



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2635

Introduced 1/21/2010, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

See Index

Amends several Acts that regulate the medical and healthcare professions. In a provision in those Acts concerning fee-splitting or directly or indirectly giving to or receiving from certain persons or entities any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered, provides that the provision does not prohibit contractual or employment arrangements with health care professionals or providers, such as physicians, physician practices, hospitals, long-term care facilities, clinics, or other entities, except as otherwise prohibited by law. Provides that contractual and employment arrangements with health care professionals or providers may include arrangements for compensation, use of space, staff, equipment, health insurance, pension, or other benefits for the provision of services within the scope of the licensee's practice under that specific Act. Amends the Medical Practice Act. Provides that nothing in the Act prohibits physicians, physician practices, or entities authorized by law to employ physicians from also employing other licensed health care workers and other persons. Effective immediately.

LRB096 18443 ASK 33821 b

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Athletic Trainers Practice Act is  
5 amended by changing Section 16 as follows:

6 (225 ILCS 5/16) (from Ch. 111, par. 7616)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 16. Refusal to issue, suspension, or revocation of  
9 license. The Department may refuse to issue or renew, or may  
10 revoke, suspend, place on probation, reprimand, or take other  
11 disciplinary action as the Department may deem proper,  
12 including fines not to exceed \$5,000 for each violation, with  
13 regard to any licensee for any one or combination of the  
14 following:

15 (A) Material misstatement in furnishing information to  
16 the Department;

17 (B) Negligent or intentional disregard of this Act, or  
18 of the rules or regulations promulgated hereunder;

19 (C) Conviction of any crime under the laws of the  
20 United States or any state or territory thereof that is (i)  
21 a felony, (ii) a misdemeanor, an essential element of which  
22 is dishonesty, or (iii) of any crime that is directly  
23 related to the practice of the profession;

1 (D) Making any misrepresentation for the purpose of  
2 obtaining registration, or violating any provision of this  
3 Act;

4 (E) Professional incompetence;

5 (F) Malpractice;

6 (G) Aiding or assisting another person in violating any  
7 provision of this Act or rules;

8 (H) Failing, within 60 days, to provide information in  
9 response to a written request made by the Department;

10 (I) Engaging in dishonorable, unethical, or  
11 unprofessional conduct of a character likely to deceive,  
12 defraud or harm the public;

13 (J) Habitual intoxication or addiction to the use of  
14 drugs;

15 (K) Discipline by another state, District of Columbia,  
16 territory, or foreign nation, if at least one of the  
17 grounds for the discipline is the same or substantially  
18 equivalent to those set forth herein;

19 (L) Directly or indirectly giving to or receiving from  
20 any person, firm, corporation, partnership, or association  
21 any fee, commission, rebate, or other form of compensation  
22 for any professional services not actually or personally  
23 rendered. Nothing in this subparagraph (L) prohibits  
24 contractual or employment arrangements with health care  
25 professionals or providers, such as physicians, physician  
26 practices, hospitals, long-term care facilities, clinics,

1 or other entities, except as otherwise prohibited by law.  
2 Contractual and employment arrangements with health care  
3 professionals or providers may include arrangements for  
4 compensation, use of space, staff, equipment, health  
5 insurance, pension, or other benefits for the provision of  
6 services within the scope of the licensee's practice under  
7 this Act;

8 (M) A finding that the licensee after having his or her  
9 license placed on probationary status has violated the  
10 terms of probation;

11 (N) Abandonment of an athlete;

12 (O) Willfully making or filing false records or reports  
13 in his or her practice, including but not limited to false  
14 records filed with State agencies or departments;

15 (P) Willfully failing to report an instance of  
16 suspected child abuse or neglect as required by the Abused  
17 and Neglected Child Reporting Act;

18 (Q) Physical illness, including but not limited to  
19 deterioration through the aging process, or loss of motor  
20 skill that results in the inability to practice the  
21 profession with reasonable judgment, skill, or safety;

22 (R) Solicitation of professional services other than  
23 by permitted institutional policy;

24 (S) The use of any words, abbreviations, figures or  
25 letters with the intention of indicating practice as an  
26 athletic trainer without a valid license as an athletic

1 trainer under this Act;

2 (T) The evaluation or treatment of ailments of human  
3 beings other than by the practice of athletic training as  
4 defined in this Act or the treatment of injuries of  
5 athletes by a licensed athletic trainer except by the  
6 referral of a physician, podiatrist, or dentist;

7 (U) Willfully violating or knowingly assisting in the  
8 violation of any law of this State relating to the use of  
9 habit-forming drugs;

10 (V) Willfully violating or knowingly assisting in the  
11 violation of any law of this State relating to the practice  
12 of abortion;

13 (W) Continued practice by a person knowingly having an  
14 infectious communicable or contagious disease;

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

21 (Y) Failure to file a return, or to pay the tax,  
22 penalty, or interest shown in a filed return, or to pay any  
23 final assessment of tax, penalty, or interest, as required  
24 by any tax Act administered by the Illinois Department of  
25 Revenue, until such time as the requirements of any such  
26 tax Act are satisfied; or

1           (Z) Failure to fulfill continuing education  
2 requirements as prescribed in Section 10 of this Act.

3           The determination by a circuit court that a licensee is  
4 subject to involuntary admission or judicial admission as  
5 provided in the Mental Health and Developmental Disabilities  
6 Code operates as an automatic suspension. Such suspension will  
7 end only upon a finding by a court that the athletic trainer is  
8 no longer subject to involuntary admission or judicial  
9 admission and issues an order so finding and discharging the  
10 athlete; and upon the recommendation of the Board to the  
11 Director that the licensee be allowed to resume his or her  
12 practice.

13 (Source: P.A. 94-246, eff. 1-1-06.)

14           Section 10. The Clinical Psychologist Licensing Act is  
15 amended by changing Section 15 as follows:

16           (225 ILCS 15/15) (from Ch. 111, par. 5365)

17           (Section scheduled to be repealed on January 1, 2017)

18           Sec. 15. Disciplinary action; grounds. The Department may  
19 refuse to issue, refuse to renew, suspend, or revoke any  
20 license, or may place on probation, censure, reprimand, or take  
21 other disciplinary action deemed appropriate by the  
22 Department, including the imposition of fines not to exceed  
23 \$10,000 for each violation, with regard to any license issued  
24 under the provisions of this Act for any one or a combination

1 of the following reasons:

2 (1) Conviction of, or entry of a plea of guilty or nolo  
3 contendere to, any crime that is a felony under the laws of  
4 the United States or any state or territory thereof or that  
5 is a misdemeanor of which an essential element is  
6 dishonesty, or any crime that is directly related to the  
7 practice of the profession.

8 (2) Gross negligence in the rendering of clinical  
9 psychological services.

10 (3) Using fraud or making any misrepresentation in  
11 applying for a license or in passing the examination  
12 provided for in this Act.

13 (4) Aiding or abetting or conspiring to aid or abet a  
14 person, not a clinical psychologist licensed under this  
15 Act, in representing himself or herself as so licensed or  
16 in applying for a license under this Act.

17 (5) Violation of any provision of this Act or the rules  
18 promulgated thereunder.

19 (6) Professional connection or association with any  
20 person, firm, association, partnership or corporation  
21 holding himself, herself, themselves, or itself out in any  
22 manner contrary to this Act.

23 (7) Unethical, unauthorized or unprofessional conduct  
24 as defined by rule. In establishing those rules, the  
25 Department shall consider, though is not bound by, the  
26 ethical standards for psychologists promulgated by

1 recognized national psychology associations.

2 (8) Aiding or assisting another person in violating any  
3 provisions of this Act or the rules promulgated thereunder.

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

6 (10) Habitual or excessive use or addiction to alcohol,  
7 narcotics, stimulants, or any other chemical agent or drug  
8 that results in a clinical psychologist's inability to  
9 practice with reasonable judgment, skill or safety.

10 (11) Discipline by another state, territory, the  
11 District of Columbia or foreign country, if at least one of  
12 the grounds for the discipline is the same or substantially  
13 equivalent to those set forth herein.

14 (12) Directly or indirectly giving or receiving from  
15 any person, firm, corporation, association or partnership  
16 any fee, commission, rebate, or other form of compensation  
17 for any professional service not actually or personally  
18 rendered. Nothing in this paragraph (12) prohibits  
19 contractual or employment arrangements with health care  
20 professionals or providers, such as physicians, physician  
21 practices, hospitals, long-term care facilities, clinics,  
22 or other entities, except as otherwise prohibited by law.  
23 Contractual and employment arrangements with health care  
24 professionals or providers may include arrangements for  
25 compensation, use of space, staff, equipment, health  
26 insurance, pension, or other benefits for the provision of



1 services within the scope of the licensee's practice under  
2 this Act.

3 (13) A finding by the Board that the licensee, after  
4 having his or her license placed on probationary status has  
5 violated the terms of probation.

6 (14) Willfully making or filing false records or  
7 reports, including but not limited to, false records or  
8 reports filed with State agencies or departments.

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

13 (16) Willfully failing to report an instance of  
14 suspected child abuse or neglect as required by the Abused  
15 and Neglected Child Reporting Act.

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

23 (18) Violation of the Health Care Worker Self-Referral  
24 Act.

25 (19) Making a material misstatement in furnishing  
26 information to the Department, any other State or federal

1 agency, or any other entity.

2 (20) Failing to report to the Department any adverse  
3 judgment, settlement, or award arising from a liability  
4 claim related to an act or conduct similar to an act or  
5 conduct that would constitute grounds for action as set  
6 forth in this Section.

7 (21) Failing to report to the Department any adverse  
8 final action taken against a licensee or applicant by  
9 another licensing jurisdiction, including any other state  
10 or territory of the United States or any foreign state or  
11 country, or any peer review body, health care institution,  
12 professional society or association related to the  
13 profession, governmental agency, law enforcement agency,  
14 or court for an act or conduct similar to an act or conduct  
15 that would constitute grounds for disciplinary action as  
16 set forth in this Section.

17 The entry of an order by any circuit court establishing  
18 that any person holding a license under this Act is subject to  
19 involuntary admission or judicial admission as provided for in  
20 the Mental Health and Developmental Disabilities Code,  
21 operates as an automatic suspension of that license. That  
22 person may have his or her license restored only upon the  
23 determination by a circuit court that the patient is no longer  
24 subject to involuntary admission or judicial admission and the  
25 issuance of an order so finding and discharging the patient and  
26 upon the Board's recommendation to the Department that the

1 license be restored. Where the circumstances so indicate, the  
2 Board may recommend to the Department that it require an  
3 examination prior to restoring any license so automatically  
4 suspended.

5 The Department may refuse to issue or may suspend the  
6 license of any person who fails to file a return, or to pay the  
7 tax, penalty or interest shown in a filed return, or to pay any  
8 final assessment of the tax penalty or interest, as required by  
9 any tax Act administered by the Illinois Department of Revenue,  
10 until such time as the requirements of any such tax Act are  
11 satisfied.

12 In enforcing this Section, the Board upon a showing of a  
13 possible violation may compel any person licensed to practice  
14 under this Act, or who has applied for licensure or  
15 certification pursuant to this Act, to submit to a mental or  
16 physical examination, or both, as required by and at the  
17 expense of the Department. The examining physicians or clinical  
18 psychologists shall be those specifically designated by the  
19 Board. The Board or the Department may order the examining  
20 physician or clinical psychologist to present testimony  
21 concerning this mental or physical examination of the licensee  
22 or applicant. No information shall be excluded by reason of any  
23 common law or statutory privilege relating to communications  
24 between the licensee or applicant and the examining physician  
25 or clinical psychologist. The person to be examined may have,  
26 at his or her own expense, another physician or clinical

1 psychologist of his or her choice present during all aspects of  
2 the examination. Failure of any person to submit to a mental or  
3 physical examination, when directed, shall be grounds for  
4 suspension of a license until the person submits to the  
5 examination if the Board finds, after notice and hearing, that  
6 the refusal to submit to the examination was without reasonable  
7 cause.

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

24 In instances in which the Secretary immediately suspends a  
25 person's license under this Section, a hearing on that person's  
26 license must be convened by the Board within 15 days after the

1 suspension and completed without appreciable delay. The Board  
2 shall have the authority to review the subject person's record  
3 of treatment and counseling regarding the impairment, to the  
4 extent permitted by applicable federal statutes and  
5 regulations safeguarding the confidentiality of medical  
6 records.

7 A person licensed under this Act and affected under this  
8 Section shall be afforded an opportunity to demonstrate to the  
9 Board that he or she can resume practice in compliance with  
10 acceptable and prevailing standards under the provisions of his  
11 or her license.

12 (Source: P.A. 94-870, eff. 6-16-06.)

13 Section 15. The Clinical Social Work and Social Work  
14 Practice Act is amended by changing Section 19 as follows:

15 (225 ILCS 20/19) (from Ch. 111, par. 6369)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 19. Grounds for disciplinary action.

18 (1) The Department may refuse to issue, refuse to renew,  
19 suspend, or revoke any license, or may place on probation,  
20 censure, reprimand, or take other disciplinary or  
21 non-disciplinary action deemed appropriate by the Department,  
22 including the imposition of fines not to exceed \$10,000 for  
23 each violation, with regard to any license issued under the  
24 provisions of this Act for any one or a combination of the

1 following reasons:

2 (a) material misstatements of fact in furnishing  
3 information to the Department or to any other State agency  
4 or in furnishing information to any insurance company with  
5 respect to a claim on behalf of a licensee or a patient;

6 (b) violations or negligent or intentional disregard  
7 of this Act, or any of the rules promulgated hereunder;

8 (c) conviction of or entry of a plea of guilty or nolo  
9 contendere to any crime that is a felony under the laws of  
10 the United States or any state or territory thereof or that  
11 is a misdemeanor, of which an essential element is  
12 dishonesty, or any crime that is directly related to the  
13 practice of the clinical social work or social work  
14 professions;

15 (d) making any misrepresentation for the purpose of  
16 obtaining licenses, or violating any provision of this Act  
17 or any of the rules promulgated hereunder;

18 (e) professional incompetence;

19 (f) malpractice;

20 (g) aiding or assisting another person in violating any  
21 provision or this Act or any rules;

22 (h) failing to provide information within 30 days in  
23 response to a written request made by the Department;

24 (i) engaging in dishonorable, unethical or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud or harm the public as defined by the rules of the

1 Department, or violating the rules of professional conduct  
2 adopted by the Board and published by the Department;

3 (j) habitual or excessive use or addiction to alcohol,  
4 narcotics, stimulants, or any other chemical agent or drug  
5 that results in a clinical social worker's or social  
6 worker's inability to practice with reasonable judgment,  
7 skill, or safety;

8 (k) discipline by another jurisdiction, if at least one  
9 of the grounds for the discipline is the same or  
10 substantially equivalent to those set forth in this  
11 Section;

12 (l) directly or indirectly giving to or receiving from  
13 any person, firm, corporation, partnership, or association  
14 any fee, commission, rebate or other form of compensation  
15 for any professional service not actually rendered.  
16 Nothing in this paragraph (l) prohibits contractual or  
17 employment arrangements with health care professionals or  
18 providers, such as physicians, physician practices,  
19 hospitals, long-term care facilities, clinics, or other  
20 entities, except as otherwise prohibited by law.  
21 Contractual and employment arrangements with health care  
22 professionals or providers may include arrangements for  
23 compensation, use of space, staff, equipment, health  
24 insurance, pension, or other benefits for the provision of  
25 services within the scope of the licensee's practice under  
26 this Act;

1 (m) a finding by the Board that the licensee, after  
2 having the license placed on probationary status, has  
3 violated the terms of probation;

4 (n) abandonment, without cause, of a client;

5 (o) wilfully filing false reports relating to a  
6 licensee's practice, including but not limited to false  
7 records filed with Federal or State agencies or  
8 departments;

9 (p) wilfully failing to report an instance of suspected  
10 child abuse or neglect as required by the Abused and  
11 Neglected Child Reporting Act;

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

19 (r) physical illness, mental illness, or any other  
20 impairment or disability, including, but not limited to,  
21 deterioration through the aging process, or loss of motor  
22 skills that results in the inability to practice the  
23 profession with reasonable judgment, skill or safety;

24 (s) solicitation of professional services by using  
25 false or misleading advertising; or

26 (t) violation of the Health Care Worker Self-Referral



1 Act.

2 (2) (Blank).

3 (3) The determination by a court that a licensee is subject  
4 to involuntary admission or judicial admission as provided in  
5 the Mental Health and Developmental Disabilities Code, will  
6 result in an automatic suspension of his license. Such  
7 suspension will end upon a finding by a court that the licensee  
8 is no longer subject to involuntary admission or judicial  
9 admission and issues an order so finding and discharging the  
10 patient, and upon the recommendation of the Board to the  
11 Secretary that the licensee be allowed to resume professional  
12 practice.

13 (4) The Department may refuse to issue or renew or may  
14 suspend the license of a person who (i) fails to file a return,  
15 pay the tax, penalty, or interest shown in a filed return, or  
16 pay any final assessment of tax, penalty, or interest, as  
17 required by any tax Act administered by the Department of  
18 Revenue, until the requirements of the tax Act are satisfied or  
19 (ii) has failed to pay any court-ordered child support as  
20 determined by a court order or by referral from the Department  
21 of Healthcare and Family Services.

22 (5) In enforcing this Section, the Board upon a showing of  
23 a possible violation may compel a person licensed to practice  
24 under this Act, or who has applied for licensure or  
25 certification pursuant to this Act, to submit to a mental or  
26 physical examination, or both, as required by and at the

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

16 If the Board finds a person unable to practice because of  
17 the reasons set forth in this Section, the Board may require  
18 that person to submit to care, counseling, or treatment by  
19 physicians approved or designated by the Board, as a condition,  
20 term, or restriction for continued, reinstated, or renewed  
21 licensure to practice; or, in lieu of care, counseling or  
22 treatment, the Board may recommend to the Department to file a  
23 complaint to immediately suspend, revoke or otherwise  
24 discipline the license of the person. Any person whose license  
25 was granted, continued, reinstated, renewed, disciplined or  
26 supervised subject to such terms, conditions or restrictions,

1 and who fails to comply with such terms, conditions, or  
2 restrictions, shall be referred to the Secretary for a  
3 determination as to whether the person shall have his or her  
4 license suspended immediately, pending a hearing by the Board.

