



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3585

Introduced 2/22/2021, by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

See Index

Amends the Dietitian Nutritionist Practice Act. Provides for the licensure of nutritionists. Makes changes in provisions concerning unlicensed practice; other activities subject to licensure; exemptions; the Dietitian Nutritionist Practice Board; dietitian nutritionists; inactive status; reciprocity; use of titles and advertising; grounds for discipline; and injunctions and cease and desist orders. Provides that the Department of Financial and Professional Regulation may require that applicants have their fingerprints submitted to the Department of State Police. Defines terms. Makes other changes. Amends the Regulatory Sunset Act. Extends the repeal date of the Dietitian Nutritionist Practice Act to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 10930 SPS 16262 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.33 and by adding 4.41 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 ~~The Dietitian Nutritionist Practice Act.~~

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing and Practice Act.

18 The Wholesale Drug Distribution Licensing Act.

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 (5 ILCS 80/4.41 new)

21 Sec. 4.41. Act repealed on January 1, 2032. The following
22 Act is repealed on January 1, 2032:

1 The Dietitian Nutritionist Practice Act.

2 Section 10. The Dietitian Nutritionist Practice Act is
3 amended by changing Sections 5, 10, 15, 15.5, 17, 20, 30, 45,
4 70, 75, 80, 95 and 100 and by adding Sections 38 and 46 as
5 follows:

6 (225 ILCS 30/5) (from Ch. 111, par. 8401-5)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 5. Purpose. The practice of dietetics and nutrition,
9 including the provision of medical nutrition therapy, services
10 in the State of Illinois is hereby declared to affect the
11 public health, safety, and welfare and to be subject to
12 regulation and control in the public interest. It is further
13 declared that the practice of dietetics and nutrition ~~services~~
14 plays an important part in the attainment and maintenance of
15 health and that it is in the public's best interest that
16 persons who present themselves as providers of nutrition care
17 ~~services in these areas~~ meet specific requirements and
18 qualifications. This Act shall be liberally construed to best
19 carry out these objectives and purposes.

20 (Source: P.A. 87-784.)

21 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

22 (Section scheduled to be repealed on January 1, 2023)

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

1 "Accreditation Council for Education in Nutrition and
2 Dietetics" means the autonomous accrediting agency for
3 education programs that prepares students to begin careers as
4 registered dietitian nutritionists or nutrition and dietetics
5 technicians, registered.

6 "Address of record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department's
9 licensure maintenance unit. It is the duty of the applicant or
10 licensee to inform the Department of any change of address and
11 those changes must be made either through the Department's
12 website or by contacting the Department.

13 "Board" means the Dietitian Nutritionist Practice Board
14 appointed by the Secretary.

15 "Board for Certification of Nutrition Specialists" means
16 the certifying board that credentials certified nutrition
17 specialists.

18 ~~"Certified clinical nutritionist" means an individual~~
19 ~~certified by the Clinical Nutrition Certification Board.~~

20 "Certified nutrition specialist" means an individual
21 certified by the Board for Certification of ~~Board for~~
22 Nutrition Specialists that authorizes the individual to use
23 the title "certified nutrition specialist" and the
24 abbreviation "C.N.S.".

25 "Commission on Dietetic Registration" means the
26 credentialing agency for the Academy of Nutrition and

1 Dietetics.

2 "Department" means the Department of Financial and
3 Professional Regulation.

4 "~~Dietetics and nutrition services~~" means the integration,
5 ~~and~~ application, and communication of practice principles
6 derived from the ~~sciences of~~ food, ~~and~~ nutrition, social,
7 business, and basic sciences to achieve and maintain the
8 optimal ~~provide for all aspects of~~ nutrition status of ~~care~~
9 ~~for~~ individuals and groups, ~~, including, but not limited to:~~

10 ~~(1) nutrition counseling; "nutrition counseling" means~~
11 ~~advising and assisting individuals or groups on~~
12 ~~appropriate nutrition intake by integrating information~~
13 ~~from the nutrition assessment;~~

14 ~~(2) nutrition assessment; "nutrition assessment" means~~
15 ~~the evaluation of the nutrition needs of individuals or~~
16 ~~groups using appropriate data to determine nutrient needs~~
17 ~~or status and make appropriate nutrition recommendations;~~

18 ~~(3) medically prescribed diet; "medically prescribed~~
19 ~~diet" is one form of medical nutrition therapy and means a~~
20 ~~diet prescribed when specific food or nutrient levels need~~
21 ~~to be monitored, altered, or both as a component of a~~
22 ~~treatment program for an individual whose health status is~~
23 ~~impaired or at risk due to disease, injury, or surgery and~~
24 ~~may only be performed as initiated by or in consultation~~
25 ~~with a physician licensed under the Medical Practice Act~~
26 ~~of 1987 acting within the scope of his or her practice,~~

1 ~~except that a medically prescribed diet for a resident of~~
2 ~~a nursing home shall only be performed as initiated by or~~
3 ~~in consultation with a physician licensed to practice~~
4 ~~medicine in all of its branches;~~

5 ~~(4) medical nutrition therapy; "medical nutrition~~
6 ~~therapy" means the component of nutrition care that deals~~
7 ~~with the systematic use of food and oral supplementation,~~
8 ~~based on the nutrition assessment and individual health~~
9 ~~status and need to manage health conditions;~~

10 ~~(5) nutrition services for individuals and groups;~~
11 ~~"nutrition services for individuals and groups" includes,~~
12 ~~but is not limited to, all of the following:~~

13 ~~(A) providing nutrition assessments relative to~~
14 ~~preventive maintenance or restorative care;~~

15 ~~(B) providing nutrition education and nutrition~~
16 ~~counseling as components of preventive maintenance or~~
17 ~~restorative care; and~~

18 ~~(C) developing and managing systems whose chief~~
19 ~~function is nutrition care; nutrition services for~~
20 ~~individuals and groups does not include medical~~
21 ~~nutrition therapy as defined in this Act; and~~

22 ~~(6) restorative; "restorative" means the component of~~
23 ~~nutrition care that deals with oral dietary needs for~~
24 ~~individuals and groups; activities shall relate to the~~
25 ~~metabolism of food and the requirements for nutrients,~~
26 ~~including dietary supplements for growth, development,~~

1 ~~maintenance, or attainment of optimal health.~~

2 "Dietitian" or "Dietitian nutritionist" means a person
3 licensed as a licensed dietitian nutritionist pursuant to
4 Section 45 who may be referred to as a nutritionist, a
5 dietitian nutritionist, or a dietitian and is authorized to
6 hold himself or herself out as such.

