her
6 by his or her collaborating physician in a written
7 collaborative agreement.

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

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

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

15 (25) Making a false or misleading statement regarding
16 his or her skill or the efficacy or value of the medicine,
17 treatment, or remedy prescribed by him or her in the
18 course of treatment.

19 (26) Allowing another person to use his or her license
20 to practice.

21 (27) Prescribing, selling, administering,
22 distributing, giving, or self-administering a drug
23 classified as a controlled substance for other than
24 medically accepted therapeutic purposes.

25 (28) Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in a manner to

1 exploit the patient for financial gain.

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

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

8 (31) Exceeding the prescriptive authority delegated by
9 the collaborating physician or violating the written
10 collaborative agreement delegating that authority.

11 (32) Practicing without providing to the Department a
12 notice of collaboration or delegation of prescriptive
13 authority.

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

16 (34) Attempting to subvert or cheat on the examination
17 of the National Commission on Certification of Physician
18 Assistants or its successor agency.

19 (35) Willfully or negligently violating the
20 confidentiality between physician assistant and patient,
21 except as required by law.

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

26 (37) Being named as an abuser in a verified report by

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

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

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

16 (40) Entering into an excessive number of written
17 collaborative agreements with licensed physicians
18 resulting in an inability to adequately collaborate.

19 (41) Repeated failure to adequately collaborate with a
20 collaborating physician.

21 (42) Violating the Compassionate Use of Medical
22 Cannabis Program Act.

23 (b) The Department may, without a hearing, refuse to issue
24 or renew or may suspend the license of any person who fails to
25 file a return, or to pay the tax, penalty or interest shown in
26 a filed return, or to pay any final assessment of the tax,

1 penalty, or interest as required by any tax Act administered
2 by the Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied.

4 (b-5) The Department shall not revoke, suspend, place on
5 prohibition, reprimand, refuse to issue or renew, or take any
6 other disciplinary or non-disciplinary action against the
7 license or permit issued under this Act to practice as a
8 physician assistant based solely upon the license of a
9 physician assistant being revoked or disciplined by any state
10 or territory for the provision of, authorization of, or
11 participation in any health care, medical service, or
12 procedure related to an abortion on the basis that such health
13 care, medical service, or procedure related to an abortion is
14 unlawful or prohibited in that state or territory, if the
15 provision of, authorization of, or participation in that
16 health care, medical service, or procedure related to an
17 abortion is not unlawful or prohibited in this State.

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

1 practice.

2 (d) In enforcing this Section, the Department upon a
3 showing of a possible violation may compel an individual
4 licensed to practice under this Act, or who has applied for
5 licensure under this Act, to submit to a mental or physical
6 examination, or both, which may include a substance abuse or
7 sexual offender evaluation, as required by and at the expense
8 of the Department.

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

26 The Department may order the examining physician or any

1 member of the multidisciplinary team to provide to the
2 Department any and all records, including business records,
3 that relate to the examination and evaluation, including any
4 supplemental testing performed.

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

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

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

1 to the examination.

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

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

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

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

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

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

1 willful and wanton.

2 The member must notify the Attorney General within 7 days
3 after receipt of notice of the initiation of any action
4 involving services of the Disciplinary Board. Failure to so
5 notify the Attorney General constitutes an absolute waiver of
6 the right to a 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. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."