



Sen. Iris Y. Martinez

Filed: 5/11/2009

09600HB2440sam001

LRB096 10140 ASK 26435 a

1 AMENDMENT TO HOUSE BILL 2440

2 AMENDMENT NO. _____. Amend House Bill 2440 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.20 and adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

15 ~~The Orthotics, Prosthetics, and Pedorthics Practice~~
16 ~~Act.~~

~~The Perfusionist Practice Act.~~

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(b) The following Act is repealed on December 31, 2010:

The Medical Practice Act of 1987.

(Source: P.A. 95-1018, eff. 12-18-08.)

(5 ILCS 80/4.30 new)

Sec. 4.30. Acts repealed on January 1, 2020. The following
Acts are repealed on January 1, 2020:

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

Section 10. The Orthotics, Prosthetics, and Pedorthics Practice Act is amended by changing Sections 5, 10, 15, 20, 25, 40, 55, 57, 60, 70, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 150, and 160 and by adding Sections 77, 103, and 107 as follows:

(225 ILCS 84/5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Declaration of public policy. The practice of orthotics and prosthetics in the State of Illinois is an allied health profession ~~recognized by the American Medical Association,~~ with educational standards established by the

1 Commission on Accreditation of Allied Health Education
2 Programs. The practice of pedorthics in the State of Illinois
3 is an allied health profession with educational standards
4 established by the National Commission on Orthotic and
5 Prosthetic Education ~~recognized by the American Academy of~~
6 ~~Orthopaedic Surgeons, with educational standards established~~
7 ~~by the Board for Certification in Pedorthics.~~ The increasing
8 population of elderly and physically challenged individuals
9 who need orthotic, prosthetic, and pedorthic services requires
10 that the orthotic, prosthetic, and pedorthic professions be
11 regulated to ensure the provision of high-quality services and
12 devices. The people of Illinois deserve the best care
13 available, and will benefit from the assurance of initial and
14 ongoing professional competence of the orthotists,
15 prosthetists, and pedorthists practicing in this State. The
16 practice of orthotics, prosthetics, and pedorthics serves to
17 improve and enhance the lives of individuals with disabilities
18 by enabling them to resume productive lives following serious
19 illness, injury, or trauma. Unregulated dispensing of
20 orthotic, prosthetic, and pedorthic care does not adequately
21 meet the needs or serve the interests of the public. In keeping
22 with State requirements imposed on similar health disciplines,
23 licensure of the orthotic, prosthetic, and pedorthic
24 professions will help ensure the health and safety of
25 consumers, as well as maximize their functional abilities and
26 productivity levels. This Act shall be liberally construed to

1 best carry out these subjects and purposes.

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/10)

4 (Section scheduled to be repealed on January 1, 2010)

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

6 "Accredited facility" means a facility which has been
7 accredited by the Center for Medicare Medicaid Services to
8 practice prosthetics, orthotics or pedorthics and which
9 represents itself to the public by title or description of
10 services that includes the term "prosthetic", "prosthetist",
11 "artificial limb", "orthotic", "orthotist", "brace",
12 "pedorthic", "pedorthist" or a similar title or description of
13 services.

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's or licensee's application
16 file or license file maintained by the Department's licensure
17 maintenance unit. It is the duty of the applicant or licensee
18 to inform the Department of any change of address, and such
19 changes must be made either through the Department's website or
20 by contacting the Department.

21 "Assistant" means a person who is educated and trained to
22 participate in comprehensive orthotic or prosthetic care while
23 under the supervision of a licensed orthotist or licensed
24 prosthetist. Assistants may perform orthotic or prosthetic
25 procedures and related tasks in the management of patient care.

1 Assistants may also fabricate, repair, and maintain orthoses
2 and prostheses ~~assists an orthotist, prosthetist, or~~
3 ~~prosthetist/orthotist with patient care services and~~
4 ~~fabrication of orthoses or prostheses under the supervision of~~
5 ~~a licensed orthotist or prosthetist.~~

6 "Board" means the Board of Orthotics, Prosthetics, and
7 Pedorthics.

8 "Custom fabricated device" means an orthosis, prosthesis,
9 or pedorthic device fabricated to comprehensive measurements
10 or a mold or patient model for use by a patient in accordance
11 with a prescription and which requires clinical and technical
12 judgment in its design, fabrication, and fitting.

13 "Custom fitted device" means an orthosis, prosthesis, or
14 pedorthic device made to patient measurements sized or modified
15 for use by the patient in accordance with a prescription and
16 which requires clinical and technical judgment and substantive
17 alteration in its design. ~~"Custom" means that an orthosis,~~
18 ~~prosthesis, or pedorthic device is designed, fabricated, and~~
19 ~~aligned specifically for one person in accordance with sound~~
20 ~~biomechanical principles.~~

21 ~~"Custom fitted" means that a prefabricated orthosis,~~
22 ~~prosthesis, or pedorthic device is modified and aligned~~
23 ~~specifically for one person in accordance with sound~~
24 ~~biomechanical principles.~~

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 ~~"Director" means the Director of Professional Regulation.~~

2 "Facility" means the business location where orthotic,
3 prosthetic, or pedorthic care is provided and, in the case of
4 an orthotic/prosthetic facility, has the appropriate clinical
5 and laboratory space and equipment to provide comprehensive
6 orthotic or prosthetic care and, in the case of a pedorthic
7 facility, has the appropriate clinical space and equipment to
8 provide pedorthic care. Licensed orthotists, prosthetists, and
9 pedorthists must be available to either provide care or
10 supervise the provision of care by unlicensed ~~registered~~ staff.

11 "Licensed orthotist" or "LO" means a person licensed under
12 this Act to practice orthotics and who represents himself or
13 herself to the public by title or description of services that
14 includes the term "orthotic", "orthotist", "brace", or a
15 similar title or description of services.

16 "Licensed pedorthist" or "LPed" means a person licensed
17 under this Act to practice pedorthics and who represents
18 himself or herself to the public by the title or description of
19 services that include the term "pedorthic", "pedorthist", or a
20 similar title or description of services.

21 "Licensed physician" means a person licensed under the
22 Medical Practice Act of 1987.

23 "Licensed podiatrist" means a person licensed under the
24 Podiatric Medical Practice Act of 1987.

25 "Licensed prosthetist" or "LP" means a person licensed
26 under this Act to practice prosthetics and who represents

1 himself or herself to the public by title or description of
2 services that includes the term "prosthetic", "prosthetist",
3 "artificial limb", or a similar title or description of
4 services.

5 "Off-the-shelf device" means a prefabricated orthosis,
6 prosthesis, or pedorthic device sized or modified for use by
7 the patient in accordance with a prescription and that does not
8 require substantial clinical judgment and substantive
9 alteration for appropriate use.

10 "Orthosis" means a custom-fabricated or custom-fitted
11 brace or support designed to provide for alignment, correction,
12 or prevention of neuromuscular or musculoskeletal dysfunction,
13 disease, injury, or deformity. "Orthosis" does not include
14 fabric or elastic supports, corsets, arch supports,
15 low-temperature plastic splints, trusses, elastic hoses,
16 canes, crutches, soft cervical collars, dental appliances, or
17 other similar devices carried in stock and sold as
18 "over-the-counter" items by a drug store, department store,
19 corset shop, or surgical supply facility.

20 "Orthotic and Prosthetic Education Program" means a course
21 of instruction accredited by the Commission on Accreditation of
22 Allied Health Education Programs, consisting of (i) a basic
23 curriculum of college level instruction in math, physics,
24 biology, chemistry, and psychology and (ii) a specific
25 curriculum in orthotic or prosthetic courses, including: (A)
26 lectures covering pertinent anatomy, biomechanics,

1 pathomechanics, prosthetic-orthotic components and materials,
2 training and functional capabilities, prosthetic or orthotic
3 performance evaluation, prescription considerations, etiology
4 of amputations and disease processes necessitating prosthetic
5 or orthotic use, and medical management; (B) subject matter
6 related to pediatric and geriatric problems; (C) instruction in
7 acute care techniques, such as immediate and early
8 post-surgical prosthetics and fracture bracing techniques; and
9 (D) lectures, demonstrations, and laboratory experiences
10 related to the entire process of measuring, casting, fitting,
11 fabricating, aligning, and completing prostheses or orthoses.

12 "Orthotic and prosthetic scope of practice" means a list of
13 tasks, with relative weight given to such factors as
14 importance, criticality, and frequency, based on
15 internationally accepted standards of orthotic and prosthetic
16 care as outlined by the International Society of Prosthetics
17 and Orthotics' professional profile for Category I and Category
18 III orthotic and prosthetic personnel.

19 "Orthotics" means the science and practice of evaluating,
20 measuring, designing, fabricating, assembling, fitting,
21 adjusting, or servicing an orthosis under an order from a
22 licensed physician or podiatrist for the correction or
23 alleviation of neuromuscular or musculoskeletal dysfunction,
24 disease, injury, or deformity.

25 "Orthotist" means a health care professional who is
26 specifically educated and trained to manage comprehensive

1 orthotic patient care. This includes patient assessment,
2 formulation of a treatment plan, implementation of the
3 treatment plan, follow-up, and practice management. ~~person who~~
4 ~~measures, designs, fabricates, fits, or services orthoses and~~
5 ~~assists in the formulation of the order of orthoses as ordered~~
6 ~~by a licensed physician for the support or correction of~~
7 ~~disabilities caused by neuro musculoskeletal diseases,~~
8 ~~injuries, or deformities.~~

9 "Over-the-counter" means a prefabricated, mass-produced
10 device that is prepackaged and requires no professional advice
11 or judgement in either size selection or use, including fabric
12 or elastic supports, corsets, generic arch supports, elastic
13 hoses.

14 "Pedorthic device" means therapeutic shoes (e.g. diabetic
15 shoes and inserts), shoe modifications made for therapeutic
16 purposes, below the ankle partial foot prostheses, and foot
17 orthoses for use at the ankle or below. It also includes
18 subtalar-control foot orthoses designed to manage the function
19 of the anatomy by controlling the range of motion of the
20 subtalar joint. Excluding footwear, the proximal height of a
21 custom pedorthic device does not extend beyond the junction of
22 the gastrocnemius and the Achilles tendon. Pedorthic devices do
23 not include non-therapeutic inlays or footwear regardless of
24 method of manufacture; unmodified, non-therapeutic
25 over-the-counter shoes; or prefabricated foot care products.
26 "Therapeutic" devices address a medical condition, diagnosed

1 by a prescribing medical professional, while "non-therapeutic"
2 devices do not address a medical condition. ~~footwear, foot~~
3 ~~orthoses for use at the ankle or below, and modified footwear~~
4 ~~made for therapeutic purposes. "Pedorthic device" does not~~
5 ~~include non therapeutic accommodative inlays or~~
6 ~~non therapeutic accommodative footwear, regardless of method~~
7 ~~of manufacture, shoe modifications made for non therapeutic~~
8 ~~purposes, unmodified, over the counter shoes, or prefabricated~~
9 ~~foot care products.~~

10 "Pedorthic education program" means an educational program
11 accredited by the National Commission on Orthotic and
12 Prosthetic Education ~~a course of instruction accredited by the~~
13 ~~Board for Certification in Pedorthics~~ consisting of (i) a basic
14 curriculum of instruction in foot-related pathology of
15 diseases, anatomy, and biomechanics and (ii) a specific
16 curriculum in pedorthic courses, including lectures covering
17 shoes, foot orthoses, and shoe modifications, pedorthic
18 components and materials, training and functional
19 capabilities, pedorthic performance evaluation, prescription
20 considerations, etiology of disease processes necessitating
21 use of pedorthic devices, medical management, subject matter
22 related to pediatric and geriatric problems, and lectures,
23 demonstrations, and laboratory experiences related to the
24 entire process of measuring and casting, fitting, fabricating,
25 aligning, and completing pedorthic devices.

