



Rep. Terra Costa Howard

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1 AMENDMENT TO HOUSE BILL 3721

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3721 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Naturopathic Medical Practice Act.

6 Section 5. Purpose and findings. The practice of  
7 naturopathic medicine in the State is declared to affect the  
8 public health, safety, and welfare and to be subject to  
9 regulation and control in the public interest. It is further  
10 declared to be a matter of public interest that naturopathic  
11 doctors and the practice of naturopathic medicine, as defined  
12 in this Act, merit the confidence of the public, that only  
13 qualified persons be authorized to practice naturopathic  
14 medicine in the State, and that no person shall practice  
15 naturopathic medicine without a valid existing license to do  
16 so.

1           The State is facing an unprecedented physician shortage in  
2 urban counties and an even higher shortage in rural counties.  
3 The COVID-19 pandemic increased that shortage exponentially.  
4 Naturopathic doctors with a proper scope of practice can help  
5 fill this void.

6           The General Assembly recognizes that naturopathic doctors  
7 comprise a distinct health care profession that affects the  
8 public health, safety, and welfare and that licensure of  
9 naturopathic doctors will increase freedom of choice in health  
10 care and help address the physician shortage in the State.  
11 This Act shall be liberally construed to best carry out these  
12 subjects and purposes.

13           Section 10. Definitions. In this Act:

14           "Approved naturopathic medical educational program" means  
15 an educational program that the Board has approved as meeting  
16 the requirements of Section 20 of this Act and that prepares  
17 naturopathic doctors for the practice of naturopathic  
18 medicine.

19           "Association" means an entity that is approved by the  
20 American Association of Naturopathic Physicians and that  
21 represents the interests of naturopathic doctors in this  
22 State.

23           "Board" means the Naturopathic Medical Board established  
24 under Section 55 of this Act.

25           "Clinical laboratory procedure" means the use of

1 venipuncture consistent with naturopathic medical practice,  
2 commonly used diagnostic modalities consistent with  
3 naturopathic practice, the recording of a patient's health  
4 history, physical examination, ordering and interpretation of  
5 radiographic diagnostics and other standard imaging and  
6 examination of body orifices, excluding endoscopy and  
7 colonoscopy. "Clinical laboratory procedure" includes the  
8 practice of obtaining samples of human tissues, except  
9 surgical excision beyond surgical excision that is authorized  
10 as a minor office procedure.

11 "Drug" has meaning given in Section 102 of the Illinois  
12 Controlled Substances Act.

13 "Homeopathic medicine" means a system of medicine based on  
14 the use of infinitesimal doses of substances capable of  
15 producing symptoms similar to those of the disease treated, as  
16 listed in the Homeopathic Pharmacopoeia of the United States.

17 "Hygiene" means the use of preventive techniques,  
18 including personal hygiene for asepsis, public health, and  
19 safety.

20 "Laboratory examination" means:

- 21 (1) phlebotomy;
- 22 (2) a clinical laboratory procedure;
- 23 (3) an orificial examination;
- 24 (4) a physiological function test; and
- 25 (5) a screening or test that is consistent with  
26 naturopathic education and training.

1 "Legend drug" has the same meaning as set forth in Section  
2 3.23 of the Illinois Food, Drug and Cosmetic Act.

3 "License" means a license issued by the Board to an  
4 individual pursuant to this Act and rules authorizing that  
5 individual to practice naturopathic medicine in this State.

6 "Licensee" means a naturopathic doctor licensed by the  
7 Board to practice naturopathic medicine in this State.

8 "Minor office procedure" means minor surgical care and  
9 procedures, including:

10 (1) surgical care incidental to superficial  
11 laceration, lesion, or abrasion, excluding surgical care  
12 to treat a lesion suspected of malignancy;

13 (2) the removal of foreign bodies located in  
14 superficial structures, excluding the globe of the eye;

15 (3) trigger point therapy;

16 (4) dermal stimulation;

17 (5) allergy testing and treatment; and

18 (6) the use of antiseptics and topical or local  
19 anesthetics.

20 "Naturopathic doctor" means an individual licensed under  
21 this Act as a naturopathic doctor to practice naturopathic  
22 medicine in this State.

23 "Naturopathic medicine" means:

24 (1) a system of health care for the prevention,  
25 diagnosis and treatment of human health conditions,  
26 injury, and disease;

1 (2) the promotion or restoration of health; and

2 (3) the support and stimulation of a patient's  
3 inherent self-healing processes through patient education  
4 and the use of naturopathic therapies and therapeutic  
5 substances.

6 "Naturopathic physical medicine" means the use of one or  
7 more of the following physical agents in a manner consistent  
8 with naturopathic medical practice on a part or the whole of  
9 the body, by hand or by mechanical means, in the resolution of  
10 a human ailment or conditions:

11 (1) air;

12 (2) water;

13 (3) heat;

14 (4) cold;

15 (5) sound;

16 (6) light;

17 (7) electromagnetism;

18 (8) colon hydrotherapy;

19 (9) soft tissue therapy;

20 (10) joint mobilization;

21 (11) therapeutic exercise; or

22 (12) naturopathic manipulation.

