



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2057

Introduced 2/9/2023, by Sen. Christopher Belt

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Occupational Therapy Practice Act. Makes changes to the definitions. Provides that all applicants and licensees shall (1) provide a valid address and email address to the Department of Financial and Professional Regulation, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license and (2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit. Provides that the Department may refuse to issue or renewal, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem proper with regard to any license for any one combination of the following: (1) practicing beyond the scope of the practice of occupational therapy; (2) providing substandard care as an occupation therapist; (3) providing substandard care as an occupational therapy assistant; (4) knowingly delegating responsibilities to an individual who does not have the knowledge, skills, or abilities to perform those responsibilities; and (5) engaging in sexual misconduct. Removes language providing that exhibits shall be certified without cost. Repeals provisions concerning the Department's roster of names and addresses of all license holders and of all persons whose licenses have been suspended, revoked, or placed on inactive or nonrenewed status within the previous year. Makes other and corresponding changes. Amends the Regulatory Sunset Act. Repeals the Illinois Occupational Therapy Practice Act on January 1, 2029 (rather than January 1, 2024). Provisions amending the Regulatory Sunset Act are effective immediately.

LRB103 25412 AMQ 51759 b

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 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.

8 The following Acts and Section of an Act are repealed on  
9 January 1, 2024:

10 The Crematory Regulation Act.

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of  
13 1984.

14 ~~The Illinois Occupational Therapy Practice Act.~~

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private  
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.

18 The Registered Surgical Assistant and Registered  
19 Surgical Technologist Title Protection Act.

20 Section 2.5 of the Illinois Plumbing License Law.

21 The Veterinary Medicine and Surgery Practice Act of  
22 2004.

23 (Source: P.A. 102-291, eff. 8-6-21.)

1 (5 ILCS 80/4.39)

2 Sec. 4.39. Acts repealed on January 1, 2029 and December  
3 31, 2029.

4 (a) The following Act is repealed on January 1, 2029:

5 The Environmental Health Practitioner Licensing Act.

6 The Illinois Occupation Therapy Practice Act.

7 (b) The following Act is repealed on December 31, 2029:

8 The Structural Pest Control Act.

9 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;  
10 101-81, eff. 7-12-19.)

11 Section 10. The Illinois Occupational Therapy Practice Act  
12 is amended by changing Sections 2, 3, 5, 6.5, 7, 11, 12, 15,  
13 16, 19, 19.2, 19.6, 19.7, 19.9, 19.15, 20, and 21 and by adding  
14 Section 2.5 as follows:

15 (225 ILCS 75/2) (from Ch. 111, par. 3702)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 2. Definitions. In this Act:

18 (1) "Department" means the Department of Financial and  
19 Professional Regulation.

20 (2) "Secretary" means the Secretary of the Department of  
21 Financial and Professional Regulation.

22 (3) "Board" means the Illinois Occupational Therapy  
23 Licensure Board appointed by the Secretary.

1           (4) "Occupational therapist" means a person initially  
2 registered and licensed to practice occupational therapy as  
3 defined in this Act, and whose license is in good standing.

4           (5) "Occupational therapy assistant" means a person  
5 initially registered and licensed who assists ~~to assist~~ in the  
6 practice of occupational therapy under this Act. The  
7 occupational therapy assistant shall work under appropriate  
8 supervision of and in partnership with a licensed occupational  
9 therapist ~~the supervision of a licensed occupational~~  
10 ~~therapist, and to implement the occupational therapy treatment~~  
11 ~~program as established by the licensed occupational therapist.~~

12           (6) "Occupational therapy" means the therapeutic use of  
13 everyday life occupations and activities with recipients,  
14 groups, or populations to support occupational performance and  
15 participation. "Occupational therapy practice" includes  
16 clinical reasoning and professional judgment to evaluate,  
17 analyze, and address occupational challenges, including issues  
18 with client factors, performance patterns, and performance  
19 skills and provide occupation-based interventions to address  
20 the challenges. Through the provision of skilled services and  
21 engagement in everyday activities, occupational therapy  
22 promotes physical and mental health and well-being by  
23 supporting occupational performance in people with, or are at  
24 risk of experiencing, a range of developmental, physical, and  
25 mental health disorders ~~purposeful and meaningful occupations~~  
26 ~~or goal directed activities to evaluate and provide~~

~~interventions for individuals, groups, and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles, including activities of daily living (ADLs) and instrumental activities of daily living (IADLs). Occupational therapy services are provided for the purpose of habilitation, rehabilitation, and to promote health and wellness.~~

Occupational therapy may be provided via technology or telecommunication methods, also known as telehealth, however the standard of care shall be the same whether a patient or recipient is seen in person, through telehealth, or other method of electronically enabled health care. Occupational therapy practice may include any of the following components:

(A) evaluation of factors affecting activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation;

(B) methods or approaches to identify and select interventions; and

(C) interventions and procedures including:

(i) ~~(a)~~ remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;

(ii) ~~(b)~~ modification or adaptation of task,

1 process, or the environment or the teaching of  
2 compensatory techniques in order to enhance  
3 performance;

4 (iii) ~~(e)~~ disability prevention methods and  
5 techniques that facilitate the development or safe  
6 application of performance skills; and

7 (iv) ~~(d)~~ health and wellness promotion strategies,  
8 including self-management strategies, and practices  
9 that enhance performance abilities.

