

1 AN ACT concerning regulation.

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

4 Section 1. The Regulatory Sunset Act is amended by changing
5 Sections 4.23 and 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Section Acts and Sections repealed on January 1,
8 2013. The following Section of an Act is Acts and Sections of
9 Acts are repealed on January 1, 2013:

10 ~~The Dietetic and Nutrition Services Practice Act.~~

11 Section 2.5 of the Illinois Plumbing License Law.

12 (Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12;
13 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff.
14 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised
15 9-20-12.)

16 (5 ILCS 80/4.33)

17 Sec. 4.33. Acts Act repealed on January 1, 2023. The
18 following Acts are Act is repealed on January 1, 2023:

19 The Dietitian Nutritionist Practice Act.

20 The Elevator Safety and Regulation Act.

21 The Fire Equipment Distributor and Employee Regulation Act
22 of 2011.

1 The Funeral Directors and Embalmers Licensing Code.

2 The Naprapathic Practice Act.

3 The Professional Counselor and Clinical Professional
4 Counselor Licensing and Practice Act.

5 The Wholesale Drug Distribution Licensing Act.

6 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;
7 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.
8 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

9 Section 2. The Department of Public Health Powers and
10 Duties Law of the Civil Administrative Code of Illinois is
11 amended by changing Section 2310-210 as follows:

12 (20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)

13 Sec. 2310-210. Advisory Panel on Minority Health.

14 (a) In this Section:

15 "Health profession" means any health profession regulated
16 under the laws of this State, including, without limitation,
17 professions regulated under the Illinois Athletic Trainers
18 Practice Act, the Clinical Psychologist Licensing Act, the
19 Clinical Social Work and Social Work Practice Act, the Illinois
20 Dental Practice Act, the Dietitian Nutritionist ~~Dietetic and~~
21 ~~Nutrition Services~~ Practice Act, the Marriage and Family
22 Therapy Licensing Act, the Medical Practice Act of 1987, the
23 Naprapathic Practice Act, the Nurse Practice Act, the Illinois
24 Occupational Therapy Practice Act, the Illinois Optometric

1 Practice Act of 1987, the Illinois Physical Therapy Act, the
2 Physician Assistant Practice Act of 1987, the Podiatric Medical
3 Practice Act of 1987, the Professional Counselor and Clinical
4 Professional Counselor Licensing Act, and the Illinois
5 Speech-Language Pathology and Audiology Practice Act.

6 "Minority" has the same meaning as in Section 2310-215.

7 (b) The General Assembly finds as follows:

8 (1) The health status of individuals from ethnic and
9 racial minorities in this State is significantly lower than
10 the health status of the general population of the State.

11 (2) Minorities suffer disproportionately high rates of
12 cancer, stroke, heart disease, diabetes, sickle-cell
13 anemia, lupus, substance abuse, acquired immune deficiency
14 syndrome, other diseases and disorders, unintentional
15 injuries, and suicide.

16 (3) The incidence of infant mortality among minorities
17 is almost double that for the general population.

18 (4) Minorities suffer disproportionately from lack of
19 access to health care and poor living conditions.

20 (5) Minorities are under-represented in the health
21 care professions.

22 (6) Minority participation in the procurement policies
23 of the health care industry is lacking.

24 (7) Minority health professionals historically have
25 tended to practice in low-income areas and to serve
26 minorities.

1 (8) National experts on minority health report that
2 access to health care among minorities can be substantially
3 improved by increasing the number of minority health
4 professionals.

5 (9) Increasing the number of minorities serving on the
6 facilities of health professional schools is an important
7 factor in attracting minorities to pursue a career in
8 health professions.

9 (10) Retaining minority health professionals currently
10 practicing in this State and those receiving training and
11 education in this State is an important factor in
12 maintaining and increasing the number of minority health
13 professionals in Illinois.

14 (11) An Advisory Panel on Minority Health is necessary
15 to address the health issues affecting minorities in this
16 State.

17 (c) The General Assembly's intent is as follows:

18 (1) That all Illinoisans have access to health care.

19 (2) That the gap between the health status of
20 minorities and other Illinoisans be closed.

21 (3) That the health issues that disproportionately
22 affect minorities be addressed to improve the health status
23 of minorities.

24 (4) That the number of minorities in the health
25 professions be increased.

26 (d) The Advisory Panel on Minority Health is created. The

1 Advisory Panel shall consist of 25 members appointed by the
2 Director of Public Health. The members shall represent health
3 professions and the General Assembly.

4 (e) The Advisory Panel shall assist the Department in the
5 following manner:

6 (1) Examination of the following areas as they relate
7 to minority health:

8 (A) Access to health care.

9 (B) Demographic factors.

10 (C) Environmental factors.

11 (D) Financing of health care.

12 (E) Health behavior.

13 (F) Health knowledge.

14 (G) Utilization of quality care.

15 (H) Minorities in health care professions.

16 (2) Development of monitoring, tracking, and reporting
17 mechanisms for programs and services with minority health
18 goals and objectives.

19 (3) Communication with local health departments,
20 community-based organizations, voluntary health
21 organizations, and other public and private organizations
22 statewide, on an ongoing basis, to learn more about their
23 services to minority communities, the health problems of
24 minority communities, and their ideas for improving
25 minority health.