23 "Naturopathic therapy" means the use of:

24 (1) naturopathic physical medicine;

25 (2) suggestion;

26 (3) hygiene;

- 1 (4) a therapeutic substance;
- 2 (5) nutrition and food science;
- 3 (6) homeopathic medicine;
- 4 (7) a clinical laboratory procedure; or
- 5 (8) a minor office procedure.

6 "Nutrition and food science" means the prevention and  
7 treatment of disease or other human conditions through the use  
8 of food, water, herbs, roots, bark, or natural food elements.

9 "Prescription" has the same meaning as set forth in  
10 Section 3 of the Pharmacy Practice Act.

11 "Professional examination" means a competency based  
12 naturopathic doctor licensing examination as determined by  
13 Department rule.

14 "Suggestion" means a technique using:

- 15 (1) biofeedback;
- 16 (2) hypnosis;
- 17 (3) health education; or
- 18 (4) health counseling.

19 "Telehealth" or "telepractice" means the delivery of  
20 services under this Act by using electronic communication,  
21 information technologies, or other means between an individual  
22 licensed under this Act in one location and a patient or client  
23 in another location, with or without an intervening healthcare  
24 provider. "Telehealth" or "telepractice" includes direct,  
25 interactive patient encounters, asynchronous  
26 store-and-forward technologies, and remote monitoring.

1 Telehealth or telepractice is not prohibited under this Act  
2 provided that the provision of telehealth or telepractice  
3 services is appropriate for the client and the level of care  
4 provided meets the required level of care for that client.  
5 Individuals providing services regulated by this Act via  
6 telepractice shall comply with and are subject to all  
7 licensing and disciplinary provisions of this Act.

8 "Therapeutic substance" means any of the following  
9 exemplified in a standard naturopathic medical text, journal,  
10 or pharmacopeia:

- 11 (1) a vitamin;
- 12 (2) a mineral;
- 13 (3) a nutraceutical;
- 14 (4) a botanical medicine;
- 15 (5) oxygen;
- 16 (6) a homeopathic medicine;
- 17 (7) a hormone;
- 18 (8) a hormonal or pharmaceutical contraceptive device;
- 19 or
- 20 (9) other physiologic substance.

21 Section 15. Qualifications for licensure. The Board shall  
22 license an applicant who:

- 23 (1) submits, in accordance with rules of the  
24 Department, the following items to the Board:

- 25 (A) an application for licensure designed and

1 approved by the Board and submitted in accordance with  
2 rules of the Department;

3 (B) an application fee submitted in an amount and  
4 manner established by rules of the Department;

5 (C) evidence that the applicant has graduated from  
6 a Council on Naturopathic Medical Education or an  
7 equivalent federally recognized accrediting body,  
8 approved naturopathic medical education program;

9 (D) evidence that the applicant has passed a  
10 professional examination authorized by rule of the  
11 Department and administered by the North American  
12 Board of Naturopathic Examiners or its successor;

13 (E) evidence that the applicant has passed a  
14 pharmacy examination authorized by rules of the  
15 Department and administered by the North American  
16 Board of Naturopathic Examiners or its successor;

17 (F) evidence that the applicant has passed a minor  
18 surgery examination authorized by rules of the  
19 Department and administered by the North American  
20 Board of Naturopathic Examiners or its successor; and

21 (G) evidence of professional liability insurance  
22 with policy limits not less than prescribed by the  
23 Department;

24 (2) is determined by the Board to be physically and  
25 mentally capable of safely practicing naturopathic  
26 medicine with or without reasonable accommodation; and



1           (3) has not had a license to practice naturopathic  
2 medicine or other health care license, registration, or  
3 certificate refused, revoked, or suspended by any other  
4 jurisdiction for reasons that relate to the applicant's  
5 ability to skillfully and safely practice naturopathic  
6 medicine unless that license, registration, or  
7 certification has been restored to good standing by that  
8 jurisdiction.

9           Section 20. Approved naturopathic medical educational  
10 program. The Department shall establish, by rule, guidelines  
11 for an approved naturopathic medical educational program,  
12 which guidelines shall meet the following requirements and the  
13 Department's specifications for the education of naturopathic  
14 doctors. The approved naturopathic medical educational program  
15 shall:

16           (1) offer graduate-level, full-time didactic and  
17 supervised clinical training;

18           (2) be accredited, or have achieved candidacy status  
19 for accreditation, by the Council on Naturopathic Medical  
20 Education or an equivalent federally recognized  
21 accrediting body for naturopathic medical programs that is  
22 also recognized by the Department; and

23           (3) be conducted by an institution of higher  
24 education, or a division of an institution of higher  
25 education, that:

1           (A) is accredited or is a candidate for  
2 accreditation by a regional or national institutional  
3 accrediting agency recognized by the United States  
4 Secretary of Education or a diploma-granting,  
5 degree-equivalent college or university; or

6           (B) meets equivalent standards for recognition of  
7 accreditation established by rules of the Department  
8 for medical education programs offered in Canada.

9           Section 25. Display of license. A licensee shall display  
10 the licensee's license in the licensee's place of business in  
11 a location clearly visible to the licensee's patients and  
12 shall also display evidence of the licensee having completed  
13 an approved naturopathic medical educational program.

14           Section 27. Written collaborative agreements.

15           (a) A written collaborative agreement is required for all  
16 naturopathic doctors engaged in clinical practice.

