

1 AN ACT concerning professional 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 4.14 and 4.24 as follows:

6 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)
7 Sec. 4.14. Acts repealed.

8 (a) The following Acts are repealed December 31, 2003:

9 The Private Detective, Private Alarm, and Private
10 Security Act of 1993.

11 The Illinois Occupational Therapy Practice Act.

12 (b) The following Acts are repealed January 1, 2004:

13 The Illinois Certified Shorthand Reporters Act of
14 1984.

15 ~~The--Veterinary-Medicine-and-Surgery-Practice-Act-of~~
16 ~~1994-~~

17 (Source: P.A. 92-457, eff 8-21-01.)

18 (5 ILCS 80/4.24)

19 Sec. 4.24. Acts repealed on January 1, 2014. The
20 following Acts are repealed on January 1, 2014:

21 The Electrologist Licensing Act.

22 The Illinois Public Accounting Act.

23 The Veterinary Medicine and Surgery Practice Act of 2004.

24 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

25 Section 10. The Environmental Health Practitioner
26 Licensing Act is amended by changing Section 16 as follows:

27 (225 ILCS 37/16)

28 (Section scheduled to be repealed on January 1, 2007)

1 Sec. 16. Exemptions. This Act does not prohibit or
2 restrict any of the following:

3 (1) A person performing the functions and duties of an
4 environmental health practitioner under the general
5 supervision of a licensed environmental health practitioner
6 or licensed professional engineer if that person (i) is not
7 responsible for the administration or supervision of one or
8 more employees engaged in an environmental health program,
9 (ii) establishes a method of verbal communication with the
10 licensed environmental health practitioner or licensed
11 professional engineer to whom they can refer and report
12 questions, problems, and emergency situations encountered in
13 environmental health practice, and (iii) has his or her
14 written reports reviewed monthly by a licensed environmental
15 health practitioner or licensed professional engineer.

16 (2) A person licensed in this State under any other Act
17 from engaging in the practice for which he or she is
18 licensed.

19 (3) A person working in laboratories licensed by,
20 registered with, or operated by the State of Illinois.

21 (4) A person employed by a State-licensed health care
22 facility who engages in the practice of environmental health
23 or whose job responsibilities include ensuring that the
24 environment in the health care facility is healthy and safe
25 for employees, patients, and visitors.

26 (5) A person employed with the Illinois Department of
27 Agriculture who engages in meat and poultry inspections or
28 environmental inspections under the authority of the
29 Department of Agriculture.

30 (6) A person holding a degree of Doctor of Veterinary
31 Medicine and Surgery and licensed under the Veterinary
32 Medicine and Surgery Practice Act of 2004.

33 (Source: P.A. 92-837, eff. 8-22-02.)

1 Section 15. The Veterinary Medicine and Surgery Practice
 2 Act of 1994 is amended by changing Sections 2, 3, 4, 5, 8,
 3 8.1, 11, 12, 15, 24.1, and 25 and adding Section 25.19 as
 4 follows:

5 (225 ILCS 115/2) (from Ch. 111, par. 7002)

6 (Section scheduled to be repealed on January 1, 2004)

7 Sec. 2. This Act may be cited as the Veterinary Medicine
 8 and Surgery Practice Act of 2004 ~~1994~~.

9 (Source: P.A. 88-424.)

10 (225 ILCS 115/3) (from Ch. 111, par. 7003)

11 (Section scheduled to be repealed on January 1, 2004)

12 Sec. 3. Definitions; ~~--unlicensed--practice--prohibited.~~

13 (a) The following terms have the meanings indicated, unless
 14 the context requires otherwise:

15 "Accredited college of veterinary medicine" means a
 16 veterinary college, school, or division of a university or
 17 college that offers the degree of Doctor of Veterinary
 18 Medicine or its equivalent and that is accredited by the
 19 Council on Education of the American Veterinary Medical
 20 Association.

21 "Animal" means any animal, vertebrate or invertebrate,
 22 other than a human.

23 "Board" means the Veterinary Licensing and Disciplinary
 24 Board.

25 "Certified veterinary technician" means a person who has
 26 graduated from a veterinary technology program accredited by
 27 the Committee on Veterinary Technician Education and
 28 Activities of the American Veterinary Medical Association who
 29 has filed an application with the Department, paid the fee,
 30 passed the examination as prescribed by rule, and works under
 31 a supervising veterinarian.

32 "Client" means an entity, person, group, or corporation

1 that has entered into an agreement with a veterinarian for
2 the purposes of obtaining veterinary medical services.

3 "Complementary, alternative, and integrative therapies"
4 means preventative, diagnostic, and therapeutic practices
5 that, at the time they are performed, may differ from current
6 scientific knowledge or for which the theoretical basis and
7 techniques may diverge from veterinary medicine routinely
8 taught in approved veterinary medical programs. This
9 includes but is not limited to veterinary acupuncture,
10 acupuncture, acupressure, veterinary homeopathy, veterinary
11 manual or manipulative therapy (i.e. therapies based on
12 techniques practiced in osteopathy, chiropractic medicine, or
13 physical medicine and therapy), veterinary nutraceutical
14 therapy, veterinary phytotherapy, or other therapies as
15 defined by rule.

16 "Consultation" means when a veterinarian receives advice
17 in person, telephonically, electronically, or by any other
18 method of communication from a veterinarian licensed in this
19 or any other state or other person whose expertise, in the
20 opinion of the veterinarian, would benefit a patient. Under
21 any circumstance, the responsibility for the welfare of the
22 patient remains with the veterinarian receiving consultation.

23 "Department" means the Department of Professional
24 Regulation.

25 "Direct supervision" means the supervising veterinarian
26 is on the premises where the animal is being treated.

27 "Director" means the Director of Professional Regulation.

28 "Impaired veterinarian" means a veterinarian who is
29 unable to practice veterinary medicine with reasonable skill
30 and safety because of a physical or mental disability as
31 evidenced by a written determination or written consent based
32 on clinical evidence, including deterioration through the
33 aging process, loss of motor skills, or abuse of drugs or
34 alcohol of sufficient degree to diminish a person's ability

1 to deliver competent patient care.

2 "Indirect supervision" means the supervising veterinarian
3 need not be on the premises, but has given either written or
4 oral instructions for the treatment of the animal and is
5 available by telephone or other form of communication.

6 "Patient" means an animal that is examined or treated by
7 a veterinarian.

8 "Person" means an individual, firm, partnership (general,
9 limited, or limited liability), association, joint venture,
10 cooperative, corporation, limited liability company, or any
11 other group or combination acting in concert, whether or not
12 acting as a principal, partner, member, trustee, fiduciary,
13 receiver, or any other kind of legal or personal
14 representative, or as the successor in interest, assignee,
15 agent, factor, servant, employee, director, officer, or any
16 other representative of such person.