7 "Diplomate of the American Clinical Board of Nutrition"
8 means an individual credentialed ~~certified~~ by the American
9 Clinical Board of Nutrition who is authorized to use the title
10 "Diplomate of the American Clinical Board of Nutrition" and
11 the abbreviation "DACBN".

12 "General non-medical nutrition information" may include
13 information on any of the following:

14 (1) principles of good nutrition and food preparation;

15 (2) essential nutrients needed by the human body;

16 (3) actions of nutrients in the human body;

17 (4) effects of deficiencies or excesses of nutrients
18 in the human body;

19 (5) foods, herbs, and dietary supplements that are
20 good sources of essential nutrients in the human body; or

21 (6) principles of self-care and healthy relationships
22 with food.

23 "General supervision" means the qualified supervisor is
24 onsite and present where nutrition care services are provided,
25 or is immediately available by means of electronic
26 communications to the supervisee providing the services, and

1 maintains continual involvement in the appropriate aspects of
2 patient care and has primary responsibility for all nutrition
3 care services rendered by the supervisee.

4 "Independent private practice of medical nutrition
5 therapy" means the application of dietetics and nutrition
6 knowledge and skills by a licensed dietitian nutritionist or
7 licensed nutritionist who regulates and is responsible for her
8 or his own practice or treatment procedures.

9 "Licensed dietitian nutritionist" means a person who holds
10 a license pursuant to Section 45 of ~~licensed under~~ this Act to
11 practice dietetics and nutrition ~~services~~, including the
12 provision of medical nutrition therapy, as defined in this
13 Section. Activities of a licensed dietitian nutritionist do
14 not include the medical differential diagnosis of the health
15 status of an individual.

16 "Licensed nutritionist" means a person who holds a license
17 pursuant to Section 46 authorizing the practice of dietetics
18 and nutrition, including the provision of medical nutrition
19 therapy, as defined in this Section. Activities of a "licensed
20 nutritionist" do not include the medical differential
21 diagnosis of the health status of an individual.

22 "Medical nutrition therapy" means nutrition care services
23 provided for the treatment or management of a disease or
24 medical condition. The term includes the provision of any part
25 or all of the following services:

26 (1) interpreting anthropometric, biochemical,

1 clinical, and dietary data in acute and chronic disease
2 states and recommending or ordering nutrient needs based
3 on the dietary data, including, but not limited to, tube
4 feedings and parenteral nutrition;

5 (2) food and nutrition counseling, including
6 counseling regarding prescription drug interactions.

7 (3) developing and managing food service operations
8 with functions in nutrition care, including operations
9 connected with healthcare facilities; implicated in the
10 ordering, preparation, or serving of therapeutic diets; or
11 otherwise utilized in the management or treatment of
12 diseases or medical conditions; and

13 (4) medical weight control.

14 "Medical weight control" means medical nutrition therapy
15 for the purpose of reducing, maintaining, or gaining weight.

16 "Nutrition" means the science of food and nutrients,
17 including the action, interaction, and balance of food and
18 nutrients in relation to health and disease and the process by
19 which humans ingest, absorb, transport, utilize and excrete
20 food substances.

21 "Nutrition assessment" means the systematic process of
22 obtaining, verifying, and interpreting biochemical,
23 anthropometric, physical, nutrigenomic, and dietary data in
24 order to make decisions about the nature and cause of
25 nutrition-related problems. "Nutrition assessment" includes an
26 ongoing, dynamic process that:

1 (1) involves an initial data collection and a
2 reassessment and analysis of client or community needs;
3 and

4 (2) provides the foundation for nutrition diagnosis
5 and nutritional recommendations, including enteral and
6 parenteral nutrition.

7 "Nutrition care services" means any part of all of the
8 following services provided within a systematic process:

9 (1) assessing and evaluating the nutritional needs of
10 individuals and groups and determining resources and
11 constraints in the practice setting;

12 (2) ordering medical laboratory tests in accordance
13 with State law to check and track nutrition status and
14 monitor effectiveness of nutrition interventions, dietary
15 plans, and orders;

16 (3) establishing priorities, goals, and objectives
17 that meet an individual's nutritional needs and are
18 consistent with available resources and constraints;

19 (4) providing nutrition counseling in health and
20 disease;

21 (5) developing, implementing, and managing nutrition
22 care systems and food service operations;

23 (6) evaluating, making changes in, and maintaining
24 appropriate standards of quality in food and nutrition
25 services; and

26 (7) recommending, ordering, and providing therapeutic

1 diets.

2 "Nutrition counseling" means a supportive process,
3 characterized by a collaborative counselor-patient or
4 counselor-client relationship with individuals or groups, to
5 establish food and nutrition priorities, goals, and
6 individualized action plans and general physical activity
7 guidance that acknowledge and foster responsibility for
8 self-care to treat an existing condition or promote health.

9 "Nutrition diagnosis" means identifying and labeling
10 nutritional problems that are managed and treated by a
11 dietitian nutritionist or nutritionist. "Nutrition diagnosis"
12 does not include the medical differential diagnosis of the
13 health of an individual.

14 "Nutrition intervention" means the purposefully planned
15 actions and counseling intended to positively change a
16 nutrition-related behavior, risk factor, environmental
17 condition, or aspect of the health status for an individual,
18 target groups, or the community at large.

19 "Nutritionist" means an individual licensed under this Act
20 as either a licensed dietitian nutritionist or a licensed
21 nutritionist.

22 "Nutrition monitoring and evaluation" means identifying
23 patient or client outcomes relevant to a nutrition diagnosis
24 and comparing the outcomes with the patient's or client's
25 previous health status, intervention goals, or reference
26 standards to determine the progress made in achieving desired

1 outcomes of nutrition care and whether planned nutrition
2 interventions should be continued or revised.

3 "Onsite supervision" means the qualified supervisor is
4 onsite and present in the department or facility where
5 nutrition care services are provided, is immediately available
6 to the supervisee providing the services, and both maintains
7 continual involvement in the appropriate aspects of patient
8 care and has primary responsibility for all nutrition care
9 services rendered by the supervisee.