17           (b) A written collaborative agreement shall describe the  
18 relationship between the naturopathic doctor and the  
19 collaborating physician and shall describe the categories of  
20 care, treatment, or procedures to be provided by the  
21 naturopathic doctor. Collaboration does not require an  
22 employment relationship between the collaborating physician  
23 and the naturopathic doctor.

24           The collaborative relationship established under an

1 agreement shall not be construed to require the personal  
2 presence of a collaborating physician at the place where  
3 services are rendered. Methods of communication for  
4 consultation with the collaborating physician in person or by  
5 telecommunications or electronic communications shall be  
6 available as set forth in the written agreement.

7 (c) Absent an employment relationship, a written  
8 collaborative agreement under this Section may not:

9 (1) restrict the categories of patients of a  
10 naturopathic doctor within the scope of the naturopathic  
11 doctor's training and experience;

12 (2) limit third party payors or government health  
13 programs; or

14 (3) limit the geographic area or practice location of  
15 the naturopathic doctor in this State.

16 (d) A copy of the signed, written collaborative agreement  
17 must be available to the Department upon request from both the  
18 naturopathic doctor and the collaborating physician.

19 (e) Nothing in this Act shall be construed to limit the  
20 delegation of tasks or duties by a physician to a licensed  
21 practical nurse, a registered professional nurse, or other  
22 persons in accordance with Section 54.2 of the Medical  
23 Practice Act of 1987. Nothing in this Act shall be construed to  
24 limit the method of delegation that may be authorized by any  
25 means, including, but not limited to, verbal, written,  
26 electronic, or standing orders, protocols, or guidelines.

1 (f) Nothing in this Act shall be construed to authorize a  
2 naturopathic doctor to provide health care services required  
3 by law or rule to be performed by a physician. The scope of  
4 practice of a naturopathic doctor does not include operative  
5 surgery. Nothing in this Section shall be construed to  
6 preclude a naturopathic doctor from assisting in surgery.

7 (g) A naturopathic doctor shall inform each collaborating  
8 physician, dentist, or podiatric physician of all  
9 collaborative agreements the naturopathic doctor has signed  
10 and provide a copy of those agreements to any collaborating  
11 physician, dentist, or podiatric physician upon request.

12 Section 30. Scope of practice.

13 (a) A licensee may practice naturopathic medicine to  
14 provide primary care in alignment with naturopathic medical  
15 education to:

- 16 (1) perform physical examinations;  
17 (2) order laboratory examinations;  
18 (3) order diagnostic imaging studies;  
19 (4) interpret the results of laboratory examinations  
20 for diagnostic purposes;  
21 (5) order and, based on a radiologist's report, take  
22 action on diagnostic imaging studies in a manner  
23 consistent with naturopathic training;  
24 (6) prescribe, administer, dispense, and order food,  
25 extracts of food, nutraceuticals, vitamins, amino acids,

1 minerals, enzymes, botanicals and their extracts,  
2 botanical medicines, homeopathic medicines, dietary  
3 supplements, and nonprescription drugs as defined by the  
4 Federal Food, Drug, and Cosmetic Act;

5 (7) dispense and order all legend drugs in the regular  
6 course of practicing naturopathic medicine. The dispensing  
7 of such legend drugs shall be the personal act of the  
8 person licensed under this Act and may not be delegated to  
9 any other person not licensed under this Act or the  
10 Pharmacy Practice Act unless such delegated dispensing  
11 functions are under the direct supervision of the  
12 physician authorized to dispense legend drugs. Except when  
13 dispensing manufacturers' samples or other legend drugs in  
14 a maximum 72 hour supply, persons licensed under this Act  
15 shall maintain a book or file of prescriptions as required  
16 in the Pharmacy Practice Act. Any person licensed under  
17 this Act who dispenses any drug or medicine shall dispense  
18 such drug or medicine in good faith and shall affix to the  
19 box, bottle, vessel or package containing the same a label  
20 indicating (i) the date on which such drug or medicine is  
21 dispensed; (ii) the name of the patient; (iii) the last  
22 name of the person dispensing such drug or medicine; (iv)  
23 the directions for use thereof; and (v) the proprietary  
24 name or names or, if there are none, the established name  
25 or names of the drug or medicine, the dosage and quantity,  
26 except as otherwise authorized by regulation of the

1 Department;

2 (8) use routes of administration that include oral,  
3 nasal, auricular, and intramuscular routes of  
4 administration, consistent with the education and training  
5 of a naturopathic doctor;

6 (9) administer intramuscular injections of vaccines;

7 (10) perform naturopathic physical medicine;

8 (11) employ the use of naturopathic therapy;

9 (12) use therapeutic devices, barrier contraception,  
10 hormonal and pharmaceutical contraception, and durable  
11 medical equipment; or

12 (13) perform minor office procedures that can be  
13 performed with topicals or intramuscular injectables.

14 (b) A licensee may practice naturopathic medicine via  
15 telehealth services.

16 Section 35. Referral requirement. A licensee shall refer  
17 to a physician licensed to practice medicine in all of its  
18 branches under the Medical Practice Act of 1987 or an advanced  
19 practice registered nurse licensed under the Nurse Practice  
20 Act any patient whose medical condition is determined, at the  
21 time of evaluation or treatment, to be beyond the scope of  
22 practice of the licensee.