17 "Practice of veterinary medicine" means the performance
18 of one or more of the following:

19 (1) Directly or indirectly consulting, diagnosing,
20 prognosing, correcting, supervising, or recommending
21 treatment of an animal for the prevention, cure, or
22 relief of a wound, fracture, bodily injury, defect,
23 disease, or physical or mental condition by any method or
24 mode.

25 (2) Prescribing, dispensing, or administering a
26 drug, medicine, biologic appliance, application, or
27 treatment of whatever nature.

28 (3) Performing upon an animal a surgical or dental
29 operation or a complementary, alternative, or integrative
30 veterinary medical procedure.

31 (4) Performing upon an animal any manual procedure
32 for the diagnoses or treatment of pregnancy, sterility,
33 or infertility.

34 (5) Determining the health and fitness of an

1 animal.

2 (6) Representing oneself, directly or indirectly,
3 as engaging in the practice of veterinary medicine.

4 (7) Using any word, letters, or title under such
5 circumstances as to induce the belief that the person
6 using them is qualified to engage in the practice of
7 veterinary medicine or any of its branches. Such use
8 shall be prima facie evidence of the intention to
9 represent oneself as engaging in the practice of
10 veterinary medicine.

11 "Supervising veterinarian" means a veterinarian who
12 assumes responsibility for the professional care given to an
13 animal by a person working under his or her direction. The
14 supervising veterinarian must have examined the animal at
15 such time as acceptable veterinary medical practices requires
16 consistent with the particular delegated animal health care
17 task.

18 "Veterinarian-client-patient relationship" means:

19 (1) The veterinarian has assumed the responsibility
20 for making clinical judgments regarding the health of an
21 animal and the need for medical treatment and the client,
22 owner, or other caretaker has agreed to follow the
23 instructions of the veterinarian;

24 (2) There is sufficient knowledge of an animal by
25 the veterinarian to initiate at least a general or
26 preliminary diagnosis of the medical condition of the
27 animal. This means that the veterinarian has recently
28 seen and is personally acquainted with the keeping and
29 care of the animal by virtue of an examination of the
30 animal or by medically appropriate and timely visits to
31 the premises where the animal is kept; and

32 (3) The practicing veterinarian is readily
33 available for follow-up in case of adverse reactions or
34 failure of the regimen of therapy.

1 "Veterinary technology" means the performance of services
 2 within the field of veterinary medicine by a person who, for
 3 compensation or personal profit, is employed by a licensed
 4 veterinarian to perform duties that require an understanding
 5 of veterinary medicine necessary to carry out the orders of
 6 the veterinarian. Those services, however, shall not include
 7 diagnosing, prognosing, writing prescriptions, or surgery.

8 (A)--"Department"--means--the--Department--of--Professional
 9 Regulation.

10 (B)--"Board"---means---the---Veterinary---Licensing---and
 11 Disciplinary-Board.

12 (C)--"Director"--means--the-Director-of-the-Department-of
 13 Professional-Regulation.

14 (D)--"Veterinarian"--means-a-person-holding-the-degree--of
 15 Doctor--of-Veterinary-Medicine-and-Surgery-and-licensed-under
 16 this-Act.

17 (E)--The-practice--of--veterinary--medicine--and--surgery
 18 occurs-when-a-person:

19 (1)--Directly--or--indirectly--diagnoses, prognoses,
 20 treats, administers--to, prescribes--for, operates--on,
 21 manipulates-or-applies-any-apparatus-or-appliance-for-any
 22 disease, pain, deformity, defect, injury, wound--or
 23 physical-or-mental-condition-of-any-animal-or-bird-or-for
 24 the-prevention-of, or-to-test-for--the--presence--of--any
 25 disease---of---any--animal--or--bird.---The--practice--of
 26 veterinary-medicine--and--surgery--includes--veterinarian
 27 dentistry.

28 (2)--Represents-himself-or-herself-as-engaged-in-the
 29 practice-of-veterinary-medicine-and-surgery-as-defined-in
 30 paragraph--(1)--of--this--subsection, or-uses-any-words,
 31 letters-or-titles--in--such--connection--and--under--such
 32 circumstances--as--to--induce--the-belief-that-the-person
 33 using-them-is--engaged--in--the--practice--of--veterinary
 34 medicine-and-surgery-in-any-of-its-branches, or-that-such

1 person-is-a-Doctor-of-Veterinary-Medicine.

2 (F)--"Animal"--means--any--bird, fish, reptile, or mammal
3 other-than-man.

4 (G)--"Veterinarian-client---patient-relationship"--means:

5 (1)--The-veterinarian-has-assumed-the-responsibility
6 for-making-medical-judgments-regarding-the-health--of--an
7 animal-and-the-need-for-medical-treatment-and-the-client,
8 owner,--or--other--caretaker--has--agreed--to--follow-the
9 instructions-of-the-veterinarian.

10 (2)--There-is-sufficient-knowledge-of-an--animal--by
11 the--veterinarian--to--initiate--at--least--a--general-or
12 preliminary-diagnosis-of-the--medical--condition--of--the
13 animal.---This--means--that-the-veterinarian-has-recently
14 seen-and-is-personally-acquainted-with--the--keeping--and
15 care--of--the--animal--by-virtue-of-an-examination-of-the
16 animal-or-by-medically-appropriate-and-timely--visits--to
17 the-premises-where-the-animal-is-kept.

18 (3)--The---practicing---veterinarian---is---readily
19 available-for-follow-up-in-case-of-adverse--reactions--or
20 failure-of-the-regimen-of-therapy.

21 (b)--Subject--to-the-exemptions-in-Section-4-of-this-Act,
22 no-person-shall-practice-veterinary-medicine-and--surgery--in
23 any-of-its-branches-without-a-valid-license-to-do-so.

24 (Source: P.A. 90-655, eff. 7-30-98.)

25 (225 ILCS 115/4) (from Ch. 111, par. 7004)

26 (Section scheduled to be repealed on January 1, 2004)

27 Sec. 4. Exemptions. Nothing in this Act shall apply to
28 any of the following:

29 (1) Veterinarians employed by the federal or State
30 government Federal--Government while actually engaged in
31 their official duties.

32 (2) Licensed veterinarians from other states who
33 are invited to Illinois for consultation or lecturing.

1 (3) Veterinarians employed by colleges or
2 universities ~~or-by-state-agencies~~, while engaged in the
3 performance of their official duties, or faculty engaged
4 in animal husbandry or animal management programs of
5 colleges or universities.

6 (4) A veterinarian employed by an accredited
7 college of veterinary medicine providing assistance
8 requested by a veterinarian licensed in Illinois, acting
9 with informed consent from the client and acting under
10 the direct or indirect supervision and control of the
11 licensed veterinarian. Providing assistance involves
12 hands-on active participation in the treatment and care
13 of the patient. The licensed veterinarian shall maintain
14 responsibility for the veterinarian-client-patient
15 relationship.