10 "Practice experience" means a preprofessional, documented,
11 supervised experience obtained by a supervisee in the practice
12 of ~~in~~ dietetics and ~~or~~ nutrition and the provision of medical
13 nutrition therapy ~~services~~ that is acceptable to the
14 Department as ~~in~~ compliance with requirements for licensure,
15 as specified in Section 45 or Section 46. It may be or may
16 include a documented, ~~supervised~~ practice experience obtained
17 under the supervision of a qualified supervisor, as defined in
18 this Section, which is a component of the educational
19 requirements for licensure either as a licensed dietitian
20 nutritionist, as specified in Section 45, or for licensure as
21 a licensed nutritionist, as specified in Section 46. An
22 applicant's supervised practice experience must be
23 successfully completed within a time period of no more than 5
24 years after the applicant's completion of the educational
25 requirements for licensure..

26 "Practice of dietetics and nutrition" means the

1 integration and application of scientific principles derived
2 from the study of food, nutrition, biochemistry, metabolism,
3 nutrigenomics, physiology, food management, and behavioral and
4 social sciences in achieving and maintaining patients' and
5 clients' health throughout their life spans and in providing
6 nutrition care services in-person and via telehealth in both
7 clinical and community settings. The primary functions of the
8 "practice of dietetics and nutrition" are medical nutrition
9 therapy provided for the purpose of disease management or to
10 treat or rehabilitate an illness, injury, or condition and
11 other nutrition care services provided for health and wellness
12 and as primary prevention of chronic disease.

13 "Qualified supervisor" means:

14 (1) when supervising the provision of medical
15 nutrition therapy by a supervisee, an individual who is:

16 (A) a registered dietitian nutritionist or a
17 certified nutrition specialist;

18 (B) a licensed dietitian nutritionist or a
19 licensed nutritionist; or

20 (C) a health care provider licensed under the laws
21 of any U.S. state or territory, including licensed or
22 certified dietitian nutritionists and licensed
23 nutritionists, whose licensed scope of practice
24 includes the provision of nutrition care services for
25 the treatment or management of a disease or medical
26 condition.

1 (2) when supervising the provision of nutrition care
2 services not constituting medical nutrition therapy by a
3 supervisee, an individual who either meets the
4 requirements of paragraph (1) or all of the following
5 requirements:

6 (A) has been regularly employed or self-employed
7 in the field of clinical nutrition for at least 3 of
8 the last 5 years immediately preceding commencement of
9 the applicant's supervised practice experience; and

10 (B) holds a doctoral degree with a major course of
11 study in dietetics, human nutrition, foods and
12 nutrition, community nutrition, public health
13 nutrition, naturopathic medicine, nutrition education,
14 nutrition, nutrition science, clinical nutrition,
15 applied clinical nutrition, nutrition counseling,
16 nutrition and functional medicine, nutritional
17 biochemistry, nutrition and integrative health, or an
18 equivalent course of study as recommended by the Board
19 and approved by the Department conferred by either:

20 (i) a U.S. regionally accredited college or
21 university accredited at the time of graduation
22 from the appropriate regional accrediting agency
23 recognized by the Council on Higher Education
24 Accreditation and the United States Department of
25 Education; or

26 (ii) an institution outside the United States

1 and its territories with the supervisor's doctoral
2 degree validated as equivalent to the doctoral
3 degree conferred by a U.S. regionally accredited
4 college or university as recommended by the Board
5 and approved by the Department.

6 A "qualified supervisor" under paragraph (1) shall be
7 licensed in this State if supervising an applicant
8 providing medical nutrition therapy to an individual in
9 this State.

10 "Registered dietitian" or "registered dietitian
11 nutritionist" means an individual who is registered as a
12 dietitian or dietitian nutritionist credentialed by ~~with~~ the
13 Commission on Dietetic Registration that authorizes the
14 individual to use the titles "registered dietitian
15 nutritionist" and "registered dietitian" and the abbreviations
16 "RDN" and "RD" ~~, the accrediting body of the Academy of~~
17 ~~Nutrition and Dietetics, formerly known as the American~~
18 ~~Dietetic Association.~~

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 "Telehealth" or "telepractice" ~~"Telepractice"~~ means the
22 delivery of services under this Act by using electronic
23 communication, information technologies, or other means
24 between a licensee in one location and a patient in another
25 location, with or without an intervening healthcare provider.

26 "Telehealth" or "telepractice" includes direct, interactive

1 patient encounters; asynchronous store-and-forward
2 technologies; and remote monitoring ~~means other than~~
3 ~~in-person, including, but not limited to, telephone, email,~~
4 ~~Internet, or other methods of electronic communication.~~

5 Telepractice is not prohibited under this Act provided that
6 the provision of telepractice services is appropriate for the
7 client and the level of care provided meets the required level
8 of care for that client. Individuals providing services
9 regulated by this Act via telepractice shall comply with and
10 are subject to all licensing and disciplinary provisions of
11 this Act.

12 "Therapeutic diet" means a nutrition intervention
13 prescribed by a physician or other authorized non-physician
14 practitioner that provides food or nutrients via oral,
15 enteral, and parenteral routes as part of treatment of disease
16 or clinical conditions to modify, eliminate, decrease, or
17 increase identified micro-nutrients and macro-nutrients in the
18 diet.

19 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13.)

20 (225 ILCS 30/15) (from Ch. 111, par. 8401-15)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 15. License required.

23 (a) No person may provide, offer to provide, or attempt to
24 provide medical nutrition therapy, whether ~~engage~~ for
25 remuneration or not, ~~in the practice of dietetics and~~

1 ~~nutrition services~~ or hold himself or herself out as a
2 licensed dietitian nutritionist or a licensed nutritionist or
3 as a qualified provider of nutrition care services, including
4 medical nutrition therapy, unless the person is licensed in
5 accordance with this Act.

6 (b) This Section does not prohibit the provision of
7 medical nutrition therapy ~~practice of dietetics and nutrition~~
8 ~~services~~ by a ~~the following:~~ (1) A person that is licensed to
9 practice dietetics and nutrition, including medical nutrition
10 therapy, under the law of another state, territory of the
11 United States, or country and has applied in writing to the
12 Department in form and substance satisfactory to the
13 Department for a license as a licensed dietitian nutritionist
14 or licensed nutritionist under this Act until (i) the
15 expiration of 6 months after filing the written application,
16 (ii) the withdrawal of the application, or (iii) the denial of
17 the application by the Department.