26 "Pedorthic scope of practice" means a list of tasks with

1 relative weight given to such factors as importance,
2 criticality, and frequency based on nationally accepted
3 standards of pedorthic care as outlined by the National
4 Commission on Orthotic and Prosthetic Education Board for
5 Certification in Pedorthics comprehensive analysis with an
6 empirical validation study of the profession performed by an
7 independent testing company.

8 "Pedorthics" means the science and practice of evaluating,
9 measuring, designing, fabricating, assembling, fitting,
10 adjusting, or servicing a pedorthic device under an order from
11 a licensed physician or podiatrist for the correction or
12 alleviation of neuromuscular or musculoskeletal dysfunction,
13 disease, injury, or deformity.

14 "Pedorthist" means a health care professional who is
15 specifically educated and trained to manage comprehensive
16 pedorthic patient care. This includes patient assessment,
17 formulation of a treatment plan, implementation of the
18 treatment plan, follow-up, and practice management. ~~person who~~
19 ~~measures, designs, fabricates, fits, or services pedorthic~~
20 ~~devices and assists in the formulation of the order of~~
21 ~~pedorthic devices as ordered by a licensed physician for the~~
22 ~~support or correction of disabilities caused by~~
23 ~~neuro-musculoskeletal diseases, injuries, or deformities.~~

24 "Person" means a natural person.

25 "Prosthesis" means an artificial medical device that is not
26 surgically implanted and that is used to replace a missing

1 limb, appendage, or any other external human body part
2 including an artificial limb, hand, or foot. "Prosthesis" does
3 not include artificial eyes, ears, fingers, or toes, dental
4 appliances, cosmetic devices such as artificial breasts,
5 eyelashes, or wigs, or other devices that do not have a
6 significant impact on the musculoskeletal functions of the
7 body.

8 "Prosthetics" means the science and practice of
9 evaluating, measuring, designing, fabricating, assembling,
10 fitting, adjusting, or servicing a prosthesis under an order
11 from a licensed physician.

12 "Prosthetist" means a health care professional who is
13 specifically educated and trained to manage comprehensive
14 prosthetic patient care. This includes patient assessment,
15 formulation of a treatment plan, implementation of the
16 treatment plan, follow-up, and practice management. ~~person who~~
17 ~~measures, designs, fabricates, fits, or services prostheses~~
18 ~~and assists in the formulation of the order of prostheses as~~
19 ~~ordered by a licensed physician for the replacement of external~~
20 ~~parts of the human body lost due to amputation or congenital~~
21 ~~deformities or absences.~~

22 "Prosthetist/orthotist" means a person who practices both
23 disciplines of prosthetics and orthotics and who represents
24 himself or herself to the public by title or by description of
25 services. A person who is currently licensed by the State as
26 both a licensed prosthetist and a licensed orthotist may use

1 the title "Licensed Prosthetist Orthotist" or "LPO".

2 "Resident" means a person who has completed an education
3 program in either orthotics or prosthetics and is continuing
4 his or her clinical education in a residency accredited by the
5 National Commission on Orthotic and Prosthetic Education.

6 "Residency" means a minimum of a one-year approved
7 supervised program to acquire practical clinical training in
8 orthotics or prosthetics in a patient care setting.

9 "Scope of practice" means the procedures, actions, and
10 processes that are permitted for the licensed individual. The
11 scope of practice is limited to that which the profession or
12 law allows for specific education and experience, and specific
13 demonstrated competency.

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

16 "Supervision" means the act of critical watching and
17 directing the work or tasks of another who may lack full
18 knowledge of the concept at hand.

19 "Technician" means a person who assists an orthotist,
20 prosthetist, prosthetist/orthotist, or pedorthist with
21 fabrication of orthoses, prostheses, or pedorthic devices but
22 does not provide direct patient care.

23 (Source: P.A. 91-590, eff. 1-1-00.)

24 (225 ILCS 84/15)

25 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 15. Exceptions. This Act shall not be construed to
2 prohibit:

3 (1) a physician licensed in this State from engaging in the
4 practice for which he or she is licensed;

5 (2) a person licensed in this State under any other Act
6 from engaging in the practice for which he or she is licensed;

7 (3) the practice of orthotics, prosthetics, or pedorthics
8 by a person who is employed by the federal government or any
9 bureau, division, or agency of the federal government while in
10 the discharge of the employee's official duties;

11 (4) the practice of orthotics, prosthetics, or pedorthics
12 by (i) a student enrolled in a school of orthotics,
13 prosthetics, or pedorthics, (ii) a resident continuing his or
14 her clinical education in a residency accredited by the
15 National Commission on Orthotic and Prosthetic Education, or
16 (iii) a student in a qualified work experience program or
17 internship in pedorthics;

18 (5) the practice of orthotics, prosthetics, or pedorthics
19 by one who is an orthotist, prosthetist, or pedorthist licensed
20 under the laws of another state or territory of the United
21 States or another country and has applied in writing to the
22 Department, in a form and substance satisfactory to the
23 Department, for a license as orthotist, prosthetist, or
24 pedorthist and who is qualified to receive the license under
25 Section 40 until (i) the expiration of 6 months after the
26 filing of the written application, (ii) the withdrawal of the

1 application, or (iii) the denial of the application by the
2 Department;

3 (6) a person licensed by this State as a physical
4 therapist, ~~or~~ occupational therapist, or advanced practice
5 nurse from engaging in his or her profession; or

6 (7) a physician licensed under the Podiatric Medical
7 Practice Act of 1997 from engaging in his or her profession.

8 (Source: P.A. 91-590, eff. 1-1-00.)

9 (225 ILCS 84/20)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 20. Powers and duties of the Department.

12 (a) The Department shall exercise the powers and duties
13 prescribed by the Civil Administrative Code of Illinois for the
14 administration of licensure Acts and shall exercise other
15 powers and duties necessary for effectuating the purposes of
16 this Act.

17 (b) The Department shall ~~may~~ adopt rules to administer and
18 enforce this Act including, but not limited to, fees for
19 original licensure, ~~and~~ renewal and restoration of licenses and
20 may prescribe forms to be issued to implement its rules. The
21 Department shall exercise the powers and duties prescribed by
22 this Act. At a minimum, the rules adopted by the Department
23 shall include standards and criteria for licensure and for
24 professional conduct and discipline. The Department shall
25 consult with the Board in adopting rules. Notice of proposed

1 rulemaking shall be transmitted to the Board, and the
2 Department shall review the Board's response and inform the
3 Board of any deviations ~~any recommendations made in writing~~
4 ~~with proper explanation of deviations from the Board's~~
5 ~~recommendations and response.~~

6 (c) The Department at any time may seek the expert advice
7 and knowledge of the Board on any matter relating to the
8 enforcement of this Act.

9 ~~(d) Department may adopt rules as necessary to establish~~
10 ~~eligibility for facility registration and standards.~~

11 (Source: P.A. 91-590, eff. 1-1-00.)

12 (225 ILCS 84/25)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 25. Board of Orthotics, Prosthetics, and Pedorthics.

15 (a) There is established a Board of Orthotics, Prosthetics,
16 and Pedorthics, which shall consist of 6 voting members to be
17 appointed by the Secretary ~~Director~~. Three members shall be
18 practicing licensed orthotists, licensed prosthetists, or
19 licensed pedorthists. These members may be licensed in more
20 than one discipline and their appointments must equally
21 represent all 3 disciplines. One member shall be a member of
22 the public who is a consumer of orthotic, prosthetic, or
23 pedorthic professional services. One member shall be a public
24 member who is not licensed under this Act or a consumer of
25 services licensed under this Act. One member shall be a

1 licensed physician.

2 (b) Each member of the Board shall serve a term of 3 years,
3 except that of the initial appointments to the Board, 2 members
4 shall be appointed for one year, 2 members shall be appointed
5 for 2 years, and 2 members shall be appointed for 3 years. Each
6 member shall hold office and execute his or her Board
7 responsibilities until the qualification and appointment of
8 his or her successor. No member of the Board shall serve more
9 than 8 consecutive years or 2 full terms, whichever is greater.

10 (c) Members of the Board shall receive as compensation a
11 reasonable sum as determined by the Secretary ~~Director~~ for each
12 day actually engaged in the duties of the office and shall be
13 reimbursed for reasonable expenses incurred in performing the
14 duties of the office.

15 (d) Four members of the Board shall constitute a quorum. A
16 quorum is required for all Board decisions ~~A quorum of the~~
17 ~~Board shall consist of a majority of Board members currently~~
18 ~~appointed.~~

19 (e) The Secretary ~~Director~~ may terminate the appointment of
20 any member for cause which, in the opinion of the Secretary
21 ~~Director~~ reasonably justifies termination, which may include,
22 but is not limited to, a Board member who does not attend 2
23 consecutive meetings.

24 (f) Membership of the Board should reasonably reflect
25 representation from the geographic areas in this State.

26 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/40)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 40. Qualifications for licensure as orthotist,
4 prosthetist, or pedorthist.

5 (a) To qualify for a license to practice orthotics or
6 prosthetics, a person shall:

7 (1) possess a baccalaureate degree from a college or
8 university;

9 (2) have completed the amount of formal training,
10 including, but not limited to, any hours of classroom
11 education and clinical practice established and approved
12 by the Department;

13 (3) complete a clinical residency in the professional
14 area for which a license is sought in accordance with
15 standards, guidelines, or procedures for residencies
16 inside or outside this State established and approved by
17 the Department. The majority of training must be devoted to
18 services performed under the supervision of a licensed
19 practitioner of orthotics or prosthetics or a person
20 certified as a Certified Orthotist (CO), Certified
21 Prosthetist (CP), or Certified Prosthetist Orthotist (CPO)
22 whose practice is located outside of the State
23 ~~certification was obtained before the effective date of~~
24 ~~this Act;~~

25 (4) pass all written, practical, and oral examinations

1 that are required and approved by the Department; and

2 (5) be qualified to practice in accordance with
3 internationally accepted standards of orthotic and
4 prosthetic care.

5 (b) To qualify for a license to practice pedorthics, a
6 person shall:

7 (1) submit proof of ~~possess~~ a high school diploma or
8 its equivalent;

9 (2) have completed the amount of formal training,
10 including, but not limited to, any hours of classroom
11 education and clinical practice established and approved
12 by the Department;

13 (3) complete a qualified work experience program or
14 internship in pedorthics that has a minimum of 1,000 hours
15 of pedorthic patient care experience in accordance with any
16 standards, guidelines, or procedures established and
17 approved by the Department. The majority of training must
18 be devoted to services performed under the supervision of a
19 licensed practitioner of pedorthics or a person certified
20 as a Certified Pedorthist (C.Ped) whose practice is located
21 outside of the State;

22 (4) pass all examinations that are required and
23 approved by the Department; and

24 (5) be qualified to practice in accordance with
25 nationally accepted standards of pedorthic care.

26 (c) The standards and requirements for licensure

1 established by the Department shall be substantially equal to
2 or in excess of standards commonly accepted in the profession
3 of orthotics, prosthetics, or pedorthics. The Department shall
4 adopt rules as necessary to set the standards and requirements.

5 (d) A person may be licensed in more than one discipline.

6 (Source: P.A. 91-590, eff. 1-1-00.)