23 Section 40. Prohibitions. A licensee shall not:

24 (1) perform surgery outside of the scope of minor

1 office procedures permitted in the employment of  
2 naturopathic therapy;

3 (2) use general or spinal anesthetics;

4 (3) administer ionizing radioactive substances for  
5 therapeutic purposes;

6 (4) perform a surgical procedure using a laser device;

7 (5) perform a surgical procedure involving any of the  
8 following areas of the body that extend beyond superficial  
9 tissue:

10 (A) eyes;

11 (B) ears;

12 (C) tendons;

13 (D) nerves;

14 (E) veins; or

15 (F) arteries;

16 (6) perform a surgical abortion;

17 (7) treat any lesion suspected of malignancy or  
18 requiring surgical removal; or

19 (8) perform acupuncture.

20 Section 45. Exemptions. Nothing in this Act shall be  
21 construed to prohibit or to restrict:

22 (1) the practice of a health care profession by an  
23 individual who is licensed, certified, or registered under  
24 other laws of this State and who is performing services  
25 within the individual's authorized scope of practice;

1           (2) the practice of naturopathic medicine by a student  
2 enrolled in an approved naturopathic medical educational  
3 program if the practice of naturopathic medicine by a  
4 student is performed pursuant to a course of instruction  
5 or an assignment from an instructor at an accredited  
6 university or college by an instructor duly licensed as a  
7 health care provider in the State;

8           (3) any person who sells a vitamin or herb from  
9 providing information about the vitamin or herb;

10           (4) the practice of naturopathic medicine by persons  
11 who are licensed to practice in any other state or  
12 district in the United States and who enter this State to  
13 consult with a naturopathic doctor of this State if the  
14 consultation is limited to an examination or  
15 recommendation; or

16           (5) any person or practitioner who is not licensed as  
17 a naturopathic doctor from recommending ayurvedic  
18 medicine, herbal remedies, nutritional advice, homeopathy,  
19 or other therapy that is within the scope of practice of  
20 naturopathic medicine; however, the person or practitioner  
21 shall not:

22           (A) use a title protected pursuant to Section 50  
23 of this Act;

24           (B) represent or assume the character or  
25 appearance of a licensee; or

26           (C) otherwise use a name, title, or other



1 designation that indicates or implies that the person  
2 is a licensee.

3 Section 50. Protected titles.

4 (a) A licensee shall use the title "naturopathic doctor",  
5 "naturopath", or "doctor of naturopathy" and the recognized  
6 abbreviation "N.D.".

7 (b) A licensee has the exclusive right to use the  
8 following terms in reference to the licensee's self:

- 9 (1) "naturopathic doctor";
- 10 (2) "doctor of naturopathic medicine";
- 11 (3) "doctor of naturopathy";
- 12 (4) "naturopath";
- 13 (5) "N.D."; and
- 14 (6) "ND".

15 (c) An individual represents the individual's self to be a  
16 naturopathic doctor or a naturopathic doctor when the  
17 individual uses or adopts any of the following terms in  
18 reference to the individual's self:

- 19 (1) "naturopathic doctor";
- 20 (2) "doctor of naturopathic medicine";
- 21 (3) "doctor of naturopathy";
- 22 (4) "naturopath";
- 23 (5) "N.D."; or
- 24 (6) "ND".

25 (d) An individual shall not represent the individual's

1 self to the public as a naturopathic doctor, a doctor of  
2 naturopathic medicine, a doctor of naturopathy, or as being  
3 otherwise authorized to practice naturopathic medicine in this  
4 State, unless the individual is a licensee.

5 Section 55. Naturopathic Medical Board.

6 (a) The Naturopathic Medical Board shall oversee:

7 (1) licensure of naturopathic doctors; and

8 (2) matters relating to training and licensure of  
9 naturopathic doctors.

10 (b) Within 180 days after the effective date of this Act,  
11 the Governor shall appoint an initial Board consisting of 2  
12 members for terms of 4 years each, 3 members for terms of 3  
13 years each, and 4 members for terms of 2 years each. The  
14 initial Board shall consist of the following voting members:

15 (1) five licensed naturopathic doctors who are  
16 residents of the State;

17 (2) two practicing physicians licensed to practice  
18 medicine in all of its branches; and

19 (3) two public members who are residents of this  
20 State, who are not, and never have been, a licensed health  
21 care practitioner, and who do not have an interest in  
22 naturopathic education, naturopathic medicine, or  
23 naturopathic business or practice.

24 Members of the Board may be recommended to the Governor by  
25 the Illinois Association of Naturopathic Physicians.

1 (c) As the terms of the initial Board members expire, the  
2 Governor shall appoint successors for terms of 4 years each as  
3 follows:

4 (1) five naturopathic doctors licensed pursuant to  
5 this Act;

6 (2) two practicing physicians licensed to practice  
7 medicine in all of its branches with experience working  
8 with naturopathic doctors; and

9 (3) two public members that are residents of this  
10 State who are not, and never have been, a licensed health  
11 care practitioner and who do not have an interest in  
12 naturopathic education, naturopathic medicine or  
13 naturopathic business or practice.

14 (d) Within 30 days after the Board is established, the  
15 Board shall call the first meeting, at which meeting members  
16 shall elect a chair. The Board may hold meetings at the call of  
17 the chair or at the written request of any 2 members of the  
18 Board.