10 The licensed occupational therapist or licensed  
11 occupational therapy assistant may assume a variety of roles  
12 in the licensee's ~~his or her~~ career including, but not limited  
13 to, practitioner, supervisor of professional students and  
14 volunteers, researcher, scholar, consultant, administrator,  
15 faculty, clinical instructor, fieldwork educator, and educator  
16 of consumers, peers, ~~and~~ family members, and care-partners.

17 (7) "Occupational therapy services" means services that  
18 may be provided to individuals, groups, and populations, when  
19 provided to treat an occupational therapy need, including the  
20 following:

21 (a) evaluating, developing, improving, sustaining, or  
22 restoring skills in self-care, self-management, health  
23 management, including medication-management, health  
24 routines, rest and sleep, home management, community and  
25 work integration, school activities, work performance,  
26 ~~activities of daily living, work, or productive~~

1 ~~activities, including instrumental activities of daily~~  
2 ~~living and play and leisure activities;~~

3 (b) identification, development, and remediation or  
4 compensation for deficits in physical,  
5 neuromusculoskeletal, sensory-perceptual, emotional  
6 regulation, visual, mental, and cognitive functions; pain  
7 tolerance and management; praxis; developmental skills;  
8 and behavioral skills or psychosocial components of  
9 performance with considerations for cultural context and  
10 activity demands that affect performance ~~evaluating,~~  
11 ~~developing, remediating, or restoring sensorimotor,~~  
12 ~~cognitive, or psychosocial components of performance with~~  
13 ~~considerations for cultural context and activity demands~~  
14 ~~that affect performance;~~

15 (c) assessing, designing, fabricating, applying, or  
16 training in the use of assistive technology, adaptive  
17 devices, seating and positioning, ~~or temporary,~~ orthoses  
18 and training in the use of ~~orthoses and~~ prostheses;

19 (d) modification of contexts in settings, such as  
20 home, school, work, and community, and adaptation of  
21 processes, including the application of ergonomic  
22 principles, to enhance performance and safety in daily  
23 life roles ~~adapting environments and processes, including~~  
24 ~~the application of ergonomic principles, to enhance~~  
25 ~~performance and safety in daily life roles;~~

26 (e) for the occupational therapist or occupational

1 therapy assistant possessing advanced training, skill, and  
2 competency as demonstrated through criteria that shall be  
3 determined by the Department, applying physical agent  
4 modalities, including dry needling, as an adjunct to or in  
5 preparation for engagement in occupations;

6 (f) evaluating and providing intervention in  
7 collaboration with the recipient ~~client~~, family,  
8 caregiver, or others;

9 (g) educating the recipient ~~client~~, family, caregiver,  
10 groups, populations, or others in carrying out appropriate  
11 nonskilled interventions;

12 (h) consulting with groups, programs, organizations,  
13 or communities to provide population-based services;

14 (i) assessing, recommending, and training in  
15 techniques to enhance functional mobility, including  
16 wheelchair fitting and management and other mobility  
17 devices;

18 (j) driver rehabilitation and community mobility;

19 (k) management of feeding, eating, and swallowing to  
20 enable or enhance performance of these tasks;

21 (l) low vision rehabilitation;

22 (m) lymphedema and wound care management;

23 (n) pain management; ~~and~~

24 (o) care coordination, case management, and transition  
25 services; ~~and~~

26 (p) exercises, including tasks and methods to increase



1 motion, strength, and endurance for occupational  
2 participation;

3 (q) virtual interventions, including simulated,  
4 real-time, and near-time technologies, consisting of  
5 telehealth and mobile technology;

6 (r) evaluating and treating problems of rest and  
7 sleep;

8 (s) group interventions, including the use of dynamics  
9 of group and social interaction to facilitate learning and  
10 skill acquisition across the life course; and

11 (t) habilitation, rehabilitation, and the promotion of  
12 physical and mental health and wellness for clients with  
13 all levels of ability-related needs and for clients who  
14 have or are at risk for developing an illness, injury,  
15 disease, disorder, condition, impairment, disability, and  
16 activity limitation or participation restriction.

17 (8) (Blank).

18 (9) "Address of record" means the designated address  
19 recorded by the Department in the applicant's or licensee's  
20 application file or license file as maintained by the  
21 Department's licensure maintenance unit. ~~It is the duty of the~~  
22 ~~applicant or licensee to inform the Department of any change~~  
23 ~~of address, and those changes must be made either through the~~  
24 ~~Department's website or by contacting the Department.~~

25 (10) "Recipient" means a person, group, or population who  
26 receives occupational therapy services.

1       (11) "Email address of record" means the designated email  
2       address recorded by the Department in the applicant's  
3       application file or the licensee's license file, as maintained  
4       by the Department's licensure maintenance unit.