26 (4) Promotion of communication among all State

1 agencies that provide services to minority populations.

2 (5) Building coalitions between the State and
3 leadership in minority communities.

4 (6) Encouragement of recruitment and retention of
5 minority health professionals.

6 (7) Improvement in methods for collecting and
7 reporting data on minority health.

8 (8) Improvement in accessibility to health and medical
9 care for minority populations in under-served rural and
10 urban areas.

11 (9) Reduction of communication barriers for
12 non-English speaking residents.

13 (10) Coordination of the development and dissemination
14 of culturally appropriate and sensitive education
15 material, public awareness messages, and health promotion
16 programs for minorities.

17 (f) On or before January 1, 1997 the Advisory Panel shall
18 submit an interim report to the Governor and the General
19 Assembly. The interim report shall include an update on the
20 Advisory Panel's progress in performing its functions under
21 this Section and shall include recommendations, including
22 recommendations for any necessary legislative changes.

23 On or before January 1, 1998 the Advisory Panel shall
24 submit a final report to the Governor and the General Assembly.
25 The final report shall include the following:

26 (1) An evaluation of the health status of minorities in

1 this State.

2 (2) An evaluation of minority access to health care in
3 this State.

4 (3) Recommendations for improving the health status of
5 minorities in this State.

6 (4) Recommendations for increasing minority access to
7 health care in this State.

8 (5) Recommendations for increasing minority
9 participation in the procurement policies of the health
10 care industry.

11 (6) Recommendations for increasing the number of
12 minority health professionals in this State.

13 (7) Recommendations that will ensure that the health
14 status of minorities in this State continues to be
15 addressed beyond the expiration of the Advisory Panel.

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

17 Section 3. The Illinois Insurance Code is amended by
18 changing Section 356w as follows:

19 (215 ILCS 5/356w)

20 Sec. 356w. Diabetes self-management training and
21 education.

22 (a) A group policy of accident and health insurance that is
23 amended, delivered, issued, or renewed after the effective date
24 of this amendatory Act of 1998 shall provide coverage for

1 outpatient self-management training and education, equipment,
2 and supplies, as set forth in this Section, for the treatment
3 of type 1 diabetes, type 2 diabetes, and gestational diabetes
4 mellitus.

5 (b) As used in this Section:

6 "Diabetes self-management training" means instruction in
7 an outpatient setting which enables a diabetic patient to
8 understand the diabetic management process and daily
9 management of diabetic therapy as a means of avoiding frequent
10 hospitalization and complications. Diabetes self-management
11 training shall include the content areas listed in the National
12 Standards for Diabetes Self-Management Education Programs as
13 published by the American Diabetes Association, including
14 medical nutrition therapy and education programs, as defined by
15 the contract of insurance, that allow the patient to maintain
16 an A1c level within the range identified in nationally
17 recognized standards of care.

18 "Medical nutrition therapy" shall have the meaning
19 ascribed to that term ~~"medical nutrition care"~~ in the Dietitian
20 Nutritionist Dietetic and Nutrition Services Practice Act.

21 "Physician" means a physician licensed to practice
22 medicine in all of its branches providing care to the
23 individual.

24 "Qualified provider" for an individual that is enrolled in:

25 (1) a health maintenance organization that uses a
26 primary care physician to control access to specialty care

1 means (A) the individual's primary care physician licensed
2 to practice medicine in all of its branches, (B) a
3 physician licensed to practice medicine in all of its
4 branches to whom the individual has been referred by the
5 primary care physician, or (C) a certified, registered, or
6 licensed network health care professional with expertise
7 in diabetes management to whom the individual has been
8 referred by the primary care physician.

9 (2) an insurance plan means (A) a physician licensed to
10 practice medicine in all of its branches or (B) a
11 certified, registered, or licensed health care
12 professional with expertise in diabetes management to whom
13 the individual has been referred by a physician.

14 (c) Coverage under this Section for diabetes
15 self-management training, including medical nutrition
16 education, shall be limited to the following:

17 (1) Up to 3 medically necessary visits to a qualified
18 provider upon initial diagnosis of diabetes by the
19 patient's physician or, if diagnosis of diabetes was made
20 within one year prior to the effective date of this
21 amendatory Act of 1998 where the insured was a covered
22 individual, up to 3 medically necessary visits to a
23 qualified provider within one year after that effective
24 date.

25 (2) Up to 2 medically necessary visits to a qualified
26 provider upon a determination by a patient's physician that

1 a significant change in the patient's symptoms or medical
2 condition has occurred. A "significant change" in
3 condition means symptomatic hyperglycemia (greater than
4 250 mg/dl on repeated occasions), severe hypoglycemia
5 (requiring the assistance of another person), onset or
6 progression of diabetes, or a significant change in medical
7 condition that would require a significantly different
8 treatment regimen.

9 Payment by the insurer or health maintenance organization
10 for the coverage required for diabetes self-management
11 training pursuant to the provisions of this Section is only
12 required to be made for services provided. No coverage is
13 required for additional visits beyond those specified in items
14 (1) and (2) of this subsection.