19 (e) Vacancies on the Board shall be filled from a list of  
20 not fewer than 3 candidates.

21 (f) A majority of the Board shall constitute a quorum.

22 (g) Members of the Board shall serve without compensation  
23 but may, at the discretion of the Board, be reimbursed for  
24 their expenses incurred in performing their duties.

25 (h) The Department of Financial and Professional  
26 Regulation shall provide administrative and other support to

1 the Board.

2 Section 60. Board duties. The Board shall have the  
3 following duties:

4 (1) regulating the licensure of naturopathic doctors  
5 and determining the hours of continuing education units  
6 required for maintaining licensure as a naturopathic  
7 doctor;

8 (2) prescribing the manner in which records of  
9 examinations and treatments shall be kept and maintained;

10 (3) establishing standards for professional  
11 responsibility and conduct;

12 (4) identifying disciplinary actions and circumstances  
13 that require disciplinary action;

14 (5) developing a means to provide information to all  
15 licensees in this State;

16 (6) providing for the investigation of complaints  
17 against licensees or persons holding themselves out as  
18 naturopathic doctors in this State;

19 (7) providing for the publication of information for  
20 the public about licensees and the practice of  
21 naturopathic medicine in this State;

22 (8) providing for an orderly process for reinstatement  
23 of a license;

24 (9) establishing criteria for advertising or  
25 promotional materials;

1           (10) establishing continuing education hours and  
2 content;

3           (11) establishing procedures and standards for  
4 reviewing licensing examination scores; and

5           (12) establishing procedures for reviewing transcripts  
6 demonstrating completion of the approved naturopathic  
7 medical educational program;

8           (13) establishing and maintaining a list of  
9 naturopathic medical education programs that meet the  
10 requirements of Section 20;

11           (14) establishing the requirements for issuance and  
12 renewal of licenses; and

13           (15) any other matter necessary to implement this Act.

14           Section 65. License expiration, renewal, denial,  
15 revocation, and continuing education.

16           (a) A license issued or renewed pursuant to this Act shall  
17 expire in a time frame determined by rule by the Department.

18           (b) The Board may renew the license of any licensee who,  
19 upon the expiration of the licensee's license:

20           (1) has submitted an application for renewal;

21           (2) has paid the renewal fee established by rules of  
22 the Department;

23           (3) meets the qualifications for licensure set forth  
24 in this Act and rules of the Department; and

25           (4) meets the continuing education requirements

1 established by the Board.

2 (c) If the Board intends to refuse to issue or renew,  
3 revoke, or suspend a license, the Department shall grant the  
4 applicant or licensee an opportunity for a hearing.

5 Section 70. Grounds for disciplinary action.

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

13 (1) material misstatement in furnishing information to  
14 the Department;

15 (2) violations of this Act, or the rules adopted under  
16 this Act;

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

1           (4) making any misrepresentation for the purpose of  
2 obtaining licenses;

3           (5) professional incompetence;

4           (6) aiding or assisting another person in violating  
5 any provision of this Act or its rules;

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

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

11           (9) habitual or excessive use or addiction to alcohol,  
12 narcotics, stimulants, or any other chemical agent or drug  
13 that results in a naturopathic doctor's inability to  
14 practice with reasonable judgment, skill, or safety;

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

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

1 employment benefits, with persons or entities authorized  
2 under this Act for the provision of services within the  
3 scope of the licensee's practice under this Act;

4 (12) abandonment of a patient;

5 (13) willfully making or filing false records or  
6 reports in the individual's practice, including, but not  
7 limited to, false records filed with state agencies or  
8 departments;

9 (14) physical illness, or mental illness or impairment  
10 that results in the inability to practice the profession  
11 with reasonable judgment, skill, or safety, including, but  
12 not limited to, deterioration through the aging process or  
13 loss of motor skill;

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

21 (16) gross negligence resulting in permanent injury or  
22 death of a patient;

23 (17) employment of fraud, deception or any unlawful  
24 means in applying for or securing a license under this  
25 Act;

26 (18) immoral conduct in the commission of any act,



1 such as sexual abuse, sexual misconduct, or sexual  
2 exploitation related to the licensee's practice;

3 (19) practicing under a false or assumed name, except  
4 as provided by law;

5 (20) making a false or misleading statement regarding  
6 the licensee's skill or the efficacy or value of the  
7 treatment or remedy prescribed by the licensee in the  
8 course of treatment;

9 (21) allowing another person to use the licensee's  
10 license to practice;

11 (22) prescribing, selling, administering,  
12 distributing, giving, or self-administering a drug  
13 classified as a controlled substance;

14 (23) a pattern of practice or other behavior that  
15 demonstrates incapacity or incompetence to practice under  
16 this Act;

17 (24) violating State or federal laws or regulations  
18 relating to controlled substances or other legend drugs or  
19 ephedra as defined in the Ephedra Prohibition Act;

20 (25) failure to establish and maintain records of  
21 patient care and treatment as required by law;

22 (26) attempting to subvert or cheat on the required  
23 examinations;

24 (27) willfully failing to report an instance of  
25 suspected abuse, neglect, financial exploitation, or  
26 self-neglect of an eligible adult as defined in and

1 required by the Adult Protective Services Act;

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

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

16 (30) failure to provide copies of records of patient  
17 care or treatment, except as required by law.