16 (5)(4) Veterinary students in an accredited
17 approved college, university, department of a university,
18 or other institution of veterinary medicine and surgery
19 engaged in while-in-the-performance-of duties assigned by
20 their instructors.

21 (6)(5) Any person engaged in bona fide scientific
22 research which requires the use of animals.

23 (7) An owner of livestock and any of the owner's
24 employees or the owner and employees of a service and
25 care provider of livestock caring for and treating
26 livestock belonging to the owner or under a provider's
27 care, including but not limited to, the performance of
28 husbandry and livestock management practices such as
29 dehorning, castration, emasculation, or docking of
30 cattle, horses, sheep, goats, and swine, artificial
31 insemination, and drawing of semen. Nor shall this Act be
32 construed to prohibit any person from administering in a
33 humane manner medicinal or surgical treatment to any
34 livestock in the care of such person. However, any such

1 services shall comply with the Humane Care for Animals
2 Act.

3 (8) An owner of an animal, or an agent of the owner
4 acting with the owner's approval, in caring for,
5 training, or treating an animal belonging to the owner,
6 so long as that individual or agent does not represent
7 himself or herself as a veterinarian or use any title
8 associated with the practice of veterinary medicine or
9 surgery or diagnose, prescribe drugs, or perform surgery.
10 The agent shall provide the owner with a written
11 statement summarizing the nature of the services provided
12 and obtain a signed acknowledgment from the owner that
13 they accept the services provided. The services shall
14 comply with the Humane Care for Animals Act. The
15 provisions of this item (8) do not apply to a person who
16 is exempt under item (7).

17 (9) A member in good standing of another licensed
18 or regulated profession within any state or a member of
19 an organization or group approved by the Department by
20 rule providing assistance requested by a veterinarian
21 licensed in this State acting with informed consent from
22 the client and acting under the direct or indirect
23 supervision and control of the licensed veterinarian.
24 Providing assistance involves hands-on active
25 participation in the treatment and care of the patient,
26 as defined by rule. The licensed veterinarian shall
27 maintain responsibility for the
28 veterinarian-client-patient relationship.

29 (10) A graduate of a non-accredited college of
30 veterinary medicine who is in the process of obtaining a
31 certificate of educational equivalence and is performing
32 duties or actions assigned by instructors in an approved
33 college of veterinary medicine.

34 (11) A certified euthanasia technician who is

1 authorized to perform euthanasia in the course and scope
2 of his or her employment.

3 (12) A person who, without expectation of
4 compensation, provides emergency veterinary care in an
5 emergency or disaster situation so long as he or she does
6 not represent himself or herself as a veterinarian or use
7 a title or degree pertaining to the practice of
8 veterinary medicine and surgery.

9 (13) An employee of a licensed veterinarian
10 performing duties other than diagnosis, prognosis,
11 prescription, or surgery under the direction and
12 supervision of the veterinarian, who shall be responsible
13 for the performance of the employee.

14 (14) An approved humane investigator regulated
15 under the Humane Care for Animals Act or employee of a
16 shelter licensed under the Animal Welfare Act, working
17 under the indirect supervision of a licensed
18 veterinarian.

19 (15) An individual providing equine dentistry
20 services requested by a veterinarian licensed to practice
21 in this State, an owner, or an owner's agent. For the
22 purposes of this item (15), "equine dentistry services"
23 means floating teeth without the use of drugs or
24 extraction.

25 (16) Private treaty sale of animals unless
26 otherwise provided by law. (6)--The---dehorning,
27 castration,--emasculation--or--docking-of-cattle,-horses,
28 sheep,-goats-and-swine-in-the-course-or-exchange-of--work
29 for---which--no--monetary--compensation--is--paid--or--to
30 artificial-insemination-and-the--drawing--of--semen,--Nor
31 shall--this--Act-be-construed-to-prohibit-any-person-from
32 administering,-in-a-humane-manner,-medicinal-or--surgical
33 treatment--to-any-animal-belonging-to-such-person,-unless
34 title--has--been---transferred---for---the---purpose---of

1 ~~circumventing this Act. However, any such services shall~~
2 ~~comply with the Humane Care for Animals Act.~~

3 ~~(7) Members of other licensed professions or any~~
4 ~~other individuals when called for consultation and~~
5 ~~assistance by a veterinarian licensed in the State of~~
6 ~~Illinois and who act under the supervision, direction,~~
7 ~~and control of the veterinarian, as further defined by~~
8 ~~rule of the Department.~~

9 ~~(8) Certified euthanasia technicians.~~

10 (Source: P.A. 92-449, eff. 1-1-02.)

11 (225 ILCS 115/5) (from Ch. 111, par. 7005)

12 (Section scheduled to be repealed on January 1, 2004)

13 Sec. 5. No person shall practice veterinary medicine and
14 surgery in any of its branches without a valid license to do
15 so. Any person not licensed under this Act who performs any
16 of the functions described as the practice of veterinary
17 medicine or surgery as defined in this Act, who announces to
18 the public in any way an intention to practice veterinary
19 medicine and surgery, who uses the title Doctor of Veterinary
20 Medicine or the initials D.V.M. or V.M.D., or who opens an
21 office, hospital, or clinic for such purposes is considered
22 to have violated this Act and may be subject to all the
23 penalties provided for such violations.

24 It shall be unlawful for any person who is not licensed
25 in this State to provide veterinary medical services from any
26 state to a client or patient in this State through
27 telephonic, electronic, or other means, except where a
28 bonafide veterinarian-client-patient relationship exists.

29 Nothing in this Act shall be construed to prevent members
30 of other professions from performing functions for which they
31 are duly licensed. Other professionals may not, however,
32 hold themselves out or refer to themselves by any title or
33 descriptions stating or implying that they are engaged in the

1 practice of veterinary medicine or that they are licensed to
2 engage in the practice of veterinary medicine.

3 (Source: P.A. 83-1016.)

4 (225 ILCS 115/8) (from Ch. 111, par. 7008)

5 (Section scheduled to be repealed on January 1, 2004)

6 Sec. 8. Qualifications. A person is qualified to receive
7 a license if he or she: (1) is of good moral character; (2)
8 has graduated from an accredited college or school of
9 veterinary medicine ~~has--received--at--least--2--years--of~~
10 ~~preveterinary-collegiate-training;-(3)-has-graduated--from--a~~
11 ~~veterinary--school--that-requires-for-graduation-a-4-year,-or~~
12 ~~equivalent,-course--in--veterinary--medicine---and---surgery~~
13 ~~approved--by--the--Department; and (3)(4) has passed the~~
14 examination authorized by the Department to determine fitness
15 to hold a license.

16 Applicants for licensure from non-accredited veterinary
17 schools are required to successfully complete a program of
18 educational equivalency as established by rule. At a
19 minimum, this program shall include all of the following:

20 (1) A certified transcript indicating graduation
21 from such college.