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

14 A person licensed under this Act and affected under this  
15 Section shall be afforded an opportunity to demonstrate to the  
16 Board that he or she can resume practice in compliance with  
17 acceptable and prevailing standards under the provisions of his  
18 or her license.

19 (Source: P.A. 95-687, eff. 10-23-07.)

20 Section 20. The Illinois Dental Practice Act is amended by  
21 changing Section 23 as follows:

22 (225 ILCS 25/23) (from Ch. 111, par. 2323)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 23. Refusal, revocation or suspension of dental

1 licenses. The Department may refuse to issue or renew, or may  
2 revoke, suspend, place on probation, reprimand or take other  
3 disciplinary action as the Department may deem proper,  
4 including fines not to exceed \$10,000 per violation, with  
5 regard to any license for any one or any combination of the  
6 following causes:

7 1. Fraud in procuring the license.

8 2. Habitual intoxication or addiction to the use of  
9 drugs.

10 3. Willful or repeated violations of the rules of the  
11 Department of Public Health or Department of Nuclear  
12 Safety.

13 4. Acceptance of a fee for service as a witness,  
14 without the knowledge of the court, in addition to the fee  
15 allowed by the court.

16 5. Division of fees or agreeing to split or divide the  
17 fees received for dental services with any person for  
18 bringing or referring a patient, except in regard to  
19 referral services as provided for under Section 45, or  
20 assisting in the care or treatment of a patient, without  
21 the knowledge of the patient or his legal representative.

22 Nothing in this item 5 prohibits contractual or employment  
23 arrangements with health care professionals or providers,  
24 such as physicians, physician practices, hospitals,  
25 long-term care facilities, clinics, or other entities,  
26 except as otherwise prohibited by law. Contractual and

1       employment arrangements with health care professionals or  
2       providers may include arrangements for compensation, use  
3       of space, staff, equipment, health insurance, pension, or  
4       other benefits for the provision of services within the  
5       scope of the licensee's practice under this Act.

6           6. Employing, procuring, inducing, aiding or abetting  
7       a person not licensed or registered as a dentist to engage  
8       in the practice of dentistry. The person practiced upon is  
9       not an accomplice, employer, procurer, inducer, aider, or  
10      abetter within the meaning of this Act.

11          7. Making any misrepresentations or false promises,  
12      directly or indirectly, to influence, persuade or induce  
13      dental patronage.

14          8. Professional connection or association with or  
15      lending his name to another for the illegal practice of  
16      dentistry by another, or professional connection or  
17      association with any person, firm or corporation holding  
18      himself, herself, themselves, or itself out in any manner  
19      contrary to this Act.

20          9. Obtaining or seeking to obtain practice, money, or  
21      any other things of value by false or fraudulent  
22      representations, but not limited to, engaging in such  
23      fraudulent practice to defraud the medical assistance  
24      program of the Department of Healthcare and Family Services  
25      (formerly Department of Public Aid).

26          10. Practicing under a name other than his or her own.

1           11. Engaging in dishonorable, unethical, or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud, or harm the public.

4           12. Conviction in this or another State of any crime  
5 which is a felony under the laws of this State or  
6 conviction of a felony in a federal court, conviction of a  
7 misdemeanor, an essential element of which is dishonesty,  
8 or conviction of any crime which is directly related to the  
9 practice of dentistry or dental hygiene.

10          13. Permitting a dental hygienist, dental assistant or  
11 other person under his or her supervision to perform any  
12 operation not authorized by this Act.

13          14. Permitting more than 4 dental hygienists to be  
14 employed under his supervision at any one time.

15          15. A violation of any provision of this Act or any  
16 rules promulgated under this Act.

17          16. Taking impressions for or using the services of any  
18 person, firm or corporation violating this Act.

19          17. Violating any provision of Section 45 relating to  
20 advertising.

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

25          19. Willfully failing to report an instance of  
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 20. Gross or repeated malpractice resulting in injury  
3 or death of a patient.

4 21. The use or prescription for use of narcotics or  
5 controlled substances or designated products as listed in  
6 the Illinois Controlled Substances Act, in any way other  
7 than for therapeutic purposes.

8 22. Willfully making or filing false records or reports  
9 in his practice as a dentist, including, but not limited  
10 to, false records to support claims against the dental  
11 assistance program of the Department of Healthcare and  
12 Family Services (formerly Illinois Department of Public  
13 Aid).

14 23. Professional incompetence as manifested by poor  
15 standards of care.

16 24. Physical or mental illness, including, but not  
17 limited to, deterioration through the aging process, or  
18 loss of motor skills which results in a dentist's inability  
19 to practice dentistry with reasonable judgment, skill or  
20 safety. In enforcing this paragraph, the Department may  
21 compel a person licensed to practice under this Act to  
22 submit to a mental or physical examination pursuant to the  
23 terms and conditions of Section 23b.

24 25. Repeated irregularities in billing a third party  
25 for services rendered to a patient. For purposes of this  
26 paragraph 25, "irregularities in billing" shall include:

1 (a) Reporting excessive charges for the purpose of  
2 obtaining a total payment in excess of that usually  
3 received by the dentist for the services rendered.

4 (b) Reporting charges for services not rendered.

5 (c) Incorrectly reporting services rendered for  
6 the purpose of obtaining payment not earned.

7 26. Continuing the active practice of dentistry while  
8 knowingly having any infectious, communicable, or  
9 contagious disease proscribed by rule or regulation of the  
10 Department.

11 27. Being named as a perpetrator in an indicated report  
12 by the Department of Children and Family Services pursuant  
13 to the Abused and Neglected Child Reporting Act, and upon  
14 proof by clear and convincing evidence that the licensee  
15 has caused a child to be an abused child or neglected child  
16 as defined in the Abused and Neglected Child Reporting Act.

17 28. Violating the Health Care Worker Self-Referral  
18 Act.

19 29. Abandonment of a patient.

20 30. Mental incompetency as declared by a court of  
21 competent jurisdiction.

22 All proceedings to suspend, revoke, place on probationary  
23 status, or take any other disciplinary action as the Department  
24 may deem proper, with regard to a license on any of the  
25 foregoing grounds, must be commenced within 3 years after  
26 receipt by the Department of a complaint alleging the



1 commission of or notice of the conviction order for any of the  
2 acts described herein. Except for fraud in procuring a license,  
3 no action shall be commenced more than 5 years after the date  
4 of the incident or act alleged to have violated this Section.  
5 The time during which the holder of the license was outside the  
6 State of Illinois shall not be included within any period of  
7 time limiting the commencement of disciplinary action by the  
8 Department.

9 The Department may refuse to issue or may suspend the  
10 license of any person who fails to file a return, or to pay the  
11 tax, penalty or interest shown in a filed return, or to pay any  
12 final assessment of tax, penalty or interest, as required by  
13 any tax Act administered by the Illinois Department of Revenue,  
14 until such time as the requirements of any such tax Act are  
15 satisfied.

16 (Source: P.A. 94-1014, eff. 7-7-06.)

17 Section 25. The Dietetic and Nutrition Services Practice  
18 Act is amended by changing Section 95 as follows:

19 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 95. Grounds for discipline.

22 (1) The Department may refuse to issue or renew, or may  
23 revoke, suspend, place on probation, reprimand, or take other  
24 disciplinary action as the Department may deem proper,

1 including fines not to exceed \$1000 for each violation, with  
2 regard to any license or certificate for any one or combination  
3 of the following causes:

4 (a) Material misstatement in furnishing information to  
5 the Department.

6 (b) Violations of this Act or its rules.

7 (c) Conviction of any crime under the laws of the  
8 United States or any state or territory thereof that is (i)  
9 a felony; (ii) a misdemeanor, an essential element of which  
10 is dishonesty; or (iii) a crime that is directly related to  
11 the practice of the profession.

12 (d) Making any misrepresentation for the purpose of  
13 obtaining licensure or violating any provision of this Act.

14 (e) Professional incompetence or gross negligence.

15 (f) Malpractice.

16 (g) Aiding or assisting another person in violating any  
17 provision of this Act or its rules.

18 (h) Failing to provide information within 60 days in  
19 response to a written request made by the Department.

20 (i) Engaging in dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud, or harm the public.

23 (j) Habitual or excessive use or addiction to alcohol,  
24 narcotics, stimulants, or any other chemical agent or drug  
25 that results in the inability to practice with reasonable  
26 judgment, skill, or safety.

1           (k) Discipline by another state, territory, or country  
2 if at least one of the grounds for the discipline is the  
3 same or substantially equivalent to those set forth in this  
4 Act.

5           (l) Directly or indirectly giving to or receiving from  
6 any person, firm, corporation, partnership, or association  
7 any fee, commission, rebate, or other form of compensation  
8 for any professional services not actually or personally  
9 rendered. Nothing in this paragraph (l) prohibits  
10 contractual or employment arrangements with health care  
11 professionals or providers, such as physicians, physician  
12 practices, hospitals, long-term care facilities, clinics,  
13 or other entities, except as otherwise prohibited by law.  
14 Contractual and employment arrangements with health care  
15 professionals or providers may include arrangements for  
16 compensation, use of space, staff, equipment, health  
17 insurance, pension, or other benefits for the provision of  
18 services within the scope of the licensee's practice under  
19 this Act.

20           (m) A finding by the Department that the licensee,  
21 after having his or her license placed on probationary  
22 status, has violated the terms of probation.

23           (n) Conviction by any court of competent jurisdiction,  
24 either within or outside this State, of any violation of  
25 any law governing the practice of dietetics or nutrition  
26 counseling, if the Department determines, after

1 investigation, that the person has not been sufficiently  
2 rehabilitated to warrant the public trust.

3 (o) A finding that licensure has been applied for or  
4 obtained by fraudulent means.

5 (p) Practicing or attempting to practice under a name  
6 other than the full name as shown on the license or any  
7 other legally authorized name.

8 (q) Gross and willful overcharging for professional  
9 services including filing statements for collection of  
10 fees or monies for which services are not rendered.

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

17 (s) Willfully failing to report an instance of  
18 suspected child abuse or neglect as required by the Abused  
19 and Neglected Child Reporting Act.

20 (2) In enforcing this Section, the Board, upon a showing of  
21 a possible violation, may compel a licensee or applicant to  
22 submit to a mental or physical examination, or both, as  
23 required by and at the expense of the Department. The examining  
24 physician shall be specifically designated by the Board. The  
25 Board or the Department may order the examining physician to  
26 present testimony concerning the mental or physical

1 examination of a licensee or applicant. No information may be  
2 excluded by reason of any common law or statutory privilege  
3 relating to communications between a licensee or applicant and  
4 the examining physician. An individual to be examined may have,  
5 at his or her own expense, another physician of his or her  
6 choice present during all aspects of the examination. Failure  
7 of an individual to submit to a mental or physical examination,  
8 when directed, is grounds for suspension of his or her license.  
9 The license must remain suspended until the time that the  
10 individual submits to the examination or the Board finds, after  
11 notice and a hearing, that the refusal to submit to the  
12 examination was with reasonable cause. If the Board finds that  
13 an individual is unable to practice because of the reasons set  
14 forth in this Section, the Board must require the individual to  
15 submit to care, counseling, or treatment by a physician  
16 approved by the Board, as a condition, term, or restriction for  
17 continued, reinstated, or renewed licensure to practice. In  
18 lieu of care, counseling, or treatment, the Board may recommend  
19 that the Department file a complaint to immediately suspend or  
20 revoke the license of the individual or otherwise discipline  
21 him or her. Any individual whose license was granted,  
22 continued, reinstated, or renewed subject to conditions,  
23 terms, or restrictions, as provided for in this Section, or any  
24 individual who was disciplined or placed on supervision  
25 pursuant to this Section must be referred to the Director for a  
26 determination as to whether the individual shall have his or

1 her license suspended immediately, pending a hearing by the  
2 Board.

3 The Department shall deny any license or renewal under this  
4 Act to any person who has defaulted on an educational loan  
5 guaranteed by the Illinois Student Assistance Commission;  
6 however, the Department may issue a license or renewal if the  
7 person in default has established a satisfactory repayment  
8 record as determined by the Illinois Student Assistance  
9 Commission.

10 The determination by a circuit court that a registrant is  
11 subject to involuntary admission or judicial admission as  
12 provided in the Mental Health and Developmental Disabilities  
13 Code operates as an automatic suspension. This suspension will  
14 end only upon a finding by a court that the patient is no  
15 longer subject to involuntary admission or judicial admission,  
16 the issuance of an order so finding and discharging the  
17 patient, and the recommendation of the Board to the Director  
18 that the registrant be allowed to resume practice.

19 (Source: P.A. 92-642, eff. 10-31-03.)

20 Section 30. The Hearing Instrument Consumer Protection Act  
21 is amended by changing Section 18 as follows:

22 (225 ILCS 50/18) (from Ch. 111, par. 7418)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 18. Discipline by the Department. The Department may

1 refuse to issue or renew a license or it may revoke, suspend,  
2 place on probation, censure, fine, or reprimand a licensee for  
3 any of the following:

4 (a) Material misstatement in furnishing information to the  
5 Department or to any other State or federal agency.

6 (b) Violations of this Act, or the rules promulgated  
7 hereunder.

8 (c) Conviction of any crime under the laws of the United  
9 States or any state or territory thereof which is a felony or  
10 misdemeanor, an essential element of dishonesty, or of any  
11 crime which is directly related to the practice of the  
12 profession.

13 (d) Making any misrepresentation for the purpose of  
14 obtaining a license or renewing a license, including  
15 falsification of the continuing education requirement.

16 (e) Professional incompetence.

17 (f) Malpractice.

18 (g) Aiding or assisting another person in violating any  
19 provision of this Act or the rules promulgated hereunder.

20 (h) Failing, within 30 days, to provide in writing  
21 information in response to a written request made by the  
22 Department.

23 (i) Engaging in dishonorable, unethical or unprofessional  
24 conduct which is likely to deceive, defraud or harm the public.

25 (j) Knowingly employing, directly or indirectly, any  
26 suspended or unlicensed person to perform any services covered

1 by this Act.

2 (k) Habitual intoxication or addiction to the use of drugs.

3 (l) Discipline by another state, the District of Columbia,  
4 territory, or a foreign nation, if at least one of the grounds  
5 for the discipline is the same or substantially equivalent to  
6 those set forth herein.

7 (m) Directly or indirectly giving to or receiving from any  
8 person, firm, corporation, partnership, or association any  
9 fee, commission, rebate, or other form of compensation for any  
10 service not actually rendered. Nothing in this paragraph (m)  
11 prohibits contractual or employment arrangements with health  
12 care professionals or providers, such as physicians, physician  
13 practices, hospitals, long-term care facilities, clinics, or  
14 other entities, except as otherwise prohibited by law.  
15 Contractual and employment arrangements with health care  
16 professionals or providers may include arrangements for  
17 compensation, use of space, staff, equipment, health  
18 insurance, pension, or other benefits for the provision of  
19 services within the scope of the licensee's practice under this  
20 Act.

21 (n) A finding by the Board that the licensee, after having  
22 his or her license placed on probationary status has violated  
23 the terms or probation.

24 (o) Willfully making or filing false records or reports.

25 (p) Willfully failing to report an instance of suspected  
26 child abuse or neglect as required by the Abused and Neglected



1 Child Reporting Act.

2 (q) Physical illness, including but not limited to,  
3 deterioration through the aging process, or loss of motor skill  
4 which results in the inability to practice the profession with  
5 reasonable judgement, skill or safety.

6 (r) Solicitation of services or products by advertising  
7 that is false or misleading. An advertisement is false or  
8 misleading if it:

9 (1) contains an intentional misrepresentation of fact;

10 (2) contains a false statement as to the licensee's  
11 professional achievements, education, skills, or  
12 qualifications in the hearing instrument dispensing  
13 profession;

14 (3) makes a partial disclosure of a relevant fact,  
15 including:

16 (i) the advertisement of a discounted price of an  
17 item without identifying in the advertisement or at the  
18 location of the item either the specific product being  
19 offered at the discounted price or the usual price of  
20 the item; and

21 (ii) the advertisement of the price of a  
22 specifically identified hearing instrument if more  
23 than one hearing instrument appears in the same  
24 advertisement without an accompanying price;

25 (4) contains a representation that a product  
26 innovation is new when, in fact, the product was first

1           offered by the manufacturer to the general public in this  
2           State not less than 12 months before the date of the  
3           advertisement;

4           (5) contains any other representation, statement, or  
5           claim that is inherently misleading or deceptive; or

6           (6) contains information that the licensee  
7           manufactures hearing instruments at the licensee's office  
8           location unless the following statement includes a  
9           statement disclosing that the instruments are manufactured  
10          by a specified manufacturer and assembled by the licensee.

11          (s) Participating in subterfuge or misrepresentation in  
12          the fitting or servicing of a hearing instrument.

13          (t) (Blank).

14          (u) Representing that the service of a licensed physician  
15          or other health professional will be used or made available in  
16          the fitting, adjustment, maintenance, or repair of hearing  
17          instruments when that is not true, or using the words "doctor",  
18          "audiologist", "clinic", "Clinical Audiologist", "Certified  
19          Hearing Aid Audiologist", "State Licensed", "State Certified",  
20          "Hearing Care Professional", "Licensed Hearing Instrument  
21          Dispenser", "Licensed Hearing Aid Dispenser", "Board Certified  
22          Hearing Instrument Specialist", "Hearing Instrument  
23          Specialist", "Licensed Audiologist", or any other term,  
24          abbreviation or symbol which would give the impression that  
25          service is being provided by persons who are licensed or  
26          awarded a degree or title, or that the person's service who is

1 holding the license has been recommended by a governmental  
2 agency or health provider, when such is not the case.

