



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4016

Introduced 1/21/2022, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.33
5 ILCS 80/4.38
225 ILCS 63/10
225 ILCS 63/11 new
225 ILCS 63/57
225 ILCS 63/110
225 ILCS 63/125
225 ILCS 63/145
225 ILCS 63/190
225 ILCS 63/95 rep.

Amends the Regulatory Sunset Act. Provides that the Naprapathic Practice Act is repealed on January 1, 2028 (instead of January 1, 2023). Amends the Naprapathic Practice Act. Defines "email address of record". Provides that all applicants and licensees shall provide a valid physical and email address and inform the Department of Financial and Professional Regulation of any change of physical or email address within 14 days. Provides that the Department shall assign a customer's identification number to each applicant for a license. Provides that making a material misstatement in furnishing information to the Department is grounds for disciplinary action. Provides that a person not licensed under the Act and engaged in business of offering naprapathy services shall not aid, assist, procure, advise, employ, or contract with any unlicensed person to practice naprapathy contrary to the rules of the Act. Provides that the Department may refuse to issue or may suspend the license of any person who fails to file a tax return. Makes changes to the provisions regarding physical and mental examinations of a licensee or applicant. Removes a provision that provides that if the Secretary of Financial and Professional Regulation fails to issue a final order within 30 days after receipt of the hearing officer's findings of fact, conclusions of law, and recommendations, then the hearing officer's determinations become a final order. Makes other changes. Section 5 and Section 99 take effect upon becoming law.

LRB102 24652 AMQ 33891 b

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 Sections 4.33 and 4.38 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 Acts repealed on January 1, 2023.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8 Acts are repealed on January 1, 2023: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 80/4.38)

21 Sec. 4.38. Acts repealed on January 1, 2028. The following
22 Acts are repealed on January 1, 2028:

1 The Acupuncture Practice Act.

2 The Clinical Social Work and Social Work Practice Act.

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

5 The Illinois Petroleum Education and Marketing Act.

6 The Illinois Speech-Language Pathology and Audiology
7 Practice Act.

8 The Interpreter for the Deaf Licensure Act of 2007.

9 The Naprapathic Practice Act.

10 The Nurse Practice Act.

11 The Nursing Home Administrators Licensing and Disciplinary
12 Act.

13 The Physician Assistant Practice Act of 1987.

14 The Podiatric Medical Practice Act of 1987.

15 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
16 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
17 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
18 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

19 Section 10. The Naprapathic Practice Act is amended by
20 changing Sections 10, 57, 110, 125, 145, and 190 and by adding
21 Section 11 as follows:

22 (225 ILCS 63/10)

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

24 Sec. 10. Definitions. In this Act:

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

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

12 "Naprath" means a person who practices Naprath and
13 who has met all requirements as provided in the Act.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Secretary" means the Secretary of the Department of
17 Financial and Professional Regulation.

18 "Referral" means the following of guidance or direction to
19 the naprath given by the licensed physician, dentist, or
20 podiatric physician who maintains supervision of the patient.

21 "Documented current and relevant diagnosis" means a
22 diagnosis, substantiated by signature or oral verification of
23 a licensed physician, dentist, or podiatric physician, that a
24 patient's condition is such that it may be treated by
25 naprath as defined in this Act, which diagnosis shall
26 remain in effect until changed by the licensed physician,

1 dentist, or podiatric physician.

2 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13.)

3 (225 ILCS 63/11 new)

4 Sec. 11. Address of record; email address of record. All
5 applicants and licensees shall:

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

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

14 (225 ILCS 63/57)

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

16 Sec. 57. Social Security Number on license application. In
17 addition to any other information required to be contained in
18 the application, every application for an original, ~~renewal,~~
19 ~~reinstated, or restored~~ license under this Act shall include
20 the applicant's Social Security Number, which shall be
21 retained in the agency's records pertaining to the license. As
22 soon as practical, the Department shall assign a customer's
23 identification number to each applicant for a license.