22 (2) Successful completion of a communication
23 ability examination designed to assess communication
24 skills, including a command of the English language.

25 (3) Successful completion of an examination or
26 assessment mechanism designed to evaluate educational
27 equivalence, including both preclinical and clinical
28 competencies.

29 (4) Any other reasonable assessment mechanism
30 designed to ensure an applicant possesses the educational
31 background necessary to protect the public health and
32 safety.

33 Successful completion of the criteria set forth in this

1 Section shall establish education equivalence as one of the
 2 criteria for licensure set forth in this Act. Applicants
 3 under this Section must also meet all other statutory
 4 criteria for licensure prior to the issuance of any such
 5 license, including graduation from veterinary school.

6 A graduate of a non-approved veterinary school who was
 7 issued a work permit by the Department before the effective
 8 date of this amendatory Act of the 93rd General Assembly may
 9 continue to work under the direct supervision of a licensed
 10 veterinarian until the expiration of his or her permit.

11 ~~With---respect--to--graduates--of--unapproved--veterinary~~
 12 ~~programs,--the-Department-shall--determine--if--such--programs~~
 13 ~~meet--standards-equivalent-to-those-set-forth-in-clauses-(2),~~
 14 ~~(3),--and-(4)--of-Section-9-of-this-Act.~~

15 ~~Graduates-of-non-approved-veterinary-schools-are-required~~
 16 ~~to-pass-a-proficiency-examination-specified-by-the-Department~~
 17 ~~or-to-provide-one-year-of-evaluated-clinical-experience-as-an~~
 18 ~~employee-of-a-licensed-veterinarian.--Prior--to--hiring--such~~
 19 ~~person,--the-licensed-veterinarian-shall-notify-the-Board,--in~~
 20 ~~writing,--and-shall-employ-such-persons-only-upon-the--written~~
 21 ~~approval--of--the-Board.--Such-approval-shall-be-for-one-year~~
 22 ~~only-and-is-not-renewable.---Such--clinical--employees--shall~~
 23 ~~treat--animals--only--under--the--direct--supervision--of-the~~
 24 ~~licensed-veterinarian.~~

25 In determining moral character under this Section, the
 26 Department may take into consideration any felony conviction
 27 of the applicant, but such a conviction shall not operate as
 28 a bar to obtaining a license. The Department may also
 29 request the applicant to submit and may consider as evidence
 30 of moral character, endorsements from 2 individuals licensed
 31 under this Act.

32 (Source: P.A. 89-387, eff. 8-20-95; 90-52, eff. 7-3-97.)

33 (225 ILCS 115/8.1) (from Ch. 111, par. 7008.1)

1 (Section scheduled to be repealed on January 1, 2004)

2 Sec. 8.1. Certified veterinary technician. "Certified
3 veterinary--technician"--means--a--person--who--has--graduated--from
4 a--veterinary--technology--program--accredited--by--the--American
5 Veterinary--Medical--Association--who--has--filed--an--application
6 with--the--Department,--paid--the--fee,--and--passed--the--examination
7 as--prescribed--by--rule.--Veterinary--technology--is--defined--as
8 the--performance--of--services--within--the--field--of--veterinary
9 medicine--by--a--person--who--for--compensation--or--personal--profit,
10 is--employed--by--a--licensed--veterinarian--to--perform--duties--that
11 require--an--understanding--of--veterinary--medicine--as--required
12 in--carrying--out--the--orders--of--the--veterinarian.--However,
13 these--services--shall--not--include--diagnosing,--prognosing,
14 writing--prescriptions,--or--surgery. A person who is a
15 certified as a veterinary technician who performs veterinary
16 technology contrary to this Act is guilty of a Class A
17 misdemeanor and shall be subject to the revocation of his or
18 her certificate. However, these penalties and restrictions
19 shall not apply to a student while performing activities
20 required as a part of his or her training.

21 The Department and the Board are authorized to hold
22 hearings, reprimand, suspend, revoke, or refuse to issue or
23 renew a certificate and to perform any other acts that may be
24 necessary to regulate certified veterinary technicians in a
25 manner consistent with the provisions of the Act applicable
26 to veterinarians.

27 The title "Certified veterinary technician" and the
28 initials "CVT" may only be used by persons certified by the
29 Department. A person who uses these titles without the
30 certification as provided in this Section is guilty of a
31 Class A misdemeanor.

32 Certified veterinary technicians shall be required to
33 complete continuing education as prescribed by rule to renew
34 their certification.

1 (Source: P.A. 88-91; 88-424; 88-670, eff. 12-2-94.)

2 (225 ILCS 115/11) (from Ch. 111, par. 7011)

3 (Section scheduled to be repealed on January 1, 2004)

4 Sec. 11. Temporary permits. A person holding the degree
5 of Doctor of Veterinary Medicine, or its equivalent, from an
6 accredited college of veterinary medicine approved-veterinary
7 program, and who has applied in writing to the Department for
8 a license to practice veterinary medicine and surgery in any
9 of its branches, and who has fulfilled the requirements of
10 Section 8 of this Act, with the exception of receipt of
11 notification of his or her examination results, may receive,
12 at the discretion of the Department, a temporary permit to
13 practice under the direct supervision of a specified
14 veterinarian who is licensed in this State, until: (1) the
15 applicant has been notified of the results of the examination
16 authorized by the Department; or (2) the applicant has
17 withdrawn his or her application.

18 A temporary permit may be issued by the Department to a
19 person who is a veterinarian licensed under the laws of
20 another state, a territory of the United States, or a foreign
21 country, upon application in writing to the Department for a
22 license under this Act if he or she is qualified to receive a
23 license and until: (1) the expiration of 6 months after the
24 filing of the written application, (2) the withdrawal of the
25 application or (3) the denial of the application by the
26 Department.

27 A temporary permit issued under this Section shall not be
28 extended or renewed. The holder of a temporary permit shall
29 perform only those acts that may be prescribed by and
30 incidental to his or her employment and that act shall be
31 performed under the direction of a supervising specified
32 licensed veterinarian who is licensed in this State. The
33 holder of the temporary permit He shall not be entitled to

1 otherwise engage in the practice of veterinary medicine until
2 fully licensed in this State.

3 Upon the revocation of a temporary permit, the Department
4 shall immediately notify, by certified mail, the supervising
5 specified veterinarian employing the holder of a temporary
6 permit and the holder of the permit. A temporary permit
7 shall be revoked by the Department upon proof that the holder
8 of the permit has engaged in the practice of veterinary
9 medicine in this State outside his or her employment under a
10 licensed veterinarian.

11 (Source: P.A. 90-655, eff. 7-30-98.)

12 (225 ILCS 115/12) (from Ch. 111, par. 7012)

13 (Section scheduled to be repealed on January 1, 2004)

14 Sec. 12. Inactive status. Any veterinarian or certified
15 veterinary technician who notifies the Department in writing
16 on the prescribed form may place his or her license or
17 certification on an inactive status and shall, subject to
18 rule, be exempt from payment of the renewal fee and
19 compliance with the continuing education requirements until
20 he or she notifies the Department in writing of his or her
21 intention to resume active status.