5       (12) "Care-partner" or "caregiver" means someone, in a  
6       paid or unpaid capacity, who, by mutual agreement with the  
7       individual living with a temporary or chronic condition or  
8       disability, assists that individual with the individual's  
9       physical, mental, emotional, or spiritual care in either  
10       habilitative or rehabilitative capacity.

11       (Source: P.A. 102-307, eff. 1-1-22.)

12       (225 ILCS 75/2.5 new)

13       Sec. 2.5. Address of record; email address of record. All  
14       applicants and licensees shall:

15               (1) provide a valid address and email address to the  
16               Department, which shall serve as the address of record and  
17               email address of record, respectively, at the time of  
18               application for licensure or renewal of a license; and

19               (2) inform the Department of any change of address of  
20               record or email address of record within 14 days after  
21               such change either through the Department's website or by  
22               contacting the Department's licensure maintenance unit.

23  
24       (225 ILCS 75/3) (from Ch. 111, par. 3703)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 3. Licensure requirement; exempt activities. After  
3 the effective date of this Act, no person shall practice  
4 occupational therapy or hold oneself ~~himself~~ out as an  
5 occupational therapist or an occupational therapy assistant,  
6 or as being able to practice occupational therapy or to render  
7 services designated as occupational therapy in this State,  
8 unless the person ~~he~~ is licensed in accordance with the  
9 provisions of this Act.

10 Nothing in this Act shall be construed as preventing or  
11 restricting the practice, services, or activities of:

12 (1) Any person licensed in this State by any other law  
13 from engaging in the profession or occupation for which he  
14 is licensed; or

15 (2) Any person employed as an occupational therapist  
16 or occupational therapy assistant by the Government of the  
17 United States, if such person provides occupational  
18 therapy solely under the direction or control of the  
19 organization by which the person ~~he or she~~ is employed; or

20 (3) Any person pursuing a course of study leading to a  
21 degree or certificate in occupational therapy at an  
22 accredited or approved educational program if such  
23 activities and services constitute a part of a supervised  
24 course of study, and if such person is designated by a  
25 title which clearly indicates the person's ~~his or her~~  
26 status as a student or trainee; or

1           (4) Any person fulfilling the supervised work  
2 experience requirements of Sections 8 and 9 of this Act,  
3 if such activities and services constitute a part of the  
4 experience necessary to meet the requirement of those  
5 Sections; or

6           (5) Any person performing occupational therapy  
7 services in the State, if such a person is not a resident  
8 of this State and is not licensed under this Act, and if  
9 such services are performed for no more than 60 days a  
10 calendar year in association with an occupational  
11 therapist licensed under this Act and if such person meets  
12 the qualifications for license under this Act and:

13           (i) such person is licensed under the law of  
14 another state which has licensure requirements at  
15 least as restrictive as the requirements of this Act,  
16 or

17           (ii) such person meets the requirements for  
18 certification as an Occupational Therapist Registered  
19 (O.T.R.) or a Certified Occupational Therapy Assistant  
20 (C.O.T.A.) established by the National Board for  
21 Certification of Occupational Therapy or another  
22 nationally recognized credentialing body approved by  
23 the Board; or

24           (6) The practice of occupational therapy by one who  
25 has applied in writing to the Department for a license, in  
26 form and substance satisfactory to the Department, and has

1           complied with all the provisions of either Section 8 or 9  
2           except the passing of the examination to be eligible to  
3           receive such license. In no event shall this exemption  
4           extend to any person for longer than 6 months, except as  
5           follows:

6                   (i) if the date on which a person can take the next  
7                   available examination authorized by the Department  
8                   extends beyond 6 months from the date the person  
9                   completes the occupational therapy program as required  
10                  under Section 8 or 9, the Department shall extend the  
11                  exemption until the results of that examination become  
12                  available to the Department; or

13                   (ii) if the Department is unable to complete its  
14                   evaluation and processing of a person's application  
15                   for a license within 6 months after the date on which  
16                   the application is submitted to the Department in  
17                   proper form, the Department shall extend the exemption  
18                   until the Department has completed its evaluation and  
19                   processing of the application.

20           In the event such applicant fails the examination, the  
21           applicant shall cease work immediately until such time as  
22           the applicant is licensed to practice occupational therapy  
23           in this State; or

24                   (7) The practice of occupational therapy by one who  
25                   has applied to the Department, in form and substance  
26                   satisfactory to the Department, and who is licensed to

1 practice occupational therapy under the laws of another  
2 state, territory of the United States or country and who  
3 is qualified to receive a license under the provisions of  
4 either Section 8 or 9 of this Act. In no event shall this  
5 exemption extend to any person for longer than 6 months;  
6 or

7 (8) (Blank).

8 (Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

9 (225 ILCS 75/5) (from Ch. 111, par. 3705)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 5. Board. The Secretary shall appoint an Illinois  
12 Occupational Therapy Licensure Board as follows: 7 persons who  
13 shall be appointed by and shall serve in an advisory capacity  
14 to the Secretary. Four members must be licensed occupational  
15 therapists in good standing, and actively engaged in the  
16 practice of occupational therapy in this State; 2 members must  
17 be licensed occupational therapy assistants in good standing  
18 and actively engaged in the practice of occupational therapy  
19 in this State; and 1 member must be a public member who is not  
20 licensed under this Act, or a similar Act of another  
21 jurisdiction, and is not a provider of health care service.