7 (225 ILCS 84/55)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 55. License required ~~Transition period.~~

10 ~~(a) Until January 1, 2002, a person certified as a~~
11 ~~Certified Orthotist (CO), Certified Prosthetist (CP), or~~
12 ~~Certified Prosthetist Orthotist (CPO) by the American Board for~~
13 ~~Certification in Prosthetics and Orthotics, Incorporated, or~~
14 ~~holding similar certifications from other accrediting bodies~~
15 ~~with equivalent educational requirements and examination~~
16 ~~standards may apply for and shall be granted orthotic or~~
17 ~~prosthetic licensure under this Act upon payment of the~~
18 ~~required fee. After that date, any applicant for licensure as~~
19 ~~an orthotist or a prosthetist shall meet the requirements of~~
20 ~~subsection (a) of Section 40 of this Act.~~

21 ~~(b) Until January 1, 2002, a person certified as a~~
22 ~~Certified Pedorthist (CPed) by the Board for Certification in~~
23 ~~Pedorthics, Incorporated, or a person certified as a Certified~~
24 ~~Orthotist (CO) or Certified Prosthetist Orthotist (CPO) by the~~
25 ~~American Board for Certification in Prosthetics and Orthotics,~~

1 ~~Incorporated, or holding similar certifications from other~~
2 ~~accrediting bodies with equivalent educational requirements~~
3 ~~and examination standards may apply for and shall be granted~~
4 ~~pedorthic licensure under this Act upon payment of the required~~
5 ~~fee. After that date, any applicant for licensure as a~~
6 ~~pedorthist shall meet the requirements of subsection (b) of~~
7 ~~Section 40 of this Act.~~

8 No ~~(c) On and after January 1, 2002, no~~ person shall
9 practice orthotics, prosthetics, or pedorthics in this State or
10 hold himself or herself out as being able to practice either
11 profession, unless he or she is licensed in accordance with
12 ~~Section 40 of this Act.~~

13 ~~(d) Notwithstanding any other provision of this Section, a~~
14 ~~person who has practiced full time for the past 7 years in a~~
15 ~~prosthetic/orthotic facility as an orthotist, prosthetist,~~
16 ~~prosthetist/orthotist, assistant, or technician or in a~~
17 ~~pedorthic facility as a pedorthist or pedorthic technician on~~
18 ~~the effective date of this Act may file an application with the~~
19 ~~Board within 60 days after the enforcement of this Section~~
20 ~~begins pursuant to Section 56 of this Act in order to continue~~
21 ~~to practice orthotics, prosthetics, or pedorthics at his or her~~
22 ~~identified level of practice. The applicant shall be issued a~~
23 ~~license or certificate of registration to practice orthotics,~~
24 ~~prosthetics, or pedorthics under the provisions of this Act~~
25 ~~without examination upon receipt by the Department of payment~~
26 ~~of the licensing or registration fee required under Section 70~~

~~of this Act and after the Board has completed an investigation of the applicant's work history. The Board shall complete its investigation for the purposes of this Section within 6 months of the date of the application. The investigation may include, but is not limited to, completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.~~

(Source: P.A. 91-590, eff. 1-1-00.)

(225 ILCS 84/57)

(Section scheduled to be repealed on January 1, 2010)

Sec. 57. Limitation on provision of care and services. A licensed orthotist or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician, ~~or~~ podiatrist, or advanced practice nurse. A licensed prosthetist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician or advanced practice nurse.

(Source: P.A. 91-590, eff. 1-1-00.)

(225 ILCS 84/60)

(Section scheduled to be repealed on January 1, 2010)

Sec. 60. Renewal; restoration; military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule of the Department.

1 The Board shall establish continuing education requirements
2 for the renewal of a license. These requirements shall be based
3 on established standards of competence.

4 (b) A person who has permitted his or her license to expire
5 or who has had his or her license on inactive status may have
6 his or her license restored by (i) making application to the
7 Department, (ii) filing proof acceptable to the Department of
8 his or her fitness to have his or her license restored
9 including, but not limited to, sworn evidence certifying to
10 active practice in another jurisdiction satisfactory to the
11 Department, and (iii) paying the required restoration fee. If
12 the person has not maintained an active practice in another
13 jurisdiction satisfactory to the Department, the Board shall
14 determine, by an evaluation program established by rule, his or
15 her fitness to resume active status and may require the person
16 to complete a period of evaluated clinical experience and may
17 require successful completion of an examination.

18 (c) A person whose license expired while he or she was (i)
19 in federal service on active duty within the armed forces of
20 the United States or with the State militia called into service
21 or training or (ii) in training or education under the
22 supervision of the United States preliminary to induction into
23 military service may have his or her license renewed or
24 restored without paying a lapsed renewal fee if, within 2 years
25 after termination from the service, training, or education
26 except under conditions other than honorable, he or she

1 furnished the Department with satisfactory evidence that he or
2 she has been so engaged and that his or her service, training,
3 or education has been terminated.

4 (d) A person who notifies the Department in writing on
5 forms prescribed by the Department may elect to place his or
6 her license on an inactive status and shall, subject to rules
7 of the Department, be excused from payment of renewal fees
8 until he or she notifies the Department in writing of his or
9 her desire to resume active status.

10 (e) A person requesting restoration from inactive status
11 shall be required to pay the current renewal fee and shall be
12 required to restore his or her license as provided in Section
13 60 of this Act.

14 (f) An orthotist, prosthetist, or pedorthist whose license
15 is on inactive status shall not practice orthotics,
16 prosthetics, or pedorthics in this State.

17 (Source: P.A. 91-590, eff. 1-1-00.)

18 (225 ILCS 84/70)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 70. Endorsement. The Department may, at its
21 discretion, license as either an orthotist, prosthetist, or
22 pedorthist, without examination and on payment of the required
23 fee, an applicant who is an orthotist, prosthetist, or
24 pedorthist who is (i) licensed under the laws of another state,
25 territory, or country, if the requirements for licensure in

1 that state, territory, or country in which the applicant was
2 licensed were, at the date of his or her licensure,
3 substantially equal to the requirements in force in this State
4 on that date or (ii) certified by a national certification
5 organization with educational and testing standards as set
6 forth by rule ~~equal to or more stringent than the licensing~~
7 ~~requirements of this State.~~

8 (Source: P.A. 91-590, eff. 1-1-00.)

9 (225 ILCS 84/77 new)

10 Sec. 77. Returned checks; fines. Any person who delivers a
11 check or other payment to the Department that is returned to
12 the Department unpaid by the financial institution upon which
13 it is drawn shall pay to the Department, in addition to the
14 amount already owed to the Department, a fine of \$50. The fines
15 imposed by this Section are in addition to any other discipline
16 provided under this Act for unlicensed practice or practice on
17 a non-renewed license. The Department shall notify the person
18 that payment of fees and fines shall be made to the Department
19 by certified check or money order within 30 calendar days of
20 the notification. If, after the expiration of 30 days from the
21 date of the notification, the person has failed to submit the
22 necessary remittance, the Department shall automatically
23 terminate the license or deny the application, without hearing.
24 If, after termination or denial, the person seeks a license, he
25 or she shall apply to the Department for restoration or

1 issuance of the license and pay all fees and fines due to the
2 Department. The Department may establish a fee for the
3 processing of an application for restoration of a license,
4 designed to cover all expenses of processing the application.
5 The Secretary may waive the fines due under this Section in
6 individual cases where the Secretary finds that the fines would
7 be unreasonable or unnecessarily burdensome.

8 (225 ILCS 84/80)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 80. Roster of licensees and registrants. The
11 Department shall maintain a current roster of the names and
12 addresses of all licensees, registrants, and all persons whose
13 licenses have been suspended, ~~or~~ revoked, or otherwise
14 disciplined ~~within the previous year.~~ This roster shall be
15 available upon written request and payment of the required fee.
16 (Source: P.A. 91-590, eff. 1-1-00.)

17 (225 ILCS 84/85)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 85. Practice by corporations. Nothing in this Act
20 shall restrict licensees from forming professional service
21 corporations under and in accordance with the provisions of the
22 Professional Service Corporation Act.
23 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/90)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 90. Grounds for discipline.

4 (a) The Department may refuse to issue or renew a license,
5 or may revoke or suspend a license, or may suspend, place on
6 probation, ~~censure,~~ or reprimand a licensee or take other
7 disciplinary or non-disciplinary action as the Department may
8 deem proper, for one or any combination of the following:

9 (1) Making a material misstatement in furnishing
10 information to the Department or the Board.

11 (2) Violations of or negligent or intentional
12 disregard of this Act or its rules.

13 (3) Conviction of, or entry of a plea of guilty or nolo
14 contendere to any crime that is a felony under the laws of
15 the United States or any state or territory thereof or that
16 is a misdemeanor of which an essential element is
17 dishonesty, or any crime that is directly related to the
18 practice of the profession ~~Conviction of any crime that~~
19 ~~under the laws of the United States or of a state or~~
20 ~~territory of the United States is a felony or a~~
21 ~~misdemeanor, an essential element of which is dishonesty,~~
22 ~~or of a crime that is directly related to the practice of~~
23 ~~the profession.~~

24 (4) Making a misrepresentation for the purpose of
25 obtaining a license.

26 (5) A pattern of practice or other behavior that

1 demonstrates incapacity or incompetence to practice under
2 this Act.

3 (6) Gross negligence under this Act.

4 (7) Aiding or assisting another person in violating a
5 provision of this Act or its rules.

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

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

11 (10) Inability to practice with reasonable judgment,
12 skill, or safety as a result of habitual or excessive use
13 or addiction to alcohol, narcotics, stimulants, or any
14 other chemical agent or drug ~~Habitual intoxication or~~
15 ~~addiction to the use of drugs.~~

16 (11) Discipline by another state or territory of the
17 United States, the federal government, or foreign nation,
18 if at least one of the grounds for the discipline is the
19 same or substantially equivalent to one set forth in this
20 Section.

21 (12) Directly or indirectly giving to or receiving from
22 a person, firm, corporation, partnership, or association a
23 fee, commission, rebate, or other form of compensation for
24 professional services not actually or personally rendered.

25 (13) A finding by the Board that the licensee or
26 registrant, after having his or her license placed on

1 probationary status, has violated the terms of probation.

2 (14) Abandonment of a patient or client.

3 (15) Willfully ~~Wilfully~~ making or filing false records
4 or reports in his or her practice including, but not
5 limited to, false records filed with State agencies or
6 departments.

7 (16) Willfully ~~Wilfully~~ failing to report an instance
8 of suspected child abuse or neglect as required by the
9 Abused and Neglected Child Reporting Act.

10 (17) Inability to practice the profession with
11 reasonable judgment, skill, or safety as a result of a
12 physical illness, including, but not limited to,
13 deterioration through the aging process or loss of motor
14 skill that results in the inability to practice the
15 profession with reasonable judgement, skill, or safety, or
16 a mental illness or disability ~~Physical illness including,~~
17 ~~but not limited to, deterioration through the aging process~~
18 ~~or loss of motor skill that results in the inability to~~
19 ~~practice the profession with reasonable judgement, skill,~~
20 ~~or safety.~~

21 (18) Solicitation of professional services using false
22 or misleading advertising.

23 (b) In enforcing this Section, the Department or Board upon
24 a showing of a possible violation, may compel a licensee or
25 applicant to submit to a mental or physical examination, or
26 both, as required by and at the expense of the Department. The

1 Department or Board may order the examining physician to
2 present testimony concerning the mental or physical
3 examination of the licensee or applicant. No information shall
4 be excluded by reason of any common law or statutory privilege
5 relating to communications between the licensee or applicant
6 and the examining physician. The examining physicians shall be
7 specifically designated by the Board or Department. The
8 individual to be examined may have, at his or her own expense,
9 another physician of his or her choice present during all
10 aspects of this examination. Failure of an individual to submit
11 to a mental or physical examination, when directed, shall be
12 grounds for the immediate suspension of his or her license
13 until the individual submits to the examination if the
14 Department finds that the refusal to submit to the examination
15 was without reasonable cause as defined by rule.

16 In instances in which the Secretary immediately suspends a
17 person's license for his or her failure to submit to a mental
18 or physical examination, when directed, a hearing on that
19 person's license must be convened by the Department within 15
20 days after the suspension and completed without appreciable
21 delay.