22 Any veterinarian or certified veterinary technician
23 requesting restoration from inactive status shall be required
24 to complete the continuing education requirements for a
25 single license or certificate renewal period, pursuant to
26 rule, and pay the current renewal fee to restore his or her
27 license or certification as provided in this Act.

28 Any veterinarian whose license is in inactive status
29 shall not practice veterinary medicine and surgery in this
30 State.

31 A graduate of a non-approved veterinary school who was
32 issued a work permit by the Department before the effective
33 date of this amendatory Act of the 93rd General Assembly may

1 continue to work under the direct supervision of a licensed
2 veterinarian until the expiration of his or her permit.

3 (Source: P.A. 88-424.)

4 (225 ILCS 115/15) (from Ch. 111, par. 7015)

5 (Section scheduled to be repealed on January 1, 2004)

6 Sec. 15. Expiration and renewal of license. The
7 expiration date and renewal period for each license or
8 certificate shall be set by rule. A veterinarian or
9 certified veterinary technician whose license or certificate
10 has expired may reinstate his or her license or certificate
11 at any time within 5 years after the expiration thereof, by
12 making a renewal application and by paying the required fee
13 and submitting proof of the required continuing education.
14 However, any veterinarian or certified veterinary technician
15 whose license or certificate expired while he or she was (1)
16 on active duty with the Armed Forces of the United States or
17 called into service or training by the State militia or (2)
18 in training or education under the supervision of the United
19 States preliminary to induction into the military service,
20 may have his license or certificate renewed, reinstated, or
21 restored without paying any lapsed renewal fees if within 2
22 years after termination of the service, training, or
23 education the veterinarian furnishes the Department with
24 satisfactory evidence of service, training, or education and
25 it has been terminated under honorable conditions.

26 Any veterinarian or certified veterinary technician whose
27 license or certificate has expired for more than 5 years may
28 have it restored by making application to the Department and
29 filing acceptable proof of fitness to have the license or
30 certificate restored. The proof may include sworn evidence
31 certifying active practice in another jurisdiction. The
32 veterinarian or certified veterinary technician shall also
33 pay the required restoration fee and submit proof of the

1 required continuing education. If the veterinarian or
 2 certified veterinary technician has not practiced for 5 years
 3 or more, the Board shall determine by an evaluation program
 4 established by rule, whether the individual is fit to resume
 5 active status and may require the veterinarian to complete a
 6 period of evaluated clinical experience and may require
 7 successful completion of a clinical examination.

8 (Source: P.A. 92-84, eff. 7-1-02.)

9 (225 ILCS 115/24.1)

10 (Section scheduled to be repealed on January 1, 2004)

11 Sec. 24.1. Impaired veterinarians. "Impaired
 12 veterinarian"--means-a-veterinarian-who-is-unable-to-practice
 13 veterinary-medicine-with-reasonable-skill-and-safety--because
 14 of--a-physical-or-mental-disability-as-evidenced-by-a-written
 15 determination-or-written-consent-based-on-clinical--evidence,
 16 including--deterioration--through--the-aging-process,-loss-of
 17 motor-skills,-or-abuse-of--drugs--or--alcohol--of--sufficient
 18 degree--to--diminish--a-person's-ability-to-deliver-competent
 19 patient-care. The Department shall establish by rule a
 20 program of care, counseling, or treatment for the impaired
 21 veterinarians veterinarian.

22 "Program of care, counseling, or treatment" means a
 23 written schedule of organized treatment, care, counseling,
 24 activities, or education satisfactory to the Board, designed
 25 for the purpose of restoring an impaired person to a
 26 condition whereby the impaired person can practice veterinary
 27 medicine with reasonable skill and safety of a sufficient
 28 degree to deliver competent patient care.

29 (Source: P.A. 88-424.)

30 (225 ILCS 115/25) (from Ch. 111, par. 7025)

31 (Section scheduled to be repealed on January 1, 2004)

32 Sec. 25. Disciplinary actions.

1 1. The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary action as the Department may deem appropriate,
4 including fines not to exceed \$1,000 for each violation, with
5 regard to any license or certificate for any one or
6 combination of the following:

7 A. Material misstatement in furnishing information
8 to the Department.

9 B. Violations of this Act, or of the rules
10 promulgated under this Act.

11 C. Conviction of any crime under the laws of the
12 United States or any state or territory of the United
13 States that is a felony or that is a misdemeanor, an
14 essential element of which is dishonesty, or of any
15 crime that is directly related to the practice of the
16 profession.

17 D. Making any misrepresentation for the purpose of
18 obtaining licensure or certification, or violating any
19 provision of this Act or the rules promulgated under this
20 Act pertaining to advertising.

21 E. Professional incompetence.

22 F. Gross malpractice.

23 G. Aiding or assisting another person in violating
24 any provision of this Act or rules.

25 H. Failing, within 60 days, to provide information
26 in response to a written request made by the Department.

27 I. Engaging in dishonorable, unethical, or
28 unprofessional conduct of a character likely to deceive,
29 defraud or harm the public.

30 J. Habitual or excessive use or addiction to
31 alcohol, narcotics, stimulants, or any other chemical
32 agent or drug that results in the inability to practice
33 with reasonable judgment, skill, or safety.

34 K. Discipline by another state, District of

1 Columbia, territory, or foreign nation, if at least one
2 of the grounds for the discipline is the same or
3 substantially equivalent to those set forth herein.

4 L. Directly or indirectly giving to or receiving
5 from any person, firm, corporation, partnership or
6 association any fee, commission, rebate or other form of
7 compensation for professional services not actually or
8 personally rendered.

9 M. A finding by the Board that the licensee or
10 certificate holder, after having his license or
11 certificate placed on probationary status, has violated
12 the terms of probation.

13 N. Willfully making or filing false records or
14 reports in his practice, including but not limited to
15 false records filed with State agencies or departments.

16 O. Physical illness, including but not limited to,
17 deterioration through the aging process, or loss of motor
18 skill which results in the inability to practice the
19 profession with reasonable judgement, skill or safety.

20 P. Solicitation of professional services other than
21 permitted advertising.

22 Q. Having professional connection with or lending
23 one's name, directly or indirectly, to any illegal
24 practitioner of veterinary medicine and surgery and the
25 various branches thereof.

26 R. Conviction of or cash compromise of a charge or
27 violation of the Harrison Act or the Illinois Controlled
28 Substances Act, regulating narcotics.