22 Members shall serve 4-year ~~4-year~~ terms and until their  
23 successors are appointed and qualified. No member shall be  
24 appointed under this or any prior Act to the Board for service  
25 which would constitute more than 2 full consecutive terms.

1 Appointments to fill vacancies shall be made in the same  
2 manner as original appointments, for the unexpired portion of  
3 the vacated term.

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 the member's ~~his or her~~ term. The Secretary  
7 shall be the sole arbiter of cause.

8 The Secretary shall consider the recommendations of the  
9 Board on questions involving standards of professional  
10 conduct, discipline and qualifications of candidates and  
11 license holders under this Act.

12 Four members of the Board shall constitute a quorum. A  
13 quorum is required for all Board decisions.

14 Members of the Board have no liability in any action based  
15 upon any disciplinary proceeding or other activity performed  
16 in good faith as a member of the Board.

17 Members of the Board shall be reimbursed for all  
18 legitimate, necessary, and authorized expenses incurred in  
19 attending the meetings of the Board.

20 (Source: P.A. 98-264, eff. 12-31-13.)

21 (225 ILCS 75/6.5)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 6.5. Social Security Number or individual taxpayer  
24 identification number on license application. In addition to  
25 any other information required to be contained in the

1 application, every application for an original license under  
2 this Act shall include the applicant's Social Security Number  
3 or individual taxpayer identification number, which shall be  
4 retained in the agency's records pertaining to the license. As  
5 soon as practical, the Department shall assign a customer's  
6 identification number to each applicant for a license.

7 Every application for a renewal or restored license shall  
8 require the applicant's customer identification number.

9 (Source: P.A. 97-400, eff. 1-1-12.)

10 (225 ILCS 75/7) (from Ch. 111, par. 3707)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 7. Examinations. The Department shall authorize  
13 examinations of applicants for a license under this Act at the  
14 times and place as it may designate. The examination shall be  
15 of a character to give a fair test of the qualifications of the  
16 applicant to practice occupational therapy.

17 Applications for examination as occupational therapists  
18 and occupational therapy assistants shall be required to pay,  
19 either to the Department or the designated testing service, a  
20 fee covering the cost of providing the examination. Failure to  
21 appear for the examination on the scheduled date, at the time  
22 and place specified, after the applicant's application for  
23 examination has been received and acknowledged by the  
24 Department or the designated testing service, shall result in  
25 the forfeiture of the examination fee.



1           If an applicant neglects, fails or refuses to take the  
2 examination within 90 days after the date the Confirmation of  
3 Examination and Eligibility to Examine Notice is issued or  
4 fails to pass an examination for certification under this Act,  
5 the application shall be denied. If an applicant fails to pass  
6 an examination for registration under this Act within 3 years  
7 after filing the ~~his~~ application, the application shall be  
8 denied. The applicant may thereafter make a new application  
9 accompanied by the required fee, however, the applicant shall  
10 meet all requirements in effect at the time of subsequent  
11 application before obtaining licensure.

12           The Department may employ consultants for the purposes of  
13 preparing and conducting examinations.

14           (Source: P.A. 98-264, eff. 12-31-13.)

15           (225 ILCS 75/11) (from Ch. 111, par. 3711)

16           (Section scheduled to be repealed on January 1, 2024)

17           Sec. 11. Expiration and renewal; restoration; military  
18 service.

19           (a) The expiration date and renewal period for each  
20 certificate issued under this Act shall be set by rule.

21           (b) Any occupational therapist or occupational therapy  
22 assistant who has permitted the ~~his or her~~ license to expire or  
23 who has had the ~~his or her~~ license on inactive status may have  
24 the ~~his or her~~ license restored by making application to the  
25 Department, by filing proof acceptable to the Department of

1 the licensee's ~~his~~ fitness to have the ~~his~~ license restored,  
2 by paying the required fee, and by showing proof of compliance  
3 with any continuing education requirements. Proof of fitness  
4 may include sworn evidence certifying to active practice in  
5 another jurisdiction.

6 If the occupational therapist or occupational therapy  
7 assistant has not maintained an active practice in another  
8 jurisdiction satisfactory to the Department, the Department  
9 shall determine, by an evaluation program established by rule,  
10 the licensee's ~~his~~ fitness to resume active status and shall  
11 establish procedures and requirements for restoration.

12 (c) However, any occupational therapist or occupational  
13 therapy assistant whose license expired while the licensee ~~he~~  
14 was (1) in Federal Service on active duty with the Armed Forces  
15 of the United States, or the State Militia called into service  
16 or training, or (2) in training or education under the  
17 supervision of the United States preliminary to induction into  
18 the military service, may have the licensee's ~~his or her~~  
19 license renewed or restored without paying any lapsed renewal  
20 fees if within 2 years after honorable termination of such  
21 service, training or education except under conditions other  
22 than honorable, the licensee ~~he or she~~ furnishes the  
23 Department with satisfactory evidence to the effect that the  
24 licensee ~~he or she~~ has been so engaged and that the licensee's  
25 ~~his or her~~ service, training, or education has been so  
26 terminated.