15 Coverage under this subsection (c) for diabetes
16 self-management training shall be subject to the same
17 deductible, co-payment, and co-insurance provisions that apply
18 to coverage under the policy for other services provided by the
19 same type of provider.

20 (d) Coverage shall be provided for the following equipment
21 when medically necessary and prescribed by a physician licensed
22 to practice medicine in all of its branches. Coverage for the
23 following items shall be subject to deductible, co-payment and
24 co-insurance provisions provided for under the policy or a
25 durable medical equipment rider to the policy:

26 (1) blood glucose monitors;

- 1 (2) blood glucose monitors for the legally blind;
- 2 (3) cartridges for the legally blind; and
- 3 (4) lancets and lancing devices.

4 This subsection does not apply to a group policy of
5 accident and health insurance that does not provide a durable
6 medical equipment benefit.

7 (e) Coverage shall be provided for the following
8 pharmaceuticals and supplies when medically necessary and
9 prescribed by a physician licensed to practice medicine in all
10 of its branches. Coverage for the following items shall be
11 subject to the same coverage, deductible, co-payment, and
12 co-insurance provisions under the policy or a drug rider to the
13 policy:

- 14 (1) insulin;
- 15 (2) syringes and needles;
- 16 (3) test strips for glucose monitors;
- 17 (4) FDA approved oral agents used to control blood
18 sugar; and
- 19 (5) glucagon emergency kits.

20 This subsection does not apply to a group policy of
21 accident and health insurance that does not provide a drug
22 benefit.

23 (f) Coverage shall be provided for regular foot care exams
24 by a physician or by a physician to whom a physician has
25 referred the patient. Coverage for regular foot care exams
26 shall be subject to the same deductible, co-payment, and

1 co-insurance provisions that apply under the policy for other
2 services provided by the same type of provider.

3 (g) If authorized by a physician, diabetes self-management
4 training may be provided as a part of an office visit, group
5 setting, or home visit.

6 (h) This Section shall not apply to agreements, contracts,
7 or policies that provide coverage for a specified diagnosis or
8 other limited benefit coverage.

9 (Source: P.A. 97-281, eff. 1-1-12.)

10 Section 5. The Dietetic and Nutrition Services Practice Act
11 is amended by changing Sections 1, 10, 15, 15.5, 20, 30, 37,
12 45, 65, 70, 80, 85, 95, 97, 100, 105, 110, 115, 120, 125, 130,
13 135, 140, 145, 155, 165, 175, and 180 and by adding Section 108
14 as follows:

15 (225 ILCS 30/1) (from Ch. 111, par. 8401-1)

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

17 Sec. 1. Short title. This Act may be cited as the Dietitian
18 Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

19 (Source: P.A. 87-784.)

20 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

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

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

23 "Address of record" means the designated address recorded

1 by the Department in the applicant's or licensee's application
2 file or license file as maintained by the Department's
3 licensure maintenance unit. It is the duty of the applicant or
4 licensee to inform the Department of any change of address and
5 those changes must be made either through the Department's
6 website or by contacting the Department.

7 "Board" means the Dietitian Nutritionist Practice Board
8 appointed by the Secretary ~~Director~~.

9 "Certified clinical nutritionist" means an individual
10 certified by the Clinical Nutrition Certification Board.

11 "Certified nutrition specialist" means an individual
12 certified by the Certification Board of Nutrition Specialists.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Dietetics and nutrition services" means the integration
16 and application of principles derived from the sciences of food
17 and nutrition to provide for all aspects of nutrition care for
18 individuals and groups, including, but not limited to:

19 (1) nutrition counseling; "nutrition counseling" means
20 advising and assisting individuals or groups on
21 appropriate nutrition intake by integrating information
22 from the nutrition assessment;

23 (2) nutrition assessment; "nutrition assessment" means
24 the evaluation of the nutrition needs of individuals or
25 groups using appropriate data to determine nutrient needs
26 or status and make appropriate nutrition recommendations;

1 (3) medically prescribed diet; "medically prescribed
2 diet" means a diet prescribed when specific food or
3 nutrient levels need to be monitored, altered, or both as a
4 component of a treatment program for an individual whose
5 health status is impaired or at risk due to disease,
6 injury, or surgery and may only be performed as initiated
7 by or in consultation with a physician licensed to practice
8 medicine in all of its branches;

9 (4) medical nutrition therapy; "medical nutrition
10 therapy" means the component of nutrition care that deals
11 with:

12 (A) interpreting and recommending nutrient needs
13 relative to medically prescribed diets, including, but
14 not limited to, enteral feedings, specialized
15 intravenous solutions, and specialized oral feedings;

16 (B) food and prescription drug interactions; and

17 (C) developing and managing food service
18 operations whose chief function is nutrition care and
19 provision of medically prescribed diets;

20 (5) nutrition services for individuals and groups;
21 "nutrition services for individuals and groups" includes,
22 but is not limited to, all of the following:

23 (A) providing nutrition assessments relative to
24 preventive maintenance or restorative care;

25 (B) providing nutrition education and nutrition
26 counseling as components of preventive maintenance or

1 restorative care; and

2 (C) developing and managing systems whose chief
3 function is nutrition care; nutrition services for
4 individuals and groups does not include medical
5 nutrition therapy as defined in this Act; and

6 (6) restorative; "restorative" means the component of
7 nutrition care that deals with oral dietary needs for
8 individuals and groups; activities shall relate to the
9 metabolism of food and the requirements for nutrients,
10 including dietary supplements for growth, development,
11 maintenance, or attainment of optimal health.