24 Every application for a renewal or restored license shall

1 require the applicant's customer identification number.

2 (Source: P.A. 97-400, eff. 1-1-12; 97-778, eff. 7-13-12.)

3 (225 ILCS 63/110)

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

5 Sec. 110. Grounds for disciplinary action; refusal,
6 revocation, suspension.

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

13 (1) Violations of this Act or of rules adopted under
14 this Act.

15 (2) Making a material misstatement in furnishing
16 information to the Department or otherwise making
17 misleading, deceptive, untrue, or fraudulent
18 representations in violation of this Act or otherwise in
19 the practice of the profession ~~Material misstatement in~~
20 ~~furnishing information to the Department.~~

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment, or
23 by sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,
25 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States: (i)
2 that is a felony or (ii) that is a misdemeanor, an
3 essential element of which is dishonesty, or that is
4 directly related to the practice of the profession.

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

8 (5) Professional incompetence or gross negligence.

9 (6) Malpractice.

10 (7) Aiding or assisting another person in violating
11 any provision of this Act or its rules.

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

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

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

21 (11) Discipline by another U.S. jurisdiction or
22 foreign nation if at least one of the grounds for the
23 discipline is the same or substantially equivalent to
24 those set forth in this Act.

25 (12) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of
2 compensation for any professional services not actually or
3 personally rendered. This shall not be deemed to include
4 rent or other remunerations paid to an individual,
5 partnership, or corporation by a naprapath for the lease,
6 rental, or use of space, owned or controlled by the
7 individual, partnership, corporation, or association.
8 Nothing in this paragraph (12) affects any bona fide
9 independent contractor or employment arrangements among
10 health care professionals, health facilities, health care
11 providers, or other entities, except as otherwise
12 prohibited by law. Any employment arrangements may include
13 provisions for compensation, health insurance, pension, or
14 other employment benefits for the provision of services
15 within the scope of the licensee's practice under this
16 Act. Nothing in this paragraph (12) shall be construed to
17 require an employment arrangement to receive professional
18 fees for services rendered.

19 (13) Using the title "Doctor" or its abbreviation
20 without further clarifying that title or abbreviation with
21 the word "naprapath" or "naprapathy" or the designation
22 "D.N."

23 (14) A finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status, has violated the terms of probation.

26 (15) Abandonment of a patient without cause.

1 (16) Willfully making or filing false records or
2 reports relating to a licensee's practice, including but
3 not limited to, false records filed with State agencies or
4 departments.

5 (17) 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 (18) Physical or mental illness or disability,
9 including, but not limited to, deterioration through the
10 aging process or loss of motor skill that results in the
11 inability to practice the profession with reasonable
12 judgment, skill, or safety.

13 (19) Solicitation of professional services by means
14 other than permitted advertising.

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

17 (21) Cheating on or attempting to subvert the
18 licensing examination administered under this Act.

19 (22) Allowing one's license under this Act to be used
20 by an unlicensed person in violation of this Act.

21 (23) (Blank).

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

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (25) Practicing under a false or, except as provided
4 by law, an assumed name.

5 (26) Immoral conduct in the commission of any act,
6 such as sexual abuse, sexual misconduct, or sexual
7 exploitation, related to the licensee's practice.

8 (27) Maintaining a professional relationship with any
9 person, firm, or corporation when the naprapath knows, or
10 should know, that the person, firm, or corporation is
11 violating this Act.

12 (28) Promotion of the sale of food supplements,
13 devices, appliances, or goods provided for a client or
14 patient in such manner as to exploit the patient or client
15 for financial gain of the licensee.

16 (29) Having treated ailments of human beings other
17 than by the practice of naprapathy as defined in this Act,
18 or having treated ailments of human beings as a licensed
19 naprapath independent of a documented referral or
20 documented current and relevant diagnosis from a
21 physician, dentist, or podiatric physician, or having
22 failed to notify the physician, dentist, or podiatric
23 physician who established a documented current and
24 relevant diagnosis that the patient is receiving
25 naprapathic treatment pursuant to that diagnosis.