1 (Source: P.A. 98-264, eff. 12-31-13.)

2 (225 ILCS 75/12) (from Ch. 111, par. 3712)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 12. Inactive status; restoration. Any occupational  
5 therapist or occupational therapy assistant who notifies the  
6 Department in writing on forms prescribed by the Department,  
7 may elect to place the licensee's ~~his~~ license on an inactive  
8 status and shall, subject to rules of the Department, be  
9 excused from payment of renewal fees until the licensee ~~he~~  
10 notifies the Department in writing of the licensee's ~~his~~  
11 desire to resume active status.

12 Any occupational therapist or occupational therapy  
13 assistant requesting restoration from inactive or expired  
14 status shall be required to pay the current renewal fee,  
15 demonstrate compliance with continuing education requirements,  
16 if any, and shall be required to restore the ~~his~~ license as  
17 provided in Section 11.

18 Any occupational therapist or occupational therapy  
19 assistant whose license is in expired or inactive status shall  
20 not practice occupational therapy in the State or present  
21 oneself as an occupational therapist or occupational therapy  
22 assistant of Illinois.

23 (Source: P.A. 98-264, eff. 12-31-13.)

24 (225 ILCS 75/15) (from Ch. 111, par. 3715)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 15. Any person who is issued a license as an  
3 occupational therapist registered under the terms of this Act  
4 may use the words "occupational therapist" or "licensed  
5 occupational therapist", or may use the letters "O.T.",  
6 "OT/L", or "OTR/L", in connection with the licensee's ~~his or~~  
7 ~~her~~ name or place of business to denote the licensee's ~~his or~~  
8 ~~her~~ licensure under this Act.

9 Any person who is issued a license as an occupational  
10 therapy assistant under the terms of this Act may use the  
11 words, "occupational therapy assistant" or "licensed  
12 occupational therapy assistant", or the licensee ~~he or she~~ may  
13 use the letters "O.T.A.", "OTA/L", or "COTA/L" in connection  
14 with the licensee's ~~his or her~~ name or place of business to  
15 denote the licensee's ~~his or her~~ licensure under this Act.

16 (Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

17 (225 ILCS 75/16) (from Ch. 111, par. 3716)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 16. Fees; returned checks. The fees for the  
20 administration and enforcement of this Act, including, but not  
21 limited to, original certification, renewal, and restoration  
22 of a license issued under this Act, shall be set by rule. The  
23 fees shall be non-refundable.

24 Any person who delivers a check or other payment to the  
25 Department that is returned to the Department unpaid by the

1 financial institution upon which it is drawn shall pay to the  
2 Department, in addition to the amount already owed to the  
3 Department, a fine of \$50. The fines imposed by this Section  
4 are in addition to any other discipline provided under this  
5 Act for unlicensed practice or practice on a nonrenewed  
6 license. The Department shall notify the person that payment  
7 of fees and fines shall be paid to the Department by certified  
8 check or money order within 30 calendar days of the  
9 notification. If, after the expiration of 30 days from the  
10 date of the notification, the person has failed to submit the  
11 necessary remittance, the Department shall automatically  
12 terminate the license or certificate or deny the application,  
13 without hearing. If, after termination or denial, the person  
14 seeks a license or certificate, the person ~~he or she~~ shall  
15 apply to the Department for restoration or issuance of the  
16 license or certificate and pay all fees and fines due to the  
17 Department. The Department may establish a fee for the  
18 processing of an application for restoration of a license or  
19 certificate to pay all expenses of processing this  
20 application. The Secretary may waive the fines due under this  
21 Section in individual cases where the Secretary finds that the  
22 fines would be unreasonable or unnecessarily burdensome.

23 (Source: P.A. 98-264, eff. 12-31-13.)

24 (225 ILCS 75/19) (from Ch. 111, par. 3719)

25 (Section scheduled to be repealed on January 1, 2024)

1           Sec. 19. Grounds for discipline.

2           (a) The Department may refuse to issue or renew, or may  
3           revoke, suspend, place on probation, reprimand, or take other  
4           disciplinary or non-disciplinary action as the Department may  
5           deem proper, including imposing fines not to exceed \$10,000  
6           for each violation and the assessment of costs as provided  
7           under Section 19.3 of this Act, with regard to any license for  
8           any one or combination of the following:

9                   (1) Material misstatement in furnishing information to  
10                  the Department;

11                   (2) Violations of this Act, or of the rules  
12                  promulgated thereunder;

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

22                   (4) Fraud, ~~or any~~ misrepresentation, or concealment in  
23                  applying for or procuring a license under this Act, or in  
24                  connection with applying for renewal of a license under  
25                  this Act;

26                   (5) Professional incompetence;

1           (6) Aiding or assisting another person, firm,  
2 partnership or corporation in violating any provision of  
3 this Act or rules;

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

6           (8) Engaging in dishonorable, unethical or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud or harm the public;