18 ~~(2) A person that is licensed to practice dietetics~~
19 ~~under the law of another state, territory of the United~~
20 ~~States, or country, or is a certified nutrition~~
21 ~~specialist, a certified clinical nutritionist, a diplomate~~
22 ~~of the American Clinical Board of Nutrition, or a~~
23 ~~registered dietitian, who has applied in writing to the~~
24 ~~Department in form and substance satisfactory to the~~
25 ~~Department for a license as a dietitian nutritionist until~~
26 ~~(i) the expiration of 6 months after the filing the~~

1 ~~written application, (ii) the withdrawal of the~~
2 ~~application, or (iii) the denial of the application by the~~
3 ~~Department.~~

4 (Source: P.A. 97-1141, eff. 12-28-12.)

5 (225 ILCS 30/15.5)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 15.5. Unlicensed practice; violation; civil penalty.

8 (a) Any person who provides practices, offers to provide
9 practice, attempts to provide practice, or holds oneself out
10 as qualified, licensed, or being able to provide medical
11 nutrition therapy or holds oneself out as licensed or
12 qualified to practice dietetics and nutrition ~~dietetics and~~
13 ~~nutrition services~~ without being licensed under this Act
14 shall, in addition to any other penalty provided by law, pay a
15 civil penalty to the Department in an amount not to exceed
16 \$10,000 for each offense as determined by the Department. The
17 civil penalty shall be assessed by the Department after a
18 hearing is held in accordance with the provisions set forth in
19 this Act regarding the provision of a hearing for the
20 discipline of a licensee.

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

23 (c) The civil penalty shall be paid within 60 days after
24 the effective date of the order imposing the civil penalty.
25 The order shall constitute a judgment and may be filed and

1 execution had thereon in the same manner as any judgment from
2 any court of record.

3 (Source: P.A. 97-1141, eff. 12-28-12.)

4 (225 ILCS 30/17)

5 Sec. 17. Other activities subject to licensure under this
6 Act.

7 (a) A licensed dietitian nutritionist or licensed
8 nutritionist may order patient or resident diets, including
9 therapeutic diets, in accordance with the following:

10 (1) Enteral and parenteral nutrition therapy shall
11 consist of enteral feedings or specialized intravenous
12 solutions as part of a therapeutic diet and shall only be
13 ordered or performed by an individual licensed under this
14 Act who:

15 (A) ~~(a)~~ is a registered dietitian or registered
16 dietitian nutritionist currently registered with the
17 Commission on Dietetic Registration, ~~the accrediting~~
18 body of the Academy of Nutrition and Dietetics,
19 ~~formerly known as the American Dietetic Association;~~

20 (B) ~~(b)~~ is a certified nutrition support clinician
21 currently credentialed as such ~~certified~~ by the
22 National Board of Nutrition Support Certification; or

23 (C) ~~(c)~~ meets the requirements set forth in ~~the~~
24 rules of the Department it may establish as necessary
25 to implement this Section to be consistent with

1 competencies necessary for evaluating, ordering, and
2 administrating enteral and parenteral nutrition
3 therapies.

4 (2) Developing and managing food service operations
5 whose chief function is nutrition care or that are
6 otherwise utilized in the management or treatment of
7 diseases or medical conditions shall only be performed by
8 an individual licensed under this Act with competencies in
9 the management of health care food service.

10 (3) Oral therapeutic diets may be ordered by either a
11 licensed dietitian nutritionist or licensed nutritionist.

12 (4) Licensed dietitian nutritionists and licensed
13 nutritionists shall provide nutrition care services using
14 systematic, evidence-based problem-solving methods of the
15 nutrition care process. Individuals licensed under this
16 Act shall employ these methods to critically think and
17 make decisions to address nutrition-related problems and
18 to provide safe, effective, medical nutrition therapy and
19 other quality nutrition care services to patients,
20 residents, and clients in clinical and community settings
21 across the continuum of care.

22 (5) A licensed dietitian nutritionist or licensed
23 nutritionist may implement prescription drug dose
24 adjustments for specific disease treatment protocols
25 within the limits of their knowledge, skills, judgment,
26 and current evidence-informed clinical practice guidelines

1 as indicated in a facility approved protocol and as
2 approved and delegated by the licensed prescriber. The
3 provisions of this Section do not authorize licensees to
4 prescribe or initiate drug treatment. Licensed registered
5 dietitians and licensed nutritionists may be authorized to
6 prescribe vitamin and mineral supplements or discontinue
7 unnecessary vitamins and minerals.

8 (b) Nothing in this Section shall be construed to limit
9 the ability of any other licensed health care provider in this
10 State to order therapeutic diets if the ordering of
11 therapeutic diets falls within the scope of his or her
12 license.

13 (Source: P.A. 98-148, eff. 8-2-13.)

14 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 20. Exemptions. This Act does not prohibit or
17 restrict:

18 (a) Any person licensed in this State under any other Act
19 from engaging in the practice for which he or she is licensed
20 as long as the person does not hold himself or herself out as
21 qualified, able, or licensed to provide medical nutrition
22 therapy or use a title in connection with his or her name whose
23 use is restricted to individuals licensed under this Act, as
24 specified in Section 80.

25 (b) Any person from providing medical nutrition therapy if

1 ~~that The practice of dietetics and nutrition services by a~~
2 person who is employed by the United States or State
3 government or any of its bureaus, divisions, ~~or~~ agencies, or
4 departments while in the discharge of the employee's official
5 duties.

6 (c) The distribution of general non-medical nutrition
7 information ~~The practice of dietetics and nutrition services~~
8 by a person employed as a cooperative extension home
9 economist, to the extent the activities are part of his or her
10 employment.

11 (d) The provision of medical nutrition therapy ~~practice of~~
12 ~~dietetics and nutrition services~~ by a person pursuing a course
13 of study leading to a degree in dietetics, nutrition, or an
14 equivalent major from a U.S. regionally accredited school or
15 program, if (i) the activities and services constitute a part
16 of a supervised course of study, (ii) the activities and
17 services are not conducted in an independent private practice
18 of medical nutrition therapy, (iii) the activities and
19 services are supervised by a qualified supervisor, and (iv) if
20 the person is designated by a title that clearly indicates the
21 person's status as a student or trainee.