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

1 Illinois.

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

12 (d) In enforcing this Section, the Department upon a  
13 showing of a possible violation may compel an individual  
14 licensed to practice under this Act, or who has applied for  
15 licensure under this Act, to submit to a mental or physical  
16 examination, or both, which may include a substance abuse or  
17 sexual offender evaluation, as required by and at the expense  
18 of the Department.

19 The Department shall specifically designate the examining  
20 physician licensed to practice medicine in all of its branches  
21 or, if applicable, the multidisciplinary team involved in  
22 providing the mental or physical examination or both. The  
23 multidisciplinary team shall be led by a physician licensed to  
24 practice medicine in all of its branches and may consist of one  
25 or more or a combination of physicians licensed to practice  
26 medicine in all of its branches, licensed clinical

1 psychologists, licensed clinical social workers, licensed  
2 clinical professional counselors, and other professional and  
3 administrative staff. Any examining physician or member of the  
4 multidisciplinary team may require any person ordered to  
5 submit to an examination pursuant to this Section to submit to  
6 any additional supplemental testing deemed necessary to  
7 complete any examination or evaluation process, including, but  
8 not limited to, blood testing, urinalysis, psychological  
9 testing, or neuropsychological testing.

10 The Department may order the examining physician or any  
11 member of the multidisciplinary team to provide to the  
12 Department any and all records, including business records,  
13 that relate to the examination and evaluation, including any  
14 supplemental testing performed.

15 The Department may order the examining physician or any  
16 member of the multidisciplinary team to present testimony  
17 concerning the mental or physical examination of the licensee  
18 or applicant. No information, report, record, or other  
19 documents in any way related to the examination shall be  
20 excluded by reason of any common law or statutory privilege  
21 relating to communications between the licensee or applicant  
22 and the examining physician or any member of the  
23 multidisciplinary team. No authorization is necessary from the  
24 licensee or applicant ordered to undergo an examination for  
25 the examining physician or any member of the multidisciplinary  
26 team to provide information, reports, records, or other

1 documents or to provide any testimony regarding the  
2 examination and evaluation.

3 The individual to be examined may have, at the  
4 individual's own expense, another physician of the  
5 individual's choice present during all aspects of this  
6 examination. However, that physician shall be present only to  
7 observe and may not interfere in any way with the examination.

8 Failure of an individual to submit to a mental or physical  
9 examination, when ordered, shall result in an automatic  
10 suspension of the individual's license until the individual  
11 submits to the examination.

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

1 hearing by the Department.

2 In instances in which the Department immediately suspends  
3 a person's license under this Section, a hearing on that  
4 person's license must be convened by the Department within 30  
5 days after the suspension and completed without appreciable  
6 delay. The Department shall have the authority to review the  
7 subject individual's record of treatment and counseling  
8 regarding the impairment to the extent permitted by applicable  
9 federal statutes and regulations safeguarding the  
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under  
12 this Section shall be afforded an opportunity to demonstrate  
13 to the Department that the individual can resume practice in  
14 compliance with acceptable and prevailing standards under the  
15 provisions of the individual's license.

16 (e) An individual or organization acting in good faith,  
17 and not in a willful and wanton manner, in complying with this  
18 Section by providing a report or other information to the  
19 Department, by assisting in the investigation or preparation  
20 of a report or information, by participating in proceedings of  
21 the Department, or by serving as a member of the Department,  
22 shall not be subject to criminal prosecution or civil damages  
23 as a result of such actions.

24 (f) Members of the Board and the Department shall be  
25 indemnified by the State for any actions occurring within the  
26 scope of services under the Act, done in good faith and not

1 willful and wanton in nature. The Attorney General shall  
2 defend all such actions unless the Attorney General determines  
3 either that there would be a conflict of interest in such  
4 representation or that the actions complained of were not in  
5 good faith or were willful and wanton.

6 If the Attorney General declines representation, the  
7 member has the right to employ counsel of the member's choice,  
8 whose fees shall be provided by the State, after approval by  
9 the Attorney General, unless there is a determination by a  
10 court that the member's actions were not in good faith or were  
11 willful and wanton.

12 The member must notify the Attorney General within 7 days  
13 after receipt of notice of the initiation of any action  
14 involving services of the Board. Failure to so notify the  
15 Attorney General constitutes an absolute waiver of the right  
16 to a defense and indemnification.

17 The Attorney General shall determine, within 7 days after  
18 receiving such notice, whether the Attorney General will  
19 undertake to represent the member.