22 In instances in which the Secretary otherwise suspends a
23 person's license pursuant to the results of a compelled mental
24 or physical examination, a hearing on that person's license
25 must be convened by the Department within 15 days after the
26 suspension and completed without appreciable delay. The

1 Department and Board shall have the authority to review the
2 subject individual's record of treatment and counseling
3 regarding the impairment to the extent permitted by applicable
4 federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 An individual licensed under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department or Board that he or she can resume practice in
9 compliance with acceptable and prevailing standards under the
10 provisions of his or her license. ~~The determination by a~~
11 ~~ircuit court that a licensee or registrant is subject to~~
12 ~~involuntary admission or judicial admission, as provided in the~~
13 ~~Mental Health and Developmental Disabilities Code, operates as~~
14 ~~an automatic suspension. The suspension will end only upon (i)~~
15 ~~a finding by a court that the patient is no longer subject to~~
16 ~~involuntary admission or judicial admission and the issuance of~~
17 ~~a court order so finding and discharging the patient and (ii)~~
18 ~~the recommendation of the Board to the Director that the~~
19 ~~licensee or registrant be allowed to resume his or her~~
20 ~~practice.~~

21 (c) The Department shall deny a license or renewal
22 authorized by this Act to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with subsection (a)(5) of
26 Section 15 of the Department of Professional Regulation Law of

1 the Civil Administrative Code of Illinois (20 ILCS
2 2105/2105-15). ~~In enforcing this Section, the Department or~~
3 ~~Board upon a showing of a possible violation may compel an~~
4 ~~individual licensed to practice under this Act, or who has~~
5 ~~applied for licensure under this Act, to submit to a mental or~~
6 ~~physical examination, or both, as required by and at the~~
7 ~~expense of the Department. The Department or Board may order~~
8 ~~the examining physician to present testimony concerning the~~
9 ~~mental or physical examination of the licensee or applicant. No~~
10 ~~information shall be excluded by reason of any common law or~~
11 ~~statutory privilege relating to communications between the~~
12 ~~licensee or applicant and the examining physician. The~~
13 ~~examining physicians shall be specifically designated by the~~
14 ~~Board or Department. The individual to be examined may have, at~~
15 ~~his or her own expense, another physician of his or her choice~~
16 ~~present during all aspects of this examination. The examination~~
17 ~~shall be performed by a physician licensed to practice medicine~~
18 ~~in all its branches. Failure of an individual to submit to a~~
19 ~~mental or physical examination, when directed, shall be grounds~~
20 ~~for suspension of his or her license until the individual~~
21 ~~submits to the examination if the Department finds, after~~
22 ~~notice and hearing, that the refusal to submit to the~~
23 ~~examination was without reasonable cause.~~

24 ~~If the Department or Board finds an individual unable to~~
25 ~~practice because of the reasons set forth in this Section, the~~
26 ~~Department or Board may require that individual to submit to~~

1 ~~care, counseling, or treatment by physicians approved or~~
2 ~~designated by the Department or Board, as a condition, term, or~~
3 ~~restriction for continued, reinstated, or renewed licensure to~~
4 ~~practice; or, in lieu of care, counseling, or treatment, the~~
5 ~~Department may file, or the Board may recommend to the~~
6 ~~Department to file, a complaint to immediately suspend, revoke,~~
7 ~~or otherwise discipline the license of the individual. An~~
8 ~~individual whose license was granted, continued, reinstated,~~
9 ~~renewed, disciplined or supervised subject to such terms,~~
10 ~~conditions, or restrictions, and who fails to comply with such~~
11 ~~terms, conditions, or restrictions, shall be referred to the~~
12 ~~Director for a determination as to whether the individual shall~~
13 ~~have his or her license suspended immediately, pending a~~
14 ~~hearing by the Department.~~

15 ~~In instances in which the Director immediately suspends a~~
16 ~~person's license under this Section, a hearing on that person's~~
17 ~~license must be convened by the Department within 15 days after~~
18 ~~the suspension and completed without appreciable delay. The~~
19 ~~Department and Board shall have the authority to review the~~
20 ~~subject individual's record of treatment and counseling~~
21 ~~regarding the impairment to the extent permitted by applicable~~
22 ~~federal statutes and regulations safeguarding the~~
23 ~~confidentiality of medical records.~~

24 ~~An individual licensed under this Act and affected under~~
25 ~~this Section shall be afforded an opportunity to demonstrate to~~
26 ~~the Department or Board that he or she can resume practice in~~

1 ~~compliance with acceptable and prevailing standards under the~~
2 ~~provisions of his or her license.~~

3 (d) In cases where the Department of Healthcare and Family
4 Services (formerly Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department, the
8 Department may refuse to issue or renew or may revoke or
9 suspend that person's license or may take other disciplinary
10 action against that person based solely upon the certification
11 of delinquency made by the Department of Healthcare and Family
12 Services in accordance with subsection (a) (5) of Section 15 of
13 the Department of Professional Regulation Law of the Civil
14 Administrative Code of Illinois (20 ILCS 2105/2105-15).

15 (e) The Department may refuse to issue or renew a license,
16 or may revoke or suspend a license, for failure to file a
17 return, to pay the tax, penalty, or interest shown in a filed
18 return, or to pay any final assessment of tax, penalty, or
19 interest as required by any tax Act administered by the
20 Department of Revenue, until such time as the requirements of
21 the tax Act are satisfied in accordance with subsection (g) of
22 Section 15 of the Department of Professional Regulation Law of
23 the Civil Administrative Code of Illinois (20 ILCS
24 2105/2105-15).

25 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/95)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 95. Injunction; cease and desist order.

4 (a) If any person, company, or corporation violates a
5 provision of this Act, the Secretary ~~Director~~ may, in the name
6 of the People of the State of Illinois and through the Attorney
7 General of the State of Illinois, petition for an order
8 enjoining the violation or for an order enforcing compliance
9 with this Act. Upon the filing of a verified petition in court,
10 the court may issue a temporary restraining order, without
11 notice or bond, and may preliminarily and permanently enjoin
12 the violation. If it is established that the person, company,
13 or corporation has violated or is violating the injunction, the
14 court may punish the offender for contempt of court.
15 Proceedings under this Section shall be in addition to, and not
16 in lieu of, all other remedies and penalties provided by this
17 Act.

18 (b) If a person practices as an orthotist, prosthetist, or
19 pedorthist or holds himself or herself out as an orthotist,
20 prosthetist, or pedorthist without being licensed ~~or~~
21 ~~registered~~ under the provisions of this Act, then any other
22 licensed ~~or registered~~ orthotist, prosthetist, or pedorthist,
23 any interested party, or any person injured by the person may,
24 in addition to the Secretary ~~Director~~, petition for relief as
25 provided in subsection (a) of this Section.

26 (c) If a company or corporation holds itself out to provide

1 orthotic, prosthetic, or pedorthic services without having an
2 orthotist, prosthetist, or pedorthist licensed under the
3 provisions of this Act on its staff to provide those services,
4 then any other licensed orthotist, prosthetist, or pedorthist
5 or any interested party may, in addition to the Secretary,
6 petition for relief as provided in subsection (a) of this
7 Section.

8 (d) Whenever in the opinion of the Department a person,
9 company, or corporation violates a provision of this Act, the
10 Department may issue a rule to show cause why an order to cease
11 and desist should not be entered against him, ~~or~~ her, or it.
12 The rule shall clearly set forth the grounds relied upon by the
13 Department and shall provide a period of 7 days from the date
14 of the rule to file an answer to the satisfaction of the
15 Department. Failure to answer to the satisfaction of the
16 Department shall cause an order to cease and desist to be
17 issued immediately.

18 (Source: P.A. 91-590, eff. 1-1-00.)

19 (225 ILCS 84/100)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 100. Investigations; notice and hearing.

22 (a) The Department may investigate the actions of an
23 applicant or of a person or persons holding or claiming to hold
24 a license.

25 (b) The Department may also investigate the actions of a

1 company or corporation that holds itself out to provide
2 orthotic, prosthetic, or pedorthic services with or without
3 having an orthotist, prosthetist, or pedorthist licensed under
4 the provisions of this Act on its staff to provide those
5 services.

6 (c) Before refusing to issue or renew a license, the
7 Department shall, at least 30 ~~10~~ days prior to the date set for
8 the hearing, notify in writing the applicant for or holder of a
9 license of the nature of the charges and that a hearing will be
10 held on the date designated. The written notice may be served
11 by personal delivery or by certified or registered mail to the
12 respondent at the address of record with the Department
13 ~~disclosed on his or her last notification to the Department.~~ At
14 the time and place fixed in the notice, the Board shall proceed
15 to hear the charges. The parties or their counsel shall be
16 afforded ample opportunity to present statements, testimony,
17 evidence, and argument that may be pertinent to the charges or
18 to the defense to the charges. The Board may continue the
19 hearing from time to time.

20 (Source: P.A. 91-590, eff. 1-1-00.)

21 (225 ILCS 84/103 new)

22 Sec. 103. Subpoenas; depositions; oaths.

23 (a) The Department has the power to subpoena documents,
24 books, records, or other materials and to bring before it any
25 person and to take testimony either orally or by deposition, or

1 both, with the same fees and mileage and in the same manner as
2 prescribed in civil cases in the courts of this State.

3 (b) The Secretary, the designated hearing officer, and
4 every member of the Board has the power to administer oaths to
5 witnesses at any hearing that the Department is authorized to
6 conduct, and any other oaths authorized in any Act administered
7 by the Department.

8 (225 ILCS 84/105)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 105. Record of proceedings ~~Transcript~~. The
11 Department, at its own expense, shall preserve a record of all
12 proceedings at the formal hearing of any ~~a~~ case ~~involving the~~
13 ~~refusal to issue or renew a license~~. The notice of hearing,
14 complaint, and all other documents in the nature of pleadings
15 and written motions filed in the proceedings, the transcripts
16 ~~transcript~~ of testimony, the report of the Board, and orders of
17 the Department shall be in the record of the proceeding.

18 (Source: P.A. 91-590, eff. 1-1-00.)

19 (225 ILCS 84/107 new)

20 Sec. 107. Unlicensed practice; civil penalty.

21 (a) Any person who practices, offers to practice, attempts
22 to practice, or holds oneself out to practice orthotics,
23 prosthetics, or pedorthics or performs the functions and duties
24 of orthotist, prosthetist, or pedorthist without being

1 licensed under this Act shall, in addition to any other penalty
2 provided by law, pay a civil penalty to the Department in an
3 amount not to exceed \$10,000 for each offense as determined by
4 the Department. The civil penalty shall be assessed by the
5 Department after a hearing is held in accordance with the
6 provisions set forth in this Act regarding the provision of a
7 hearing for the discipline of a licensee.

8 (b) Any company or corporation that offers to practice,
9 attempts to practice, or holds itself out to provide orthotic,
10 prosthetic, or pedorthic services without having an orthotist,
11 prosthetist, or pedorthist licensed under the provisions of
12 this Act on its staff to provide those services shall, in
13 addition to any other penalty provided by law, pay a civil
14 penalty to the Department in an amount not to exceed \$10,000
15 for each offense as determined by the Department. The civil
16 penalty shall be assessed by the Department after a hearing is
17 held in accordance with the provisions set forth in this Act
18 regarding the provision of a hearing for the discipline of a
19 licensee.

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

22 (d) The civil penalty shall be paid within 60 days after
23 the effective date of the order imposing the civil penalty. The
24 order shall constitute a judgment and may be filed and
25 execution had thereon in the same manner as any judgment from
26 any court of record.

1 (225 ILCS 84/110)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 110. Compelling testimony. A circuit court may, upon
4 application of the Secretary ~~Director~~ or his or her designee or
5 the applicant or licensee against whom proceedings under
6 Section 100 of this Act are pending, enter an order requiring
7 the attendance of witnesses and their testimony and requiring
8 the production of documents, papers, files, books, and records
9 in connection with a hearing or investigation. The court may
10 compel obedience to its order through contempt proceedings.

11 (Source: P.A. 91-590, eff. 1-1-00.)