26 (30) Use by a registered naprapath of the word

1 "infirmary", "hospital", "school", "university", in
2 English or any other language, in connection with the
3 place where naprapathy may be practiced or demonstrated.

4 (31) Continuance of a naprapath in the employ of any
5 person, firm, or corporation, or as an assistant to any
6 naprapath or naprapaths, directly or indirectly, after his
7 or her employer or superior has been found guilty of
8 violating or has been enjoined from violating the laws of
9 the State of Illinois relating to the practice of
10 naprapathy when the employer or superior persists in that
11 violation.

12 (32) The performance of naprapathic service in
13 conjunction with a scheme or plan with another person,
14 firm, or corporation known to be advertising in a manner
15 contrary to this Act or otherwise violating the laws of
16 the State of Illinois concerning the practice of
17 naprapathy.

18 (33) Failure to provide satisfactory proof of having
19 participated in approved continuing education programs as
20 determined by and approved by the Secretary. Exceptions
21 for extreme hardships are to be defined by the rules of the
22 Department.

23 (34) (Blank).

24 (35) Gross or willful overcharging for professional
25 services.

26 (36) (Blank).

1 All fines imposed under this Section shall be paid within
2 60 days after the effective date of the order imposing the
3 fine, unless an alternate payment schedule has been agreed
4 upon in writing.

5 (b) A person not licensed under this Act and engaged in the
6 business of offering naprapathy services through others, shall
7 not aid, abet, assist, procure, advise, employ, or contract
8 with any unlicensed person to practice naprapathy contrary to
9 any rules or provisions of this Act. A person violating this
10 subsection (b) shall be treated as a licensee for the purposes
11 of disciplinary action under this Section and shall be subject
12 to cease and desist orders as provided in Section 90 of this
13 Act. ~~The Department may refuse to issue or may suspend without~~
14 ~~hearing, as provided for in the Department of Professional~~
15 ~~Regulation Law of the Civil Administrative Code, the license~~
16 ~~of any person who fails to file a return, or pay the tax,~~
17 ~~penalty, or interest shown in a filed return, or pay any final~~
18 ~~assessment of the tax, penalty, or interest as required by any~~
19 ~~tax Act administered by the Illinois Department of Revenue,~~
20 ~~until such time as the requirements of any such tax Act are~~
21 ~~satisfied in accordance with subsection (g) of Section 2105-15~~
22 ~~of the Department of Professional Regulation Law of the Civil~~
23 ~~Administrative Code of Illinois.~~

24 (b-5) The Department may refuse to issue or may suspend
25 the license of any person who fails to file a tax return, to
26 pay the tax, penalty, or interest shown in a filed tax return,

1 or to pay any final assessment of tax, penalty, or interest, as
2 required by any tax Act administered by the Department of
3 Revenue, until the requirements of the tax Act are satisfied
4 in accordance with subsection (g) of Section 2105-15 of the
5 Civil Administrative Code of Illinois.

6 (c) (Blank).

7 (d) In cases where the Department of Healthcare and Family
8 Services has previously determined a licensee or a potential
9 licensee is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency
11 to the Department, the Department may refuse to issue or renew
12 or may revoke or suspend that person's license or may take
13 other disciplinary action against that person based solely
14 upon the certification of delinquency made by the Department
15 of Healthcare and Family Services in accordance with item (5)
16 of subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code
18 of Illinois.

19 (e) The determination by a circuit court that a licensee
20 is subject to involuntary admission or judicial admission, as
21 provided in the Mental Health and Developmental Disabilities
22 Code, operates as an automatic suspension. The suspension
23 shall end only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission
25 and the issuance of an order so finding and discharging the
26 patient.