20 Section 75. Investigation; notice; hearing. The Department  
21 may investigate the actions of any applicant or of any person  
22 or persons holding or claiming to hold a license. The  
23 Department shall, before suspending, revoking, placing on  
24 probationary status, or taking any other disciplinary action  
25 as the Department may deem proper with regard to any license,

1 at least 30 days prior to the date set for the hearing, notify  
2 the licensee in writing of any charges made and the time and  
3 place for a hearing of the charges before the Department,  
4 direct the licensee to file the licensee's written answer  
5 thereto to the Department under oath within 20 days after the  
6 service on the licensee of such notice and inform the licensee  
7 that if the licensee fails to file such answer, default will be  
8 taken against the licensee and the license may be suspended,  
9 revoked, placed on probationary status, or have other  
10 disciplinary action, including limiting the scope, nature or  
11 extent of the licensee's practice, as the Department may deem  
12 proper taken with regard thereto. Written or electronic notice  
13 may be served by personal delivery, email, or mail to the  
14 applicant or licensee at the licensee's address of record or  
15 email address of record. At the time and place fixed in the  
16 notice, the Department shall proceed to hear the charges and  
17 the parties or their counsel shall be accorded ample  
18 opportunity to present such statements, testimony, evidence,  
19 and argument as may be pertinent to the charges or to the  
20 defense thereto. The Department may continue such hearing from  
21 time to time. In case the applicant or licensee, after  
22 receiving notice, fails to file an answer, the licensee's  
23 license may in the discretion of the Secretary, having  
24 received first the recommendation of the Department, be  
25 suspended, revoked, placed on probationary status, or the  
26 Department may take whatever disciplinary action as the



1 Department may deem proper, including limiting the scope,  
2 nature, or extent of such person's practice, without a  
3 hearing, if the act or acts charged constitute sufficient  
4 grounds for such action under this Act.

5 Section 80. Record of proceedings. The Department, at its  
6 expense, shall preserve a record of all proceedings at the  
7 formal hearing of any case involving the refusal to issue or  
8 renew a license or discipline a licensee. The notice of  
9 hearing, complaint, and all other documents in the nature of  
10 pleadings and written motions filed in the proceedings, the  
11 transcript of testimony, the report of the Department, and  
12 orders of the Department shall be the record of such  
13 proceeding.

14 Section 85. Confidentiality. All information collected by  
15 the Department in the course of an examination or  
16 investigation of a licensee or applicant, including, but not  
17 limited to, any complaint against a licensee filed with the  
18 Department and information collected to investigate any such  
19 complaint, shall be maintained for the confidential use of the  
20 Department and shall not be disclosed. The Department shall  
21 not disclose the information to anyone other than law  
22 enforcement officials, regulatory agencies that have an  
23 appropriate regulatory interest as determined by the  
24 Department, or a party presenting a lawful subpoena to the

1 Department. Information and documents disclosed to a federal,  
2 State, county, or local law enforcement agency shall not be  
3 disclosed by the agency for any purpose to any other agency or  
4 person. A formal complaint filed against a licensee by the  
5 Department or any order issued by the Department against a  
6 licensee or applicant shall be a public record, except as  
7 otherwise prohibited by law.

8 Section 90. Illinois Administrative Procedure Act. The  
9 Illinois Administrative Procedure Act is expressly adopted and  
10 incorporated herein as if all of the provisions of that Act  
11 were included in this Act, except that the provision of  
12 paragraph (d) of Section 10-65 of the Illinois Administrative  
13 Procedure Act, which provides that at hearings the licensee or  
14 person holding a license has the right to show compliance with  
15 all lawful requirements for retention or continuation of the  
16 license, is specifically excluded. For the purpose of this  
17 Act, the notice required under Section 10-25 of the Illinois  
18 Administrative Procedure Act is deemed sufficient when  
19 personally served, mailed to the address of record of the  
20 applicant or licensee, or emailed to the email address of  
21 record of the applicant or licensee.

22 Section 95. The Medical Practice Act of 1987 is amended by  
23 changing Section 54.5 as follows:

1 (225 ILCS 60/54.5)

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

3 Sec. 54.5. Physician delegation of authority to physician  
4 assistants, advanced practice registered nurses without full  
5 practice authority, and prescribing psychologists, and  
6 naturopathic doctors.

7 (a) Physicians licensed to practice medicine in all its  
8 branches may delegate care and treatment responsibilities to a  
9 physician assistant under guidelines in accordance with the  
10 requirements of the Physician Assistant Practice Act of 1987.  
11 A physician licensed to practice medicine in all its branches  
12 may enter into collaborative agreements with no more than 7  
13 full-time equivalent physician assistants, except in a  
14 hospital, hospital affiliate, or ambulatory surgical treatment  
15 center as set forth by Section 7.7 of the Physician Assistant  
16 Practice Act of 1987 and as provided in subsection (a-5).

17 (a-5) A physician licensed to practice medicine in all its  
18 branches may collaborate with more than 7 physician assistants  
19 when the services are provided in a federal primary care  
20 health professional shortage area with a Health Professional  
21 Shortage Area score greater than or equal to 12, as determined  
22 by the United States Department of Health and Human Services.

23 The collaborating physician must keep appropriate  
24 documentation of meeting this exemption and make it available  
25 to the Department upon request.

26 (b) A physician licensed to practice medicine in all its

1 branches in active clinical practice may collaborate with an  
2 advanced practice registered nurse in accordance with the  
3 requirements of the Nurse Practice Act. Collaboration is for  
4 the purpose of providing medical consultation, and no  
5 employment relationship is required. A written collaborative  
6 agreement shall conform to the requirements of Section 65-35  
7 of the Nurse Practice Act. The written collaborative agreement  
8 shall be for services for which the collaborating physician  
9 can provide adequate collaboration. A written collaborative  
10 agreement shall be adequate with respect to collaboration with  
11 advanced practice registered nurses if all of the following  
12 apply:

13 (1) The agreement is written to promote the exercise  
14 of professional judgment by the advanced practice  
15 registered nurse commensurate with his or her education  
16 and experience.