12 (225 ILCS 84/115)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 115. Board findings and recommendations. At the
15 conclusion of a hearing, the Board shall present to the
16 Secretary ~~Director~~ a written report of its findings and
17 recommendations. The report shall contain a finding of whether
18 or not the accused person violated this Act or failed to comply
19 with the conditions required in this Act. The Board shall
20 specify the nature of the violation or failure to comply and
21 shall make its recommendations to the Secretary ~~Director~~. The
22 report of findings and recommendations of the Board shall be
23 the basis for the Department's order for the refusal or for the
24 granting of a license, unless the Secretary ~~Director~~ determines

1 that the Board report is contrary to the manifest weight of the
2 evidence, in which case the Secretary ~~Director~~ may issue an
3 order in contravention to the Board report. A Board finding is
4 not admissible in evidence against the person in a criminal
5 prosecution brought for a violation of this Act, but the
6 hearing and finding are not a bar to a criminal prosecution
7 brought for a violation of this Act.

8 (Source: P.A. 91-590, eff. 1-1-00.)

9 (225 ILCS 84/120)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 120. Motion for rehearing. In any case involving the
12 refusal to issue or renew a license or the discipline of a
13 licensee, a copy of the Board's report shall be served upon the
14 respondent by the Department, either personally or as provided
15 in this Act for the service of the notice of hearing. Within 20
16 days after service, the respondent may present to the
17 Department a motion in writing for a rehearing, which shall
18 specify the particular grounds for rehearing. If no motion for
19 rehearing is filed, then upon the expiration of the time
20 specified for filing the motion, or if a motion for rehearing
21 is denied, upon the denial, the Secretary ~~Director~~ may enter an
22 order in accordance with recommendations of the Board, except
23 as provided in Section 115 of this Act. If the respondent
24 orders from the reporting service and pays for a transcript of
25 the record within the time for filing a motion for rehearing,

1 the 20-day period within which the motion may be filed shall
2 commence upon the delivery of the transcript to the respondent.
3 (Source: P.A. 91-590, eff. 1-1-00.)

4 (225 ILCS 84/125)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 125. Rehearing on order of Secretary ~~Director~~.
7 Whenever the Secretary ~~Director~~ is not satisfied that
8 substantial justice has been done in the revocation,
9 suspension, or refusal to issue or renew a license the
10 Secretary ~~Director~~ may order a rehearing by the same or other
11 examiners.

12 (Source: P.A. 91-590, eff. 1-1-00.)

13 (225 ILCS 84/130)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 130. Appointment of hearing officer. The Secretary
16 ~~Director~~ shall have the authority to appoint an attorney
17 licensed to practice law in the State of Illinois to serve as a
18 hearing officer in an action for refusal to issue or renew a
19 license or to discipline a licensee. The hearing officer shall
20 have full authority to conduct the hearing. The hearing officer
21 shall report his or her findings and recommendations to the
22 Board and the Secretary ~~Director~~. The Board shall have 60 days
23 from receipt of the report to review the report of the hearing
24 officer and present its findings of fact, conclusions of law,

1 and recommendations to the Secretary ~~Director~~. If the Board
2 fails to present its report within the 60-day period, the
3 Secretary ~~Director~~ shall issue an order based on the report of
4 the hearing officer. If the Secretary ~~Director~~ determines that
5 the Board's report is contrary to the manifest weight of the
6 evidence, he or she may issue an order in contravention of the
7 Board's report. Nothing in this Section shall prohibit a Board
8 member from attending an informal conference and such
9 participation shall not be grounds for recusal from any other
10 proceeding.

11 (Source: P.A. 91-590, eff. 1-1-00.)

12 (225 ILCS 84/135)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 135. Order or certified copy. An order or a certified
15 copy of an order, over the seal of the Department and
16 purporting to be signed by the Secretary ~~Director~~, shall be
17 prima facie proof:

18 (1) that the signature is the genuine signature of the
19 Secretary ~~Director~~;

20 (2) that the Secretary ~~Director~~ is duly appointed and
21 qualified; and

22 (3) that the Board and its members are qualified to act.

23 (Source: P.A. 91-590, eff. 1-1-00.)

24 (225 ILCS 84/150)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 150. Temporary suspension of a license. The Secretary
3 ~~Director~~ may temporarily suspend the license of an orthotist,
4 prosthetist, or pedorthist without a hearing simultaneously
5 with the institution of proceedings for a hearing provided for
6 in Section 95 of this Act if the Secretary ~~Director~~ finds that
7 evidence in his or her possession indicates that a licensee's
8 continuation in practice would constitute an imminent danger to
9 the public. If the Secretary ~~Director~~ temporarily suspends a
10 license without a hearing, a hearing by the Board must be held
11 within 30 days after the suspension and completed without
12 appreciable delay.

13 (Source: P.A. 91-590, eff. 1-1-00.)

14 (225 ILCS 84/160)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 160. Certifications of record; costs. The Department
17 shall not be required to certify any record to the court or
18 file any answer in court or otherwise appear in any court in a
19 judicial review proceeding unless there is filed in the court
20 with the complaint a receipt from the Department acknowledging
21 payment of the costs of furnishing and certifying the record,
22 which cost shall be determined by the Department ~~shall be~~
23 ~~computed at the rate of 20 cents per page of the record.~~
24 Failure on the part of a plaintiff to file a receipt in court
25 shall be grounds for dismissal of the action.

1 (Source: P.A. 91-590, eff. 1-1-00.)

2 Section 15. The Perfusionist Practice Act is amended by
3 changing Sections 10, 15, 25, 45, 60, 70, 90, 95, 100, 105,
4 115, 120, 140, 145, 150, 170, 180, 185, 200, 220, and 230 and
5 by adding Sections 75, 93, 135, 142, 155, 212, and 227 as
6 follows:

7 (225 ILCS 125/10)

8 (Section scheduled to be repealed on January 1, 2010)

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

10 "Address of Record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file maintained by the Department. It is the
13 duty of the applicant or licensee to inform the Department of
14 any change of address, and such changes must be made either
15 through the Department's website or by directly contacting the
16 Department.

17 "Board" means the Board of Licensing for Perfusionists
18 Perfusion.

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

21 ~~"Director" means the Director of Professional Regulation.~~

22 "Extracorporeal circulation" means the diversion of a
23 patient's blood through a heart-lung machine or a similar
24 device that assumes the functions of the patient's heart,

1 lungs, kidney, liver, or other organs.

2 "New graduate perfusionist" means a perfusionist
3 practicing within a period of one year since the date of
4 graduation from a Commission on Accreditation of Allied Health
5 Education Programs accredited perfusion education program.

6 "Perfusion" means the functions necessary for the support,
7 treatment, measurement, or supplementation of the
8 cardiovascular systems or other organs, or a combination of
9 those functions, and to ensure the safe management of
10 physiologic functions by monitoring and analyzing the
11 parameters of the systems under an order and under the
12 supervision of a physician licensed to practice medicine in all
13 its branches.

14 "Perfusionist" means a person, qualified by academic and
15 clinical education, to operate the extracorporeal circulation
16 equipment during any medical situation where it is necessary to
17 support or replace a person's cardiopulmonary, circulatory, or
18 respiratory function. A perfusionist is responsible for the
19 selection of appropriate equipment and techniques necessary
20 for support, treatment, measurement, or supplementation of the
21 cardiopulmonary and circulatory system of a patient, including
22 the safe monitoring, analysis, and treatment of physiologic
23 conditions under an order and under the supervision of a
24 physician licensed to practice medicine in all its branches and
25 in coordination with a registered professional nurse.

26 "Perfusion protocols" means perfusion related policies and

1 protocols developed or approved by a licensed health facility
2 or a physician through collaboration with administrators,
3 licensed perfusionists, and other health care professionals.

4 "Physician" or "operating physician" means a person
5 licensed to practice medicine in all of its branches under the
6 Medical Practice Act of 1987.

7 "Secretary" means the Secretary of the Department of
8 Financial and Professional Regulation.

9 (Source: P.A. 91-580, eff. 1-1-00.)

10 (225 ILCS 125/15)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 15. Powers and duties of the Department. Subject to
13 the provisions of this Act, the Department may:

14 (a) Pass upon the qualifications of applicants for
15 licensure by endorsement. ~~The Department shall exercise the~~
16 ~~powers and duties prescribed by the Civil Administrative Code~~
17 ~~of Illinois for the administration of licensing Acts and shall~~
18 ~~exercise any other powers and duties necessary for effectuating~~
19 ~~the purposes of this Act.~~

20 (b) Conduct hearings on proceedings to refuse to issue or
21 renew a license, or to revoke or suspend a license, or to place
22 on probation, reprimand, or take any other disciplinary or
23 non-disciplinary action with regard to a person licensed under
24 this Act. ~~The Department may adopt rules consistent with the~~
25 ~~provisions of this Act for its administration and enforcement~~

1 ~~and may prescribe forms that shall be issued in connection with~~
2 ~~this Act. The rules may include but are not limited to~~
3 ~~standards and criteria for licensure, professional conduct,~~
4 ~~and discipline.~~

5 (c) Formulate rules required for the administration of this
6 Act.

7 (d) Obtain written recommendations from the Board
8 regarding (i) curriculum content, standards of professional
9 conduct, formal disciplinary actions, and the formulation of
10 rules, and (ii) when petitioned by the applicant, opinions
11 regarding the qualifications of applicants for licensing.

12 (e) Maintain rosters of the names and address of all
13 licensees, and all persons whose licenses have been suspended,
14 revoked, or denied renewal for cause or otherwise disciplined
15 within the previous calendar year. These rosters shall be
16 available upon written request and payment of the required fee
17 as established by rule.

18 (Source: P.A. 91-580, eff. 1-1-00.)

19 (225 ILCS 125/25)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 25. Board of Licensing for Perfusionists ~~Perfusion.~~

22 (a) The Secretary ~~Director~~ shall appoint a Board of
23 Licensing for Perfusionists which ~~Perfusion to consist of 5~~
24 ~~persons who shall be appointed by and~~ shall serve in an
25 advisory capacity to the Secretary ~~Director~~. The Board shall be

1 comprised of 5 persons appointed by the Secretary, who shall
2 give due consideration to recommendations by members of the
3 profession of perfusion and perfusion organizations within the
4 State.

5 (b) Two members must hold an active license to engage in
6 the practice of perfusion in this State, one member must be a
7 physician licensed under the Medical Practice Act of 1987 who
8 is board certified in and actively engaged in the practice of
9 cardiothoracic surgery, one member must be a licensed
10 registered professional nurse certified by the Association of
11 Operating Room Nurses, and one member must be a member of the
12 public who is not licensed under this Act or a similar Act of
13 another jurisdiction and who has no connection with the
14 profession. ~~The initial appointees who would otherwise be~~
15 ~~required to be licensed perfusionists shall instead be~~
16 ~~individuals who have been practicing perfusion for at least 5~~
17 ~~years and who are eligible under this Act for licensure as~~
18 ~~perfusionists.~~

19 (c) Members shall serve 4-year terms and until their
20 successors are appointed and qualified, except that, of the
21 initial appointments, 2 members shall be appointed to serve for
22 2 years, 2 members shall be appointed to serve for 3 years, and
23 1 member shall be appointed to serve for 4 years, and until
24 their successors are appointed and qualified. No member shall
25 be reappointed to the Board for a term that would cause his or
26 her continuous service on the Board to be longer than 8

1 consecutive years.

2 (d) Appointments to fill vacancies shall be made in the
3 same manner as original appointments for the unexpired portion
4 of the vacated term. ~~Initial terms shall begin upon the~~
5 ~~effective date of this Act.~~

6 (e) The Board shall annually elect a chairperson and a
7 vice-chairperson who shall preside in the absence of the
8 chairperson.

9 (f) Insofar as possible, the licensed professionals
10 appointed to serve on the Board shall be generally
11 representative of the occupational and geographical
12 distribution of licensed professionals within ~~The membership~~
13 ~~of the Board should reasonably reflect representation from the~~
14 ~~various geographic areas in this State.~~

15 (g) The Secretary ~~Director~~ may remove or suspend ~~terminate~~
16 ~~the appointment of~~ any member for cause at any time before the
17 expiration of his or her term. The Secretary shall be the sole
18 arbiter of cause.