3 (v) Advertising a manufacturer's product or using a  
4 manufacturer's name or trademark implying a relationship which  
5 does not exist.

6 (w) Directly or indirectly giving or offering anything of  
7 value to any person who advises another in a professional  
8 capacity, as an inducement to influence the purchase of a  
9 product sold or offered for sale by a hearing instrument  
10 dispenser or influencing persons to refrain from dealing in the  
11 products of competitors.

12 (x) Conducting business while suffering from a contagious  
13 disease.

14 (y) Engaging in the fitting or sale of hearing instruments  
15 under a name with fraudulent intent.

16 (z) Dispensing a hearing instrument to a person who has not  
17 been given tests utilizing appropriate established procedures  
18 and instrumentation in the fitting of hearing instruments,  
19 except where there is the replacement of a hearing instrument,  
20 of the same make and model within one year of the dispensing of  
21 the original hearing instrument.

22 (aa) Unavailability or unwillingness to adequately provide  
23 for service or repair of hearing instruments fitted and sold by  
24 the dispenser.

25 (bb) Violating the regulations of the Federal Food and Drug  
26 Administration or the Federal Trade Commission as they affect

1 hearing instruments.

2 (cc) Violating any provision of the Consumer Fraud and  
3 Deceptive Business Practices Act.

4 (dd) Violating the Health Care Worker Self-Referral Act.

5 The Department, with the approval of the Board, may impose a  
6 fine not to exceed \$1,000 plus costs for the first violation  
7 and not to exceed \$5,000 plus costs for each subsequent  
8 violation of this Act, and the rules promulgated hereunder, on  
9 any person or entity described in this Act. Such fine may be  
10 imposed as an alternative to any other disciplinary measure,  
11 except for probation. The imposition by the Department of a  
12 fine for any violation does not bar the violation from being  
13 alleged in subsequent disciplinary proceedings. Such fines  
14 shall be deposited in the Fund.

15 (Source: P.A. 89-72, eff. 12-31-95.)

16 Section 35. The Marriage and Family Therapy Licensing Act  
17 is amended by changing Section 85 as follows:

18 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 85. Refusal, revocation, or suspension.

21 (a) The Department may refuse to issue or renew, or may  
22 revoke a license, or may suspend, place on probation, fine, or  
23 take any disciplinary or non-disciplinary action as the  
24 Department may deem proper, including fines not to exceed

1 \$10,000 for each violation, with regard to any licensee for any  
2 one or combination of the following causes:

3 (1) Material misstatement in furnishing information to  
4 the Department.

5 (2) Violations of this Act or its rules.

6 (3) Conviction of or entry of a plea of guilty or nolo  
7 contendere to any crime that is a felony under the laws of  
8 the United States or any state or territory thereof or a  
9 misdemeanor of which an essential element is dishonesty or  
10 that is directly related to the practice of the profession.

11 (4) Making any misrepresentation for the purpose of  
12 obtaining a license or violating any provision of this Act  
13 or its rules.

14 (5) Professional incompetence.

15 (6) Gross negligence.

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

18 (8) Failing, within 30 days, to provide information in  
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud or harm the public as defined by the rules of the  
23 Department, or violating the rules of professional conduct  
24 adopted by the Board and published by the Department.

25 (10) Habitual or excessive use or addiction to alcohol,  
26 narcotics, stimulants, or any other chemical agent or drug

1 that results in the inability to practice with reasonable  
2 judgment, skill, or safety.

3 (11) Discipline by another state, territory, or  
4 country if at least one of the grounds for the discipline  
5 is the same or substantially equivalent to those set forth  
6 in this Act.

7 (12) Directly or indirectly giving to or receiving from  
8 any person, firm, corporation, partnership, or association  
9 any fee, commission, rebate, or other form of compensation  
10 for any professional services not actually or personally  
11 rendered. Nothing in this paragraph (12) prohibits  
12 contractual or employment arrangements with health care  
13 professionals or providers, such as physicians, physician  
14 practices, hospitals, long-term care facilities, clinics,  
15 or other entities, except as otherwise prohibited by law.  
16 Contractual and employment arrangements with health care  
17 professionals or providers may include arrangements for  
18 compensation, use of space, staff, equipment, health  
19 insurance, pension, or other benefits for the provision of  
20 services within the scope of the licensee's practice under  
21 this Act.

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

25 (14) Abandonment of a patient without cause.

26 (15) Willfully making or filing false records or

1 reports relating to a licensee's practice, including but  
2 not limited to false records filed with State agencies or  
3 departments.

4 (16) Wilfully failing to report an instance of  
5 suspected child abuse or neglect as required by the Abused  
6 and Neglected Child Reporting Act.

7 (17) Being named as a perpetrator in an indicated  
8 report by the Department of Children and Family Services  
9 under the Abused and Neglected Child Reporting Act and upon  
10 proof by clear and convincing evidence that the licensee  
11 has caused a child to be an abused child or neglected child  
12 as defined in the Abused and Neglected Child Reporting Act.

13 (18) Physical illness or mental illness or impairment,  
14 including, but not limited to, deterioration through the  
15 aging process or loss of motor skill that results in the  
16 inability to practice the profession with reasonable  
17 judgment, skill, or safety.

18 (19) Solicitation of professional services by using  
19 false or misleading advertising.

20 (20) A finding that licensure has been applied for or  
21 obtained by fraudulent means.

22 (21) Practicing or attempting to practice under a name  
23 other than the full name as shown on the license or any  
24 other legally authorized name.

25 (22) Gross overcharging for professional services  
26 including filing statements for collection of fees or

1 moneys for which services are not rendered.

2 (b) The Department shall deny any application for a license  
3 or renewal, without hearing, under this Act to any person who  
4 has defaulted on an educational loan guaranteed by the Illinois  
5 Student Assistance Commission; however, the Department may  
6 issue a license or renewal if the person in default has  
7 established a satisfactory repayment record as determined by  
8 the Illinois Student Assistance Commission.

9 (c) The determination by a circuit court that a licensee is  
10 subject to involuntary admission or judicial admission, as  
11 provided in the Mental Health and Developmental Disabilities  
12 Code, operates as an automatic suspension. The suspension will  
13 terminate only upon a finding by a court that the patient is no  
14 longer subject to involuntary admission or judicial admission  
15 and the issuance of an order so finding and discharging the  
16 patient, and upon the recommendation of the Board to the  
17 Secretary that the licensee be allowed to resume his or her  
18 practice as a licensed marriage and family therapist or an  
19 associate marriage and family therapist.

20 (d) The Department may refuse to issue or may suspend the  
21 license of any person who fails to file a return, pay the tax,  
22 penalty, or interest shown in a filed return or pay any final  
23 assessment of tax, penalty, or interest, as required by any tax  
24 Act administered by the Illinois Department of Revenue, until  
25 the time the requirements of the tax Act are satisfied.

26 (e) In enforcing this Section, the Department or Board upon



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

20 If the Department or Board finds an individual unable to  
21 practice because of the reasons set forth in this Section, the  
22 Department or Board may require that individual to submit to  
23 care, counseling, or treatment by physicians approved or  
24 designated by the Department or Board, as a condition, term, or  
25 restriction for continued, reinstated, or renewed licensure to  
26 practice; or, in lieu of care, counseling, or treatment, the

1 Department may file, or the Board may recommend to the  
2 Department to file, a complaint to immediately suspend, revoke,  
3 or otherwise discipline the license of the individual. An  
4 individual whose license was granted, continued, reinstated,  
5 renewed, disciplined or supervised subject to such terms,  
6 conditions, or restrictions, and who fails to comply with such  
7 terms, conditions, or restrictions, shall be referred to the  
8 Secretary for a determination as to whether the individual  
9 shall have his or her license suspended immediately, pending a  
10 hearing by the Department.

11 In instances in which the Secretary immediately suspends a  
12 person's license under this Section, a hearing on that person's  
13 license must be convened by the Department within 30 days after  
14 the suspension and completed without appreciable delay. The  
15 Department and Board shall have the authority to review the  
16 subject individual's record of treatment and counseling  
17 regarding the impairment to the extent permitted by applicable  
18 federal statutes and regulations safeguarding the  
19 confidentiality of medical records.

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

25 (Source: P.A. 95-703, eff. 12-31-07.)

1 Section 40. The Medical Practice Act of 1987 is amended by  
2 adding Section 22.3 as follows:

3 (225 ILCS 60/22.3 new)

4 Sec. 22.3. Employment of allied health care personnel.  
5 Nothing in this Act prohibits physicians, physician practices,  
6 or entities authorized by law to employ physicians from also  
7 employing other licensed health care workers and other persons.

8 Section 45. The Naprapathic Practice Act is amended by  
9 changing Section 110 as follows:

10 (225 ILCS 63/110)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 110. Grounds for disciplinary action; refusal,  
13 revocation, suspension.

14 (a) The Department may refuse to issue or to renew, or may  
15 revoke, suspend, place on probation, reprimand or take other  
16 disciplinary action as the Department may deem proper,  
17 including fines not to exceed \$5,000 for each violation, with  
18 regard to any licensee or license for any one or combination of  
19 the following causes:

20 (1) Violations of this Act or its rules.

21 (2) Material misstatement in furnishing information to  
22 the Department.

23 (3) Conviction of any crime under the laws of any U.S.

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

4 (4) Making any misrepresentation for the purpose of  
5 obtaining a license.

6 (5) Professional incompetence or gross negligence.

7 (6) Gross malpractice.

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

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

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

15 (10) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 that results in the inability to practice with reasonable  
18 judgment, skill, or safety.

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

23 (12) Directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate, or other form of compensation  
26 for any professional services not actually or personally

1 rendered. This shall not be deemed to include rent or other  
2 remunerations paid to an individual, partnership, or  
3 corporation by a naprapath for the lease, rental, or use of  
4 space, owned or controlled by the individual, partnership,  
5 corporation, or association. Nothing in this paragraph  
6 (12) prohibits contractual or employment arrangements with  
7 health care professionals or providers, such as  
8 physicians, physician practices, hospitals, long-term care  
9 facilities, clinics, or other entities, except as  
10 otherwise prohibited by law. Contractual and employment  
11 arrangements with health care professionals or providers  
12 may include arrangements for compensation, use of space,  
13 staff, equipment, health insurance, pension, or other  
14 benefits for the provision of services within the scope of  
15 the licensee's practice under this Act.

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

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

23 (15) Abandonment of a patient without cause.

24 (16) Willfully making or filing false records or  
25 reports relating to a licensee's practice, including but  
26 not limited to, false records filed with State agencies or

1 departments.

2 (17) Willfully failing to report an instance of  
3 suspected child abuse or neglect as required by the Abused  
4 and Neglected Child Reporting Act.

5 (18) Physical illness, including but not limited to,  
6 deterioration through the aging process or loss of motor  
7 skill that results in the inability to practice the  
8 profession with reasonable judgment, skill, or safety.

9 (19) Solicitation of professional services by means  
10 other than permitted advertising.

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

13 (21) Conviction by any court of competent  
14 jurisdiction, either within or without this State, of any  
15 violation of any law governing the practice of naprapathy,  
16 conviction in this or another state of any crime which is a  
17 felony under the laws of this State or conviction of a  
18 felony in a federal court, if the Department determines,  
19 after investigation, that the person has not been  
20 sufficiently rehabilitated to warrant the public trust.

21 (22) A finding that licensure has been applied for or  
22 obtained by fraudulent means.

23 (23) Continued practice by a person knowingly having an  
24 infectious or contagious disease.

25 (24) Being named as a perpetrator in an indicated  
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act and upon  
2 proof by clear and convincing evidence that the licensee  
3 has caused a child to be an abused child or a neglected  
4 child as defined in the Abused and Neglected Child  
5 Reporting Act.

6 (25) Practicing or attempting to practice under a name  
7 other than the full name shown on the license.

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

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

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

19 (29) Having treated ailments of human beings other than  
20 by the practice of naprapathy as defined in this Act, or  
21 having treated ailments of human beings as a licensed  
22 naprapath independent of a documented referral or  
23 documented current and relevant diagnosis from a  
24 physician, dentist, or podiatrist, or having failed to  
25 notify the physician, dentist, or podiatrist who  
26 established a documented current and relevant diagnosis

1           that the patient is receiving naprapathic treatment  
2           pursuant to that diagnosis.

3           (30) Use by a registered naprapath of the word  
4           "infirmary", "hospital", "school", "university", in  
5           English or any other language, in connection with the place  
6           where naprapathy may be practiced or demonstrated.

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

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

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

25          (34) Willfully making or filing false records or  
26          reports in the practice of naprapathy, including, but not



1 limited to, false records to support claims against the  
2 medical assistance program of the Department of Healthcare  
3 and Family Services (formerly Department of Public Aid)  
4 under the Illinois Public Aid Code.

5 (35) Gross or willful overcharging for professional  
6 services including filing false statements for collection  
7 of fees for which services are not rendered, including, but  
8 not limited to, filing false statements for collection of  
9 monies for services not rendered from the medical  
10 assistance program of the Department of Healthcare and  
11 Family Services (formerly Department of Public Aid) under  
12 the Illinois Public Aid Code.

13 (36) Mental illness, including, but not limited to,  
14 deterioration through the aging process or loss of motor  
15 skill that results in the inability to practice the  
16 profession with reasonable judgment, skill, or safety.

17 The Department may refuse to issue or may suspend the  
18 license of any person who fails to (i) file a return or to pay  
19 the tax, penalty or interest shown in a filed return or (ii)  
20 pay any final assessment of the tax, penalty, or interest as  
21 required by any tax Act administered by the Illinois Department  
22 of Revenue, until the time that the requirements of that tax  
23 Act are satisfied.

24 (b) The determination by a circuit court that a licensee is  
25 subject to involuntary admission or judicial admission as  
26 provided in the Mental Health and Developmental Disabilities

1 Code operates as an automatic suspension. The suspension will  
2 end only upon a finding by a court that the patient is no  
3 longer subject to involuntary admission or judicial admission,  
4 the issuance of an order so finding and discharging the  
5 patient, and the recommendation of the Committee to the  
6 Director that the licensee be allowed to resume his or her  
7 practice.

8 (c) In enforcing this Section, the Department, upon a  
9 showing of a possible violation, may compel any person licensed  
10 to practice under this Act or who has applied for licensure or  
11 certification pursuant to this Act to submit to a mental or  
12 physical examination, or both, as required by and at the  
13 expense of the Department. The examining physicians shall be  
14 those specifically designated by the Department. The  
15 Department may order the examining physician to present  
16 testimony concerning this mental or physical examination of the  
17 licensee or applicant. No information shall be excluded by  
18 reason of any common law or statutory privilege relating to  
19 communications between the licensee or applicant and the  
20 examining physician. The person to be examined may have, at his  
21 or her own expense, another physician of his or her choice  
22 present during all aspects of the examination. Failure of any  
23 person to submit to a mental or physical examination, when  
24 directed, shall be grounds for suspension of a license until  
25 the person submits to the examination if the Department finds,  
26 after notice and hearing, that the refusal to submit to the

1 examination was without reasonable cause.

2 If the Department finds an individual unable to practice  
3 because of the reasons set forth in this Section, the  
4 Department may require that individual to submit to care,  
5 counseling, or treatment by physicians approved or designated  
6 by the Department, as a condition, term, or restriction for  
7 continued, reinstated, or renewed licensure to practice or, in  
8 lieu of care, counseling, or treatment, the Department may file  
9 a complaint to immediately suspend, revoke, or otherwise  
10 discipline the license of the individual.

11 Any person whose license was granted, continued,  
12 reinstated, renewed, disciplined, or supervised subject to  
13 such terms, conditions, or restrictions and who fails to comply  
14 with such terms, conditions, or restrictions shall be referred  
15 to the Director for a determination as to whether the person  
16 shall have his or her license suspended immediately, pending a  
17 hearing by the Department.

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

1           A person licensed under this Act and affected under this  
2 Section shall be afforded an opportunity to demonstrate to the  
3 Department that he or she can resume practice in compliance  
4 with acceptable and prevailing standards under the provisions  
5 of his or her license.

6           (Source: P.A. 95-331, eff. 8-21-07.)

7           Section 50. The Nurse Practice Act is amended by changing  
8 Section 70-5 as follows:

9           (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

10           (Section scheduled to be repealed on January 1, 2018)

11           Sec. 70-5. Grounds for disciplinary action.

12           (a) The Department may refuse to issue or to renew, or may  
13 revoke, suspend, place on probation, reprimand, or take other  
14 disciplinary or non-disciplinary action as the Department may  
15 deem appropriate, including fines not to exceed \$10,000 per  
16 violation, with regard to a license for any one or combination  
17 of the causes set forth in subsection (b) below. All fines  
18 collected under this Section shall be deposited in the Nursing  
19 Dedicated and Professional Fund.

20           (b) Grounds for disciplinary action include the following:

21           (1) Material deception in furnishing information to  
22 the Department.

23           (2) Material violations of any provision of this Act or  
24 violation of the rules of or final administrative action of

1 the Secretary, after consideration of the recommendation  
2 of the Board.

3 (3) Conviction by plea of guilty or nolo contendere,  
4 finding of guilt, jury verdict, or entry of judgment or by  
5 sentencing of any crime, including, but not limited to,  
6 convictions, preceding sentences of supervision,  
7 conditional discharge, or first offender probation, under  
8 the laws of any jurisdiction of the United States: (i) that  
9 is a felony; or (ii) that is a misdemeanor, an essential  
10 element of which is dishonesty, or that is directly related  
11 to the practice of the profession.

12 (4) A pattern of practice or other behavior which  
13 demonstrates incapacity or incompetency to practice under  
14 this Act.

15 (5) Knowingly aiding or assisting another person in  
16 violating any provision of this Act or rules.

17 (6) Failing, within 90 days, to provide a response to a  
18 request for information in response to a written request  
19 made by the Department by certified mail.

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

23 (8) Unlawful taking, theft, selling, distributing, or  
24 manufacturing of any drug, narcotic, or prescription  
25 device.