29 S. Fraud or dishonesty in applying, treating, or
30 reporting on tuberculin or other biological tests.

31 T. Failing to report, as required by law, or making
32 false report of any contagious or infectious diseases.

33 U. Fraudulent use or misuse of any health
34 certificate, shipping certificate, brand inspection

1 certificate, or other blank forms used in practice that
2 might lead to the dissemination of disease or the
3 transportation of diseased animals dead or alive; or
4 dilatory methods, willful neglect, or misrepresentation
5 in the inspection of milk, meat, poultry, and the
6 by-products thereof.

7 V. Conviction on a charge of cruelty to animals.

8 W. Failure to keep one's premises and all equipment
9 therein in a clean and sanitary condition.

10 X. Failure to provide satisfactory proof of having
11 participated in approved continuing education programs.

12 Y. Failure to (i) file a return, (ii) pay the tax,
13 penalty, or interest shown in a filed return, or (iii)
14 pay any final assessment of tax, penalty, or interest, as
15 required by any tax Act administered by the Illinois
16 Department of Revenue, until the requirements of that tax
17 Act are satisfied.

18 Z. Conviction by any court of competent
19 jurisdiction, either within or outside this State, of any
20 violation of any law governing the practice of veterinary
21 medicine, if the Department determines, after
22 investigation, that the person has not been sufficiently
23 rehabilitated to warrant the public trust.

24 AA. Promotion of the sale of drugs, devices,
25 appliances, or goods provided for a patient in any manner
26 to exploit the client for financial gain of the
27 veterinarian.

28 BB. Gross, willful, or continued overcharging for
29 professional services, including filing false statements
30 for collection of fees for which services are not
31 rendered.

32 CC. Practicing under a false or, except as provided
33 by law, an assumed name.

34 DD. Fraud or misrepresentation in applying for, or

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

3 EE. Cheating on or attempting to subvert the
4 licensing examination administered under this Act.

5 FF. Using, prescribing, or selling a prescription
6 drug or the extra-label use of a prescription drug by any
7 means in the absence of a valid
8 veterinarian-client-patient relationship.

9 GG. Failing to report a case of suspected
10 aggravated cruelty, torture, or animal fighting pursuant
11 to Section 3.07 or 4.01 of the Humane Care for Animals
12 Act or Section 26-5 of the Criminal Code of 1961.

13 2. The determination by a circuit court that a licensee
14 or certificate holder is subject to involuntary admission or
15 judicial admission as provided in the Mental Health and
16 Developmental Disabilities Code operates as an automatic
17 suspension. The suspension will end only upon a finding by
18 a court that the patient is no longer subject to involuntary
19 admission or judicial admission and issues an order so
20 finding and discharging the patient; and upon the
21 recommendation of the Board to the Director that the licensee
22 or certificate holder be allowed to resume his practice.

23 3. All proceedings to suspend, revoke, place on
24 probationary status, or take any other disciplinary action as
25 the Department may deem proper, with regard to a license or
26 certificate on any of the foregoing grounds, must be
27 commenced within 3 years after receipt by the Department of a
28 complaint alleging the commission of or notice of the
29 conviction order for any of the acts described in this
30 Section. Except for proceedings brought for violations of
31 items (CC), (DD), or (EE), no action shall be commenced more
32 than 5 years after the date of the incident or act alleged to
33 have violated this Section. In the event of the settlement
34 of any claim or cause of action in favor of the claimant or

1 the reduction to final judgment of any civil action in favor
2 of the plaintiff, the claim, cause of action, or civil action
3 being grounded on the allegation that a person licensed or
4 certified under this Act was negligent in providing care, the
5 Department shall have an additional period of one year from
6 the date of the settlement or final judgment in which to
7 investigate and begin formal disciplinary proceedings under
8 Section 25.2 of this Act, except as otherwise provided by
9 law. The time during which the holder of the license or
10 certificate was outside the State of Illinois shall not be
11 included within any period of time limiting the commencement
12 of disciplinary action by the Department.

13 4. The Department may refuse to issue or take
14 disciplinary action concerning the license of any person who
15 fails to file a return, to pay the tax, penalty, or interest
16 shown in a filed return, or to pay any final assessment of
17 tax, penalty, or interest as required by any tax Act
18 administered by the Department of Revenue, until such time as
19 the requirements of any such tax Act are satisfied as
20 determined by the Department of Revenue.

21 5. In enforcing this Section, the Board, upon a showing
22 of a possible violation, may compel a licensee or applicant
23 to submit to a mental or physical examination, or both, as
24 required by and at the expense of the Department. The
25 examining physicians or clinical psychologists shall be those
26 specifically designated by the Board. The Board or the
27 Department may order (i) the examining physician to present
28 testimony concerning the mental or physical examination of a
29 licensee or applicant or (ii) the examining clinical
30 psychologist to present testimony concerning the mental
31 examination of a licensee or applicant. No information shall
32 be excluded by reason of any common law or statutory
33 privilege relating to communications between a licensee or
34 applicant and the examining physician or clinical

1 psychologist. An individual to be examined may have, at his
2 or her own expense, another physician or clinical
3 psychologist of his or her choice present during all aspects
4 of the examination. Failure of an individual to submit to a
5 mental or physical examination, when directed, is grounds for
6 suspension of his or her license. The license must remain
7 suspended until the person submits to the examination or the
8 Board finds, after notice and hearing, that the refusal to
9 submit to the examination was with reasonable cause.

10 If the Board finds an individual unable to practice
11 because of the reasons set forth in this Section, the Board
12 must require the individual to submit to care, counseling, or
13 treatment by a physician or clinical psychologist approved by
14 the Board, as a condition, term, or restriction for
15 continued, reinstated, or renewed licensure to practice. In
16 lieu of care, counseling, or treatment, the Board may
17 recommend that the Department file a complaint to immediately
18 suspend or revoke the license of the individual or otherwise
19 discipline the licensee.

20 Any individual whose license was granted, continued,
21 reinstated, or renewed subject to conditions, terms, or
22 restrictions, as provided for in this Section, or any
23 individual who was disciplined or placed on supervision
24 pursuant to this Section must be referred to the Director for
25 a determination as to whether the person shall have his or
26 her license suspended immediately, pending a hearing by the
27 Board.

28 (Source: P.A. 88-424.)

29 (225 ILCS 115/25.19 new)

30 (Section scheduled to be repealed on January 1, 2004)

31 Sec. 25.19. Mandatory reporting. Nothing in this Act
32 exempts a licensee from the mandatory reporting requirements
33 regarding suspected acts of aggravated cruelty, torture, and

1 animal fighting imposed under Sections 3.07 and 4.01 of the
2 Humane Care for Animals Act and Section 26-5 of the Criminal
3 Code of 1961.

4 (225 ILCS 115/9 rep.)

5 Section 18. The Veterinary Medicine and Surgery Practice
6 Act of 1994 is amended by repealing Section 9.

7 Section 20. The Animal Welfare Act is amended by
8 changing Section 2 as follows:

9 (225 ILCS 605/2) (from Ch. 8, par. 302)

10 Sec. 2. Definitions. As used in this Act unless the
11 context otherwise requires:

12 "Department" means the Illinois Department of
13 Agriculture.