22 (e) The activities and services of individuals seeking to
23 fulfill post-degree practice experience requirements in order
24 to qualify for licensing as a licensed dietitian nutritionist
25 or licensed nutritionist under this Act, so long as the
26 individual is not engaged in the independent private practice

1 of medical nutrition therapy and is in compliance with all
2 applicable regulations regarding supervision, including, but
3 not limited to, the requirement that the supervised practice
4 experience must be under the order, control, and full
5 professional responsibility of their supervisor. The
6 Department may, by rule, adopt further limitations on
7 individuals practicing under this subsection (e) ~~practice of~~
8 ~~dietetics and nutrition services by a person fulfilling the~~
9 ~~supervised practice experience component of Section 45, if the~~
10 ~~activities and services constitute a part of the experience~~
11 ~~necessary to meet the requirements of Section 45.~~

12 (f) A person, including a licensed acupuncturist, from:

13 (1) providing oral nutrition information as an
14 operator or employee of a health food store or business
15 that sells health products, including dietary supplements,
16 food, herbs, or food materials; or

17 (2) disseminating written nutrition information in
18 connection with the marketing and distribution of those
19 products, or discussing the use of those products, both
20 individually and as components of nutritional programs,
21 including explanations of their federally regulated label
22 claims, any known drug-nutrient interactions, their role
23 in various diets, or suggestions as how to best use and
24 combine them.

25 (g) The practice of dietetics and nutrition services by an
26 educator who is in the employ of a nonprofit organization; a

1 federal, state, county, or municipal agency, or other
2 political subdivision; an elementary or secondary school; or a
3 regionally accredited institution of higher education, as long
4 as the activities and services of the educator are part of his
5 or her employment.

6 (h) An individual providing medical weight control
7 services for individuals with prediabetes or obesity if:

8 (1) under a program of instruction approved in writing
9 by one of the following: a dietitian nutritionist or
10 nutritionist licensed in this State; a dietitian
11 nutritionist or nutritionist certified or licensed by
12 another state that has licensure requirements considered
13 by the Department to be at least as stringent as the
14 requirements for licensure under this Act; a registered
15 dietitian nutritionist; or a certified nutrition
16 specialist; or

17 (2) as part of a plan of care overseen by a
18 State-licensed health care practitioner acting within the
19 scope of the individual's licensed profession and
20 consistent with accepted professional standards for
21 providing nutrition care services, to treat or manage the
22 disease or medical condition. ~~The practice of dietetics~~
23 ~~and nutrition services by any person who provides weight~~
24 ~~control services, provided the nutrition program has been~~
25 ~~reviewed by, consultation is available from, and no~~
26 ~~program change can be initiated without prior approval by~~

1 ~~an individual licensed under this Act, an individual~~
2 ~~licensed to practice dietetics or nutrition services in~~
3 ~~another state that has licensure requirements considered~~
4 ~~by the Department to be at least as stringent as the~~
5 ~~requirements for licensure under this Act, or a registered~~
6 ~~dietitian.~~

7 (i) The practice of dietetics and nutrition services by
8 any person with a masters or doctorate degree with a major in
9 nutrition or equivalent from a regionally accredited school
10 recognized by the Department for the purpose of education and
11 research.

12 (j) Any person from providing nutrition information,
13 nutrition recommendations, health coaching, holistic and
14 wellness education, guidance, motivation, behavior change
15 management, weight control, or other nutrition care services
16 if it does not constitute medical nutrition therapy and as
17 long as the person does not hold himself or herself out as
18 qualified, able, or licensed to provide medical nutrition
19 therapy or use a title in connection with his or her name whose
20 use is restricted to individuals licensed under this Act, as
21 specified in Section 80 ~~A person from providing general~~
22 ~~nutrition information or encouragement of general healthy~~
23 ~~eating choices that does not include the development of a~~
24 ~~customized nutrition regimen for a particular client or~~
25 ~~individual, or from providing encouragement for compliance~~
26 ~~with a customized nutrition plan prepared by a licensed~~

1 ~~dietitian nutritionist or any other licensed professional~~
2 ~~whose scope of practice includes nutrition assessment and~~
3 ~~counseling.~~

4 (k) The provision of nutrition care services by a
5 nutrition and dietetic technician, registered or ~~practice of~~
6 ~~dietetics and nutrition services by~~ a graduate of a 2 year
7 associate program or a 4 year baccalaureate program from a
8 school or program accredited at the time of graduation by the
9 appropriate accrediting agency recognized by the Council on
10 Higher Education Accreditation and the United States
11 Department of Education with a major course of study in human
12 nutrition, food and nutrition or its equivalent, as authorized
13 by the Department, who is directly supervised by an individual
14 licensed under this Act.

15 (l) Providing nutrition information as an employee of a
16 nursing facility operated exclusively by and for those relying
17 upon spiritual means through prayer alone for healing in
18 accordance with the tenets and practices of a recognized
19 church or religious denomination.

20 (m) A dietary technical support person working in a
21 hospital setting or a regulated Department of Public Health or
22 Department on Aging facility or program who has been trained
23 and is supervised while engaged in the practice of dietetics
24 and nutrition by a licensed dietitian nutritionist in
25 accordance with this Act and whose services are retained by
26 that facility or program on a full-time or regular, ongoing

1 consultant basis.

2 (n) The provision of nutrition care services without
3 remuneration to family members.

4 Nothing in this Section shall be construed to permit
5 students, trainees, or supervisees to offer their services as
6 dietitians or nutritionists to any other person, other than as
7 specifically excepted in this Section, unless they have been
8 licensed under this Act.

9 The provisions of this Act shall not be construed to
10 prohibit or limit any person from the free dissemination of
11 information, from conducting a class or seminar, or from
12 giving a speech related to nutrition if that person does not
13 hold himself or herself out as a licensed dietitian
14 nutritionist in a manner prohibited by Section 15.

15 The provisions of this Act shall not be construed to
16 prohibit or limit any physician licensed under the Medical
17 Practice Act of 1987 to practice medicine in all its branches
18 or from delegating nutrition-related therapies and procedures
19 by consultation, by organization policy, or by contract to an
20 appropriately trained, qualified, and supervised individual
21 licensed under this Act.

22 (Source: P.A. 97-1141, eff. 12-28-12.)

23 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

24 (Section scheduled to be repealed on January 1, 2023)

25 Sec. 30. Dietitian Nutritionist Practice Board. The

1 Secretary shall appoint a Dietitian Nutritionist Practice
2 Board as follows: 7 individuals who shall be appointed by and
3 shall serve in an advisory capacity to the Secretary. Of these
4 7 individuals, 6 members must be licensed under this Act, 2 of
5 which must be a registered dietitian and 2 of which must be
6 either ~~a certified clinical nutritionist,~~ a certified
7 nutrition specialist, or a diplomate of the American Clinical
8 Board of Nutrition, and one member must be a public member not
9 licensed under this Act.