26 (9) Habitual or excessive use or addiction to alcohol,

1           narcotics, stimulants, or any other chemical agent or drug  
2           that could result in a licensee's inability to practice  
3           with reasonable judgment, skill or safety.

4           (10) Discipline by another U.S. jurisdiction or  
5           foreign nation, if at least one of the grounds for the  
6           discipline is the same or substantially equivalent to those  
7           set forth in this Section.

8           (11) A finding that the licensee, after having her or  
9           his license placed on probationary status or subject to  
10          conditions or restrictions, has violated the terms of  
11          probation or failed to comply with such terms or  
12          conditions.

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

20          (13) Willful omission to file or record, or willfully  
21          impeding the filing or recording or inducing another person  
22          to omit to file or record medical reports as required by  
23          law or willfully failing to report an instance of suspected  
24          child abuse or neglect as required by the Abused and  
25          Neglected Child Reporting Act.

26          (14) Gross negligence in the practice of practical,

1 professional, or advanced practice nursing.

2 (15) Holding oneself out to be practicing nursing under  
3 any name other than one's own.

4 (16) Failure of a licensee to report to the Department  
5 any adverse final action taken against him or her by  
6 another licensing jurisdiction of the United States or any  
7 foreign state or country, any peer review body, any health  
8 care institution, any professional or nursing society or  
9 association, any governmental agency, any law enforcement  
10 agency, or any court or a nursing liability claim related  
11 to acts or conduct similar to acts or conduct that would  
12 constitute grounds for action as defined in this Section.

13 (17) Failure of a licensee to report to the Department  
14 surrender by the licensee of a license or authorization to  
15 practice nursing or advanced practice nursing in another  
16 state or jurisdiction or current surrender by the licensee  
17 of membership on any nursing staff or in any nursing or  
18 advanced practice nursing or professional association or  
19 society while under disciplinary investigation by any of  
20 those authorities or bodies for acts or conduct similar to  
21 acts or conduct that would constitute grounds for action as  
22 defined by this Section.

23 (18) Failing, within 60 days, to provide information in  
24 response to a written request made by the Department.

25 (19) Failure to establish and maintain records of  
26 patient care and treatment as required by law.

1           (20) Fraud, deceit or misrepresentation in applying  
2           for or procuring a license under this Act or in connection  
3           with applying for renewal of a license under this Act.

4           (21) Allowing another person or organization to use the  
5           licensees' license to deceive the public.

6           (22) Willfully making or filing false records or  
7           reports in the licensee's practice, including but not  
8           limited to false records to support claims against the  
9           medical assistance program of the Department of Healthcare  
10          and Family Services (formerly Department of Public Aid)  
11          under the Illinois Public Aid Code.

12          (23) Attempting to subvert or cheat on a licensing  
13          examination administered under this Act.

14          (24) Immoral conduct in the commission of an act,  
15          including, but not limited to, sexual abuse, sexual  
16          misconduct, or sexual exploitation, related to the  
17          licensee's practice.

18          (25) Willfully or negligently violating the  
19          confidentiality between nurse and patient except as  
20          required by law.

21          (26) Practicing under a false or assumed name, except  
22          as provided by law.

23          (27) The use of any false, fraudulent, or deceptive  
24          statement in any document connected with the licensee's  
25          practice.

26          (28) Directly or indirectly giving to or receiving from



1 a person, firm, corporation, partnership, or association a  
2 fee, commission, rebate, or other form of compensation for  
3 professional services not actually or personally rendered.  
4 Nothing in this paragraph (28) prohibits contractual or  
5 employment arrangements with health care professionals or  
6 providers, such as advanced practice nurses, physicians,  
7 physician practices, hospitals, long-term care facilities,  
8 clinics, or other entities, except as otherwise prohibited  
9 by law. Contractual and employment arrangements with  
10 health care professionals or providers may include  
11 arrangements for compensation, use of space, staff,  
12 equipment, health insurance, pension, or other benefits  
13 for the provision of services within the scope of the  
14 licensee's practice under this Act.

15 (29) A violation of the Health Care Worker  
16 Self-Referral Act.

17 (30) Physical illness, including but not limited to  
18 deterioration through the aging process or loss of motor  
19 skill, mental illness, or disability that results in the  
20 inability to practice the profession with reasonable  
21 judgment, skill, or safety.

22 (31) Exceeding the terms of a collaborative agreement  
23 or the prescriptive authority delegated to a licensee by  
24 his or her collaborating physician or podiatrist in  
25 guidelines established under a written collaborative  
26 agreement.

1           (32) Making a false or misleading statement regarding a  
2           licensee's skill or the efficacy or value of the medicine,  
3           treatment, or remedy prescribed by him or her in the course  
4           of treatment.

5           (33)        Prescribing,        selling,        administering,  
6           distributing,   giving,   or self-administering a drug  
7           classified as a controlled substance (designated product)  
8           or narcotic for other than medically accepted therapeutic  
9           purposes.

10          (34)   Promotion of the sale of drugs, devices,  
11          appliances, or goods provided for a patient in a manner to  
12          exploit the patient for financial gain.

13          (35)   Violating State or federal laws, rules, or  
14          regulations relating to controlled substances.

15          (36)   Willfully or negligently violating the  
16          confidentiality between an advanced practice nurse,  
17          collaborating physician, dentist, or podiatrist and a  
18          patient, except as required by law.

19          (37)   A violation of any provision of this Act or any  
20          rules promulgated under this Act.

21          (c) The determination by a circuit court that a licensee is  
22          subject to involuntary admission or judicial admission as  
23          provided in the Mental Health and Developmental Disabilities  
24          Code, as amended, operates as an automatic suspension. The  
25          suspension will end only upon a finding by a court that the  
26          patient is no longer subject to involuntary admission or

1 judicial admission and issues an order so finding and  
2 discharging the patient; and upon the recommendation of the  
3 Board to the Secretary that the licensee be allowed to resume  
4 his or her practice.

5 (d) The Department may refuse to issue or may suspend or  
6 otherwise discipline the license of any person who fails to  
7 file a return, or to pay the tax, penalty or interest shown in  
8 a filed return, or to pay any final assessment of the tax,  
9 penalty, or interest as required by any tax Act administered by  
10 the Department of Revenue, until such time as the requirements  
11 of any such tax Act are satisfied.

12 (e) In enforcing this Act, the Department or Board, upon a  
13 showing of a possible violation, may compel an individual  
14 licensed to practice under this Act or who has applied for  
15 licensure under this Act, to submit to a mental or physical  
16 examination, or both, as required by and at the expense of the  
17 Department. The Department or Board may order the examining  
18 physician to present testimony concerning the mental or  
19 physical examination of the licensee or applicant. No  
20 information shall be excluded by reason of any common law or  
21 statutory privilege relating to communications between the  
22 licensee or applicant and the examining physician. The  
23 examining physicians shall be specifically designated by the  
24 Board or Department. The individual to be examined may have, at  
25 his or her own expense, another physician of his or her choice  
26 present during all aspects of this examination. Failure of an

1 individual to submit to a mental or physical examination, when  
2 directed, shall result in an automatic suspension without  
3 hearing.

4 All substance-related violations shall mandate an  
5 automatic substance abuse assessment. Failure to submit to an  
6 assessment by a licensed physician who is certified as an  
7 addictionist or an advanced practice nurse with specialty  
8 certification in addictions may be grounds for an automatic  
9 suspension, as defined by rule.

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

1 Department.

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

11 An individual licensed under this Act and affected under  
12 this Section shall be afforded an opportunity to demonstrate to  
13 the Department that he or she can resume practice in compliance  
14 with nursing standards under the provisions of his or her  
15 license.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)

17 Section 55. The Illinois Occupational Therapy Practice Act  
18 is amended by changing Section 19 as follows:

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

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 19. (a) The Department may refuse to issue or renew,  
22 or may revoke, suspend, place on probation, reprimand or take  
23 other disciplinary action as the Department may deem proper,  
24 including fines not to exceed \$2,500 for each violation, with

1 regard to any license for any one or combination of the  
2 following:

3 (1) Material misstatement in furnishing information to  
4 the Department;

5 (2) Wilfully violating this Act, or of the rules  
6 promulgated thereunder;

7 (3) Conviction of any crime under the laws of the  
8 United States or any state or territory thereof which is a  
9 felony or which is a misdemeanor, an essential element of  
10 which is dishonesty, or of any crime which is directly  
11 related to the practice of occupational therapy;

12 (4) Making any misrepresentation for the purpose of  
13 obtaining certification, or violating any provision of  
14 this Act or the rules promulgated thereunder pertaining to  
15 advertising;

16 (5) Having demonstrated unworthiness, or incompetency  
17 to act as an occupational therapist or occupational therapy  
18 assistant in such manner as to safeguard the interest of  
19 the public;

20 (6) Wilfully aiding or assisting another person, firm,  
21 partnership or corporation in violating any provision of  
22 this Act or rules;

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

25 (8) Engaging in dishonorable, unethical or  
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public;

2 (9) Habitual intoxication or addiction to the use of  
3 drugs;

4 (10) Discipline by another state, the District of  
5 Columbia, a territory, or foreign nation, if at least one  
6 of the grounds for the discipline is the same or  
7 substantially equivalent to those set forth herein;

8 (11) Directly or indirectly giving to or receiving from  
9 any person, firm, corporation, partnership, or association  
10 any fee, commission, rebate or other form of compensation  
11 for professional services not actually or personally  
12 rendered. Nothing in this paragraph (11) prohibits  
13 contractual or employment arrangements with health care  
14 professionals or providers, such as physicians, physician  
15 practices, hospitals, long-term care facilities, clinics,  
16 or other entities, except as otherwise prohibited by law.  
17 Contractual and employment arrangements with health care  
18 professionals or providers may include arrangements for  
19 compensation, use of space, staff, equipment, health  
20 insurance, pension, or other benefits for the provision of  
21 services within the scope of the licensee's practice under  
22 this Act;

23 (12) A finding by the Department that the license  
24 holder, after having his license disciplined, has violated  
25 the terms of the discipline;

26 (13) Wilfully making or filing false records or reports

1 in the practice of occupational therapy, including but not  
2 limited to false records filed with the State agencies or  
3 departments;

4 (14) Physical illness, including but not limited to,  
5 deterioration through the aging process, or loss of motor  
6 skill which results in the inability to practice the  
7 profession with reasonable judgment, skill or safety;

8 (15) Solicitation of professional services other than  
9 by permitted advertising;

10 (16) Wilfully exceeding the scope of practice  
11 customarily undertaken by persons licensed under this Act,  
12 which conduct results in, or may result in, harm to the  
13 public;

14 (17) Holding one's self out to practice occupational  
15 therapy under any name other than his own or impersonation  
16 of any other occupational therapy licensee;

17 (18) Gross negligence;

18 (19) Malpractice;

19 (20) Obtaining a fee in money or gift in kind of any  
20 other items of value or in the form of financial profit or  
21 benefit as personal compensation, or as compensation, or  
22 charge, profit or gain for an employer or for any other  
23 person or persons, on the fraudulent misrepresentation  
24 that a manifestly incurable condition of sickness, disease  
25 or injury to any person can be cured;

26 (21) Accepting commissions or rebates or other forms of



1 remuneration for referring persons to other professionals;

2 (22) Failure to file a return, or to pay the tax,  
3 penalty or interest shown in a filed return, or to pay any  
4 final assessment of tax, penalty or interest, as required  
5 by any tax Act administered by the Illinois Department of  
6 Revenue, until such time as the requirements of any such  
7 tax Act are satisfied;

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

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

20 (b) The determination by a circuit court that a license  
21 holder is subject to involuntary admission or judicial  
22 admission as provided in the Mental Health and Developmental  
23 Disabilities Code, as now or hereafter amended, operates as an  
24 automatic suspension. Such suspension will end only upon a  
25 finding by a court that the patient is no longer subject to  
26 involuntary admission or judicial admission, an order by the

1 court so finding and discharging the patient, and the  
2 recommendation of the Board to the Director that the license  
3 holder be allowed to resume his practice.

4 (c) The Department may refuse to issue or take disciplinary  
5 action concerning the license of any person who fails to file a  
6 return, to pay the tax, penalty, or interest shown in a filed  
7 return, or to pay any final assessment of tax, penalty, or  
8 interest as required by any tax Act administered by the  
9 Department of Revenue, until such time as the requirements of  
10 any such tax Act are satisfied as determined by the Department  
11 of Revenue.

12 (d) In enforcing this Section, the Board, upon a showing of  
13 a possible violation, may compel a licensee or applicant to  
14 submit to a mental or physical examination, or both, as  
15 required by and at the expense of the Department. The examining  
16 physicians or clinical psychologists shall be those  
17 specifically designated by the Board. The Board or the  
18 Department may order (i) the examining physician to present  
19 testimony concerning the mental or physical examination of a  
20 licensee or applicant or (ii) the examining clinical  
21 psychologist to present testimony concerning the mental  
22 examination of a licensee or applicant. No information shall be  
23 excluded by reason of any common law or statutory privilege  
24 relating to communications between a licensee or applicant and  
25 the examining physician or clinical psychologist. An  
26 individual to be examined may have, at his or her own expense,

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

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

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

26 (Source: P.A. 93-461, eff. 8-8-03; 93-962, eff. 8-20-04.)

1           Section 60. The Orthotics, Prosthetics, and Pedorthics  
2 Practice Act is amended by changing Section 90 as follows:

3           (225 ILCS 84/90)

4           (Section scheduled to be repealed on January 1, 2020)

5           Sec. 90. Grounds for discipline.

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

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

15           (2) Violations of or negligent or intentional  
16 disregard of this Act or its rules.

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

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

1           (5) A pattern of practice or other behavior that  
2 demonstrates incapacity or incompetence to practice under  
3 this Act.

4           (6) Gross negligence under this Act.

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

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

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

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

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 Nothing in this paragraph (12) prohibits contractual or  
26 employment arrangements with health care professionals or

1 providers, such as physicians, physician practices,  
2 hospitals, long-term care facilities, clinics, or other  
3 entities, except as otherwise prohibited by law.  
4 Contractual and employment arrangements with health care  
5 professionals or providers may include arrangements for  
6 compensation, use of space, staff, equipment, health  
7 insurance, pension, or other benefits for the provision of  
8 services within the scope of the licensee's practice under  
9 this Act.

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

13 (14) Abandonment of a patient or client.

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

17 (16) Willfully failing to report an instance of  
18 suspected child abuse or neglect as required by the Abused  
19 and Neglected Child Reporting Act.

20 (17) Inability to practice the profession with  
21 reasonable judgment, skill, or safety as a result of a  
22 physical illness, including, but not limited to,  
23 deterioration through the aging process or loss of motor  
24 skill, or a mental illness or disability.

25 (18) Solicitation of professional services using false  
26 or misleading advertising.

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

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

26           In instances in which the Secretary otherwise suspends a

1 person's license pursuant to the results of a compelled mental  
2 or physical examination, a hearing on that person's license  
3 must be convened by the Department within 15 days after the  
4 suspension and completed without appreciable delay. The  
5 Department and Board shall have the authority to review the  
6 subject individual's record of treatment and counseling  
7 regarding the impairment to the extent permitted by applicable  
8 federal statutes and regulations safeguarding the  
9 confidentiality of medical records.

10 An individual licensed under this Act and affected under  
11 this Section shall be afforded an opportunity to demonstrate to  
12 the Department or Board that he or she can resume practice in  
13 compliance with acceptable and prevailing standards under the  
14 provisions of his or her license.

15 (c) The Department shall deny a license or renewal  
16 authorized by this Act to a person who has defaulted on an  
17 educational loan or scholarship provided or guaranteed by the  
18 Illinois Student Assistance Commission or any governmental  
19 agency of this State in accordance with subsection (a)(5) of  
20 Section 15 of the Department of Professional Regulation Law of  
21 the Civil Administrative Code of Illinois (20 ILCS  
22 2105/2105-15).

23 (d) In cases where the Department of Healthcare and Family  
24 Services (formerly Department of Public Aid) has previously  
25 determined that a licensee or a potential licensee is more than  
26 30 days delinquent in the payment of child support and has



1 subsequently certified the delinquency to the Department, the  
2 Department may refuse to issue or renew or may revoke or  
3 suspend that person's license or may take other disciplinary  
4 action against that person based solely upon the certification  
5 of delinquency made by the Department of Healthcare and Family  
6 Services in accordance with subsection (a) (5) of Section 15 of  
7 the Department of Professional Regulation Law of the Civil  
8 Administrative Code of Illinois (20 ILCS 2105/2105-15).

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

19 (Source: P.A. 96-682, eff. 8-25-09.)

20 Section 65. The Pharmacy Practice Act is amended by  
21 changing Section 30 as follows:

22 (225 ILCS 85/30) (from Ch. 111, par. 4150)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 30. Refusal, revocation, or suspension.

1 (a) The Department may refuse to issue or renew, or may  
2 revoke a license or registration, or may suspend, place on  
3 probation, fine, or take any disciplinary or non-disciplinary  
4 action as the Department may deem proper, including fines not  
5 to exceed \$10,000 for each violation, with regard to any  
6 licensee or registrant for any one or combination of the  
7 following causes:

8 1. Material misstatement in furnishing information to  
9 the Department.

10 2. Violations of this Act, or the rules promulgated  
11 hereunder.

12 3. Making any misrepresentation for the purpose of  
13 obtaining licenses.

14 4. A pattern of conduct which demonstrates  
15 incompetence or unfitness to practice.

16 5. Aiding or assisting another person in violating any  
17 provision of this Act or rules.

18 6. Failing, within 60 days, to respond to a written  
19 request made by the Department for information.

20 7. Engaging in unprofessional, dishonorable, or  
21 unethical conduct of a character likely to deceive, defraud  
22 or harm the public.

23 8. Discipline by another U.S. jurisdiction or foreign  
24 nation, if at least one of the grounds for the discipline  
25 is the same or substantially equivalent to those set forth  
26 herein.