9           (9) Habitual or excessive use or abuse of drugs  
10 defined in law as controlled substances, alcohol, or any  
11 other substance that results in the inability to practice  
12 with reasonable judgment, skill, or safety;

13           (10) Discipline by another state, unit of government,  
14 government agency, the District of Columbia, a territory,  
15 or foreign nation, if at least one of the grounds for the  
16 discipline is the same or substantially equivalent to  
17 those set forth herein;

18           (11) Directly or indirectly giving to or receiving  
19 from any person, firm, corporation, partnership, or  
20 association any fee, commission, rebate, or other form of  
21 compensation for professional services not actually or  
22 personally rendered. Nothing in this paragraph (11)  
23 affects any bona fide independent contractor or employment  
24 arrangements among health care professionals, health  
25 facilities, health care providers, or other entities,  
26 except as otherwise prohibited by law. Any employment

1 arrangements may include provisions for compensation,  
2 health insurance, pension, or other employment benefits  
3 for the provision of services within the scope of the  
4 licensee's practice under this Act. Nothing in this  
5 paragraph (11) shall be construed to require an employment  
6 arrangement to receive professional fees for services  
7 rendered;

8 (12) A finding by the Department that the license  
9 holder, after having the ~~his~~ license disciplined, has  
10 violated the terms of the discipline;

11 (13) Willfully ~~Wilfully~~ making or filing false records  
12 or reports in the practice of occupational therapy,  
13 including l but not limited to l false records filed with  
14 the State agencies or departments;

15 (14) Physical illness, including l but not limited to,  
16 deterioration through the aging process~~r~~ or loss of motor  
17 skill which results in the inability to practice under  
18 this Act with reasonable judgment, skill, or safety;

19 (15) Solicitation of professional services other than  
20 by permitted advertising;

21 (16) Allowing one's license under this Act to be used  
22 by an unlicensed person in violation of this Act;

23 (17) Practicing under a false or, except as provided  
24 by law, assumed name;

25 (18) Professional incompetence or gross negligence;

26 (19) Malpractice;



1           (20) Promotion of the sale of drugs, devices,  
2           appliances, or goods provided for a patient in any manner  
3           to exploit the client for financial gain of the licensee;

4           (21) Gross, willful, or continued overcharging for  
5           professional services;

6           (22) Mental illness or disability that results in the  
7           inability to practice under this Act with reasonable  
8           judgment, skill, or safety;

9           (23) Violating the Health Care Worker Self-Referral  
10          Act;

11          (24) Having treated patients other than by the  
12          practice of occupational therapy as defined in this Act,  
13          or having treated patients as a licensed occupational  
14          therapist independent of a referral from a physician,  
15          advanced practice registered nurse or physician assistant  
16          in accordance with Section 3.1, dentist, podiatric  
17          physician, or optometrist, or having failed to notify the  
18          physician, advanced practice registered nurse, physician  
19          assistant, dentist, podiatric physician, or optometrist  
20          who established a diagnosis that the patient is receiving  
21          occupational therapy pursuant to that diagnosis;

22          (25) Cheating on or attempting to subvert the  
23          licensing examination administered under this Act; ~~and~~

24          (26) Charging for professional services not rendered,  
25          including filing false statements for the collection of  
26          fees for which services are not rendered; ~~and~~

1           (27) Practicing beyond the scope of the practice of  
2           occupational therapy;

3           (28) Providing substandard care as an occupational  
4           therapist due to a deliberate or negligent act, negligent  
5           supervision of an occupational therapy assistant, or  
6           failure to act regardless of whether actual injury to the  
7           recipient is established;

8           (29) Providing substandard care as an occupational  
9           therapy assistant, including exceeding the authority to  
10           perform components of intervention selected and delegated  
11           by the supervising occupational therapist regardless of  
12           whether actual injury to the recipient is established;

13           (30) Knowingly delegating responsibilities to an  
14           individual who does not have the knowledge, skills, or  
15           abilities to perform those responsibilities; and

16           (31) Engaging in sexual misconduct. For the purposes  
17           of this paragraph, sexual misconduct includes:

18           (A) engaging in or soliciting a sexual  
19           relationship, whether consensual or non-consensual,  
20           while an occupational therapist or occupational  
21           therapy assistant with the recipient of occupational  
22           therapy services; and

23           (B) making sexual advances, requesting sexual  
24           favors, or engaging in physical contact of a sexual  
25           nature with the recipient of occupational therapy  
26           services.

1 All fines imposed under this Section shall be paid within  
2 60 days after the effective date of the order imposing the fine  
3 or in accordance with the terms set forth in the order imposing  
4 the fine.

5 (b) The determination by a circuit court that a license  
6 holder is subject to involuntary admission or judicial  
7 admission as provided in the Mental Health and Developmental  
8 Disabilities Code, as now or hereafter amended, operates as an  
9 automatic suspension. Such suspension will end only upon a  
10 finding by a court that the patient is no longer subject to  
11 involuntary admission or judicial admission and an order by  
12 the court so finding and discharging the patient. In any case  
13 where a license is suspended under this provision, the  
14 licensee shall file a petition for restoration and shall  
15 include evidence acceptable to the Department that the  
16 licensee can resume practice in compliance with acceptable and  
17 prevailing standards of their profession.