19 (h) The Secretary ~~Director~~ may give due consideration to
20 all recommendations of the Board.

21 (i) Three ~~A majority of the~~ Board members ~~currently~~
22 ~~appointed~~ shall constitute a quorum. A quorum is required for
23 all Board decisions. ~~A vacancy in the membership of the Board~~
24 ~~shall not impair the right of a quorum to exercise the rights~~
25 ~~and perform all the duties of the Board.~~

26 (j) Except for willful or want misconduct, members ~~Members~~

1 of the Board shall be immune from liability ~~have no liability~~
2 in any action based upon any disciplinary proceeding or other
3 activity performed in good faith as a member of the Board.

4 (Source: P.A. 91-580, eff. 1-1-00.)

5 (225 ILCS 125/45)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 45. Application of Act. This Act shall not be
8 construed to prohibit the following:

9 (1) a person licensed in this State under any other Act
10 from engaging in the practice for which he or she is licensed;

11 (2) a student enrolled in an accredited perfusion education
12 program from performing perfusion services if perfusion
13 services performed by the student:

14 (A) are an integral part of the student's course of
15 study; and

16 (B) are performed under the direct supervision of a
17 licensed perfusionist who is assigned to supervise the
18 student and who is on duty and immediately available in the
19 assigned patient care area;

20 (3) a new graduate from performing perfusion services for a
21 period of 14 months after the date of his or her graduation
22 from a perfusion education program that is accredited by the
23 Commission on Accreditation of Allied Health Education
24 Programs, if perfusion services performed by the new graduate
25 perfusionist: ~~(A) are necessary to fulfill the eligibility~~

1 ~~requirements for the ABCP certification examination required~~
2 ~~under subsection (3) of Section 30; and (B)~~ are performed under
3 the direct supervision and responsibility of a licensed
4 perfusionist or a physician licensed to practice medicine in
5 all its branches who is assigned to supervise the graduate
6 perfusionist and who is ~~on duty and~~ immediately available in
7 the assigned patient care area;

8 (4) any legally qualified perfusionist employed by the
9 United States government from engaging in the practice of
10 perfusion while in the discharge of his or her official duties;
11 or

12 (5) one or more licensed perfusionists from forming a
13 professional service corporation in accordance with the
14 Professional Service Corporation Act.

15 (Source: P.A. 91-580, eff. 1-1-00.)

16 (225 ILCS 125/60)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 60. Display of license; change of address. ~~(a) The~~
19 ~~Department shall issue a perfusionist license to a person~~
20 ~~meeting the application and qualification requirements of~~
21 ~~Section 30 of this Act. However, a person is eligible for one~~
22 ~~year from the effective date of this Act to make application to~~
23 ~~the Board and receives a license notwithstanding the~~
24 ~~requirements of Section 30 of this Act if the person is~~
25 ~~actively engaged in the practice of perfusion consistent with~~

1 ~~applicable law and if the person has at least 5 years~~
2 ~~experience operating cardiopulmonary bypass systems during~~
3 ~~cardiac surgical cases in a licensed health care facility as~~
4 ~~the person's primary function between January 1, 1991 and the~~
5 ~~effective date of this Act.~~

6 ~~(b)~~ A licensee shall maintain on file at all times during which
7 the licensee provides services in a health care facility a true
8 and correct copy of the license certificate in the appropriate
9 records of the facility.

10 (Source: P.A. 91-580, eff. 1-1-00.)

11 (225 ILCS 125/70)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 70. Renewal, reinstatement or restoration of license;
14 ~~continuing education;~~ military service. The expiration date
15 and renewal period for each license issued under this Act shall
16 be set by the Department by rule. A licensee may renew his or
17 her license during the month preceding the expiration date of
18 the license by paying the required fee. It is the
19 responsibility of the licensee to notify the Department in
20 writing of a change of address. ~~Renewal shall be conditioned on~~
21 ~~paying the required fee and meeting other requirements as may~~
22 ~~be established by rule.~~

23 A licensee who has permitted his or her license to expire
24 or who has had his or her license on inactive status may have
25 the license restored by making application to the Department,

1 by filing proof acceptable to the Department of his or her
2 fitness to have the license restored, and by paying the
3 required fees. Proof of fitness may include sworn evidence
4 certifying to active lawful practice in another jurisdiction.

5 If the licensee has not maintained an active practice in
6 another jurisdiction satisfactory to the Department, the
7 Department shall determine, by an evaluation program
8 established by rule, his or her fitness for restoration of the
9 license and shall establish procedures and requirements for
10 restoration. However, a licensee whose license expired while he
11 or she was (1) in federal service on active duty with the Armed
12 Forces of the United States or the State Militia called into
13 service or training or (2) in training or education under the
14 supervision of the United States before induction into the
15 military service, may have the license restored without paying
16 any lapsed renewal fees if within 2 years after honorable
17 termination of the service, training, or education he or she
18 furnishes the Department with satisfactory evidence to the
19 effect that he or she has been so engaged and that his or her
20 service, training, or education has been so terminated.

21 (Source: P.A. 91-580, eff. 1-1-00.)

22 (225 ILCS 125/75 new)

23 Sec. 75. Continuing education. The Department may adopt
24 rules of continuing education for licensees that require 30
25 hours of continuing education per 2 year license renewal cycle.

1 The rules shall address variances in part or in whole for good
2 cause, including without limitation temporary illness or
3 hardship. The Department may approve continuing education
4 programs offered, provided, and approved by the American Board
5 of Cardiovascular Perfusion, or its successor agency. The
6 Department may approve additional continuing education
7 sponsors. Each licensee is responsible for maintaining records
8 of his or her completion of the continuing education and shall
9 be prepared to produce the records when requested by the
10 Department.

11 (225 ILCS 125/90)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 90. Fees; deposit of fees and fines. ~~returned checks.~~

14 (a) The Department shall set by rule fees for the
15 administration of this Act, including, but not limited to, fees
16 for initial and renewal licensure and restoration of a license.
17 The fees shall be nonrefundable.

18 (b) All of the fees and fines collected under this Act
19 shall be deposited into the General Professions Dedicated Fund.
20 The monies deposited into the Fund shall be appropriated to the
21 Department for expenses of the Department in the administration
22 of this Act.

23 ~~(c) A person who delivers a check or other payment to the~~
24 ~~Department that is returned to the Department unpaid by the~~
25 ~~financial institution upon which it is drawn shall pay to the~~

~~Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application without a hearing. If the person seeks a license after termination or denial, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to defray the expenses of processing the application. The Director may waive the fines due under this Section in individual cases if the Director finds that the fines would be unreasonable or unnecessarily burdensome.~~

(Source: P.A. 91-580, eff. 1-1-00; 92-146, eff. 1-1-02.)

(225 ILCS 125/93 new)

Sec. 93. Returned checks; penalty for insufficient funds.
Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the

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

22 (225 ILCS 125/95)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 95. Roster. The Department shall maintain a roster of
25 the names and addresses of all licensees and of all persons

1 ~~that whose licenses~~ have been disciplined under this Act. This
2 roster shall be available upon ~~written~~ request and payment of
3 the required fee.

4 (Source: P.A. 91-580, eff. 1-1-00.)

5 (225 ILCS 125/100)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 100. Unlicensed practice; civil penalty. A person who
8 practices, offers to practice, attempts to practice, or holds
9 himself or herself out to practice as a licensed perfusionist
10 without being licensed under this Act shall, in addition to any
11 other penalty provided by law, pay a civil penalty to the
12 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
13 offense as determined by the Department. The civil penalty
14 shall be assessed by the Department after a hearing is held in
15 accordance with the provisions set forth in this Act regarding
16 the provision of a hearing for the discipline of a licensee.

17 (Source: P.A. 91-580, eff. 1-1-00.)

18 (225 ILCS 125/105)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 105. Disciplinary actions. ~~Grounds for disciplinary~~
21 ~~action.~~

22 (a) The Department may refuse to issue, renew, or restore a
23 license, or may revoke or suspend a license, or may place on
24 probation, ~~censure,~~ reprimand, or take other disciplinary or

1 non-disciplinary action with regard to a person licensed under
2 this Act, including but not limited to the imposition of fines
3 not to exceed \$10,000 ~~\$5,000~~ for each violation, for ~~any~~ one or
4 any combination of the following causes:

5 (1) Making a material misstatement in furnishing
6 information to the Department.

7 (2) Violation ~~Violating a provision~~ of this Act or any
8 rule ~~its rules~~ promulgated under this Act.

9 (3) Conviction of, or entry of a plea of guilty or nolo
10 contendere to, any crime that is a felony under the laws of
11 the a United States or any state or territory thereof, or
12 any crime ~~jurisdiction of a crime~~ that is ~~a felony or a~~
13 misdemeanor of which, an essential element ~~of which~~ is
14 dishonesty, or any ~~of a~~ crime that is directly related to
15 the practice as a perfusionist.

16 (4) Making a misrepresentation for the purpose of
17 obtaining, renewing, or restoring a license.

18 (5) Aiding ~~Wilfully aiding~~ or assisting another person
19 in violating a provision of this Act or its rules.

20 (6) Failing to provide information within 60 days in
21 response to a written request made by the Department.

22 (7) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public, as defined by rule of the
25 Department.

26 (8) Discipline by another state, the District of

1 Columbia, or territory, ~~United States jurisdiction~~ or a
2 foreign nation, if at least one of the grounds for
3 discipline is the same or substantially equivalent to those
4 set forth in this Section.

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

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

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

16 (12) Wilfully making or signing a false statement,
17 certificate, or affidavit to induce payment.

18 (13) Wilfully failing to report an instance of
19 suspected child abuse or neglect as required under the
20 Abused and Neglected Child Reporting Act.

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

1 (15) Employment of fraud, deception, or any unlawful
2 means in applying for or securing a license as a
3 perfusionist.

4 (16) Allowing another person to use his or her license
5 to practice.

6 (17) Failure to report to the Department (A) any
7 adverse final action taken against the licensee by another
8 licensing jurisdiction, government agency, law enforcement
9 agency, or any court or (B) liability for conduct that
10 would constitute grounds for action as set forth in this
11 Section.

12 (18) Inability to practice the profession with
13 reasonable judgment, skill or safety as a result of a
14 physical illness, including but not limited to
15 deterioration through the aging process or loss of motor
16 skill, or a mental illness or disability. ~~Habitual~~
17 ~~intoxication or addiction to the use of drugs.~~

18 (19) Inability ~~Physical illness, including but not~~
19 ~~limited to deterioration through the aging process or loss~~
20 ~~of motor skills, which results in the inability to practice~~
21 the profession for which he or she is licensed with
22 reasonable judgment, skill, or safety as a result of
23 habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug.

25 (20) Gross malpractice ~~resulting in permanent injury~~
26 ~~or death of a patient.~~

1 (21) Immoral conduct in the commission of an act
2 related to the licensee's practice, including but not
3 limited to sexual abuse, sexual misconduct, or sexual
4 exploitation.

5 (22) Violation of the Health Care Worker Self-Referral
6 Act.

7 (23) Solicitation of business or professional
8 services, other than permitted advertising.

9 (24) Conviction of or cash compromise of a charge or
10 violation of the Illinois Controlled Substances Act.

11 (25) Gross, willful, or continued overcharging for
12 professional services, including filing false statements
13 for collection of fees for which services are not rendered.

14 (26) Practicing under a false name or, except as
15 allowed by law, an assumed name.

16 (27) Violating any provision of this Act or the rules
17 promulgated under this Act, including, but not limited to,
18 advertising.