1           9. Directly or indirectly giving to or receiving from  
2 any person, firm, corporation, partnership, or association  
3 any fee, commission, rebate or other form of compensation  
4 for any professional services not actually or personally  
5 rendered. Nothing in this item 9 prohibits contractual or  
6 employment arrangements with health care professionals or  
7 providers, such as physicians, physician practices,  
8 pharmacies, hospitals, long-term care facilities, clinics,  
9 or other entities, except as otherwise prohibited by law.  
10 Contractual and employment arrangements with health care  
11 professionals or providers may include arrangements for  
12 compensation, use of space, staff, equipment, health  
13 insurance, pension, or other benefits for the provision of  
14 services within the scope of the licensee's practice under  
15 this Act.

16           10. A finding by the Department that the licensee,  
17 after having his license placed on probationary status has  
18 violated the terms of probation.

19           11. Selling or engaging in the sale of drug samples  
20 provided at no cost by drug manufacturers.

21           12. Physical illness, including but not limited to,  
22 deterioration through the aging process, or loss of motor  
23 skill which results in the inability to practice the  
24 profession with reasonable judgment, skill or safety.

25           13. A finding that licensure or registration has been  
26 applied for or obtained by fraudulent means.

1           14. The applicant or licensee has been convicted in  
2 state or federal court of or entered a plea of guilty, nolo  
3 contendere, or the equivalent in a state or federal court  
4 to any crime which is a felony or any misdemeanor related  
5 to the practice of pharmacy or which an essential element  
6 is dishonesty.

7           15. Habitual or excessive use or addiction to alcohol,  
8 narcotics, stimulants or any other chemical agent or drug  
9 which results in the inability to practice with reasonable  
10 judgment, skill or safety.

11           16. Willfully making or filing false records or reports  
12 in the practice of pharmacy, including, but not limited to  
13 false records to support claims against the medical  
14 assistance program of the Department of Healthcare and  
15 Family Services (formerly Department of Public Aid) under  
16 the Public Aid Code.

17           17. Gross and willful overcharging for professional  
18 services including filing false statements for collection  
19 of fees for which services are not rendered, including, but  
20 not limited to, filing false statements for collection of  
21 monies for services not rendered from the medical  
22 assistance program of the Department of Healthcare and  
23 Family Services (formerly Department of Public Aid) under  
24 the Public Aid Code.

25           18. Dispensing prescription drugs without receiving a  
26 written or oral prescription in violation of law.

1           19. Upon a finding of a substantial discrepancy in a  
2 Department audit of a prescription drug, including  
3 controlled substances, as that term is defined in this Act  
4 or in the Illinois Controlled Substances Act.

5           20. Physical or mental illness or any other impairment  
6 or disability, including without limitation deterioration  
7 through the aging process or loss of motor skills that  
8 results in the inability to practice with reasonable  
9 judgment, skill or safety, or mental incompetence, as  
10 declared by a court of competent jurisdiction.

11           21. Violation of the Health Care Worker Self-Referral  
12 Act.

13           22. Failing to sell or dispense any drug, medicine, or  
14 poison in good faith. "Good faith", for the purposes of  
15 this Section, has the meaning ascribed to it in subsection  
16 (u) of Section 102 of the Illinois Controlled Substances  
17 Act. "Good faith", as used in this item (22), shall not be  
18 limited to the sale or dispensing of controlled substances,  
19 but shall apply to all prescription drugs.

20           23. Interfering with the professional judgment of a  
21 pharmacist by any registrant under this Act, or his or her  
22 agents or employees.

23           24. Failing to report within 60 days to the Department  
24 any adverse final action taken against a pharmacist,  
25 pharmacist technician, or certified pharmacist technician  
26 by another licensing jurisdiction in any other state or any

1 territory of the United States or any foreign jurisdiction,  
2 any governmental agency, any law enforcement agency, or any  
3 court for acts or conduct similar to acts or conduct that  
4 would constitute grounds for discipline as defined in this  
5 Section.

6 25. Failing to comply with a subpoena issued in  
7 accordance with Section 35.5 of this Act.

8 26. Disclosing protected health information in  
9 violation of any State or federal law.

10 (b) The Department may refuse to issue or may suspend the  
11 license or registration of any person who fails to file a  
12 return, or to pay the tax, penalty or interest shown in a filed  
13 return, or to pay any final assessment of tax, penalty or  
14 interest, as required by any tax Act administered by the  
15 Illinois Department of Revenue, until such time as the  
16 requirements of any such tax Act are satisfied.

17 (c) The Department shall revoke the license or certificate  
18 of registration issued under the provisions of this Act or any  
19 prior Act of this State of any person who has been convicted a  
20 second time of committing any felony under the Illinois  
21 Controlled Substances Act, or who has been convicted a second  
22 time of committing a Class 1 felony under Sections 8A-3 and  
23 8A-6 of the Illinois Public Aid Code. A person whose license or  
24 certificate of registration issued under the provisions of this  
25 Act or any prior Act of this State is revoked under this  
26 subsection (c) shall be prohibited from engaging in the

1 practice of pharmacy in this State.

2 (d) Fines may be imposed in conjunction with other forms of  
3 disciplinary action, but shall not be the exclusive disposition  
4 of any disciplinary action arising out of conduct resulting in  
5 death or injury to a patient. Fines shall be paid within 60  
6 days or as otherwise agreed to by the Department. Any funds  
7 collected from such fines shall be deposited in the Illinois  
8 State Pharmacy Disciplinary Fund.

9 (e) The entry of an order or judgment by any circuit court  
10 establishing that any person holding a license or certificate  
11 under this Act is a person in need of mental treatment operates  
12 as a suspension of that license. A licensee may resume his or  
13 her practice only upon the entry of an order of the Department  
14 based upon a finding by the Board that he or she has been  
15 determined to be recovered from mental illness by the court and  
16 upon the Board's recommendation that the licensee be permitted  
17 to resume his or her practice.

18 (f) The Department shall issue quarterly to the Board a  
19 status of all complaints related to the profession received by  
20 the Department.

21 (g) In enforcing this Section, the Board or the Department,  
22 upon a showing of a possible violation, may compel any licensee  
23 or applicant for licensure under this Act to submit to a mental  
24 or physical examination or both, as required by and at the  
25 expense of the Department. The examining physician, or  
26 multidisciplinary team involved in providing physical and

1 mental examinations led by a physician consisting of one or a  
2 combination of licensed physicians, licensed clinical  
3 psychologists, licensed clinical social workers, licensed  
4 clinical professional counselors, and other professional and  
5 administrative staff, shall be those specifically designated  
6 by the Department. The Board or the Department may order the  
7 examining physician or any member of the multidisciplinary team  
8 to present testimony concerning this mental or physical  
9 examination of the licensee or applicant. No information,  
10 report, or other documents in any way related to the  
11 examination shall be excluded by reason of any common law or  
12 statutory privilege relating to communication between the  
13 licensee or applicant and the examining physician or any member  
14 of the multidisciplinary team. The individual to be examined  
15 may have, at his or her own expense, another physician of his  
16 or her choice present during all aspects of the examination.  
17 Failure of any individual to submit to a mental or physical  
18 examination when directed shall be grounds for suspension of  
19 his or her license until such time as the individual submits to  
20 the examination if the Board finds, after notice and hearing,  
21 that the refusal to submit to the examination was without  
22 reasonable cause. If the Board finds a pharmacist, certified  
23 pharmacy technician, or pharmacy technician unable to practice  
24 because of the reasons set forth in this Section, the Board  
25 shall require such pharmacist, certified pharmacy technician,  
26 or pharmacy technician to submit to care, counseling, or



1 treatment by physicians or other appropriate health care  
2 providers approved or designated by the Board as a condition  
3 for continued, reinstated, or renewed licensure to practice.  
4 Any pharmacist, certified pharmacy technician, or pharmacy  
5 technician whose license was granted, continued, reinstated,  
6 renewed, disciplined, or supervised, subject to such terms,  
7 conditions, or restrictions, and who fails to comply with such  
8 terms, conditions, or restrictions or to complete a required  
9 program of care, counseling, or treatment, as determined by the  
10 chief pharmacy coordinator or a deputy pharmacy coordinator,  
11 shall be referred to the Secretary for a determination as to  
12 whether the licensee shall have his or her license suspended  
13 immediately, pending a hearing by the Board. In instances in  
14 which the Secretary immediately suspends a license under this  
15 subsection (g), a hearing upon such person's license must be  
16 convened by the Board within 15 days after such suspension and  
17 completed without appreciable delay. The Board shall have the  
18 authority to review the subject pharmacist's, certified  
19 pharmacy technician's, or pharmacy technician's record of  
20 treatment and counseling regarding the impairment.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-689, eff. 10-29-07;  
22 96-673, eff. 1-1-10.)

23 Section 70. The Illinois Physical Therapy Act is amended by  
24 changing Section 17 as follows:

1 (225 ILCS 90/17) (from Ch. 111, par. 4267)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 17. (1) The Department may refuse to issue or to  
4 renew, or may revoke, suspend, place on probation, reprimand,  
5 or take other disciplinary action as the Department deems  
6 appropriate, including the issuance of fines not to exceed  
7 \$5000, with regard to a license for any one or a combination of  
8 the following:

9 A. Material misstatement in furnishing information to  
10 the Department or otherwise making misleading, deceptive,  
11 untrue, or fraudulent representations in violation of this  
12 Act or otherwise in the practice of the profession;

13 B. Violations of this Act, or of the rules or  
14 regulations promulgated hereunder;

15 C. Conviction of any crime under the laws of the United  
16 States or any state or territory thereof which is a felony  
17 or which is a misdemeanor, an essential element of which is  
18 dishonesty, or of any crime which is directly related to  
19 the practice of the profession; conviction, as used in this  
20 paragraph, shall include a finding or verdict of guilty, an  
21 admission of guilt or a plea of nolo contendere;

22 D. Making any misrepresentation for the purpose of  
23 obtaining licenses, or violating any provision of this Act  
24 or the rules promulgated thereunder pertaining to  
25 advertising;

26 E. A pattern of practice or other behavior which

1 demonstrates incapacity or incompetency to practice under  
2 this Act;

3 F. Aiding or assisting another person in violating any  
4 provision of this Act or Rules;

5 G. Failing, within 60 days, to provide information in  
6 response to a written request made by the Department;

7 H. Engaging in dishonorable, unethical or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud or harm the public. Unprofessional conduct shall  
10 include any departure from or the failure to conform to the  
11 minimal standards of acceptable and prevailing physical  
12 therapy practice, in which proceeding actual injury to a  
13 patient need not be established;

14 I. Unlawful distribution of any drug or narcotic, or  
15 unlawful conversion of any drug or narcotic not belonging  
16 to the person for such person's own use or benefit or for  
17 other than medically accepted therapeutic purposes;

18 J. Habitual or excessive use or addiction to alcohol,  
19 narcotics, stimulants, or any other chemical agent or drug  
20 which results in a physical therapist's or physical  
21 therapist assistant's inability to practice with  
22 reasonable judgment, skill or safety;

23 K. Revocation or suspension of a license to practice  
24 physical therapy as a physical therapist or physical  
25 therapist assistant or the taking of other disciplinary  
26 action by the proper licensing authority of another state,

1 territory or country;

2 L. Directly or indirectly giving to or receiving from  
3 any person, firm, corporation, partnership, or association  
4 any fee, commission, rebate or other form of compensation  
5 for any professional services not actually or personally  
6 rendered. Nothing contained in this paragraph prohibits  
7 persons holding valid and current licenses under this Act  
8 from practicing physical therapy in partnership under a  
9 partnership agreement, including a limited liability  
10 partnership, a limited liability company, or a corporation  
11 under the Professional Service Corporation Act or from  
12 pooling, sharing, dividing, or apportioning the fees and  
13 monies received by them or by the partnership, company, or  
14 corporation in accordance with the partnership agreement  
15 or the policies of the company or professional corporation.  
16 Nothing in this paragraph (L) prohibits contractual or  
17 employment arrangements with health care professionals or  
18 providers, such as physicians, physician practices,  
19 hospitals, long-term care facilities, clinics, or other  
20 entities, except as otherwise prohibited by law.  
21 Contractual and employment arrangements with health care  
22 professionals or providers may include arrangements for  
23 compensation, use of space, staff, equipment, health  
24 insurance, pension, or other benefits for the provision of  
25 services within the scope of the licensee's practice under  
26 this Act;

1 M. A finding by the Board that the licensee after  
2 having his or her license placed on probationary status has  
3 violated the terms of probation;

4 N. Abandonment of a patient;

5 O. Willfully failing to report an instance of suspected  
6 child abuse or neglect as required by the Abused and  
7 Neglected Child Reporting Act;

8 P. Willfully failing to report an instance of suspected  
9 elder abuse or neglect as required by the Elder Abuse  
10 Reporting Act;

11 Q. Physical illness, including but not limited to,  
12 deterioration through the aging process, or loss of motor  
13 skill which results in the inability to practice the  
14 profession with reasonable judgement, skill or safety;

15 R. The use of any words (such as physical therapy,  
16 physical therapist physiotherapy or physiotherapist),  
17 abbreviations, figures or letters with the intention of  
18 indicating practice as a licensed physical therapist  
19 without a valid license as a physical therapist issued  
20 under this Act;

21 S. The use of the term physical therapist assistant, or  
22 abbreviations, figures, or letters with the intention of  
23 indicating practice as a physical therapist assistant  
24 without a valid license as a physical therapist assistant  
25 issued under this Act;

26 T. Willfully violating or knowingly assisting in the

1 violation of any law of this State relating to the practice  
2 of abortion;

3 U. Continued practice by a person knowingly having an  
4 infectious, communicable or contagious disease;

5 V. Having treated ailments of human beings otherwise  
6 than by the practice of physical therapy as defined in this  
7 Act, or having treated ailments of human beings as a  
8 licensed physical therapist independent of a documented  
9 referral or a documented current and relevant diagnosis  
10 from a physician, dentist, advanced practice nurse,  
11 physician assistant, or podiatrist, or having failed to  
12 notify the physician, dentist, advanced practice nurse,  
13 physician assistant, or podiatrist who established a  
14 documented current and relevant diagnosis that the patient  
15 is receiving physical therapy pursuant to that diagnosis;

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

22 X. Interpretation of referrals, performance of  
23 evaluation procedures, planning or making major  
24 modifications of patient programs by a physical therapist  
25 assistant;

26 Y. Failure by a physical therapist assistant and

1 supervising physical therapist to maintain continued  
2 contact, including periodic personal supervision and  
3 instruction, to insure safety and welfare of patients;

4 Z. Violation of the Health Care Worker Self-Referral  
5 Act.

6 (2) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission as  
8 provided in the Mental Health and Developmental Disabilities  
9 Code operates as an automatic suspension. Such suspension will  
10 end only upon a finding by a court that the patient is no  
11 longer subject to involuntary admission or judicial admission  
12 and the issuance of an order so finding and discharging the  
13 patient; and upon the recommendation of the Board to the  
14 Director that the licensee be allowed to resume his practice.

15 (3) The Department may refuse to issue or may suspend the  
16 license of any person who fails to file a return, or to pay the  
17 tax, penalty or interest shown in a filed return, or to pay any  
18 final assessment of tax, penalty or interest, as required by  
19 any tax Act administered by the Illinois Department of Revenue,  
20 until such time as the requirements of any such tax Act are  
21 satisfied.

22 (Source: P.A. 93-1010, eff. 8-24-04; 94-651, eff. 1-1-06.)

23 Section 75. The Physician Assistant Practice Act of 1987 is  
24 amended by changing Section 21 as follows:

1 (225 ILCS 95/21) (from Ch. 111, par. 4621)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 21. Grounds for disciplinary action.

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

11 (1) Material misstatement in furnishing information to  
12 the Department.

13 (2) Violations of this Act, or the rules adopted under  
14 this Act.

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

21 (4) Making any misrepresentation for the purpose of  
22 obtaining licenses.

23 (5) Professional incompetence.

24 (6) Aiding or assisting another person in violating any  
25 provision of this Act or its rules.

26 (7) Failing, within 60 days, to provide information in



1 response to a written request made by the Department.

2 (8) Engaging in dishonorable, unethical, or  
3 unprofessional conduct, as defined by rule, of a character  
4 likely to deceive, defraud, or harm the public.

5 (9) Habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants, or any other chemical agent or drug  
7 that results in a physician assistant's inability to  
8 practice with reasonable judgment, skill, or safety.

9 (10) Discipline by another U.S. jurisdiction or  
10 foreign nation, if at least one of the grounds for  
11 discipline is the same or substantially equivalent to those  
12 set forth in this Section.

13 (11) Directly or indirectly giving to or receiving from  
14 any person, firm, corporation, partnership, or association  
15 any fee, commission, rebate or other form of compensation  
16 for any professional services not actually or personally  
17 rendered. Nothing in this paragraph (11) prohibits  
18 contractual or employment arrangements, which may include  
19 compensation, use of space, staff, equipment, health  
20 insurance, pension, or other benefits, with persons or  
21 entities authorized under this Act for the provision of  
22 services within the licensee's scope of practice under this  
23 Act.

24 (12) A finding by the Disciplinary Board that the  
25 licensee, after having his or her license placed on  
26 probationary status has violated the terms of probation.

1 (13) Abandonment of a patient.

2 (14) Willfully making or filing false records or  
3 reports in his or her practice, including but not limited  
4 to false records filed with state agencies or departments.

5 (15) Willfully failing to report an instance of  
6 suspected child abuse or neglect as required by the Abused  
7 and Neglected Child Reporting Act.

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

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

20 (18) (Blank).

21 (19) Gross negligence resulting in permanent injury or  
22 death of a patient.

23 (20) Employment of fraud, deception or any unlawful  
24 means in applying for or securing a license as a physician  
25 assistant.

26 (21) Exceeding the authority delegated to him or her by

1 his or her supervising physician in a written supervision  
2 agreement.

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

6 (23) Violation of the Health Care Worker Self-Referral  
7 Act.

8 (24) Practicing under a false or assumed name, except  
9 as provided by law.

10 (25) Making a false or misleading statement regarding  
11 his or her skill or the efficacy or value of the medicine,  
12 treatment, or remedy prescribed by him or her in the course  
13 of treatment.