14 "Director" means the Director of the Illinois Department
15 of Agriculture.

16 "Pet shop operator" means any person who sells, offers to
17 sell, exchange, or offers for adoption with or without charge
18 or donation dogs, cats, birds, fish, reptiles, or other
19 animals customarily obtained as pets in this State. However,
20 a person who sells only such animals that he has produced and
21 raised shall not be considered a pet shop operator under this
22 Act, and a veterinary hospital or clinic operated by a
23 veterinarian or veterinarians licensed under the Veterinary
24 Medicine and Surgery Practice Act of 2004 1994 shall not be
25 considered a pet shop operator under this Act.

26 "Dog dealer" means any person who sells, offers to sell,
27 exchange, or offers for adoption with or without charge or
28 donation dogs in this State. However, a person who sells only
29 dogs that he has produced and raised shall not be considered
30 a dog dealer under this Act, and a veterinary hospital or
31 clinic operated by a veterinarian or veterinarians licensed

1 under the Veterinary Medicine and Surgery Practice Act of
2 2004 ~~1994~~ shall not be considered a dog dealer under this
3 Act.

4 "Secretary of Agriculture" or "Secretary" means the
5 Secretary of Agriculture of the United States Department of
6 Agriculture.

7 "Person" means any person, firm, corporation,
8 partnership, association or other legal entity, any public or
9 private institution, the State of Illinois, or any municipal
10 corporation or political subdivision of the State.

11 "Kennel operator" means any person who operates an
12 establishment, other than an animal control facility,
13 veterinary hospital, or animal shelter, where dogs or dogs
14 and cats are maintained for boarding, training or similar
15 purposes for a fee or compensation; or who sells, offers to
16 sell, exchange, or offers for adoption with or without charge
17 dogs or dogs and cats which he has produced and raised. A
18 person who owns, has possession of, or harbors 5 or less
19 females capable of reproduction shall not be considered a
20 kennel operator.

21 "Cattery operator" means any person who operates an
22 establishment, other than an animal control facility or
23 animal shelter, where cats are maintained for boarding,
24 training or similar purposes for a fee or compensation; or
25 who sells, offers to sell, exchange, or offers for adoption
26 with or without charges cats which he has produced and
27 raised. A person who owns, has possession of, or harbors 5
28 or less females capable of reproduction shall not be
29 considered a cattery operator.

30 "Animal control facility" means any facility operated by
31 or under contract for the State, county, or any municipal
32 corporation or political subdivision of the State for the
33 purpose of impounding or harboring seized, stray, homeless,
34 abandoned or unwanted dogs, cats, and other animals. "Animal

1 control facility" also means any veterinary hospital or
2 clinic operated by a veterinarian or veterinarians licensed
3 under the Veterinary Medicine and Surgery Practice Act of
4 2004 ~~1994~~ which operates for the above mentioned purpose in
5 addition to its customary purposes.

6 "Animal shelter" means a facility operated, owned, or
7 maintained by a duly incorporated humane society, animal
8 welfare society, or other non-profit organization for the
9 purpose of providing for and promoting the welfare,
10 protection, and humane treatment of animals. "Animal
11 shelter" also means any veterinary hospital or clinic
12 operated by a veterinarian or veterinarians licensed under
13 the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~
14 which operates for the above mentioned purpose in addition to
15 its customary purposes.

16 "Foster home" means an entity that accepts the
17 responsibility for stewardship of animals that are the
18 obligation of an animal shelter, not to exceed 4 animals at
19 any given time. Permits to operate as a "foster home" shall
20 be issued through the animal shelter.

21 "Guard dog service" means an entity that, for a fee,
22 furnishes or leases guard or sentry dogs for the protection
23 of life or property. A person is not a guard dog service
24 solely because he or she owns a dog and uses it to guard his
25 or her home, business, or farmland.

26 "Guard dog" means a type of dog used primarily for the
27 purpose of defending, patrolling, or protecting property or
28 life at a commercial establishment other than a farm. "Guard
29 dog" does not include stock dogs used primarily for handling
30 and controlling livestock or farm animals, nor does it
31 include personally owned pets that also provide security.

32 "Sentry dog" means a dog trained to work without
33 supervision in a fenced facility other than a farm, and to
34 deter or detain unauthorized persons found within the

1 facility.

2 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
3 90-403, eff. 8-15-97.)

4 Section 25. The Elder Abuse and Neglect Act is amended
5 by changing Section 2 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context requires otherwise:

9 (a) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse or neglect for the sole
14 reason that he or she is being furnished with or relies upon
15 treatment by spiritual means through prayer alone, in
16 accordance with the tenets and practices of a recognized
17 church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

22 (a-5) "Abuser" means a person who abuses, neglects, or
23 financially exploits an eligible adult.

24 (a-7) "Caregiver" means a person who either as a result
25 of a family relationship, voluntarily, or in exchange for
26 compensation has assumed responsibility for all or a portion
27 of the care of an eligible adult who needs assistance with
28 activities of daily living.

29 (b) "Department" means the Department on Aging of the
30 State of Illinois.

31 (c) "Director" means the Director of the Department.

32 (d) "Domestic living situation" means a residence where

1 the eligible adult lives alone or with his or her family or a
2 caregiver, or others, or a board and care home or other
3 community-based unlicensed facility, but is not:

4 (1) A licensed facility as defined in Section 1-113
5 of the Nursing Home Care Act;

6 (2) A "life care facility" as defined in the Life
7 Care Facilities Act;

8 (3) A home, institution, or other place operated by
9 the federal government or agency thereof or by the State
10 of Illinois;

11 (4) A hospital, sanitarium, or other institution,
12 the principal activity or business of which is the
13 diagnosis, care, and treatment of human illness through
14 the maintenance and operation of organized facilities
15 therefor, which is required to be licensed under the
16 Hospital Licensing Act;

17 (5) A "community living facility" as defined in the
18 Community Living Facilities Licensing Act;

19 (6) A "community residential alternative" as
20 defined in the Community Residential Alternatives
21 Licensing Act; and

22 (7) A "community-integrated living arrangement" as
23 defined in the Community-Integrated Living Arrangements
24 Licensure and Certification Act.

25 (e) "Eligible adult" means a person 60 years of age or
26 older who resides in a domestic living situation and is, or
27 is alleged to be, abused, neglected, or financially exploited
28 by another individual.

29 (f) "Emergency" means a situation in which an eligible
30 adult is living in conditions presenting a risk of death or
31 physical, mental or sexual injury and the provider agency has
32 reason to believe the eligible adult is unable to consent to
33 services which would alleviate that risk.