19 (b) A licensee or applicant who, because of a physical or
20 mental illness or disability, including, but not limited to,
21 deterioration through the aging process or loss of motor skill,
22 is unable to practice the profession with reasonable judgment,
23 skill, or safety, may be required by the Department to submit
24 to care, counseling or treatment by physicians approved or
25 designated by the Department, as a condition, term, or
26 restriction for continued, reinstated, or renewed licensure to

1 practice. Submission to care, counseling or treatment as
2 required by the Department shall not be considered discipline
3 of the licensee. If the licensee refuses to enter into a care,
4 counseling or treatment agreement or fails to abide by the
5 terms of the agreement the Department may file a complaint to
6 suspend or revoke the license or otherwise discipline the
7 licensee. The Secretary may order the license suspended
8 immediately, pending a hearing by the Department. Fines shall
9 not be assessed in the disciplinary actions involving physical
10 or mental illness or impairment. ~~The Department may refuse to~~
11 ~~issue or may suspend the license of a person who fails to file~~
12 ~~a return, to pay the tax, penalty, or interest shown in a filed~~
13 ~~return, or to pay a final assessment of the tax, penalty, or~~
14 ~~interest as required by a tax Act administered by the~~
15 ~~Department of Revenue, until the requirements of the tax Act~~
16 ~~are satisfied.~~

17 (b-5) The Department may refuse to issue or may suspend,
18 without a hearing as provided for in the Civil Administrative
19 Code of Illinois, the license of a person who fails to file a
20 return, to pay the tax, penalty, or interest shown in a filed
21 return, or to pay any final assessment of tax, penalty, or
22 interest as required by any tax Act administered by the
23 Department of Revenue, until such time as the requirements of
24 the tax Act are satisfied in accordance with subsection (g) of
25 Section 15 of the Department of Professional Regulation Law of
26 the Civil Administrative Code of Illinois (20 ILCS

1 2105/2105-15).

2 (c) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission as
4 provided in the Mental Health and Developmental Disabilities
5 Code, as amended, operates as an automatic suspension. The
6 suspension will end only upon a finding by a court that the
7 licensee is no longer subject to the involuntary admission or
8 judicial admission and issues an order so finding and
9 discharging the licensee; and upon the recommendation of the
10 Board to the Secretary that the licensee be allowed to resume
11 his or her practice. ~~The determination by a circuit court that~~
12 ~~a licensee is subject to involuntary admission or judicial~~
13 ~~admission as provided in the Mental Health and Developmental~~
14 ~~Disabilities Code operates as an automatic suspension. The~~
15 ~~suspension will end only upon (1) a finding by a court that the~~
16 ~~patient is no longer subject to involuntary admission or~~
17 ~~judicial admission, (2) issuance of an order so finding and~~
18 ~~discharging the patient, and (3) the recommendation of the~~
19 ~~Disciplinary Board to the Director that the licensee be allowed~~
20 ~~to resume his or her practice.~~

21 (d) In enforcing this Section, the Department or Board,
22 upon a showing of a possible violation, may order a licensee or
23 applicant to submit to a mental or physical examination, or
24 both, at the expense of the Department. The Department or Board
25 may order the examining physician to present testimony
26 concerning his or her examination of the licensee or applicant.

1 No information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The licensee or applicant may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of a
8 licensee or applicant to submit to any such examination when
9 directed, without reasonable cause as defined by rule, shall be
10 grounds for either the immediate suspension of his or her
11 license or immediate denial of his or her application.

12 If the Secretary immediately suspends the license of a
13 licensee for his or her failure to submit to a mental or
14 physical examination when directed, a hearing must be convened
15 by the Department within 15 days after the suspension and
16 completed without appreciable delay.

17 If the Secretary otherwise suspends a license pursuant to
18 the results of the licensee's mental or physical examination, a
19 hearing must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department and Board shall have the authority to review the
22 licensee's record of treatment and counseling regarding the
23 relevant impairment or impairments to the extent permitted by
24 applicable federal statutes and regulations safeguarding the
25 confidentiality of medical records.

26 Any licensee suspended or otherwise affected under this

1 subsection (d) shall be afforded an opportunity to demonstrate
2 to the Department or Board that he or she can resume practice
3 in compliance with the acceptable and prevailing standards
4 under the provisions of his or her license.

5 (Source: P.A. 91-580, eff. 1-1-00.)

6 (225 ILCS 125/115)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 115. Injunctive action; cease ~~Cease~~ and desist order.

9 (a) If any person violates the provisions of this Act, the
10 Secretary, in the name of the People of the State of Illinois,
11 through the Attorney General or the State's Attorney of the
12 county in which the violation is alleged to have occurred, may
13 petition for an order enjoining the violation or for an order
14 enforcing compliance with this Act. Upon the filing of a
15 verified petition, the court with appropriate jurisdiction may
16 issue a temporary restraining order, without notice or bond,
17 and may preliminarily and permanently enjoin the violation. If
18 it is established that the person has violated or is violating
19 the injunction, the court may punish the offender for contempt
20 of court. Proceedings under this Section are in addition to,
21 and not in lieu of, all other remedies and penalties provided
22 by this Act.

23 (b) Whenever, in the opinion of the Department, a person
24 violates any provision of this Act, the Department may issue a
25 rule to show cause why an order to cease and desist should not

1 be entered against that person. The rule shall clearly set
2 forth the grounds relied upon the Department and shall allow at
3 least 7 days from the date of the rule to file an answer
4 satisfactory to the Department. Failure to answer to the
5 satisfaction of the Department shall cause an order to cease
6 and desist to be issued.

7 (c) If a person practices as a perfusionist or holds
8 himself or herself out as a perfusionist without being licensed
9 under this Act, then any licensee under this Act, interested
10 party, or person injured thereby, in addition to the Secretary
11 or State's Attorney, may petition for relief as provided in
12 subsection (a) of this Section.

13 ~~(a) If a person violates a provision of this Act, the~~
14 ~~Director, in the name of the People of the State of Illinois~~
15 ~~through the Attorney General of the State of Illinois, or the~~
16 ~~State's Attorney of a county in which the violation occurs, may~~
17 ~~petition for an order enjoining the violation or for an order~~
18 ~~enforcing compliance with this Act. Upon the filing of a~~
19 ~~verified petition in court, the court may issue a temporary~~
20 ~~restraining order without notice or bond and may preliminarily~~
21 ~~and permanently enjoin the violation. If it is established that~~
22 ~~the licensee has violated or is violating the injunction, the~~
23 ~~court may punish the offender for contempt of court.~~
24 ~~Proceedings under this Section shall be in addition to, and not~~
25 ~~in lieu of, all other remedies and penalties provided by this~~
26 ~~Act.~~

1 ~~(b) If a person practices as a perfusionist or holds~~
2 ~~himself or herself out as a perfusionist without being licensed~~
3 ~~under this Act, then any licensee under this Act, interested~~
4 ~~party, or person injured thereby, in addition to the Director~~
5 ~~or State's Attorney, may petition for relief as provided in~~
6 ~~subsection (a) of this Section.~~

7 ~~(c) If the Department determines that a person violated a~~
8 ~~provision of this Act, the Department may issue a rule to show~~
9 ~~cause why an order to cease and desist should not be entered~~
10 ~~against him or her. The rule shall clearly set forth the~~
11 ~~grounds relied upon by the Department and shall provide a~~
12 ~~period of 7 days from the date of the rule to file an answer to~~
13 ~~the satisfaction of the Department. Failure to answer to the~~
14 ~~satisfaction of the Department shall cause an order to cease~~
15 ~~and desist to be issued immediately.~~

16 (Source: P.A. 91-580, eff. 1-1-00.)

17 (225 ILCS 125/120)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 120. Investigation; notice; hearing. The Department
20 may ~~Licenses may be refused, revoked, suspended, or otherwise~~
21 ~~disciplined in the manner provided by this Act and not~~
22 ~~otherwise. The Department may upon its own motion and shall~~
23 ~~upon the verified complaint in writing of any person setting~~
24 ~~forth facts that if proven would constitute grounds for refusal~~
25 ~~to issue or for suspension or revocation under this Act,~~

1 investigate the actions of any applicant or any ~~a~~ person
2 ~~applying for,~~ holding~~,~~ or claiming to hold a perfusionist
3 license. The Department shall, before refusing to issue or
4 renew, suspending, or revoking a license or taking other
5 discipline pursuant to Section 105 of this Act, and at least 30
6 days prior to the date set for the hearing, (i) notify in
7 writing the applicant or licensee of any charges made and the
8 time and the place for the hearing on the charges, (ii) direct
9 him or her to file a written answer to the charges with the
10 Board under oath within 20 days after the service on him or her
11 of the notice, and, shall direct ~~afford~~ the applicant or
12 licensee ~~an opportunity to be heard in person or by counsel in~~
13 ~~reference to the charges, and direct the applicant or licensee~~
14 to file a written answer to the Department under oath within 20
15 days after the service on him or her of the notice and (iii)
16 inform the accused ~~applicant or licensee~~ that, if he or she
17 fails to ~~failure to file an answer,~~ will result in default will
18 be being taken against him or her or ~~the applicant or licensee~~
19 ~~and~~ that his or her ~~the~~ license may be suspended, revoked, or
20 placed on probationary status, or other disciplinary action may
21 be taken with regard to the licensee, including limiting the
22 scope, nature, or extent of practice, as the Department
23 ~~Director~~ may consider ~~deem~~ proper. At the time and place fixed
24 in the notice, the Board shall proceed to hear the charges, and
25 the parties or their counsel shall be accorded ample
26 opportunity to present any pertinent statements, testimony,

1 evidence, and arguments. The Board may continue the hearing
2 from time to time. In case ~~Written notice may be served by~~
3 ~~personal delivery to the applicant or licensee or by mailing~~
4 ~~the notice by certified mail to his or her last known place of~~
5 ~~residence or to the place of business last specified by the~~
6 ~~applicant or licensee in his or her last notification to the~~
7 ~~Department. If the person, after receiving the notice,~~ fails to
8 file an answer ~~after receiving notice,~~ his or her license may,
9 in the discretion of the Department, be suspended, revoked, or
10 placed on probationary status or the Department may take
11 whatever disciplinary action it considers ~~deemed~~ proper,
12 including limiting the scope, nature, or extent of the person's
13 practice or the imposition of a fine, without a hearing, if the
14 act or acts charged constitute sufficient grounds for such
15 action under this Act. The written notice may be served by
16 personal delivery or by certified mail to the address of record
17 or the address specified by the accused in his or her last
18 communication with the Department. ~~At the time and place fixed~~
19 ~~in the notice, the Department shall proceed to a hearing of the~~
20 ~~charges and both the applicant or licensee and the complainant~~
21 ~~shall be afforded ample opportunity to present, in person or by~~
22 ~~counsel, any statements, testimony, evidence, and arguments~~
23 ~~that may be pertinent to the charges or to their defense. The~~
24 ~~Department may continue a hearing from time to time. If the~~
25 ~~Board is not sitting at the time and place fixed in the notice~~
26 ~~or at the time and place to which the hearing shall have been~~

1 ~~continued, the Department may continue the hearing for a period~~
2 ~~not to exceed 30 days.~~

3 (Source: P.A. 91-580, eff. 1-1-00.)

4 (225 ILCS 125/135 new)

5 Sec. 135. Certification of record; costs. The Department
6 shall not be required to certify any record to the court, to
7 file an answer in court, or to otherwise appear in any court in
8 a judicial review proceeding unless there is filed in the
9 court, with the complaint, a receipt from the Department
10 acknowledging payment of the costs of furnishing and certifying
11 the record, which costs shall be determined by the Department.
12 The court may dismiss the action if the plaintiff fails to file
13 such receipt.