14 (26) Allowing another person to use his or her license  
15 to practice.

16 (27) Prescribing, selling, administering,  
17 distributing, giving, or self-administering a drug  
18 classified as a controlled substance (designated product)  
19 or narcotic for other than medically-accepted therapeutic  
20 purposes.

21 (28) Promotion of the sale of drugs, devices,  
22 appliances, or goods provided for a patient in a manner to  
23 exploit the patient for financial gain.

24 (29) A pattern of practice or other behavior that  
25 demonstrates incapacity or incompetence to practice under  
26 this Act.

1           (30) Violating State or federal laws or regulations  
2 relating to controlled substances or other legend drugs.

3           (31) Exceeding the prescriptive authority delegated by  
4 the supervising physician or violating the written  
5 supervision agreement delegating that authority.

6           (32) Practicing without providing to the Department a  
7 notice of supervision or delegation of prescriptive  
8 authority.

9           (b) The Department may, without a hearing, refuse to issue  
10 or renew or may suspend the license of any person who fails to  
11 file a return, or to pay the tax, penalty or interest shown in  
12 a filed return, or to pay any final assessment of the tax,  
13 penalty, or interest as required by any tax Act administered by  
14 the Illinois Department of Revenue, until such time as the  
15 requirements of any such tax Act are satisfied.

16           (c) The determination by a circuit court that a licensee is  
17 subject to involuntary admission or judicial admission as  
18 provided in the Mental Health and Developmental Disabilities  
19 Code operates as an automatic suspension. The suspension will  
20 end only upon a finding by a court that the patient is no  
21 longer subject to involuntary admission or judicial admission  
22 and issues an order so finding and discharging the patient, and  
23 upon the recommendation of the Disciplinary Board to the  
24 Secretary that the licensee be allowed to resume his or her  
25 practice.

26           (d) In enforcing this Section, the Department upon a

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

20 If the Department finds an individual unable to practice  
21 because of the reasons set forth in this Section, the  
22 Department may require that individual to submit to care,  
23 counseling, or treatment by physicians approved or designated  
24 by the Department, as a condition, term, or restriction for  
25 continued, reinstated, or renewed licensure to practice; or, in  
26 lieu of care, counseling, or treatment, the Department may file

1 a complaint to immediately suspend, revoke, or otherwise  
2 discipline the license of the individual. An individual whose  
3 license was granted, continued, reinstated, renewed,  
4 disciplined, or supervised subject to such terms, conditions,  
5 or restrictions, and who fails to comply with such terms,  
6 conditions, or restrictions, shall be referred to the Secretary  
7 for a determination as to whether the individual shall have his  
8 or her license suspended immediately, pending a hearing by the  
9 Department.

10 In instances in which the Secretary immediately suspends a  
11 person's license under this Section, a hearing on that person's  
12 license must be convened by the Department within 30 days after  
13 the suspension and completed without appreciable delay. The  
14 Department shall have the authority to review the subject  
15 individual's record of treatment and counseling regarding the  
16 impairment to the extent permitted by applicable federal  
17 statutes and regulations safeguarding the confidentiality of  
18 medical records.

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

24 (Source: P.A. 95-703, eff. 12-31-07; 96-268, eff. 8-11-09.)

25 Section 80. The Podiatric Medical Practice Act of 1987 is

1 amended by changing Section 24 as follows:

2 (225 ILCS 100/24) (from Ch. 111, par. 4824)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 24. Grounds for disciplinary action. The Department  
5 may refuse to issue, may refuse to renew, may refuse to  
6 restore, may suspend, or may revoke any license, or may place  
7 on probation, reprimand or take other disciplinary or  
8 non-disciplinary action as the Department may deem proper,  
9 including fines not to exceed \$10,000 for each violation upon  
10 anyone licensed under this Act for any of the following  
11 reasons:

12 (1) Making a material misstatement in furnishing  
13 information to the Department.

14 (2) Violations of this Act, or of the rules or  
15 regulations promulgated hereunder.

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

22 (4) Making any misrepresentation for the purpose of  
23 obtaining licenses, or violating any provision of this Act  
24 or the rules promulgated thereunder pertaining to  
25 advertising.

1 (5) Professional incompetence.

2 (6) Gross or repeated malpractice or negligence.

3 (7) Aiding or assisting another person in violating any  
4 provision of this Act or rules.

5 (8) Failing, within 30 days, to provide information in  
6 response to a written request made by the Department.

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

10 (10) Habitual or excessive use of alcohol, narcotics,  
11 stimulants or other chemical agent or drug that results in  
12 the inability to practice podiatric medicine with  
13 reasonable judgment, skill or safety.

14 (11) Discipline by another United States jurisdiction  
15 if at least one of the grounds for the discipline is the  
16 same or substantially equivalent to those set forth in this  
17 Section.

18 (12) Directly or indirectly giving to or receiving from  
19 any person, firm, corporation, partnership, or association  
20 any fee, commission, rebate or other form of compensation  
21 for any professional services not actually or personally  
22 rendered. This shall not be deemed to include rent or other  
23 remunerations paid to an individual, partnership, or  
24 corporation, by a licensee, for the lease, rental or use of  
25 space, owned or controlled, by the individual, partnership  
26 or corporation. Nothing in this paragraph (12) prohibits



1 contractual or employment arrangements with health care  
2 professionals or providers, such as physicians, physician  
3 practices, hospitals, long-term care facilities, clinics,  
4 or other entities, except as otherwise prohibited by law.  
5 Contractual and employment arrangements with health care  
6 professionals or providers may include arrangements for  
7 compensation, use of space, staff, equipment, health  
8 insurance, pension, or other benefits for the provision of  
9 services within the scope of the licensee's practice under  
10 this Act.

11 (13) A finding by the Podiatric Medical Licensing Board  
12 that the licensee, after having his or her license placed  
13 on probationary status, has violated the terms of  
14 probation.

15 (14) Abandonment of a patient.

16 (15) Willfully making or filing false records or  
17 reports in his or her practice, including but not limited  
18 to false records filed with state agencies or departments.

19 (16) Willfully failing to report an instance of  
20 suspected child abuse or neglect as required by the Abused  
21 and Neglected Child Report Act.

22 (17) Physical illness, mental illness, or other  
23 impairment, including but not limited to, deterioration  
24 through the aging process, or loss of motor skill that  
25 results in the inability to practice the profession with  
26 reasonable judgment, skill or safety.

1           (18) Solicitation of professional services other than  
2 permitted advertising.

3           (19) The determination by a circuit court that a  
4 licensed podiatric physician is subject to involuntary  
5 admission or judicial admission as provided in the Mental  
6 Health and Developmental Disabilities Code operates as an  
7 automatic suspension. Such suspension will end only upon a  
8 finding by a court that the patient is no longer subject to  
9 involuntary admission or judicial admission and issues an  
10 order so finding and discharging the patient; and upon the  
11 recommendation of the Podiatric Medical Licensing Board to  
12 the Secretary that the licensee be allowed to resume his or  
13 her practice.

14           (20) Holding oneself out to treat human ailments under  
15 any name other than his or her own, or the impersonation of  
16 any other physician.

17           (21) Revocation or suspension or other action taken  
18 with respect to a podiatric medical license in another  
19 jurisdiction that would constitute disciplinary action  
20 under this Act.

21           (22) Promotion of the sale of drugs, devices,  
22 appliances or goods provided for a patient in such manner  
23 as to exploit the patient for financial gain of the  
24 podiatric physician.

25           (23) Gross, willful, and continued overcharging for  
26 professional services including filing false statements

1 for collection of fees for those services, including, but  
2 not limited to, filing false statement for collection of  
3 monies for services not rendered from the medical  
4 assistance program of the Department of Healthcare and  
5 Family Services (formerly Department of Public Aid) under  
6 the Illinois Public Aid Code or other private or public  
7 third party payor.

8 (24) Being named as a perpetrator in an indicated  
9 report by the Department of Children and Family Services  
10 under the Abused and Neglected Child Reporting Act, and  
11 upon proof by clear and convincing evidence that the  
12 licensee has caused a child to be an abused child or  
13 neglected child as defined in the Abused and Neglected  
14 Child Reporting Act.

15 (25) Willfully making or filing false records or  
16 reports in the practice of podiatric medicine, including,  
17 but not limited to, false records to support claims against  
18 the medical assistance program of the Department of  
19 Healthcare and Family Services (formerly Department of  
20 Public Aid) under the Illinois Public Aid Code.

21 (26) (Blank).

22 (27) Immoral conduct in the commission of any act  
23 including, sexual abuse, sexual misconduct, or sexual  
24 exploitation, related to the licensee's practice.

25 (28) Violation of the Health Care Worker Self-Referral  
26 Act.

1           (29) Failure to report to the Department any adverse  
2           final action taken against him or her by another licensing  
3           jurisdiction (another state or a territory of the United  
4           States or a foreign state or country) by a peer review  
5           body, by any health care institution, by a professional  
6           society or association related to practice under this Act,  
7           by a governmental agency, by a law enforcement agency, or  
8           by a court for acts or conduct similar to acts or conduct  
9           that would constitute grounds for action as defined in this  
10          Section.

11          The Department may refuse to issue or may suspend the  
12          license of any person who fails to file a return, or to pay the  
13          tax, penalty or interest shown in a filed return, or to pay any  
14          final assessment of tax, penalty or interest, as required by  
15          any tax Act administered by the Illinois Department of Revenue,  
16          until such time as the requirements of any such tax Act are  
17          satisfied.

18          Upon receipt of a written communication from the Secretary  
19          of Human Services, the Director of Healthcare and Family  
20          Services (formerly Director of Public Aid), or the Director of  
21          Public Health that continuation of practice of a person  
22          licensed under this Act constitutes an immediate danger to the  
23          public, the Secretary may immediately suspend the license of  
24          such person without a hearing. In instances in which the  
25          Secretary immediately suspends a license under this Section, a  
26          hearing upon such person's license must be convened by the

1 Board within 15 days after such suspension and completed  
2 without appreciable delay, such hearing held to determine  
3 whether to recommend to the Secretary that the person's license  
4 be revoked, suspended, placed on probationary status or  
5 reinstated, or such person be subject to other disciplinary  
6 action. In such hearing, the written communication and any  
7 other evidence submitted therewith may be introduced as  
8 evidence against such person; provided, however, the person or  
9 his counsel shall have the opportunity to discredit or impeach  
10 such evidence and submit evidence rebutting the same.

11 Except for fraud in procuring a license, all proceedings to  
12 suspend, revoke, place on probationary status, or take any  
13 other disciplinary action as the Department may deem proper,  
14 with regard to a license on any of the foregoing grounds, must  
15 be commenced within 5 years after receipt by the Department of  
16 a complaint alleging the commission of or notice of the  
17 conviction order for any of the acts described in this Section.  
18 Except for the grounds set forth in items (8), (9), (26), and  
19 (29) of this Section, no action shall be commenced more than 10  
20 years after the date of the incident or act alleged to have  
21 been a violation of this Section. In the event of the  
22 settlement of any claim or cause of action in favor of the  
23 claimant or the reduction to final judgment of any civil action  
24 in favor of the plaintiff, such claim, cause of action, or  
25 civil action being grounded on the allegation that a person  
26 licensed under this Act was negligent in providing care, the

1 Department shall have an additional period of 2 years from the  
2 date of notification to the Department under Section 26 of this  
3 Act of such settlement or final judgment in which to  
4 investigate and commence formal disciplinary proceedings under  
5 Section 24 of this Act, except as otherwise provided by law.  
6 The time during which the holder of the license was outside the  
7 State of Illinois shall not be included within any period of  
8 time limiting the commencement of disciplinary action by the  
9 Department.

10 In enforcing this Section, the Department or Board upon a  
11 showing of a possible violation may compel an individual  
12 licensed to practice under this Act, or who has applied for  
13 licensure under this Act, to submit to a mental or physical  
14 examination, or both, as required by and at the expense of the  
15 Department. The Department or Board may order the examining  
16 physician to present testimony concerning the mental or  
17 physical examination of the licensee or applicant. No  
18 information shall be excluded by reason of any common law or  
19 statutory privilege relating to communications between the  
20 licensee or applicant and the examining physician. The  
21 examining physicians shall be specifically designated by the  
22 Board or Department. The individual to be examined may have, at  
23 his or her own expense, another physician of his or her choice  
24 present during all aspects of this examination. Failure of an  
25 individual to submit to a mental or physical examination, when  
26 directed, shall be grounds for suspension of his or her license

1 until the individual submits to the examination if the  
2 Department finds, after notice and hearing, that the refusal to  
3 submit to the examination was without reasonable cause.

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

21 In instances in which the Secretary immediately suspends a  
22 person's license under this Section, a hearing on that person's  
23 license must be convened by the Department within 30 days after  
24 the suspension and completed without appreciable delay. The  
25 Department and Board shall have the authority to review the  
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable  
2 federal statutes and regulations safeguarding the  
3 confidentiality of medical records.

4 An individual licensed under this Act and affected under  
5 this Section shall be afforded an opportunity to demonstrate to  
6 the Department or Board that he or she can resume practice in  
7 compliance with acceptable and prevailing standards under the  
8 provisions of his or her license.

9 (Source: P.A. 95-235, eff. 8-17-07; 95-331, eff. 8-21-07.)

10 Section 85. The Respiratory Care Practice Act is amended by  
11 changing Section 95 as follows:

12 (225 ILCS 106/95)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 95. Grounds for discipline.

15 (a) The Department may refuse to issue, renew, or may  
16 revoke, suspend, place on probation, reprimand, or take other  
17 disciplinary action as the Department considers appropriate,  
18 including the issuance of fines not to exceed \$5,000 for each  
19 violation, with regard to any license for any one or more of  
20 the following:

21 (1) Material misstatement in furnishing information to  
22 the Department or to any other State or federal agency.

23 (2) Violations of this Act, or any of its rules.

24 (3) Conviction of any crime under the laws of the



1 United States or any state or territory thereof that is a  
2 felony or a misdemeanor, an essential element of which is  
3 dishonesty, or of any crime that is directly related to the  
4 practice of the profession.

5 (4) Making any misrepresentation for the purpose of  
6 obtaining a license.

7 (5) Professional incompetence or negligence in the  
8 rendering of respiratory care services.

9 (6) Malpractice.

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

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

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

17 (10) Violating the rules of professional conduct  
18 adopted by the Department.

19 (11) Discipline by another jurisdiction, if at least  
20 one of the grounds for the discipline is the same or  
21 substantially equivalent to those set forth in this Act.

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

26 Nothing in this paragraph (12) prohibits contractual or

1 employment arrangements with health care professionals or  
2 providers, such as physicians, physician practices,  
3 hospitals, long-term care facilities, clinics, or other  
4 entities, except as otherwise prohibited by law.  
5 Contractual and employment arrangements with health care  
6 professionals or providers may include arrangements for  
7 compensation, use of space, staff, equipment, health  
8 insurance, pension, or other benefits for the provision of  
9 services within the scope of the licensee's practice under  
10 this Act.

11 (13) A finding by the Department that the licensee,  
12 after having the license placed on probationary status, has  
13 violated the terms of the probation.

14 (14) Abandonment of a patient.

15 (15) Willfully filing false reports relating to a  
16 licensee's practice including, but not limited to, false  
17 records filed with a federal or State agency or department.

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

21 (17) Providing respiratory care, other than pursuant  
22 to an order.

23 (18) Physical or mental disability including, but not  
24 limited to, deterioration through the aging process or loss  
25 of motor skills that results in the inability to practice  
26 the profession with reasonable judgment, skill, or safety.

1           (19) Solicitation of professional services by using  
2 false or misleading advertising.

3           (20) Failure to file a tax return, or to pay the tax,  
4 penalty, or interest shown in a filed return, or to pay any  
5 final assessment of tax penalty, or interest, as required  
6 by any tax Act administered by the Illinois Department of  
7 Revenue or any successor agency or the Internal Revenue  
8 Service or any successor agency.

9           (21) Irregularities in billing a third party for  
10 services rendered or in reporting charges for services not  
11 rendered.

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

19           (23) Habitual or excessive use or addiction to alcohol,  
20 narcotics, stimulants, or any other chemical agent or drug  
21 that results in an inability to practice with reasonable  
22 skill, judgment, or safety.

23           (24) Being named as a perpetrator in an indicated  
24 report by the Department on Aging under the Elder Abuse and  
25 Neglect Act, and upon proof by clear and convincing  
26 evidence that the licensee has caused an elderly person to

1 be abused or neglected as defined in the Elder Abuse and  
2 Neglect Act.

3 (25) Willfully failing to report an instance of  
4 suspected elder abuse or neglect as required by the Elder  
5 Abuse and Neglect Act.

6 (b) The determination by a court that a licensee is subject  
7 to involuntary admission or judicial admission as provided in  
8 the Mental Health and Developmental Disabilities Code will  
9 result in an automatic suspension of his or her license. The  
10 suspension will end upon a finding by a court that the licensee  
11 is no longer subject to involuntary admission or judicial  
12 admission, the issuance of an order so finding and discharging  
13 the patient, and the recommendation of the Board to the  
14 Director that the licensee be allowed to resume his or her  
15 practice.

16 (Source: P.A. 94-523, eff. 1-1-06.)

17 Section 90. The Professional Counselor and Clinical  
18 Professional Counselor Licensing Act is amended by changing  
19 Section 80 as follows:

20 (225 ILCS 107/80)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 80. Grounds for discipline.

23 (a) The Department may refuse to issue, renew, or may  
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary action as the Department deems appropriate,  
2 including the issuance of fines not to exceed \$1000 for each  
3 violation, with regard to any license for any one or more of  
4 the following:

5 (1) Material misstatement in furnishing information to  
6 the Department or to any other State agency.

7 (2) Violations or negligent or intentional disregard  
8 of this Act, or any of its rules.

9 (3) Conviction of any crime under the laws of the  
10 United States or any state or territory thereof that is a  
11 felony, or that is a misdemeanor, an essential element of  
12 which is dishonesty, or of any crime which is directly  
13 related to the practice of the profession.