34 (f-5) "Mandated reporter" means any of the following

1 persons while engaged in carrying out their professional
2 duties:

3 (1) a professional or professional's delegate while
4 engaged in: (i) social services, (ii) law enforcement,
5 (iii) education, (iv) the care of an eligible adult or
6 eligible adults, or (v) any of the occupations required
7 to be licensed under the Clinical Psychologist Licensing
8 Act, the Clinical Social Work and Social Work Practice
9 Act, the Illinois Dental Practice Act, the Dietetic and
10 Nutrition Services Practice Act, the Marriage and Family
11 Therapy Licensing Act, the Medical Practice Act of 1987,
12 the Naprapathic Practice Act, the Nursing and Advanced
13 Practice Nursing Act, the Nursing Home Administrators
14 Licensing and Disciplinary Act, the Illinois Occupational
15 Therapy Practice Act, the Illinois Optometric Practice
16 Act of 1987, the Pharmacy Practice Act of 1987, the
17 Illinois Physical Therapy Act, the Physician Assistant
18 Practice Act of 1987, the Podiatric Medical Practice Act
19 of 1987, the Respiratory Care Practice Act, the
20 Professional Counselor and Clinical Professional
21 Counselor Licensing Act, the Illinois Speech-Language
22 Pathology and Audiology Practice Act, the Veterinary
23 Medicine and Surgery Practice Act of 2004 ~~1994~~, and the
24 Illinois Public Accounting Act;

25 (2) an employee of a vocational rehabilitation
26 facility prescribed or supervised by the Department of
27 Human Services;

28 (3) an administrator, employee, or person providing
29 services in or through an unlicensed community based
30 facility;

31 (4) a Christian Science Practitioner;

32 (5) field personnel of the Department of Public
33 Aid, Department of Public Health, and Department of Human
34 Services, and any county or municipal health department;

1 (6) personnel of the Department of Human Services,
2 the Guardianship and Advocacy Commission, the State Fire
3 Marshal, local fire departments, the Department on Aging
4 and its subsidiary Area Agencies on Aging and provider
5 agencies, and the Office of State Long Term Care
6 Ombudsman;

7 (7) any employee of the State of Illinois not
8 otherwise specified herein who is involved in providing
9 services to eligible adults, including professionals
10 providing medical or rehabilitation services and all
11 other persons having direct contact with eligible adults;
12 or

13 (8) a person who performs the duties of a coroner
14 or medical examiner.

15 (g) "Neglect" means another individual's failure to
16 provide an eligible adult with or willful withholding from an
17 eligible adult the necessities of life including, but not
18 limited to, food, clothing, shelter or medical care. This
19 subsection does not create any new affirmative duty to
20 provide support to eligible adults. Nothing in this Act
21 shall be construed to mean that an eligible adult is a victim
22 of neglect because of health care services provided or not
23 provided by licensed health care professionals.

24 (h) "Provider agency" means any public or nonprofit
25 agency in a planning and service area appointed by the
26 regional administrative agency with prior approval by the
27 Department on Aging to receive and assess reports of alleged
28 or suspected abuse, neglect, or financial exploitation.

29 (i) "Regional administrative agency" means any public or
30 nonprofit agency in a planning and service area so designated
31 by the Department, provided that the designated Area Agency
32 on Aging shall be designated the regional administrative
33 agency if it so requests. The Department shall assume the
34 functions of the regional administrative agency for any

1 planning and service area where another agency is not so
2 designated.

3 (j) "Substantiated case" means a reported case of
4 alleged or suspected abuse, neglect, or financial
5 exploitation in which a provider agency, after assessment,
6 determines that there is reason to believe abuse, neglect, or
7 financial exploitation has occurred.

8 (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99;
9 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

10 Section 30. The Illinois Food, Drug and Cosmetic Act is
11 amended by changing Section 3.21 as follows:

12 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

13 Sec. 3.21. Except as authorized by this Act, the
14 Controlled Substances Act, the Pharmacy Practice Act of 1987,
15 the Dental Practice Act, the Medical Practice Act of 1987,
16 the Veterinary Medicine and Surgery Practice Act of 2004
17 ~~1994~~, or the Podiatric Medical Practice Act of 1987, to sell
18 or dispense a prescription drug without a prescription.

19 (Source: P.A. 88-424.)

20 Section 35. The Humane Care for Animals Act is amended
21 by changing Section 2.01h as follows:

22 (510 ILCS 70/2.01h)

23 Sec. 2.01h. Animal shelter. "Animal shelter" means a
24 facility operated, owned, or maintained by a duly
25 incorporated humane society, animal welfare society, or other
26 non-profit organization for the purpose of providing for and
27 promoting the welfare, protection, and humane treatment of
28 animals. "Animal shelter" also means any veterinary hospital
29 or clinic operated by a veterinarian or veterinarians
30 licensed under the Veterinary Medicine and Surgery Practice

1 Act of 2004 1994 which operates for the above mentioned
 2 purpose in addition to its customary purposes.
 3 (Source: P.A. 92-454, eff. 1-1-02.)

4 Section 40. The Humane Euthanasia in Animal Shelters Act
 5 is amended by changing Section 5 as follows:

6 (510 ILCS 72/5)

7 Sec. 5. Definitions.

8 The following terms have the meanings indicated, unless the
 9 context requires otherwise:

10 "Animal" means any bird, fish, reptile, or mammal other
 11 than man.

12 "DEA" means the United States Department of Justice Drug
 13 Enforcement Administration.

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

16 "Director" means the Director of the Department of
 17 Professional Regulation.

18 "Euthanasia agency" means an entity certified by the
 19 Department for the purpose of animal euthanasia that holds an
 20 animal control facility or animal shelter license under the
 21 Animal Welfare Act.

22 "Euthanasia drugs" means Schedule II or Schedule III
 23 substances (nonnarcotic controlled substances) as set forth
 24 in the Illinois Controlled Substances Act that are used by a
 25 euthanasia agency for the purpose of animal euthanasia.

26 "Euthanasia technician" or "technician" means a person
 27 employed by a euthanasia agency or working under the direct
 28 supervision of a veterinarian and who is certified by the
 29 Department to administer euthanasia drugs to euthanize
 30 animals.

31 "Veterinarian" means a person holding the degree of
 32 Doctor of Veterinary Medicine who is licensed under the

1 Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~.
2 (Source: P.A. 92-449, eff. 1-1-02.)

3 Section 45. The Good Samaritan Act is amended by
4 changing Section 60 as follows:

5 (745 ILCS 49/60)

6 Sec. 60. Veterinarians; exemption from civil liability
7 for emergency care to humans. Any person licensed under the
8 Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ or
9 any person licensed as a veterinarian in any other state or
10 territory of the United States who in good faith provides
11 emergency care to a human victim of an accident, at the scene
12 of an accident or in a catastrophe shall not be liable for
13 civil damages as a result of his or her acts or omissions,
14 except for willful or wanton misconduct on the part of the
15 person in providing the care.

16 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

17 Section 99. Effective date. This Act takes effect on
18 December 31, 2003.