17 (2) The advanced practice registered nurse provides  
18 services based upon a written collaborative agreement with  
19 the collaborating physician, except as set forth in  
20 subsection (b-5) of this Section. With respect to labor  
21 and delivery, the collaborating physician must provide  
22 delivery services in order to participate with a certified  
23 nurse midwife.

24 (3) Methods of communication are available with the  
25 collaborating physician in person or through  
26 telecommunications for consultation, collaboration, and

1 referral as needed to address patient care needs.

2 (b-5) An anesthesiologist or physician licensed to  
3 practice medicine in all its branches may collaborate with a  
4 certified registered nurse anesthetist in accordance with  
5 Section 65-35 of the Nurse Practice Act for the provision of  
6 anesthesia services. With respect to the provision of  
7 anesthesia services, the collaborating anesthesiologist or  
8 physician shall have training and experience in the delivery  
9 of anesthesia services consistent with Department rules.  
10 Collaboration shall be adequate if:

11 (1) an anesthesiologist or a physician participates in  
12 the joint formulation and joint approval of orders or  
13 guidelines and periodically reviews such orders and the  
14 services provided patients under such orders; and

15 (2) for anesthesia services, the anesthesiologist or  
16 physician participates through discussion of and agreement  
17 with the anesthesia plan and is physically present and  
18 available on the premises during the delivery of  
19 anesthesia services for diagnosis, consultation, and  
20 treatment of emergency medical conditions. Anesthesia  
21 services in a hospital shall be conducted in accordance  
22 with Section 10.7 of the Hospital Licensing Act and in an  
23 ambulatory surgical treatment center in accordance with  
24 Section 6.5 of the Ambulatory Surgical Treatment Center  
25 Act.

26 (b-10) The anesthesiologist or operating physician must

1 agree with the anesthesia plan prior to the delivery of  
2 services.

3 (c) A physician licensed to practice medicine in all its  
4 branches in active clinical practice may collaborate with a  
5 naturopathic doctor in accordance with the requirements of the  
6 Naturopathic Medical Practice Act. Collaboration is for the  
7 purpose of providing medical consultation, and no employment  
8 relationship is required. A written collaborative agreement  
9 shall conform to the requirements of Section 27 of the  
10 Naturopathic Medical Practice Act. The written collaborative  
11 agreement shall be for services for which the collaborating  
12 physician can provide adequate collaboration. A written  
13 collaborative agreement shall be adequate with respect to  
14 collaboration with naturopathic doctors if all of the  
15 following apply:

16 (1) The agreement is written to promote the exercise  
17 of professional judgment by the naturopathic doctor  
18 commensurate with his or her education and experience.

19 (2) The naturopathic doctor provides services based  
20 upon a written collaborative agreement with the  
21 collaborating physician.

22 (3) Methods of communication with the collaborating  
23 physician in person or through telecommunications for  
24 consultation, collaboration, and referral as needed to  
25 address patient care needs are available.

26 (d) ~~(e)~~ The collaborating physician shall have access to

1 the medical records of all patients attended by a physician  
2 assistant. The collaborating physician shall have access to  
3 the medical records of all patients attended to by an advanced  
4 practice registered nurse.

5 ~~(d) (Blank).~~

6 (e) A physician shall not be liable for the acts or  
7 omissions of a prescribing psychologist, physician assistant,  
8 or advanced practice registered nurse or naturopathic doctor  
9 solely on the basis of having signed a supervision agreement  
10 or guidelines or a collaborative agreement, an order, a  
11 standing medical order, a standing delegation order, or other  
12 order or guideline authorizing a prescribing psychologist,  
13 physician assistant, or advanced practice registered nurse or  
14 naturopathic doctor to perform acts, unless the physician has  
15 reason to believe the prescribing psychologist, physician  
16 assistant, or advanced practice registered nurse or  
17 naturopathic doctor lacked the competency to perform the act  
18 or acts or commits willful and wanton misconduct.

19 (f) A collaborating physician may, but is not required to,  
20 delegate prescriptive authority to an advanced practice  
21 registered nurse as part of a written collaborative agreement,  
22 and the delegation of prescriptive authority shall conform to  
23 the requirements of Section 65-40 of the Nurse Practice Act.

24 (g) A collaborating physician may, but is not required to,  
25 delegate prescriptive authority to a physician assistant as  
26 part of a written collaborative agreement, and the delegation

1 of prescriptive authority shall conform to the requirements of  
2 Section 7.5 of the Physician Assistant Practice Act of 1987.

3 (h) (Blank).

4 (i) A collaborating physician shall delegate prescriptive  
5 authority to a prescribing psychologist as part of a written  
6 collaborative agreement, and the delegation of prescriptive  
7 authority shall conform to the requirements of Section 4.3 of  
8 the Clinical Psychologist Licensing Act.

9 (j) As set forth in Section 22.2 of this Act, a licensee  
10 under this Act may not directly or indirectly divide, share,  
11 or split any professional fee or other form of compensation  
12 for professional services with anyone in exchange for a  
13 referral or otherwise, other than as provided in Section 22.2.  
14 (Source: P.A. 103-228, eff. 1-1-24.)

15 Section 999. Effective date. This Act takes effect upon  
16 becoming law."