14 (4) Making any misrepresentation for the purpose of  
15 obtaining a license, or violating any provision of this Act  
16 or its rules.

17 (5) Professional incompetence or gross negligence in  
18 the rendering of professional counseling or clinical  
19 professional counseling services.

20 (6) Malpractice.

21 (7) Aiding or assisting another person in violating any  
22 provision of this Act or any rules.

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

25 (9) Engaging in dishonorable, unethical, or  
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public and violating the rules of  
2 professional conduct adopted by the Department.

3 (10) Habitual or excessive use or addiction to alcohol,  
4 narcotics, stimulants, or any other chemical agent or drug  
5 which results in inability to practice with reasonable  
6 skill, judgment, or safety.

7 (11) Discipline by another jurisdiction, if at least  
8 one of the grounds for the discipline is the same or  
9 substantially equivalent to those set forth in this  
10 Section.

11 (12) Directly or indirectly giving to or receiving from  
12 any person, firm, corporation, partnership, or association  
13 any fee, commission, rebate or other form of compensation  
14 for any professional service not actually rendered.  
15 Nothing in this paragraph (12) prohibits contractual or  
16 employment arrangements with health care professionals or  
17 providers, such as physicians, physician practices,  
18 hospitals, long-term care facilities, clinics, or other  
19 entities, except as otherwise prohibited by law.  
20 Contractual and employment arrangements with health care  
21 professionals or providers may include arrangements for  
22 compensation, use of space, staff, equipment, health  
23 insurance, pension, or other benefits for the provision of  
24 services within the scope of the licensee's practice under  
25 this Act.

26 (13) A finding by the Board that the licensee, after

1           having the license placed on probationary status, has  
2           violated the terms of probation.

3           (14) Abandonment of a client.

4           (15) Willfully filing false reports relating to a  
5           licensee's practice, including but not limited to false  
6           records filed with federal or State agencies or  
7           departments.

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

11          (17) Being named as a perpetrator in an indicated  
12          report by the Department of Children and Family Services  
13          pursuant to the Abused and Neglected Child Reporting Act,  
14          and upon proof by clear and convincing evidence that the  
15          licensee has caused a child to be an abused child or  
16          neglected child as defined in the Abused and Neglected  
17          Child Reporting Act.

18          (18) Physical or mental disability, including  
19          deterioration through the aging process or loss of  
20          abilities and skills which results in the inability to  
21          practice the profession with reasonable judgment, skill,  
22          or safety.

23          (19) Solicitation of professional services by using  
24          false or misleading advertising.

25          (20) Failure to file a return, or to pay the tax,  
26          penalty or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty or interest, as required  
2 by any tax Act administered by the Illinois Department of  
3 Revenue or any successor agency or the Internal Revenue  
4 Service or any successor agency.

5 (21) A finding that licensure has been applied for or  
6 obtained by fraudulent means.

7 (22) Practicing or attempting to practice under a name  
8 other than the full name as shown on the license or any  
9 other legally authorized name.

10 (23) Gross overcharging for professional services  
11 including filing statements for collection of fees or  
12 monies for which services are not rendered.

13 (24) Rendering professional counseling or clinical  
14 professional counseling services without a license or  
15 practicing outside the scope of a license.

16 (25) Clinical supervisors failing to adequately and  
17 responsibly monitor supervisees.

18 (b) The Department shall deny, without hearing, any  
19 application or renewal for a license under this Act to any  
20 person who has defaulted on an educational loan guaranteed by  
21 the Illinois State Assistance Commission; however, the  
22 Department may issue a license or renewal if the person in  
23 default has established a satisfactory repayment record as  
24 determined by the Illinois Student Assistance Commission.

25 (c) The determination by a court that a licensee is subject  
26 to involuntary admission or judicial admission as provided in



1 the Mental Health and Developmental Disabilities Code will  
2 result in an automatic suspension of his or her license. The  
3 suspension will end upon a finding by a court that the licensee  
4 is no longer subject to involuntary admission or judicial  
5 admission, the issuance of an order so finding and discharging  
6 the patient, and the recommendation of the Board to the  
7 Director that the licensee be allowed to resume professional  
8 practice.

9 (d) In enforcing this Section, the Board, upon a showing of  
10 a possible violation, may compel a licensee or applicant to  
11 submit to a mental or physical examination, or both, as  
12 required by and at the expense of the Department. The examining  
13 physicians or clinical psychologists shall be those  
14 specifically designated by the Board. The Board or the  
15 Department may order (i) the examining physician to present  
16 testimony concerning the mental or physical examination of a  
17 licensee or applicant or (ii) the examining clinical  
18 psychologist to present testimony concerning the mental  
19 examination of a licensee or applicant. No information shall be  
20 excluded by reason of any common law or statutory privilege  
21 relating to communications between a licensee or applicant and  
22 the examining physician or clinical psychologist. An  
23 individual to be examined may have, at his or her own expense,  
24 another physician or clinical psychologist of his or her choice  
25 present during all aspects of the examination. Failure of an  
26 individual to submit to a mental or physical examination, when

1 directed, is grounds for suspension of his or her license. The  
2 license must remain suspended until the person submits to the  
3 examination or the Board finds, after notice and hearing, that  
4 the refusal to submit to the examination was with reasonable  
5 cause.

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

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

23 (Source: P.A. 92-719, eff. 7-25-02.)

24 Section 95. The Illinois Speech-Language Pathology and  
25 Audiology Practice Act is amended by changing Section 16 as

1 follows:

2 (225 ILCS 110/16) (from Ch. 111, par. 7916)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 16. Refusal, revocation or suspension of licenses.

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

11 (a) Fraud in procuring the license.

12 (b) (Blank).

13 (c) Willful or repeated violations of the rules of the  
14 Department of Public Health.

15 (d) Division of fees or agreeing to split or divide the  
16 fees received for speech-language pathology or audiology  
17 services with any person for referring an individual, or  
18 assisting in the care or treatment of an individual,  
19 without the knowledge of the individual or his or her legal  
20 representative. Nothing in this paragraph (d) prohibits  
21 contractual or employment arrangements with health care  
22 professionals or providers, such as physicians, physician  
23 practices, hospitals, long-term care facilities, clinics,  
24 or other entities, except as otherwise prohibited by law.  
25 Contractual and employment arrangements with health care

1 professionals or providers may include arrangements for  
2 compensation, use of space, staff, equipment, health  
3 insurance, pension, or other benefits for the provision of  
4 services within the scope of the licensee's practice under  
5 this Act.

6 (e) Employing, procuring, inducing, aiding or abetting  
7 a person not licensed as a speech-language pathologist or  
8 audiologist to engage in the unauthorized practice of  
9 speech-language pathology or audiology.

10 (e-5) Employing, procuring, inducing, aiding, or  
11 abetting a person not licensed as a speech-language  
12 pathology assistant to perform the functions and duties of  
13 a speech-language pathology assistant.

14 (f) Making any misrepresentations or false promises,  
15 directly or indirectly, to influence, persuade or induce  
16 patronage.

17 (g) Professional connection or association with, or  
18 lending his or her name to another for the illegal practice  
19 of speech-language pathology or audiology by another, or  
20 professional connection or association with any person,  
21 firm or corporation holding itself out in any manner  
22 contrary to this Act.

23 (h) Obtaining or seeking to obtain checks, money, or  
24 any other things of value by false or fraudulent  
25 representations, including but not limited to, engaging in  
26 such fraudulent practice to defraud the medical assistance

1 program of the Department of Healthcare and Family Services  
2 (formerly Department of Public Aid).

3 (i) Practicing under a name other than his or her own.

4 (j) Improper, unprofessional or dishonorable conduct  
5 of a character likely to deceive, defraud or harm the  
6 public.

7 (k) Conviction of or entry of a plea of guilty or nolo  
8 contendere to any crime that is a felony under the laws of  
9 the United States or any state or territory thereof, or  
10 that is a misdemeanor of which an essential element is  
11 dishonesty, or that is directly related to the practice of  
12 the profession.

13 (l) Permitting a person under his or her supervision to  
14 perform any function not authorized by this Act.

15 (m) A violation of any provision of this Act or rules  
16 promulgated thereunder.

17 (n) Discipline by another state, the District of  
18 Columbia, territory, or foreign nation of a license to  
19 practice speech-language pathology or audiology or a  
20 license to practice as a speech-language pathology  
21 assistant in its jurisdiction if at least one of the  
22 grounds for that discipline is the same as or the  
23 equivalent of one of the grounds for discipline set forth  
24 herein.

25 (o) Willfully failing to report an instance of  
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 (p) Gross or repeated malpractice.

3 (q) Willfully making or filing false records or reports  
4 in his or her practice as a speech-language pathologist,  
5 speech-language pathology assistant, or audiologist,  
6 including, but not limited to, false records to support  
7 claims against the public assistance program of the  
8 Department of Healthcare and Family Services (formerly  
9 Illinois Department of Public Aid).

10 (r) Professional incompetence as manifested by poor  
11 standards of care or mental incompetence as declared by a  
12 court of competent jurisdiction.

13 (s) Repeated irregularities in billing a third party  
14 for services rendered to an individual. For purposes of  
15 this Section, "irregularities in billing" shall include:

16 (i) reporting excessive charges for the purpose of  
17 obtaining a total payment in excess of that usually  
18 received by the speech-language pathologist,  
19 speech-language pathology assistant, or audiologist  
20 for the services rendered;

21 (ii) reporting charges for services not rendered;

22 or

23 (iii) incorrectly reporting services rendered for  
24 the purpose of obtaining payment not earned.

25 (t) (Blank).

26 (u) Violation of the Health Care Worker Self-Referral

1 Act.

2 (v) Inability to practice with reasonable judgment,  
3 skill, or safety as a result of habitual or excessive use  
4 of or addiction to alcohol, narcotics, or stimulants or any  
5 other chemical agent or drug or as a result of physical  
6 illness, including, but not limited to, deterioration  
7 through the aging process or loss of motor skill, mental  
8 illness, or disability.

9 (w) Violation of the Hearing Instrument Consumer  
10 Protection Act.

11 (x) Failure by a speech-language pathology assistant  
12 and supervising speech-language pathologist to comply with  
13 the supervision requirements set forth in Section 8.8.

14 (y) Wilfully exceeding the scope of duties customarily  
15 undertaken by speech-language pathology assistants set  
16 forth in Section 8.7 that results in, or may result in,  
17 harm to the public.

18 (2) The Department shall deny a license or renewal  
19 authorized by this Act to any person who has defaulted on an  
20 educational loan guaranteed by the Illinois State Scholarship  
21 Commission; however, the Department may issue a license or  
22 renewal if the aforementioned persons have established a  
23 satisfactory repayment record as determined by the Illinois  
24 State Scholarship Commission.

25 (3) The entry of an order by a circuit court establishing  
26 that any person holding a license under this Act is subject to

1 involuntary admission or judicial admission as provided for in  
2 the Mental Health and Developmental Disabilities Code,  
3 operates as an automatic suspension of that license. That  
4 person may have his or her license restored only upon the  
5 determination by a circuit court that the patient is no longer  
6 subject to involuntary admission or judicial admission and the  
7 issuance of an order so finding and discharging the patient,  
8 and upon the Board's recommendation to the Department that the  
9 license be restored. Where the circumstances so indicate, the  
10 Board may recommend to the Department that it require an  
11 examination prior to restoring any license automatically  
12 suspended under this subsection.

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

20 (5) In enforcing this Section, the Board upon a showing of  
21 a possible violation may compel an individual licensed to  
22 practice under this Act, or who has applied for licensure  
23 pursuant to this Act, to submit to a mental or physical  
24 examination, or both, as required by and at the expense of the  
25 Department. The examining physicians or clinical psychologists  
26 shall be those specifically designated by the Board. The



1 individual to be examined may have, at his or her own expense,  
2 another physician or clinical psychologist of his or her choice  
3 present during all aspects of this examination. Failure of any  
4 individual to submit to a mental or physical examination, when  
5 directed, shall be grounds for suspension of his or her license  
6 until the individual submits to the examination if the Board  
7 finds, after notice and hearing, that the refusal to submit to  
8 the examination was without reasonable cause.

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

25 In instances in which the Secretary immediately suspends a  
26 person's license under this Section, a hearing on that person's

1 license must be convened by the Board within 15 days after the  
2 suspension and completed without appreciable delay. The Board  
3 shall have the authority to review the subject individual's  
4 record of treatment and counseling regarding the impairment to  
5 the extent permitted by applicable federal statutes and  
6 regulations safeguarding the confidentiality of medical  
7 records.

8 An individual licensed under this Act and affected under  
9 this Section shall be afforded an opportunity to demonstrate to  
10 the Board that he or she can resume practice in compliance with  
11 acceptable and prevailing standards under the provisions of his  
12 or her license.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07.)

14 Section 100. The Perfusionist Practice Act is amended by  
15 changing Section 105 as follows:

16 (225 ILCS 125/105)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 105. Disciplinary actions.

19 (a) The Department may refuse to issue, renew, or restore a  
20 license, or may revoke or suspend a license, or may place on  
21 probation, reprimand, or take other disciplinary or  
22 non-disciplinary action with regard to a person licensed under  
23 this Act, including but not limited to the imposition of fines  
24 not to exceed \$10,000 for each violation, for one or any

1 combination of the following causes:

2 (1) Making a material misstatement in furnishing  
3 information to the Department.

4 (2) Violation of this Act or any rule promulgated under  
5 this Act.

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

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

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

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

18 (7) Engaging in dishonorable, unethical, or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud, or harm the public, as defined by rule of the  
21 Department.

22 (8) Discipline by another state, the District of  
23 Columbia, or territory, or a foreign nation, if at least  
24 one of the grounds for discipline is the same or  
25 substantially equivalent to those set forth in this  
26 Section.

1           (9) Directly or indirectly giving to or receiving from  
2           a person, firm, corporation, partnership, or association a  
3           fee, commission, rebate, or other form of compensation for  
4           professional services not actually or personally rendered.  
5           Nothing in this paragraph (9) prohibits contractual or  
6           employment arrangements with health care professionals or  
7           providers, such as physicians, physician practices,  
8           hospitals, long-term care facilities, clinics, or other  
9           entities, except as otherwise prohibited by law.  
10          Contractual and employment arrangements with health care  
11          professionals or providers may include arrangements for  
12          compensation, use of space, staff, equipment, health  
13          insurance, pension, or other benefits for the provision of  
14          services within the scope of the licensee's practice under  
15          this Act.

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

19          (11) Wilfully making or filing false records or reports  
20          in his or her practice, including but not limited to false  
21          records or reports filed with State agencies or  
22          departments.

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

25          (13) Wilfully failing to report an instance of  
26          suspected child abuse or neglect as required under the

1 Abused and Neglected Child Reporting Act.

2 (14) Being named as a perpetrator in an indicated  
3 report by the Department of Children and Family Services  
4 under the Abused and Neglected Child Reporting Act and upon  
5 proof by clear and convincing evidence that the licensee  
6 has caused a child to be an abused child or neglected child  
7 as defined in the Abused and Neglected Child Reporting Act.

8 (15) Employment of fraud, deception, or any unlawful  
9 means in applying for or securing a license as a  
10 perfusionist.

11 (16) Allowing another person to use his or her license  
12 to practice.

13 (17) Failure to report to the Department (A) any  
14 adverse final action taken against the licensee by another  
15 licensing jurisdiction, government agency, law enforcement  
16 agency, or any court or (B) liability for conduct that  
17 would constitute grounds for action as set forth in this  
18 Section.

19 (18) Inability to practice the profession with  
20 reasonable judgment, skill or safety as a result of a  
21 physical illness, including but not limited to  
22 deterioration through the aging process or loss of motor  
23 skill, or a mental illness or disability.

24 (19) Inability to practice the profession for which he  
25 or she is licensed with reasonable judgment, skill, or  
26 safety as a result of habitual or excessive use or

1 addiction to alcohol, narcotics, stimulants, or any other  
2 chemical agent or drug.

3 (20) Gross malpractice.

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

8 (22) Violation of the Health Care Worker Self-Referral  
9 Act.

10 (23) Solicitation of business or professional  
11 services, other than permitted advertising.

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

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

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

19 (27) Violating any provision of this Act or the rules  
20 promulgated under this Act, including, but not limited to,  
21 advertising.

22 (b) A licensee or applicant who, because of a physical or  
23 mental illness or disability, including, but not limited to,  
24 deterioration through the aging process or loss of motor skill,  
25 is unable to practice the profession with reasonable judgment,  
26 skill, or safety, may be required by the Department to submit

1 to care, counseling or treatment by physicians approved or  
2 designated by the Department, as a condition, term, or  
3 restriction for continued, reinstated, or renewed licensure to  
4 practice. Submission to care, counseling or treatment as  
5 required by the Department shall not be considered discipline  
6 of the licensee. If the licensee refuses to enter into a care,  
7 counseling or treatment agreement or fails to abide by the  
8 terms of the agreement the Department may file a complaint to  
9 suspend or revoke the license or otherwise discipline the  
10 licensee. The Secretary may order the license suspended  
11 immediately, pending a hearing by the Department. Fines shall  
12 not be assessed in the disciplinary actions involving physical  
13 or mental illness or impairment.

14 (b-5) The Department may refuse to issue or may suspend,  
15 without a hearing as provided for in the Civil Administrative  
16 Code of Illinois, the license of a person who fails 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 (c) The determination by a circuit court that a licensee is  
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities  
2 Code, as amended, operates as an automatic suspension. The  
3 suspension will end only upon a finding by a court that the  
4 licensee is no longer subject to the involuntary admission or  
5 judicial admission and issues an order so finding and  
6 discharging the licensee; and upon the recommendation of the  
7 Board to the Secretary that the licensee be allowed to resume  
8 his or her practice.