1 (f) In enforcing this Act, the Department, upon a showing
2 of a possible violation, may compel an individual licensed to
3 practice under this Act, or who has applied for licensure
4 under this Act, to submit to a mental or physical examination,
5 or both, as required by and at the expense of the Department.
6 The Department or Board may order the examining physician to
7 present testimony concerning the mental or physical
8 examination of the licensee or applicant. No information shall
9 be excluded by reason of any common law or statutory privilege
10 relating to communications between the licensee or applicant
11 and the examining physician. The examining physicians shall be
12 specifically designated by the Board or Department. The
13 individual to be examined may have, at his or her own expense,
14 another physician of his or her choice present during all
15 aspects of this examination. The examination shall be
16 performed by a physician licensed to practice medicine in all
17 its branches. Failure of an individual to submit to a mental or
18 physical examination, when directed, shall result in an
19 automatic suspension without hearing. and evaluation, or both,
20 which may include a substance abuse or sexual offender
21 evaluation, as required by and at the expense of the
22 Department. The Department shall specifically designate the
23 examining physician licensed to practice medicine in all of
24 its branches or, if applicable, the multidisciplinary team
25 involved in providing the mental or physical examination and
26 evaluation, or both. The multidisciplinary team shall be led

1 ~~by a physician licensed to practice medicine in all of its~~
2 ~~branches and may consist of one or more or a combination of~~
3 ~~physicians licensed to practice medicine in all of its~~
4 ~~branches, licensed chiropractic physicians, licensed clinical~~
5 ~~psychologists, licensed clinical social workers, licensed~~
6 ~~clinical professional counselors, and other professional and~~
7 ~~administrative staff. Any examining physician or member of the~~
8 ~~multidisciplinary team may require any person ordered to~~
9 ~~submit to an examination and evaluation pursuant to this~~
10 ~~Section to submit to any additional supplemental testing~~
11 ~~deemed necessary to complete any examination or evaluation~~
12 ~~process, including, but not limited to, blood testing,~~
13 ~~urinalysis, psychological testing, or neuropsychological~~
14 ~~testing.~~

15 ~~The Department may order the examining physician or any~~
16 ~~member of the multidisciplinary team to provide to the~~
17 ~~Department any and all records including business records that~~
18 ~~relate to the examination and evaluation, including any~~
19 ~~supplemental testing performed. The Department may order the~~
20 ~~examining physician or any member of the multidisciplinary~~
21 ~~team to present testimony concerning the examination and~~
22 ~~evaluation of the licensee or applicant, including testimony~~
23 ~~concerning any supplemental testing or documents in any way~~
24 ~~related to the examination and evaluation. No information,~~
25 ~~report, record, or other documents in any way related to the~~
26 ~~examination and evaluation shall be excluded by reason of any~~

1 ~~common law or statutory privilege relating to communications~~
2 ~~between the licensee or applicant and the examining physician~~
3 ~~or any member of the multidisciplinary team. No authorization~~
4 ~~is necessary from the licensee or applicant ordered to undergo~~
5 ~~an evaluation and examination for the examining physician or~~
6 ~~any member of the multidisciplinary team to provide~~
7 ~~information, reports, records, or other documents or to~~
8 ~~provide any testimony regarding the examination and~~
9 ~~evaluation. The individual to be examined may have, at his or~~
10 ~~her own expense, another physician of his or her choice~~
11 ~~present during all aspects of this examination. Failure of an~~
12 ~~individual to submit to a mental or physical examination and~~
13 ~~evaluation, or both, when directed, shall result in an~~
14 ~~automatic suspension without hearing, until such time as the~~
15 ~~individual submits to the examination.~~

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

1 of a license. If the licensee refuses to enter into a care,
2 counseling, or treatment agreement or fails to abide by the
3 terms of the agreement, the Department may file a complaint to
4 revoke, suspend, or otherwise discipline the license of the
5 individual. The Secretary may order the license suspended
6 immediately, pending a hearing by the Department. Fines shall
7 not be assessed in disciplinary actions involving physical or
8 mental illness or impairment.