18 (c) 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, to pay the tax, penalty, or interest shown in a filed  
22 return, or to pay any final assessment of tax, penalty, or  
23 interest as required by any tax Act administered by the  
24 Illinois Department of Revenue, until such time as the  
25 requirements of any such tax Act are satisfied in accordance  
26 with subsection (a) of Section 2105-15 of the Department of

1 Professional Regulation Law of the Civil Administrative Code  
2 of Illinois.

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

1 testing.

2 The Department may order the examining physician or any  
3 member of the multidisciplinary team to provide to the  
4 Department any and all records, including business records,  
5 that relate to the examination and evaluation, including any  
6 supplemental testing performed. The Department may order the  
7 examining physician or any member of the multidisciplinary  
8 team to present testimony concerning this examination and  
9 evaluation of the licensee or applicant, including testimony  
10 concerning any supplemental testing or documents relating to  
11 the examination and evaluation. No information, report,  
12 record, or other documents in any way related to the  
13 examination and evaluation shall be excluded by reason of any  
14 common law or statutory privilege relating to communication  
15 between the licensee or applicant and the examining physician  
16 or any member of the multidisciplinary team. No authorization  
17 is necessary from the licensee or applicant ordered to undergo  
18 an evaluation and examination for the examining physician or  
19 any member of the multidisciplinary team to provide  
20 information, reports, records, or other documents or to  
21 provide any testimony regarding the examination and  
22 evaluation. The individual to be examined may have, at his or  
23 her own expense, another physician of his or her choice  
24 present during all aspects of the examination.

25 Failure of any individual to submit to mental or physical  
26 examination or evaluation, or both, when directed, shall

1 result in an automatic suspension without hearing, until such  
2 time as the individual submits to the examination. If the  
3 Department finds a licensee unable to practice because of the  
4 reasons set forth in this Section, the Department shall  
5 require the licensee to submit to care, counseling, or  
6 treatment by physicians approved or designated by the  
7 Department as a condition for continued, reinstated, or  
8 renewed licensure.

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

18 Individuals licensed under this Act that are affected  
19 under this Section, shall be afforded an opportunity to  
20 demonstrate to the Department that they can resume practice in  
21 compliance with acceptable and prevailing standards under the  
22 provisions of their license.

23 (e) (Blank).

24 (f) In cases where the Department of Healthcare and Family  
25 Services has previously determined a licensee or a potential  
26 licensee is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency  
2 to the Department, the Department may refuse to issue or renew  
3 or may revoke or suspend that person's license or may take  
4 other disciplinary action against that person based solely  
5 upon the certification of delinquency made by the Department  
6 of Healthcare and Family Services in accordance with paragraph  
7 (5) of subsection (a) of Section 2105-15 of the Department of  
8 Professional Regulation Law of the Civil Administrative Code  
9 of Illinois.

10 (Source: P.A. 100-513, eff. 1-1-18; 100-872, eff. 8-14-18.)

11 (225 ILCS 75/19.2) (from Ch. 111, par. 3721)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 19.2. Investigations; notice and hearing. The  
14 Department may investigate the actions of any applicant or of  
15 any person or person holding or claiming to hold a license. The  
16 Department shall, before refusing to issue, renew, or  
17 discipline a licensee or applicant, at least 30 days prior to  
18 the date set for the hearing, notify the applicant or licensee  
19 in writing of the nature of the charges and the time and place  
20 for a hearing on the charges. The Department shall direct the  
21 applicant or licensee to file a written answer to the charges  
22 with the Board under oath within 20 days after the service of  
23 the notice and inform the applicant or licensee that failure  
24 to file an answer will result in default being taken against  
25 the applicant or licensee. At the time and place fixed in the

1 notice, the Department shall proceed to hear the charges and  
2 the parties or their counsel shall be accorded ample  
3 opportunity to present any pertinent statements, testimony,  
4 evidence, and arguments. The Department may continue the  
5 hearing from time to time. In case the person, after receiving  
6 the notice, fails to file an answer, his or her license may, in  
7 the discretion of the Department, be revoked, suspended,  
8 placed on probationary status, or the Department may take  
9 whatever disciplinary action considered proper, including  
10 limiting the scope, nature, or extent of the person's practice  
11 or the imposition of a fine, without a hearing, if the act or  
12 acts charged constitute sufficient grounds for that action  
13 under the Act. The written notice and any notice in the  
14 subsequent proceeding may be served by personal delivery or by  
15 ~~registered or certified~~ mail to the licensee's address or  
16 email address of record.

17 (Source: P.A. 98-264, eff. 12-31-13.)