9 (d) In enforcing this Section, the Department or Board,  
10 upon a showing of a possible violation, may order a licensee or  
11 applicant to submit to a mental or physical examination, or  
12 both, at the expense of the Department. The Department or Board  
13 may order the examining physician to present testimony  
14 concerning his or her examination of the licensee or applicant.  
15 No information shall be excluded by reason of any common law or  
16 statutory privilege relating to communications between the  
17 licensee or applicant and the examining physician. The  
18 examining physicians shall be specifically designated by the  
19 Board or Department. The licensee or applicant may have, at his  
20 or her own expense, another physician of his or her choice  
21 present during all aspects of the examination. Failure of a  
22 licensee or applicant to submit to any such examination when  
23 directed, without reasonable cause as defined by rule, shall be  
24 grounds for either the immediate suspension of his or her  
25 license or immediate denial of his or her application.

26 If the Secretary immediately suspends the license of a



1 licensee for his or her failure to submit to a mental or  
2 physical examination when directed, a hearing must be convened  
3 by the Department within 15 days after the suspension and  
4 completed without appreciable delay.

5 If the Secretary otherwise suspends a license pursuant to  
6 the results of the licensee's mental or physical examination, a  
7 hearing must be convened by the Department within 15 days after  
8 the suspension and completed without appreciable delay. The  
9 Department and Board shall have the authority to review the  
10 licensee's record of treatment and counseling regarding the  
11 relevant impairment or impairments to the extent permitted by  
12 applicable federal statutes and regulations safeguarding the  
13 confidentiality of medical records.

14 Any licensee suspended or otherwise affected under this  
15 subsection (d) shall be afforded an opportunity to demonstrate  
16 to the Department or Board that he or she can resume practice  
17 in compliance with the acceptable and prevailing standards  
18 under the provisions of his or her license.

19 (Source: P.A. 96-682, eff. 8-25-09.)

20 Section 105. The Registered Surgical Assistant and  
21 Registered Surgical Technologist Title Protection Act is  
22 amended by changing Section 75 as follows:

23 (225 ILCS 130/75)

24 (Section scheduled to be repealed on January 1, 2014)

1           Sec. 75. Grounds for disciplinary action.

2           (a) The Department may refuse to issue, renew, or restore a  
3 registration, may revoke or suspend a registration, or may  
4 place on probation, censure, reprimand, or take other  
5 disciplinary action with regard to a person registered under  
6 this Act, including but not limited to the imposition of fines  
7 not to exceed \$5,000 for each violation, for any one or  
8 combination of the following causes:

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

11           (2) Violating a provision of this Act or its rules.

12           (3) Conviction under the laws of a United States  
13 jurisdiction of a crime that is a felony or a misdemeanor,  
14 an essential element of which is dishonesty, or of a crime  
15 that is directly related to the practice as a surgical  
16 assistant or surgical technologist.

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

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

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

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

1 (8) Discipline by another United States jurisdiction  
2 or 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 Nothing in this paragraph (9) prohibits contractual or  
10 employment arrangements with health care professionals or  
11 providers, such as physicians, physician practices,  
12 hospitals, long-term care facilities, clinics, or other  
13 entities, except as otherwise prohibited by law.  
14 Contractual and employment arrangements with health care  
15 professionals or providers may include arrangements for  
16 compensation, use of space, staff, equipment, health  
17 insurance, pension, or other benefits for the provision of  
18 services within the scope of the licensee's practice under  
19 this Act.

20 (10) A finding by the Department that the registrant,  
21 after having his or her registration placed on probationary  
22 status, has violated the terms of probation.

23 (11) Wilfully making or filing false records or reports  
24 in his or her practice, including but not limited to false  
25 records or reports filed with State agencies.

26 (12) Wilfully making or signing a false statement,

1 certificate, or affidavit to induce payment.

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

5 (14) Being named as a perpetrator in an indicated  
6 report by the Department of Children and Family Services  
7 under the Abused and Neglected Child Reporting Act and upon  
8 proof by clear and convincing evidence that the licensee  
9 has caused a child to be an abused child or neglected child  
10 as defined in the Abused and Neglected Child Reporting Act.

11 (15) Employment of fraud, deception, or any unlawful  
12 means in applying for or securing a license as a surgical  
13 assistant.

14 (16) Failure to report to the Department (A) any  
15 adverse final action taken against the registrant by  
16 another registering or licensing jurisdiction, government  
17 agency, law enforcement agency, or any court or (B)  
18 liability for conduct that would constitute grounds for  
19 action as set forth in this Section.

20 (17) Habitual intoxication or addiction to the use of  
21 drugs.

22 (18) Physical illness, including but not limited to  
23 deterioration through the aging process or loss of motor  
24 skills, which results in the inability to practice the  
25 profession for which he or she is registered with  
26 reasonable judgment, skill, or safety.

1           (19) Gross malpractice resulting in permanent injury  
2           or death of a patient.

3           (20) Immoral conduct in the commission of an act  
4           related to the registrant's practice, including but not  
5           limited to sexual abuse, sexual misconduct, or sexual  
6           exploitation.

7           (21) Violation of the Health Care Worker Self-Referral  
8           Act.

9           (b) The Department may refuse to issue or may suspend the  
10          registration of a person who fails to file a return, to pay the  
11          tax, penalty, or interest shown in a filed return, or to pay a  
12          final assessment of the tax, penalty, or interest as required  
13          by a tax Act administered by the Department of Revenue, until  
14          the requirements of the tax Act are satisfied.

15          (c) The determination by a circuit court that a registrant  
16          is subject to involuntary admission or judicial admission as  
17          provided in the Mental Health and Developmental Disabilities  
18          Code operates as an automatic suspension. The suspension will  
19          end only upon (1) a finding by a court that the patient is no  
20          longer subject to involuntary admission or judicial admission,  
21          (2) issuance of an order so finding and discharging the  
22          patient, and (3) the recommendation of the Department to the  
23          Director that the registrant be allowed to resume his or her  
24          practice.

25          (Source: P.A. 93-280, eff. 7-1-04.)

1 Section 110. The Genetic Counselor Licensing Act is amended  
2 by changing Section 95 as follows:

3 (225 ILCS 135/95)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 95. Grounds for discipline.

6 (a) The Department may refuse to issue, renew, or may  
7 revoke, suspend, place on probation, reprimand, or take other  
8 disciplinary action as the Department deems appropriate,  
9 including the issuance of fines not to exceed \$1,000 for each  
10 violation, with regard to any license for any one or more of  
11 the following:

12 (1) Material misstatement in furnishing information to  
13 the Department or to any other State agency.

14 (2) Violations or negligent or intentional disregard  
15 of this Act, or any of its rules.

16 (3) Conviction of any crime under the laws of the  
17 United States or any state or territory thereof that is a  
18 felony, a misdemeanor, an essential element of which is  
19 dishonesty, or a crime that is directly related to the  
20 practice of the profession.

21 (4) Making any misrepresentation for the purpose of  
22 obtaining a license, or violating any provision of this Act  
23 or its rules.

24 (5) Professional incompetence or gross negligence in  
25 the rendering of genetic counseling services.

1 (6) Gross or repeated negligence.

2 (7) Aiding or assisting another person in violating any  
3 provision of this Act or any rules.

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

6 (9) Engaging in dishonorable, unethical, or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud, or harm the public and violating the rules of  
9 professional conduct adopted by the Department.

10 (10) Failing to maintain the confidentiality of any  
11 information received from a client, unless otherwise  
12 authorized or required by law.

13 (11) Exploiting a client for personal advantage,  
14 profit, or interest.

15 (12) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 which results in inability to practice with reasonable  
18 skill, judgment, or safety.

19 (13) Discipline by another jurisdiction, if at least  
20 one of the grounds for the discipline is the same or  
21 substantially equivalent to those set forth in this  
22 Section.

23 (14) Directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate, or other form of compensation  
26 for any professional service not actually rendered.

1       Nothing in this paragraph (14) prohibits contractual or  
2       employment arrangements with health care professionals or  
3       providers, such as physicians, physician practices,  
4       hospitals, long-term care facilities, clinics, or other  
5       entities, except as otherwise prohibited by law.  
6       Contractual and employment arrangements with health care  
7       professionals or providers may include arrangements for  
8       compensation, use of space, staff, equipment, health  
9       insurance, pension, or other benefits for the provision of  
10       services within the scope of the licensee's practice under  
11       this Act.

12           (15) A finding by the Department that the licensee,  
13       after having the license placed on probationary status has  
14       violated the terms of probation.

15           (16) Failing to refer a client to other health care  
16       professionals when the licensee is unable or unwilling to  
17       adequately support or serve the client.

18           (17) Willfully filing false reports relating to a  
19       licensee's practice, including but not limited to false  
20       records filed with federal or State agencies or  
21       departments.

22           (18) Willfully failing to report an instance of  
23       suspected child abuse or neglect as required by the Abused  
24       and Neglected Child Reporting Act.

25           (19) Being named as a perpetrator in an indicated  
26       report by the Department of Children and Family Services



1           pursuant to the Abused and Neglected Child Reporting Act,  
2           and upon proof by clear and convincing evidence that the  
3           licensee has caused a child to be an abused child or  
4           neglected child as defined in the Abused and Neglected  
5           Child Reporting Act.

6           (20) Physical or mental disability, including  
7           deterioration through the aging process or loss of  
8           abilities and skills which results in the inability to  
9           practice the profession with reasonable judgment, skill,  
10          or safety.

11          (21) Solicitation of professional services by using  
12          false or misleading advertising.

13          (22) Failure to file a return, or to pay the tax,  
14          penalty of interest shown in a filed return, or to pay any  
15          final assessment of tax, penalty or interest, as required  
16          by any tax Act administered by the Illinois Department of  
17          Revenue or any successor agency or the Internal Revenue  
18          Service or any successor agency.

19          (23) A finding that licensure has been applied for or  
20          obtained by fraudulent means.

21          (24) Practicing or attempting to practice under a name  
22          other than the full name as shown on the license or any  
23          other legally authorized name.

24          (25) Gross overcharging for professional services,  
25          including filing statements for collection of fees or  
26          monies for which services are not rendered.

1           (26) Providing genetic counseling services to  
2 individuals, couples, groups, or families without a  
3 referral from either a physician licensed to practice  
4 medicine in all its branches, an advanced practice nurse  
5 who has a collaborative agreement with a collaborating  
6 physician that authorizes the advanced practice nurse to  
7 make referrals to a genetic counselor, or a physician  
8 assistant who has been delegated authority to make  
9 referrals to genetic counselors.

10          (b) The Department shall deny, without hearing, any  
11 application or renewal for a license under this Act to any  
12 person who has defaulted on an educational loan guaranteed by  
13 the Illinois State Assistance Commission; however, the  
14 Department may issue a license or renewal if the person in  
15 default has established a satisfactory repayment record as  
16 determined by the Illinois Student Assistance Commission.

17          (c) The determination by a court that a licensee is subject  
18 to involuntary admission or judicial admission as provided in  
19 the Mental Health and Developmental Disabilities Code will  
20 result in an automatic suspension of his or her license. The  
21 suspension will end upon a finding by a court that the licensee  
22 is no longer subject to involuntary admission or judicial  
23 admission, the issuance of an order so finding and discharging  
24 the patient, and the determination of the Director that the  
25 licensee be allowed to resume professional practice.

26          (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

1           Section 115. The Electrologist Licensing Act is amended by  
2 changing Section 75 as follows:

3           (225 ILCS 412/75)

4           (Section scheduled to be repealed on January 1, 2014)

5           Sec. 75. Grounds for discipline.

6           (a) The Department may refuse to issue or renew and may  
7 revoke or suspend a license under this Act, and may place on  
8 probation, censure, reprimand, or take other disciplinary  
9 action with regard to any licensee under this Act, as the  
10 Department may consider proper, including the issuance of fines  
11 not to exceed \$5,000 for each violation, for one or any  
12 combination of the following causes:

13           (1) Material misstatement in furnishing information to  
14 the Department.

15           (2) Violation of this Act or its rules.

16           (3) Conviction of any felony under the laws of any U.S.  
17 jurisdiction, any misdemeanor an essential element of  
18 which is dishonesty, or any crime that is directly related  
19 to the practice of the profession.

20           (4) Making any misrepresentation for the purpose of  
21 obtaining a license.

22           (5) Aiding or assisting another person in violating any  
23 provision of this Act or its rules.

24           (6) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (7) Engaging in dishonorable, unethical, or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public.

5 (8) Habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants, or any other chemical agent or drug  
7 that results in an electrologist's inability to practice  
8 with reasonable judgement, skill, or safety.

9 (9) Discipline by another U.S. jurisdiction or foreign  
10 nation if at least one of the grounds for discipline is the  
11 same as or substantially equivalent to any of those set  
12 forth in this Act.

13 (10) Directly or indirectly giving to or receiving from  
14 any person, firm, corporation, partnership, or association  
15 any fee, commission, rebate, or other form of compensation  
16 for any professional services not actually or personally  
17 rendered. Nothing in this paragraph (10) prohibits  
18 contractual or employment arrangements with health care  
19 providers, such as physicians, physician practices,  
20 hospitals, or clinics and as permitted by law. Contractual  
21 and employment arrangements with health care providers may  
22 include compensation, use of space, staff, equipment,  
23 health insurance, pension, or other benefits for the  
24 provision of services within the scope of the licensee's  
25 practice under this Act.

26 (11) A finding by the Department that the licensee,

1 after having his or her license placed on probationary  
2 status, has violated the terms of probation.

3 (12) Abandonment of a patient.

4 (13) Willfully making or filing false records or  
5 reports in the licensee's practice, including, but not  
6 limited to, false records filed with State agencies or  
7 departments.

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

12 (15) Gross negligence in his or her practice under this  
13 Act.

14 (16) Use of fraud, deception, or any unlawful means in  
15 applying for and securing a license as an electrologist.

16 (17) Immoral conduct in the commission of any act, such  
17 as sexual abuse, sexual misconduct, or sexual  
18 exploitation, related to the licensee's practice.

19 (18) Failure to comply with standards of sterilization  
20 and sanitation as defined in the rules of the Department.

21 (b) The Department may refuse to issue or renew or may  
22 suspend the license of any person who fails to file a return,  
23 to pay the tax, penalty or interest shown in a filed return, or  
24 to pay any final assessment of the tax, penalty, or interest as  
25 required by any tax Act administered by the Illinois Department  
26 of Revenue until the requirements of the tax Act are satisfied.

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

11           (d) In enforcing this Section, the Department upon a  
12 showing of a possible violation may compel any person licensed  
13 to practice under this Act or who has applied for licensure or  
14 certification pursuant to this Act to submit to a mental or  
15 physical examination, or both, as required by and at the  
16 expense of the Department. The examining physicians shall be  
17 those specifically designated by the Department. The  
18 Department may order the examining physician to present  
19 testimony concerning this mental or physical examination of the  
20 licensee or applicant. No information shall be excluded by  
21 reason of any common law or statutory privilege relating to  
22 communications between the licensee or applicant and the  
23 examining physician. The person to be examined may have, at his  
24 or her own expense, another physician of his or her choice  
25 present during all aspects of the examination. Failure of any  
26 person to submit to a mental or physical examination, when

1 directed, shall be grounds for suspension of a license until  
2 the person submits to the examination if the Department finds,  
3 after notice and hearing, that the refusal to submit to the  
4 examination was without reasonable cause.

5 If the Department finds an individual unable to practice  
6 because of the reasons set forth in this Section, the  
7 Department may require that individual to submit to care,  
8 counseling, or treatment by physicians approved or designated  
9 by the Department, as a condition, term, or restriction for  
10 continued, reinstated, or renewed licensure to practice; or, in  
11 lieu of care, counseling, or treatment, the Department may file  
12 a complaint to immediately suspend, revoke, or otherwise  
13 discipline the license of the individual.

14 Any person whose license was granted, continued,  
15 reinstated, renewed, disciplined or supervised subject to such  
16 terms, conditions or restrictions, and who fails to comply with  
17 such terms, conditions or restrictions, shall be referred to  
18 the Director for a determination as to whether the person shall  
19 have his or her license suspended immediately, pending a  
20 hearing by the Department.

21 In instances in which the Director immediately suspends a  
22 person's license under this Section, a hearing on that person's  
23 license must be convened by the Department within 15 days after  
24 the suspension and completed without appreciable delay. The  
25 Department shall have the authority to review the subject  
26 person's record of treatment and counseling regarding the

1 impairment, to the extent permitted by applicable federal  
2 statutes and regulations safeguarding the confidentiality of  
3 medical records.

4 A person licensed under this Act and affected under this  
5 Section shall be afforded an opportunity to demonstrate to the  
6 Department that he or she can resume practice in compliance  
7 with acceptable and prevailing standards under the provisions  
8 of his or her license.

9 (Source: P.A. 92-750, eff. 1-1-03.)

10 Section 999. Effective date. This Act takes effect upon  
11 becoming law.



1	INDEX	
2	Statutes amended in order of appearance	
3	225 ILCS 5/16	from Ch. 111, par. 7616
4	225 ILCS 15/15	from Ch. 111, par. 5365
5	225 ILCS 20/19	from Ch. 111, par. 6369
6	225 ILCS 25/23	from Ch. 111, par. 2323
7	225 ILCS 30/95	from Ch. 111, par. 8401-95
8	225 ILCS 50/18	from Ch. 111, par. 7418
9	225 ILCS 55/85	from Ch. 111, par. 8351-85
10	225 ILCS 60/22.3 new	
11	225 ILCS 63/110	
12	225 ILCS 65/70-5	was 225 ILCS 65/10-45
13	225 ILCS 75/19	from Ch. 111, par. 3719
14	225 ILCS 84/90	
15	225 ILCS 85/30	from Ch. 111, par. 4150
16	225 ILCS 90/17	from Ch. 111, par. 4267
17	225 ILCS 95/21	from Ch. 111, par. 4621
18	225 ILCS 100/24	from Ch. 111, par. 4824
19	225 ILCS 106/95	
20	225 ILCS 107/80	
21	225 ILCS 110/16	from Ch. 111, par. 7916
22	225 ILCS 125/105	
23	225 ILCS 130/75	
24	225 ILCS 135/95	
25	225 ILCS 412/75	