10 Members shall serve 3-year terms and until their
11 successors are appointed and qualified. No member shall be
12 reappointed to the Board for a term that would cause his or her
13 continuous service on the Board to be longer than 8 years.
14 Appointments to fill vacancies shall be made in the same
15 manner as original appointments, for the unexpired portion of
16 the vacated term.

17 Insofar as possible, the licensed professionals appointed
18 to serve on the Board shall be generally representative of the
19 geographical distribution of licensed professionals within
20 this State. Any time there is a vacancy on the Board, any
21 professional association composed of persons licensed under
22 this Act may recommend licensees to fill the vacancy to the
23 Board for the appointment of licensees.

24 A vacancy in the membership of the Board shall not impair
25 the right of a quorum to exercise all the rights and perform
26 all the duties of the Board.

1 Members of the Board shall have no liability in any action
2 based upon any disciplinary proceeding or other activity
3 performed in good faith as members of the Board.

4 The Secretary shall have the authority to remove or
5 suspend any member of the Board for cause at any time before
6 the expiration of his or her term. The Secretary shall be the
7 sole arbiter of cause.

8 The Secretary shall consider the recommendation of the
9 Board on questions of standards of professional conduct,
10 discipline, and qualifications of candidates or licensees
11 under this Act.

12 (Source: P.A. 97-1141, eff. 12-28-12.)

13 (225 ILCS 30/38 new)

14 Sec. 38. Criminal history records background check. The
15 Department may require that each applicant for licensure by
16 examination or restoration have his or her fingerprints
17 submitted to the Department of State Police in an electronic
18 format that complies with the form and manner for requesting
19 and furnishing criminal history record information as
20 prescribed by the Department of State Police. If so required,
21 these fingerprints shall be checked against the Department of
22 State Police and Federal Bureau of Investigation criminal
23 history record databases now and hereafter filed. The
24 Department of State Police shall charge applicants a fee for
25 conducting the required criminal history records check, which

1 shall be deposited into the State Police Services Fund and
2 shall not exceed the actual cost of the records check. The
3 Department of State Police shall furnish, pursuant to positive
4 identification, records of Illinois convictions to the
5 Department. The Department may require applicants to pay a
6 separate fingerprinting fee, either to the Department or to a
7 vendor. The Department, in its discretion, may allow an
8 applicant who does not have reasonable access to a designated
9 vendor to provide his or her fingerprints in an alternative
10 manner. The Department may adopt any rules necessary to
11 implement this Section.

12 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 45. Dietitian nutritionist; qualifications. A person
15 shall be qualified for licensure as a dietitian nutritionist
16 if that person meets all of the ~~following~~ requirements in
17 subsection (a) or (b) as follows:

18 (a) Has applied in writing in form and substance
19 acceptable to the Department and submits proof of completion
20 of all of the following educational, supervised practice
21 experience, and examination requirements:

22 (1) Possesses ~~possesses~~ a baccalaureate degree or post
23 baccalaureate degree with a major course of study in human
24 nutrition, foods and nutrition, dietetics, food systems
25 management, nutrition education, nutrition, nutrition

1 science, clinical nutrition, applied clinical nutrition,
2 nutrition counseling, nutrition and functional medicine,
3 nutritional biochemistry, nutrition and integrative
4 health, or an equivalent major course of study that meets
5 the competency requirements of an academic program in
6 dietetics accredited by the Accreditation Council for
7 Education in Nutrition and Dietetics as recommended by the
8 Board and approved by the Department from:

9 (A) a school or program accredited at the time of
10 graduation from the appropriate regional accrediting
11 agency recognized by the Council on Higher Education
12 Accreditation and the United States Department of
13 Education; or -

14 (B) a college or university in a foreign country
15 validated as equivalent as recommended by the Board
16 and approved by the Department.

17 (2) ~~(b)~~ Has successfully completed ~~an examination~~
18 ~~authorized by the Department which may be or may include~~
19 ~~examinations given by each of the American Clinical Board~~
20 ~~of Nutrition, the Certification Board of Nutrition~~
21 ~~Specialists, the Clinical Nutrition Certification Board,~~
22 ~~and~~ the Registration Examination for Dietitian
23 Nutritionists administered by the Commission on Dietetic
24 Registration, ~~or another examination approved by the~~
25 ~~Department.~~

26 ~~The Department shall establish by rule a waiver of the~~

1 ~~examination requirement to applicants who, at the time of~~
2 ~~application, are acknowledged to be certified clinical~~
3 ~~nutritionists by the Clinical Nutrition Certification Board,~~
4 ~~certified nutrition specialists by the Certification Board of~~
5 ~~Nutrition Specialists, diplomates of the American Clinical~~
6 ~~Board of Nutrition, or registered dietitians by the Commission~~
7 ~~on Dietetic Registration and who are in compliance with other~~
8 ~~qualifications as included in the Act.~~

9 (3) Has successfully completed a planned clinical
10 program in the practice of dietetics and nutrition and the
11 provision of medical nutrition therapy that meets the
12 competency requirements of a supervised practice
13 accredited by the Accreditation Council for Education in
14 Nutrition and Dietetics as recommended by the Board and
15 approved by the Department. A planned clinical program
16 under this paragraph (3) shall include no fewer than 1,000
17 hours under the supervision of either of the following:

18 (A) A dietitian nutritionist licensed by this
19 State or registered, certified, or licensed under the
20 laws of any other state with licensure requirements
21 considered by the Department to be at least as
22 stringent as the requirements for licensure under this
23 Act.

24 (B) A dietitian nutritionist registered with the
25 Commission on Dietetic Registration. ~~(c) Has completed~~
26 ~~a dietetic internship or documented, supervised~~

~~practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a certified clinical nutritionist, certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, food systems management, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health.~~

Supervised practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university.

(b) Has applied in writing in form and substance acceptable to the Department and provides evidence of current and valid registration as a registered dietitian or registered dietitian nutritionist with the Commission on Dietetic Registration.

1 (Source: P.A. 97-1141, eff. 12-28-12.)