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

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

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

24 (225 ILCS 63/125)

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

1 Sec. 125. Investigation; notice; hearing. The Department
2 may investigate the actions of any applicant or of any person
3 or persons holding or claiming to hold a license. Before
4 refusing to issue, refusing to renew, or taking any
5 disciplinary action under Section 110 regarding a license, the
6 Department shall, at least 30 days prior to the date set for
7 the hearing, notify in writing the applicant for, or holder
8 of, a license of the nature of any charges and that a hearing
9 will be held on a date designated. The Department shall direct
10 the applicant or licensee to file a written answer with the
11 Department under oath within 20 days after the service of the
12 notice and inform the applicant or licensee that failure to
13 file an answer shall result in default being taken against the
14 applicant or licensee. At the time and place fixed in the
15 notice, the Department shall proceed to hear the charges and
16 the parties or their counsel shall be accorded ample
17 opportunity to present any pertinent statements, testimony,
18 evidence, and arguments. The Department may continue the
19 hearing from time to time. If the person, after receiving the
20 notice, fails to file an answer, his or her license may, in the
21 discretion of the Department, be revoked, suspended, or placed
22 on probationary status or the Department may take whatever
23 disciplinary action considered proper, including limiting the
24 scope, nature, or extent of the person's practice under the
25 Act. The written notice in the subsequent proceeding may be
26 served by U.S. registered or certified mail or email to the

1 licensee's address or email address of record.

2 (Source: P.A. 97-778, eff. 7-13-12.)

3 (225 ILCS 63/145)

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

5 Sec. 145. Findings of facts, conclusions of law, and
6 recommendations. At the conclusion of the hearing the hearing
7 officer shall present to the Secretary a written report of its
8 findings of fact, conclusions of law, and recommendations. The
9 report shall contain a finding whether or not the accused
10 person violated this Act or failed to comply with the
11 conditions required in this Act. The hearing officer shall
12 specify the nature of the violation or failure to comply and
13 shall make its recommendations to the Secretary.

14 The report of findings of fact, conclusions of law, and
15 recommendations of the hearing officer shall be the basis for
16 the Department's order refusing to issue, restore, or renew a
17 license, or otherwise disciplining a licensee. If the
18 Secretary disagrees in any regard with the report of the
19 hearing officer, the Secretary may issue an order in
20 contravention of the hearing officer's recommendations. The
21 finding is not admissible in evidence against the person in a
22 criminal prosecution brought for the violation of this Act,
23 but the hearing and findings are not a bar to a criminal
24 prosecution brought for the violation of this Act.

25 ~~If the Secretary fails to issue a final order within 30~~

1 ~~days after the receipt of the hearing officer's findings of~~
2 ~~fact, conclusions of law, and recommendations, then the~~
3 ~~hearing officer's findings of fact, conclusions of law, and~~
4 ~~recommendations shall become a final order of the Department~~
5 ~~without further review.~~

6 (Source: P.A. 97-778, eff. 7-13-12.)

7 (225 ILCS 63/190)

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

9 Sec. 190. The Department shall not be required to certify
10 any record to the Court or file any answer in court or
11 otherwise appear in any court in a judicial review proceeding,
12 unless and until the Department receives from the plaintiff
13 payment of the costs of furnishing and certifying the record,
14 which costs shall be determined by the Department. ~~Exhibits~~
15 ~~shall be certified without cost.~~ Failure on the part of the
16 plaintiff to file a receipt in court is grounds for dismissal
17 of the action.

18 (Source: P.A. 97-778, eff. 7-13-12.)

19 (225 ILCS 63/95 rep.)

20 Section 15. The Naprapathic Practice Act is amended by
21 repealing Section 95.

22 Section 99. Effective date. This Section and Section 5
23 take effect upon becoming law.