12 ~~"Dietetics" means the integration and application of~~
13 ~~principles derived from the sciences of food and nutrition to~~
14 ~~provide for all aspects of nutrition care for individuals and~~
15 ~~groups, including, but not limited to nutrition services and~~
16 ~~medical nutrition therapy as defined in this Act.~~

17 "Diplomate of the American Clinical Board of Nutrition"
18 means an individual certified by the American Clinical Board of
19 Nutrition.

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

22 "Licensed dietitian nutritionist" means a person licensed
23 under this Act to practice dietetics and nutrition services, as
24 defined in this Section ~~including medical nutrition therapy.~~
25 Activities of a licensed dietitian nutritionist do not include
26 the medical differential diagnosis of the health status of an

1 individual.

2 ~~"Medical nutrition therapy" means the component of~~
3 ~~nutrition care that deals with:~~

4 ~~(a) interpreting and recommending nutrient needs~~
5 ~~relative to medically prescribed diets, including, but not~~
6 ~~limited to tube feedings, specialized intravenous~~
7 ~~solutions, and specialized oral feedings;~~

8 ~~(b) food and prescription drug interactions; and~~

9 ~~(c) developing and managing food service operations~~
10 ~~whose chief function is nutrition care and provision of~~
11 ~~medically prescribed diets.~~

12 ~~"Medically prescribed diet" means a diet prescribed when~~
13 ~~specific food or nutrient levels need to be monitored, altered,~~
14 ~~or both as a component of a treatment program for an individual~~
15 ~~whose health status is impaired or at risk due to disease,~~
16 ~~injury, or surgery and may only be performed as initiated by or~~
17 ~~in consultation with a physician licensed to practice medicine~~
18 ~~in all of its branches.~~

19 ~~"Nutrition assessment" means the evaluation of the~~
20 ~~nutrition needs of individuals or groups using appropriate data~~
21 ~~to determine nutrient needs or status and make appropriate~~
22 ~~nutrition recommendations.~~

23 ~~"Nutrition counseling" means advising and assisting~~
24 ~~individuals or groups on appropriate nutrition intake by~~
25 ~~integrating information from the nutrition assessment.~~

26 ~~"Nutrition services for individuals and groups" shall~~

1 ~~include, but is not limited to, all of the following;~~

2 ~~(a) Providing nutrition assessments relative to~~
3 ~~preventive maintenance or restorative care.~~

4 ~~(b) Providing nutrition education and nutrition~~
5 ~~counseling as components of preventive maintenance or~~
6 ~~restorative care.~~

7 ~~(c) Developing and managing systems whose chief~~
8 ~~function is nutrition care. Nutrition services for~~
9 ~~individuals and groups does not include medical nutrition~~
10 ~~therapy as defined in this Act.~~

11 "Practice experience" means a preprofessional, documented,
12 supervised practice in dietetics or nutrition services that is
13 acceptable to the Department in compliance with requirements
14 for licensure, as specified in Section ~~Sections~~ 45 ~~and 50~~. It
15 may be or may include a documented, supervised practice
16 experience which is a component of the educational requirements
17 for licensure, as specified in Section 45 ~~or 50~~.

18 "Registered dietitian" means an individual registered with
19 the Commission on Dietetic Registration, the accrediting body
20 of the Academy of Nutrition and Dietetics, formerly known as
21 ~~for~~ the American Dietetic Association.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 ~~"Restorative" means the component of nutrition care that~~
25 ~~deals with oral dietary needs for individuals and groups.~~
26 ~~Activities shall relate to the metabolism of food and the~~

1 ~~requirements for nutrients, including dietary supplements for~~
2 ~~growth, development, maintenance, or attainment of optimal~~
3 ~~health.~~

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

5 (225 ILCS 30/15) (from Ch. 111, par. 8401-15)

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

7 Sec. 15. License required.

8 (a) No person may engage for remuneration in the practice
9 of dietetics and nutrition services ~~nutrition services~~
10 ~~practice~~ or hold himself or herself out as a licensed dietitian
11 nutritionist unless the person is licensed in accordance with
12 this Act. ~~or meets one or more of the following criteria:~~

13 (b) This Section does not prohibit the practice of
14 dietetics and nutrition services by the following:

15 (1) A ~~The person is licensed in this State under any~~
16 ~~other Act that authorizes the person to provide these~~
17 ~~services.~~ (2) The person that is licensed to practice
18 nutrition under the law of another state, territory of the
19 United States, or country and has applied in writing to the
20 Department in form and substance satisfactory to the
21 Department for a license as a dietitian nutritionist until
22 (i) the expiration of 6 months after filing the written
23 application, (ii) the withdrawal of the application, or
24 (iii) the denial of the application by the Department.