18 (225 ILCS 75/19.6) (from Ch. 111, par. 3725)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 19.6. Findings of Board. At the conclusion of the  
21 hearing the Board shall present to the Secretary a written  
22 report of its findings of fact, conclusions of law, and  
23 recommendations. The report shall contain a finding whether or  
24 not the accused person violated this Act or failed to comply  
25 with the conditions required in this Act. The Board shall



1 specify the nature of the violation or failure to comply, and  
2 shall make its recommendations to the Secretary. The report of  
3 findings of fact, conclusions of law and recommendations of  
4 the Board may be the basis for the Secretary's ~~Department's~~  
5 order for refusing to issue, restore, or renew a license or  
6 otherwise disciplining a licensee. If the Secretary disagrees  
7 in any regard with the report of the Board he may issue an  
8 order in contravention thereof. The finding is not admissible  
9 in evidence against the person in a criminal prosecution  
10 brought for the violation of this Act, but the hearing and  
11 findings are not a bar to a criminal prosecution brought for  
12 the violation of this Act.

13 (Source: P.A. 98-264, eff. 12-31-13.)

14 (225 ILCS 75/19.7) (from Ch. 111, par. 3726)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 19.7. Report of Board; motion for rehearing. In any  
17 case involving the refusal to issue or renew, or the taking of  
18 disciplinary action against, a license, a copy of the Board's  
19 report shall be served upon the respondent by the Department  
20 as provided in this Act for the service of the notice of  
21 hearing. Within 20 days after such service, the respondent may  
22 present to the Secretary ~~Department~~ a motion in writing for a  
23 rehearing, which motion shall specify the particular grounds  
24 therefor. If no motion for rehearing is filed, then upon the  
25 expiration of the time specified for filing such a motion, or

1 if a motion for rehearing is denied, then upon such denial the  
2 Secretary may enter an order in accordance with  
3 recommendations of the Board except as provided in Section  
4 19.6. If the respondent shall order from the reporting  
5 service, and pays for a transcript of the record within the  
6 time for filing a motion for rehearing, the 20-day ~~20-day~~  
7 period within which such a motion may be filed shall commence  
8 upon the delivery of the transcript to the respondent.

9 (Source: P.A. 98-264, eff. 12-31-13.)

10 (225 ILCS 75/19.9) (from Ch. 111, par. 3728)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 19.9. Appointment of hearing officer. The Secretary  
13 shall have the authority to appoint any attorney duly licensed  
14 to practice law in the State of Illinois to serve as the  
15 hearing officer in any action involving a refusal to issue or  
16 renew, or the taking of disciplinary action against a license.  
17 The hearing officer shall have full authority to conduct the  
18 hearing. The hearing officer shall report his or her findings  
19 of fact, conclusions of law and recommendations to the Board  
20 ~~and the Secretary~~. The Board shall have 60 days from receipt of  
21 the report to review the report of the hearing officer and  
22 present their findings of fact, conclusion of law and  
23 recommendations to the Secretary. If the Board fails to  
24 present its report within the 60-day ~~60-day~~ period, the  
25 Secretary may issue an order based on the report of the hearing

1 officer. If the Secretary disagrees with the report of the  
2 Board or hearing officer, then the Secretary may issue an  
3 order in contravention thereof.

4 (Source: P.A. 98-264, eff. 12-31-13.)

5 (225 ILCS 75/19.15) (from Ch. 111, par. 3734)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 19.15. Certification of record. The Department shall  
8 not be required to certify any record to the court or file any  
9 answer in court or otherwise appear in any court in a judicial  
10 review proceeding, unless and until the Department has  
11 received from the plaintiff payment of the costs of furnishing  
12 and certifying the record, which costs shall be determined by  
13 the Department. ~~Exhibits shall be certified without cost.~~  
14 Failure on the part of the plaintiff to file a receipt in court  
15 shall be grounds for dismissal of the action.

16 (Source: P.A. 98-264, eff. 12-31-13.)

17 (225 ILCS 75/20) (from Ch. 111, par. 3736)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 20. Administrative Procedure Act. The Illinois  
20 Administrative Procedure Act is hereby expressly adopted and  
21 incorporated herein as if all of the provisions of that Act  
22 were included in this Act, except that the provision of  
23 subsection (d) of Section 10-65 of the Illinois Administrative  
24 Procedure Act that provides that at hearings the certificate

1 holder has the right to show compliance with all lawful  
2 requirements for retention, continuation or renewal of  
3 certification is specifically excluded. For the purpose of  
4 this Act the notice required under Section 10-25 of the  
5 Illinois Administrative Procedure Act is deemed sufficient  
6 when mailed or emailed to the last known address of record of a  
7 party.

8 (Source: P.A. 98-264, eff. 12-31-13.)

9 (225 ILCS 75/21) (from Ch. 111, par. 3737)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 21. Home rule. The regulation and licensing as an  
12 occupational therapist are exclusive powers and functions of  
13 the State. A home rule unit may not regulate or license an  
14 occupational therapist, occupational therapy assistant, or the  
15 practice of occupational therapy. This Section is a denial and  
16 limitation of home rule powers and functions under subsection  
17 (h) of Section 6 of Article VII of the Illinois Constitution.

18 (Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

19 (225 ILCS 75/17 rep.)

20 Section 15. The Illinois Occupational Therapy Practice Act  
21 is amended by repealing Section 17.

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

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