2 (225 ILCS 30/46 new)

3 Sec. 46. Nutritionist; qualifications. A person is
4 qualified for licensure as a nutritionist if that person meets
5 all of the following requirements:

6 (1) Has applied in writing in a form and substance
7 acceptable to the Department and submitted proof that the
8 applicant has received a master's degree or doctoral
9 degree from a school or program accredited at the time of
10 graduation from the appropriate regional accrediting
11 agency recognized by the Council on Higher Education
12 Accreditation and the United States Department of
13 Education or has received an academic degree from a
14 college or university in a foreign country validated as
15 equivalent, with all of the following:

16 (A) A major course of study in human nutrition,
17 food and nutrition, community nutrition, public health
18 nutrition, nutrition education, nutrition, nutrition
19 science, clinical nutrition, applied clinical
20 nutrition, nutrition counseling, nutrition and
21 functional medicine, nutritional biochemistry,
22 nutrition and integrative health, or an equivalent
23 major course of study as recommended by the Board and
24 approved by the Department, or the validated foreign
25 equivalent in a field of clinical health care.

1 (B) A course of study leading to competence in
2 medical nutrition therapy, including, but not limited
3 to, the completion of all of the following:

4 (i) Fifteen semester hours of clinical or life
5 sciences coursework with at least 3 semester hours
6 in human anatomy and physiology or the equivalent
7 as recommended by the Board and approved by the
8 Department.

9 (ii) Fifteen semester hours of nutrition and
10 metabolism coursework with at least 6 semester
11 hours in biochemistry or an equivalent as as
12 recommended by the Board and approved by the
13 Department.

14 (2) Has completed a Board-approved internship or
15 Board-approved documented, supervised practice experience
16 demonstrating competency in nutrition care services and
17 the provision of medical nutrition therapy for not fewer
18 than 1,000 hours involving no less than 200 hours each of:

19 (A) Nutrition assessment.

20 (B) Nutrition intervention, education, counseling,
21 or management.

22 (C) Nutrition monitoring or evaluation.

23 A minimum of 700 hours of the supervised practice
24 experience is required in professional work settings and
25 no more than 300 hours can be in alternate supervised
26 experiences, such as observational client-practitioner

1 interactions, simulation, case studies, and role playing.
2 This experience shall be under the supervision of a
3 qualified supervisor with the requisite education,
4 training, and license or certification required pursuant
5 to Section 10. Qualified supervisors must provide onsite
6 supervision of an applicant's supervised practice
7 experience in the provision of medical nutrition therapy
8 and provide general supervision of an applicant's
9 provision of other nutrition care services that do not
10 constitute medical nutrition therapy. Supervised practice
11 experience must be completed in the United States or its
12 territories. A supervisor who obtained his or her doctoral
13 degree outside the United States and its territories must
14 have his or her degrees validated as equivalent to the
15 doctoral degree conferred by a U.S. regionally accredited
16 college or university.

17 (3) Meets either of the following criteria:

18 (A) Has successfully passed the Certification
19 Examination for Nutrition Specialists administered by
20 the Board for Certification of Nutrition Specialists
21 or the Diplomate of the American Clinical Board of
22 Nutrition examination administered by the American
23 Clinical Board of Nutrition.

24 (B) Holds a valid current certification with the
25 Board for Certification of Nutrition Specialists that
26 authorizes the applicant to use the title "certified

1 nutrition specialist" or the abbreviation "C.N.S." or
2 a valid current certification with the American
3 Clinical Board of Nutrition that authorizes the
4 applicant to use the title "diplomate, American
5 Clinical Board of Nutrition" or the abbreviation
6 "D.A.C.B.N."

7 (225 ILCS 30/70) (from Ch. 111, par. 8401-70)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 70. Inactive status; restoration; military service.

10 (a) Any person who notifies the Department in writing on
11 forms prescribed by the Department may elect to place his or
12 her license on an inactive status and shall, subject to rules
13 of the Department, be excused from payment of renewal fees
14 until he or she notifies the Department in writing of the
15 desires to resume active status.

16 (b) A licensee who has permitted his or her license to
17 expire or who has had his or her license on inactive status may
18 have the license restored by making application to the
19 Department by filing proof acceptable to the Department of his
20 or her fitness to have the license restored and by paying the
21 required fees. Proof of fitness may include sworn evidence
22 certifying to active lawful practice in another jurisdiction.
23 If the licensee has not maintained an active practice in
24 another jurisdiction satisfactory to the Department, then the
25 Department shall determine, by an evaluation program

1 established by rule, his or her fitness for restoration of the
2 license and shall establish procedures and requirements for
3 restoration.

4 (c) A licensee whose license expired while he or she was
5 (1) in federal service on active duty with the Armed Forces of
6 the United States or the State Militia called into service or
7 training or (2) in training or education under the supervision
8 of the United States before induction into the military
9 service, may have the license restored without paying any
10 lapsed renewal fees if within 2 years after honorable
11 termination of the service, training, or education he or she
12 furnishes the Department with satisfactory evidence to the
13 effect that he or she has been so engaged and that his or her
14 service, training, or education has been so terminated.

15 (d) Any person requesting restoration from inactive status
16 shall be required to pay the current renewal fee, shall meet
17 continuing education requirements, and shall be required to
18 restore his or her license as provided in Section 65 of this
19 Act.

20 (e) A person licensed under this Act whose license is on
21 inactive status or in a non-renewed status shall not provide
22 medical nutrition therapy ~~engage in the practice of dietetics~~
23 ~~or nutrition services~~ in the State of Illinois or use the title
24 or advertise that he or she performs the services of a licensed
25 dietitian nutritionist or licensed nutritionist.

26 (f) Any person violating this Section shall be considered

1 to be practicing without a license and will be subject to the
2 disciplinary provisions of this Act.

3 (g) A member of the United States Armed Forces or the
4 member's spouse who is registered, certified, or licensed as a
5 dietitian nutritionist or nutritionist in another state with
6 registration, certification, or licensure requirements
7 substantially equivalent to the licensure requirements under
8 this Act may be licensed as a dietitian nutritionist or a
9 nutritionist, respectively, in this State by providing a proof
10 of licensure in good standing in the other state in accordance
11 with rules adopted by the Board. A member or the member's
12 spouse who qualifies for licensure as a dietitian nutritionist
13 or a nutritionist under this subsection is exempt from paying
14 the initial licensure application fee. If a member or the
15 member's spouse does not qualify for licensure as a dietitian
16 nutritionist or a nutritionist under this subsection, the
17 member or the member's spouse shall apply for licensure as
18 specified under this Act and is exempt from paying the initial
19 licensure application fee.