25 ~~(b) No person shall practice dietetics, as defined in this~~

1 ~~Act, or hold himself or herself out as a licensed dietitian~~
2 ~~nutritionist unless that person is so licensed under this Act~~
3 ~~or meets one or more of the following criteria:~~

4 ~~(1) The person is licensed in this State under any~~
5 ~~other Act that authorizes the person to provide these~~
6 ~~services.~~

7 ~~(2) The person is a dietary technical support person,~~
8 ~~working in a hospital setting or a regulated Department of~~
9 ~~Public Health or Department on Aging facility or program,~~
10 ~~who has been trained and is supervised while engaged in the~~
11 ~~practice of dietetics by a licensed dietitian nutritionist~~
12 ~~in accordance with this Act and whose services are retained~~
13 ~~by that facility or program on a full time or regular,~~
14 ~~ongoing consultant basis.~~

15 (2) A ~~(3)~~ The person that is licensed to practice
16 dietetics under the law of another state, territory of the
17 United States, or country, or is a certified nutrition
18 specialist, a certified clinical nutritionist, a diplomate
19 of the American Clinical Board of Nutrition, or a
20 registered dietitian, who has applied in writing to the
21 Department in form and substance satisfactory to the
22 Department for a license as a dietitian nutritionist until
23 (i) the expiration of 6 months after the filing the written
24 application, (ii) the withdrawal of the application, or
25 (iii) the denial of the application by the Department.

26 ~~(c) No person shall practice dietetics or nutrition~~

1 ~~services, as defined in this Act, or hold himself or herself~~
2 ~~out as a licensed dietitian nutritionist, a dietitian, a~~
3 ~~nutritionist, or a nutrition counselor unless the person is~~
4 ~~licensed in accordance with this Act.~~

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

6 (225 ILCS 30/15.5)

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

8 Sec. 15.5. Unlicensed practice; violation; civil penalty.

9 (a) Any person who practices, offers to practice, attempts
10 to practice, or holds oneself out as being able to provide
11 ~~practice~~ dietetics and ~~or~~ nutrition services without being
12 licensed under this Act shall, in addition to any other penalty
13 provided by law, pay a civil penalty to the Department in an
14 amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
15 determined by the Department. The civil penalty shall be
16 assessed by the Department after a hearing is held in
17 accordance with the provisions set forth in this Act regarding
18 the provision of a hearing for the discipline of a licensee.

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

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

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

2 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

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

4 Sec. 20. Exemptions. This Act does not prohibit or
5 restrict:

6 (a) Any person licensed in this State under any other Act
7 from engaging in the practice for which he or she is licensed.

8 (b) The practice of dietetics and ~~or~~ nutrition services by
9 a person who is employed by the United States or State
10 government or any of its bureaus, divisions, or agencies while
11 in the discharge of the employee's official duties.

12 (c) The practice of dietetics and nutrition services by a
13 person employed as a cooperative extension home economist, to
14 the extent the activities are part of his or her employment.

15 (d) The practice of dietetics and nutrition services ~~or~~
16 ~~dietetics~~ by a person pursuing a course of study leading to a
17 degree in dietetics, nutrition, or an equivalent major, ~~as~~
18 ~~authorized by the Department,~~ from a regionally accredited
19 school or program, if the activities and services constitute a
20 part of a supervised course of study and if the person is
21 designated by a title that clearly indicates the person's
22 status as a student or trainee.

23 (e) The practice of dietetics and nutrition services ~~or~~
24 ~~dietetics~~ by a person fulfilling the supervised practice
25 experience component of Section ~~Sections~~ 45 ~~or~~ 50, if the

1 activities and services constitute a part of the experience
2 necessary to meet the requirements of Section 45 ~~or 50~~.

3 (f) A person, including a licensed acupuncturist, from:

4 (1) providing oral nutrition information as an
5 operator or employee of a health food store or business
6 that sells health products, including dietary supplements,
7 food, or food materials; ~~or~~

8 (2) disseminating written nutrition information in
9 connection with the marketing and distribution of those
10 products, ~~or discussing the use of those products, both~~
11 individually and as components of nutritional programs,
12 including explanations of their federally regulated label
13 claims, any known drug-nutrient interactions, their role
14 in various diets, or suggestions as how to best use and
15 combine them.

16 (g) The practice of dietetics and nutrition services by an
17 educator who is in the employ of a nonprofit organization; ~~as~~
18 ~~authorized by the Department,~~ a federal, state, county, or
19 municipal agency, or other political subdivision; an
20 elementary or secondary school; or a regionally accredited
21 institution of higher education, as long as the activities and
22 services of the educator are part of his or her employment.

23 (h) The practice of dietetics and nutrition services by any
24 person who provides weight control services, provided the
25 nutrition program has been reviewed by, consultation is
26 available from, and no program change can be initiated without

1 prior approval by an individual licensed under this Act, an
2 individual licensed to practice dietetics or nutrition
3 services in another state that has licensure requirements
4 considered by the Department to be at least as stringent as the
5 requirements for licensure under this Act, or a registered
6 dietitian.

7 (i) The practice of dietetics and nutrition services ~~or~~
8 ~~dietetics~~ by any person with a masters or doctorate degree with
9 a major in nutrition or equivalent from a regionally accredited
10 school recognized by the Department for the purpose of
11 education and research.