14 (225 ILCS 125/140)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 140. Subpoena; oaths. The Department has the power to
17 subpoena documents, books, records or other materials and to
18 bring before it any person ~~in this State~~ and to take testimony
19 either orally or by deposition, with the same fees and mileage
20 and in the same manner as is prescribed ~~by law in judicial~~
21 ~~proceedings~~ in civil cases in circuit courts of this State. The
22 Secretary, the designated hearing officer, and any Board member
23 has the power to administer oaths to witnesses at any hearing
24 that the Department is authorized to conduct, and any other

1 oaths authorized in any Act administered by the Department. ~~The~~
2 ~~Director and any Disciplinary Board member designated by the~~
3 ~~Director shall each have the authority to administer, at any~~
4 ~~hearing that the Department is authorized to conduct under this~~
5 ~~Act, oaths to witnesses and any other oaths authorized to be~~
6 ~~administered by the Department under this Act.~~

7 (Source: P.A. 91-580, eff. 1-1-00.)

8 (225 ILCS 125/142 new)

9 Sec. 142. Compelling testimony. Any circuit court, upon
10 application of the Department or designated hearing officer may
11 enter an order requiring the attendance of witnesses and their
12 testimony, and the production of documents, papers, files,
13 books, and records in connection with any hearing or
14 investigation. The court may compel obedience to its order by
15 proceedings for contempt.

16 (225 ILCS 125/145)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 145. Findings of fact and recommendations. At the
19 conclusion of the hearing, the Board shall present to the
20 Secretary ~~Director~~ a written report of its findings of fact,
21 conclusions of law, and recommendations. The ~~In the~~ report, ~~the~~
22 ~~Board~~ shall contain ~~make~~ a finding of whether or not the
23 accused person ~~charged licensee or applicant~~ violated ~~a~~
24 ~~provision of~~ this Act or its rules. The Board ~~and~~ shall specify

1 the ~~the~~ nature of any violations ~~the violation~~ or failure to
2 comply and shall make its recommendations to the Secretary. In
3 making its recommendations for disciplinary action ~~discipline~~,
4 the Board may take into consideration all facts and
5 circumstances bearing upon the reasonableness of the conduct of
6 the accused ~~respondent~~ and the potential for future harm to the
7 public, including but not limited to previous discipline of
8 that respondent by the Department, intent, degree of harm to
9 the public and likelihood of harm in the future, any
10 restitution made, and whether the incident or incidents
11 complained of appear to be isolated or a pattern of conduct. In
12 making its recommendations for discipline, the Board shall seek
13 to ensure that the severity of the discipline recommended bears
14 some reasonable relationship to the severity of the violation.

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

26 (Source: P.A. 91-580, eff. 1-1-00.)

1 (225 ILCS 125/150)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 150. Board ~~Service of report~~; rehearing. At the
4 conclusion of the hearing, a copy of the Board's report shall
5 be served upon the applicant or licensee by the Department,
6 either personally or as provided in this act for the service of
7 a notice of hearing. ~~In a case involving the refusal to issue~~
8 ~~or renew a license or the discipline of a licensee, a copy of~~
9 ~~the Board's report shall be served upon the respondent by the~~
10 ~~Department, either personally or as provided under Section 120~~
11 ~~of this Act for the service of the notice of hearing.~~ Within 20
12 days after the service, the applicant or licensee ~~respondent~~
13 may present to the Department a motion in writing for a
14 rehearing, which shall specify the particular grounds for a
15 rehearing. The Department may respond to the motion for
16 rehearing within 20 days after its service on the Department.
17 If no motion for rehearing is filed, then upon the expiration
18 of the specified time ~~time specified~~ for filing such a ~~the~~
19 motion, or if a motion for rehearing is denied, then upon the
20 denial the Secretary ~~Director~~ may enter an order in accordance
21 with recommendations of the Board, except as provided in
22 Section 160 ~~or 165~~ of this Act. If the applicant or licensee
23 ~~respondent~~ orders a transcript of the record from the reporting
24 service and pays for the transcript of the record within the
25 time for filing a motion for rehearing, the 20-day period

1 within which such a motion may be filed shall commence upon the
2 delivery of the transcript to the applicant or licensee
3 ~~respondent~~.

4 (Source: P.A. 91-580, eff. 1-1-00.)

5 (225 ILCS 125/155 new)

6 Sec. 155. Secretary; rehearing. Whenever the Secretary
7 believes that substantial justice has not been done in the
8 revocation or suspension of a license, or refusal to issue,
9 restore, or renew a license, or other discipline of an
10 applicant or licensee, the Secretary may order a rehearing by
11 the same or another examiner.

12 (225 ILCS 125/170)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 170. Hearing officer. The Secretary ~~Notwithstanding~~
15 ~~the provisions of Section 120 of this Act, the Director~~ shall
16 have the authority to appoint an attorney licensed to practice
17 law in this State to serve as the hearing officer in any action
18 for refusal to issue, restore, or renew a license or to
19 discipline a licensee ~~a hearing authorized under Section 120 of~~
20 ~~this Act. The Director shall notify the Board of an~~
21 ~~appointment.~~ The hearing officer shall have full authority to
22 conduct the hearing. A Board member or members may attend the
23 hearing ~~The Board has the right to have at least one member~~
24 ~~present at a hearing conducted by a hearing officer appointed~~

1 ~~under this Section.~~ The hearing officer shall report his or her
2 findings of fact, conclusions of law, and recommendations to
3 the Board ~~and the Director.~~ The Board shall have 60 days from
4 receipt of the report to review the report of the hearing
5 officer and to present its findings of fact, conclusions of
6 law, and recommendations to the Secretary and to all parties to
7 the proceeding ~~Director.~~ If the Board fails to present its
8 report within the 60-day period, the respondent may request in
9 writing a direct appeal to the Secretary, in which case the
10 Secretary shall, within 7 calendar days after such request,
11 issue an order directing the Board to issue its findings of
12 fact, conclusions of law, and recommendations to the Secretary
13 within 30 calendar days of such order. If the Board fails to
14 issue its findings of fact, conclusions of law, and
15 recommendations within that time frame to the Secretary after
16 the entry of such order, the Secretary shall, within 30
17 calendar days thereafter, issue an order based upon the report
18 of the hearing officer and the record of the proceedings in
19 accordance with such order. If (i) a direct appeal is
20 requested, (ii) the Board fails to issue its findings of fact,
21 conclusions of law, and recommendations within its 30-day
22 mandate from the Secretary or the Secretary fails to order the
23 Board to do so, and (iii) the Secretary fails to issue an order
24 within 30 calendar days thereafter, then the hearing officer's
25 report is deemed accepted and a final decision of the
26 Secretary. Notwithstanding the foregoing, should the

1 Secretary, upon review, determine that substantial justice has
2 not been done in the revocation, suspension, or refusal to
3 issue or renew a license, or other disciplinary action taken
4 per the result of the entry of such hearing officer's report,
5 the Secretary may order a rehearing by the same or another
6 examiner. ~~the Director shall issue an order based on the report~~
7 ~~of the hearing officer.~~ If the Secretary ~~Director~~ disagrees ~~in~~
8 ~~any regard~~ with the recommendation ~~report~~ of the Board or
9 hearing officer, he or she may issue an order in contravention
10 of the recommendation ~~report~~. ~~The Director shall provide a~~
11 ~~written explanation to the Board on a deviation from the~~
12 ~~Board's report and shall specify with particularity the reasons~~
13 ~~for his or her deviation in the final order.~~

14 (Source: P.A. 91-580, eff. 1-1-00.)

15 (225 ILCS 125/180)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 180. Order or certified copy; prima facie proof. An
18 order or a certified copy of an order, over the seal of the
19 Department and purporting to be signed by the Secretary
20 ~~Director~~, shall be prima facie proof that:

21 (1) the signature is the genuine signature of the
22 Secretary ~~Director~~;

23 (2) the Secretary ~~Director~~ is duly appointed and
24 qualified; and

25 (3) the Board and its members are qualified to act.

1 (Source: P.A. 91-580, eff. 1-1-00.)

2 (225 ILCS 125/185)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 185. Restoration of a suspended or revoked license. At
5 any time after the successful completion of a term of
6 suspension or revocation of a license, the Department may
7 restore it to the licensee upon written recommendation of the
8 Board unless, after an investigation and a hearing, the Board
9 ~~Department~~ determines that restoration is not in the public
10 interest. Where circumstances of suspension or revocation so
11 indicate, or on the recommendation of the Board, the Department
12 may require an examination of the licensee before restoring his
13 or her license.

14 (Source: P.A. 91-580, eff. 1-1-00.)

15 (225 ILCS 125/200)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 200. Summary ~~Temporary~~ suspension of a license. The
18 Secretary ~~Director~~ may summarily ~~temporarily~~ suspend the
19 license of a perfusionist without a hearing, simultaneously
20 with the institution of proceedings for a hearing provided for
21 in Section 120 of this Act, if the Secretary ~~Director~~ finds
22 that evidence in the Secretary's ~~his or her~~ possession
23 indicates that continuation in practice would constitute an
24 imminent danger to the public. In the event ~~If~~ the Secretary

1 ~~Director temporarily~~ suspends a license of a licensed
2 perfusionist without a hearing, a hearing must be commenced by
3 ~~the Department shall be held~~ within 30 days after the
4 suspension has occurred and shall be concluded as expeditiously
5 as may be practical ~~without appreciable delay.~~

6 (Source: P.A. 91-580, eff. 1-1-00.)

7 (225 ILCS 125/212 new)

8 Sec. 212. Violations. Any person who violates any provision
9 of this Act shall be guilty of a Class A misdemeanor for a
10 first offense and a Class 4 felony for each subsequent offense.

11 (225 ILCS 125/220)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 220. Unlicensed practice; civil penalties.

14 (a) No person shall practice, offer to practice, attempt to
15 practice, or hold himself or herself out to practice as a
16 perfusionist without a license issued by the Department to that
17 person under this Act.

18 (b) In addition to any other penalty provided by law, a
19 person who violates subsection (a) of this Section shall pay a
20 civil penalty to the Department in an amount not to exceed
21 \$10,000 ~~\$5,000~~ for each offense as determined by the
22 Department. The civil penalty shall be assessed by the
23 Department after a hearing is held in accordance with the
24 provisions of ~~set forth in~~ this Act ~~regarding a hearing for the~~

1 ~~discipline of a licensee.~~

2 (c) The Department has the authority and power to
3 investigate any and all unlicensed activity.

4 (d) The civil penalty assessed under this Act shall be paid
5 within 60 days after the effective date of the order imposing
6 the civil penalty. The order shall constitute a judgment and
7 may be filed and execution had thereon ~~on the judgment~~ in the
8 same manner as a judgment from a court of record.

9 (e) All moneys collected under this Section shall be
10 deposited into the General Professions Dedicated Fund.

11 (Source: P.A. 91-580, eff. 1-1-00.)

12 (225 ILCS 125/227 new)

13 Sec. 227. Consent Order. At any point in the proceedings as
14 provided in Sections 85 through 130 and Section 150, both
15 parties may agree to a negotiated consent order. The consent
16 order shall be final upon signature of the Secretary.

17 (225 ILCS 125/230)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 230. Home rule powers. The regulation and licensing of
20 perfusionists are exclusive powers and functions of the State.
21 A home rule unit shall not regulate or license perfusionists.
22 This Section is a denial and limitation under subsection (h) of
23 Section 6 of Article VII of the Illinois Constitution.

24 (Source: P.A. 91-580, eff. 1-1-00.)

1 (225 ILCS 84/56 rep.)

2 (225 ILCS 84/65 rep.)

3 Section 20. The Orthotics, Prosthetics, and Pedorthics
4 Practice Act is amended by repealing Sections 56 and 65.

5 (225 ILCS 125/20 rep.)

6 (225 ILCS 125/42 rep.)

7 (225 ILCS 125/110 rep.)

8 (225 ILCS 125/130 rep.)

9 (225 ILCS 125/160 rep.)

10 (225 ILCS 125/175 rep.)

11 (225 ILCS 125/205 rep.)

12 Section 25. The Perfusionist Practice Act is amended by
13 repealing Sections 20, 42, 110, 130, 160, 175, and 205.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".