20 (Source: P.A. 97-1141, eff. 12-28-12.)

21 (225 ILCS 30/75) (from Ch. 111, par. 8401-75)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 75. Reciprocity ~~Endorsement~~.

24 (a) The Department may license as a dietitian
25 nutritionist, without examination, on payment of required fee,

1 an applicant who is a dietitian, dietitian nutritionist, or
2 nutritionist, ~~or nutrition counselor~~ licensed or certified
3 under the laws of another state, territory, or country, if
4 Department determines that the requirements for licensure
5 were, at the date of his or her licensure, considered at least
6 as stringent as the requirements for licensure as a dietitian
7 nutritionist under this Act ~~in the state, territory, or~~
8 ~~country in which the applicant was licensed were, at the date~~
9 ~~of his or her licensure, substantially equal to the~~
10 ~~requirements of this Act.~~

11 (b) The Department may license as a nutritionist, without
12 examination, on payment of required fee, an applicant who is a
13 dietitian, dietitian nutritionist, or nutritionist licensed or
14 certified under the laws of another state, territory, or
15 country, if the requirements for licensure were, at the date
16 of his or her licensure, considered by the Department to be at
17 least as stringent as the requirements for licensure as a
18 nutritionist under this Act.

19 (Source: P.A. 92-642, eff. 10-31-03.)

20 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 80. Use of title; advertising.

23 (a) Only a person who is issued a license as a dietitian
24 nutritionist under this Act may use the words "licensed
25 dietitian nutritionist", "dietitian nutritionist", or

1 ~~"dietitian", "licensed nutritionist", or "nutrition counselor"~~
2 or the letters "L.D.N." in connection with his or her name.
3 Only a person who is issued a license as a nutritionist under
4 this Act may use the words "licensed nutritionist" or the
5 letters "L.N." in connection with his or her name. Only a
6 person licensed under this Act may use the word "nutritionist"
7 in connection with his or her name.

8 (b) It is unlawful for an individual who is not licensed
9 under this Act either to use in connection with his or her name
10 or to allow a business entity or a business entity's
11 employees, agents or representatives to use any of the
12 following titles or abbreviations in connection with their
13 names: "dietitian nutritionist", "nutritionist", "dietitian",
14 "dietician", "nutrition counselor", "nutrition specialist",
15 "LDN", "LD", "LN", "nutritional therapy practitioner",
16 "nutritional therapy consultant", "certified nutrition therapy
17 practitioner", "master nutrition therapist", "licensed
18 dietitian nutritionist", "licensed nutritionist", or any other
19 title, designation, words, letters, abbreviations, or insignia
20 holding oneself out as or indicating one as a provider of
21 medical nutrition therapy or as licensed under this Act.

22 (c) A licensee shall include in every advertisement for
23 services regulated under this Act his or her title as it
24 appears on the license or the initials authorized under this
25 Act. Advertisements shall not include false, fraudulent,
26 deceptive, or misleading material or guarantees of success.

1 (Source: P.A. 97-1141, eff. 12-28-12.)

2 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

3 (Section scheduled to be repealed on January 1, 2023)

4 Sec. 95. Grounds for discipline.

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

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

14 (b) Violations of this Act or of rules adopted under
15 this Act.

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

25 (d) Fraud or any misrepresentation in applying for or

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

3 (e) Professional incompetence or gross negligence.

4 (f) Malpractice.

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

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

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

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

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

20 (l) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered. Nothing in this
23 paragraph (l) affects any bona fide independent contractor
24 or employment arrangements among health care
25 professionals, health facilities, health care providers,
26 or other entities, except as otherwise prohibited by law.

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

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

11 (n) Willfully making or filing false records or
12 reports in his or her practice, including, but not limited
13 to, false records filed with State agencies or
14 departments.

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

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

19 (q) Gross and willful overcharging for professional
20 services.

21 (r) (Blank).

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

25 (t) Cheating on or attempting to subvert a licensing
26 examination administered under this Act.

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

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

8 (w) Advising an individual to discontinue, reduce,
9 increase, or otherwise alter the intake of a drug
10 prescribed by a physician licensed to practice medicine in
11 all its branches or by a prescriber as defined in Section
12 102 of the Illinois Controlled Substances Act unless the
13 individual licensed under this Act is otherwise authorized
14 to do so.

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

25 (3) (Blank).

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

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

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

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

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

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

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

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

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

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

20 (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 100. Injunctions; cease and desist orders.

23 (a) If any person violates a provision of this Act, the
24 Secretary may, in the name of the People of the State of
25 Illinois through the Attorney General of the State of Illinois

1 or the State's Attorney of the county in which the violation is
2 alleged to have occurred, petition for an order enjoining the
3 violation or for an order enforcing compliance with this Act.
4 Upon the filing of a verified petition, the court may issue a
5 temporary restraining order, without notice or bond, and may
6 preliminarily and permanently enjoin the violation. If it is
7 established that the person has violated or is violating the
8 injunction, the Court may punish the offender for contempt of
9 court. Proceedings under this Section shall be in addition to,
10 and not in lieu of, all other remedies and penalties provided
11 by this Act.

12 (b) If any person provides, offers to provide, attempts to
13 provide, practices as a dietitian nutritionist or holds
14 himself or herself out as qualified, licensed, or able to
15 provide medical nutrition therapy or holds himself or herself
16 out as licensed or qualified to practice dietetics and
17 nutrition or holds himself or herself out as a licensed
18 dietitian nutritionist or licensed nutritionist or uses words
19 or letters in connection with his or her name in violation of
20 Section 80 such without having a valid license under this Act,
21 then any licensee, any interested party, or any person injured
22 thereby may, in addition to the Secretary, petition for relief
23 as provided in subsection (a) of this Section.

24 (c) Whenever in the opinion of the Department any person
25 violates any provision of this Act, the Department may issue a
26 rule to show cause why an order to cease and desist should be

1 entered against him or her. The rule shall clearly set forth
2 the grounds relied upon the Department and shall provide a
3 period of 7 days from the date of the rule to file an answer to
4 the satisfaction of the Department. Failure to answer to the
5 satisfaction of the Department shall cause in order to cease
6 and desist to be issued immediately.

7 (Source: P.A. 97-1141, eff. 12-28-12.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2022, except that this Section and Section 5 take effect
10 upon becoming law.

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7	225 ILCS 30/15	from Ch. 111, par. 8401-15
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