12 (j) A person from providing general nutrition information
13 or encouragement of general healthy eating choices that does
14 not include the development of a customized nutrition regimen
15 for a particular client or individual, or from providing
16 encouragement for compliance with a customized nutrition plan
17 prepared by a licensed dietitian nutritionist or any other
18 licensed professional whose scope of practice includes
19 nutrition assessment and counseling. ~~Any person certified in~~
20 ~~this State and who is employed by a facility or program~~
21 ~~regulated by the State of Illinois from engaging in the~~
22 ~~practice for which he or she is certified and authorized by the~~
23 ~~Department.~~

24 (k) The practice of dietetics and nutrition services by a
25 graduate of a 2 year associate program or a 4 year
26 baccalaureate program from a school or program accredited at

1 the time of graduation by the appropriate accrediting agency
2 recognized by the Council on Higher Education Accreditation and
3 the United States Department of Education with a major in human
4 nutrition, food and nutrition or its equivalent, as authorized
5 by the Department, who is directly supervised by an individual
6 licensed under this Act.

7 (l) Providing nutrition information as an employee of a
8 nursing facility operated exclusively by and for those relying
9 upon spiritual means through prayer alone for healing in
10 accordance with the tenets and practices of a recognized church
11 or religious denomination.

12 (m) A dietary technical support person working in a
13 hospital setting or a regulated Department of Public Health or
14 Department on Aging facility or program who has been trained
15 and is supervised while engaged in the practice of dietetics by
16 a licensed dietitian nutritionist in accordance with this Act
17 and whose services are retained by that facility or program on
18 a full-time or regular, ongoing consultant basis.

19 The provisions of this Act shall not be construed to
20 prohibit or limit any person from the free dissemination of
21 information, from conducting a class or seminar, or from giving
22 a speech related to nutrition if that person does not hold
23 himself or herself out as a licensed dietitian nutritionist
24 ~~nutrition counselor or licensed dietitian~~ in a manner
25 prohibited by Section 15.

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

1 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

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

3 Sec. 30. Dietitian Nutritionist Practice Board. The
4 Secretary ~~Director~~ shall appoint a Dietitian Nutritionist
5 Practice Board as follows: 7 individuals who shall be appointed
6 by and shall serve in an advisory capacity to the Secretary
7 ~~Director~~. Of these 7 individuals, 6 ~~4~~ members must be licensed
8 under this Act, 2 of which must be a registered dietitian and 2
9 of which must be either a certified clinical nutritionist, a
10 certified nutrition specialist, or a diplomate of the American
11 Clinical Board of Nutrition, ~~; one member must be a physician~~
12 ~~licensed to practice medicine in all of its branches; one~~
13 ~~member must be a licensed professional nurse;~~ and one member
14 must be a public member not licensed under this Act.

15 Members shall serve 3-year ~~3-year~~ terms and until their
16 successors are appointed and qualified, ~~except the terms of the~~
17 ~~initial appointments~~. No member shall be reappointed to the
18 Board for a term that would cause his or her continuous service
19 on the Board to be longer than 8 years. Appointments to fill
20 vacancies shall be made in the same manner as original
21 appointments, for the unexpired portion of the vacated term.
22 ~~Initial terms shall begin upon the effective date of this Act~~
23 ~~and Board members in office on that date shall be appointed to~~
24 ~~specific terms as indicated in this Section.~~

25 Insofar as possible, the licensed professionals appointed

1 to serve on the Board shall be generally representative of the
2 geographical distribution of licensed professionals within ~~The~~
3 ~~membership of the Board shall reasonably represent all the~~
4 ~~geographic areas in this State. Any time there is a vacancy on~~
5 ~~the Board, any professional association composed of persons~~
6 ~~licensed under this Act may recommend licensees to fill the~~
7 ~~vacancy to the Board for the appointment of licensees,~~ ~~the~~
8 ~~organization representing the largest number of licensed~~
9 ~~physicians for the appointment of physicians to the Board, and~~
10 ~~the organization representing the largest number of licensed~~
11 ~~professional nurses for the appointment of a nurse to the~~
12 ~~Board.~~

13 A vacancy in the membership of the Board shall not impair
14 the right of a quorum to exercise all the rights and perform
15 all the duties of the Board.

16 Members of the Board shall have no liability in any action
17 based upon any disciplinary proceeding or other activity
18 performed in good faith as members of the Board.

19 The Secretary ~~Director~~ shall have the authority to remove
20 or suspend any member of the Board for cause at any time before
21 the expiration of his or her term. The Secretary shall be the
22 sole arbiter of cause ~~from office for neglect of any duty~~
23 ~~required by law or for incompetency or unprofessional or~~
24 ~~dishonorable conduct.~~

25 The Secretary ~~Director~~ shall consider the recommendation
26 of the Board on questions of standards of professional conduct,

1 discipline, and qualifications of candidates or licensees
2 under this Act.

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

4 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

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

6 Sec. 45. Dietitian nutritionist; qualifications. A person
7 shall be qualified for licensure as a dietitian nutritionist if
8 that person meets all of the following requirements:

9 (a) Has applied in writing in form and substance acceptable
10 to the Department and possesses a baccalaureate degree or post
11 baccalaureate degree in human nutrition, foods and nutrition,
12 dietetics, food systems management, nutrition education,
13 nutrition, nutrition science, clinical nutrition, applied
14 clinical nutrition, nutrition counseling, nutrition and
15 functional medicine, nutrition and integrative health, or an
16 equivalent major course of study as recommended by the Board
17 and approved by the Department from a school or program
18 accredited at the time of graduation from the appropriate
19 regional accrediting agency recognized by the Council on Higher
20 Education Accreditation and the United States Department of
21 Education.

22 (b) Has successfully completed an ~~the~~ examination
23 authorized by the Department which may be or may include
24 examinations ~~an examination~~ given by each of the American
25 Clinical Board of Nutrition, the Certification Board of

1 Nutrition Specialists, the Clinical Nutrition Certification
2 Board, and the Commission on Dietetic Registration, or another
3 examination approved by the Department.

4 The Department shall establish by rule a waiver of the
5 examination requirement to applicants who, at the time of
6 application, are acknowledged to be certified clinical
7 nutritionists by the Clinical Nutrition Certification Board,
8 certified nutrition specialists by the Certification Board of
9 Nutrition Specialists, diplomates of the American Clinical
10 Board of Nutrition, or registered dietitians by the Commission
11 on Dietetic Registration and who are in compliance with other
12 qualifications as included in the Act.

13 (c) Has completed a dietetic internship or documented,
14 supervised practice experience in dietetics and nutrition
15 services of not less than 900 hours under the supervision of a
16 certified clinical nutritionist, certified nutrition
17 specialist, diplomate of the American Clinical Board of
18 Nutrition, registered dietitian or a licensed dietitian
19 nutritionist, a State licensed healthcare practitioner, or an
20 individual with a doctoral degree conferred by a U.S.
21 regionally accredited college or university with a major course
22 of study in human nutrition, nutrition education, food and
23 nutrition, dietetics, ~~or~~ food systems management, nutrition,
24 nutrition science, clinical nutrition, applied clinical
25 nutrition, nutrition counseling, nutrition and functional
26 medicine, or nutrition and integrative health. Supervised

1 practice experience must be completed in the United States or
2 its territories. Supervisors who obtained their doctoral
3 degree outside the United States and its territories must have
4 their degrees validated as equivalent to the doctoral degree
5 conferred by a U.S. regionally accredited college or
6 university.

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

8 (225 ILCS 30/65) (from Ch. 111, par. 8401-65)

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

10 Sec. 65. Expiration and renewal dates. The expiration date
11 and renewal period for each license issued under this Act shall
12 be set by rule.

13 ~~As a condition for renewal of a license that expires on~~
14 ~~October 31, 2003, a licensed nutrition counselor shall be~~
15 ~~required to complete and submit to the Department proof of 30~~
16 ~~hours of continuing education in dietetics or nutrition~~
17 ~~services during the 24 months preceding the expiration date of~~
18 ~~the license in accordance with rules established by the~~
19 ~~Department. A minimum of 24 hours of the required 30 hours of~~
20 ~~continuing education shall be in medical nutrition therapy,~~
21 ~~which shall include diet therapy, medical dietetics, clinical~~
22 ~~nutrition, or the equivalent, as provided by continuing~~
23 ~~education sponsors approved by the Department. The Department~~
24 ~~may adopt rules to implement this Section.~~

25 As a condition for renewal of a license, the licensee shall

1 be required to complete ~~30 hours of~~ continuing education in
2 dietetics or nutrition services ~~during the 24 months preceding~~
3 ~~the expiration date of the license~~ in accordance with rules
4 established by the Department. ~~The continuing education shall~~
5 ~~be in courses approved by the Commission on Dietetic~~
6 ~~Registration or in courses taken from a sponsor approved by the~~
7 ~~Department. A sponsor shall be required to file an application,~~
8 ~~meet the requirements set forth in the rules of the Department,~~
9 ~~and pay the appropriate fee. The requirements for continuing~~
10 ~~education may be waived, in whole or in part, in cases of~~
11 ~~extreme hardship as defined by rule of the Department. The~~
12 ~~Department shall provide an orderly process for the~~
13 ~~reinstatement of licenses that have not been renewed due to the~~
14 ~~failure to meet the continuing education requirements of this~~
15 ~~Section.~~

16 ~~Any person who has permitted his or her license to expire~~
17 ~~or who has had his or her license on inactive status may have~~
18 ~~the license restored by submitting an application to the~~
19 ~~Department, meeting continuing education requirements, and~~
20 ~~filing proof acceptable with the Department of fitness to have~~
21 ~~the license restored, which may include sworn evidence~~
22 ~~certifying to active practice in another jurisdiction~~
23 ~~satisfactory to the Department and by paying the required~~
24 ~~restoration fee.~~

25 ~~If the person has not maintained an active practice in~~
26 ~~another jurisdiction satisfactory to the Department, the~~

1 ~~Department shall determine, by an evaluation program~~
2 ~~established by rule, his or her fitness to resume active status~~
3 ~~and may require the person to complete a period of evaluated~~
4 ~~professional experience and may require successful completion~~
5 ~~of a practical examination.~~

6 ~~Any person, however, whose license expired while (i) in~~
7 ~~Federal Service on active duty with the Armed Forces of the~~
8 ~~United States, or called into service or training with the~~
9 ~~State Militia, or (ii) in training or education under the~~
10 ~~supervision of the United States preliminary to induction into~~
11 ~~the military service may have his or her license restored~~
12 ~~without paying any lapsed renewal fees if within 2 years after~~
13 ~~honorable termination of the service, training, or education he~~
14 ~~or she furnishes the Department with satisfactory evidence to~~
15 ~~the effect that he or she has been so engaged and that the~~
16 ~~service, training or education has been terminated.~~

17 (Source: P.A. 92-642, eff. 7-11-02.)

18 (225 ILCS 30/70) (from Ch. 111, par. 8401-70)

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

20 Sec. 70. Inactive status; restoration; military service.

21 (a) Any person who notifies the Department in writing on
22 forms prescribed by the Department may elect to place his or
23 her license on an inactive status and shall, subject to rules
24 of the Department, be excused from payment of renewal fees
25 until he or she notifies the Department in writing of the

1 desires to resume active status.

2 (b) A licensee who has permitted his or her license to
3 expire or who has had his or her license on inactive status may
4 have the license restored by making application to the
5 Department by filing proof acceptable to the Department of his
6 or her fitness to have the license restored and by paying the
7 required fees. Proof of fitness may include sworn evidence
8 certifying to active lawful practice in another jurisdiction.
9 If the licensee has not maintained an active practice in
10 another jurisdiction satisfactory to the Department, then the
11 Department shall determine, by an evaluation program
12 established by rule, his or her fitness for restoration of the
13 license and shall establish procedures and requirements for
14 restoration.

15 (c) A licensee whose license expired while he or she was
16 (1) in federal service on active duty with the Armed Forces of
17 the United States or the State Militia called into service or
18 training or (2) in training or education under the supervision
19 of the United States before induction into the military
20 service, may have the license restored without paying any
21 lapsed renewal fees if within 2 years after honorable
22 termination of the service, training, or education he or she
23 furnishes the Department with satisfactory evidence to the
24 effect that he or she has been so engaged and that his or her
25 service, training, or education has been so terminated.

26 (d) Any person requesting restoration from inactive status

1 shall be required to pay the current renewal fee, shall meet
2 continuing education requirements, and shall be required to
3 restore his or her license as provided in Section 65 of this
4 Act.

5 (e) A person licensed under this Act whose license is on
6 inactive status or in a non-renewed status shall not engage in
7 the practice of dietetics or nutrition services in the State of
8 Illinois or use the title or advertise that he or she performs
9 the services of a licensed dietitian nutritionist.

10 (f) Any person violating this Section shall be considered
11 to be practicing without a license and will be subject to the
12 disciplinary provisions of this Act.

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

14 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

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

16 Sec. 80. Use of title; advertising. Only a person who is
17 issued a license as a dietitian nutritionist under this Act may
18 use the words "dietitian nutritionist", "dietitian", "licensed
19 nutritionist", or "nutrition counselor" or the letters
20 "L.D.N." in connection with his or her name.

21 ~~A person who meets the additional criteria for registration~~
22 ~~by the Commission on Dietetic Registration for the American~~
23 ~~Dietetic Association may assume or use the title or designation~~
24 ~~"Registered Dietitian" or "Registered Dietician" or use the~~
25 ~~letters "R.D." or any words, letters, abbreviations, or~~

1 ~~insignia indicating that the person is a registered dietitian.~~

2 ~~Any person who meets the additional criteria for~~
3 ~~certification by the Clinical Nutrition Certification Board of~~
4 ~~the International and American Associations of Clinical~~
5 ~~Nutritionists may assume or use the title or designation~~
6 ~~"Certified Clinical Nutritionist" or use the letters "C.C.N."~~
7 ~~or any words, letters, abbreviations, or insignia indicating~~
8 ~~that the person is a certified clinical nutritionist.~~

9 ~~Any person who meets the additional criteria for~~
10 ~~certification by the Certification Board of Nutrition~~
11 ~~Specialists may assume or use the title or designation~~
12 ~~"Certified Nutrition Specialist", or use the letters "C.N.S."~~
13 ~~or any words, letters, abbreviations, or insignia indicating~~
14 ~~that the person is a certified nutrition specialist.~~

15 A licensee shall include in every advertisement for
16 services regulated under this Act his or her title as it
17 appears on the license or the initials authorized under this
18 Act. Advertisements shall not include false, fraudulent,
19 deceptive, or misleading material or guarantees of success.

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

21 (225 ILCS 30/85) (from Ch. 111, par. 8401-85)

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

23 Sec. 85. Fees. The Department shall provide by rule for a
24 schedule of fees for the administration and enforcement of this
25 Act, including, but not limited to, original licensure,

1 registration, renewal, and restoration. The fees shall be
2 nonrefundable.

3 All fees, fines, and penalties collected under this Act
4 shall be deposited into the General Professions Dedicated Fund
5 and shall be appropriated to the Department for the ordinary
6 and contingent expenses of the Department in the administration
7 of this Act.

8 (Source: P.A. 91-454, eff. 1-1-00.)

9 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

11 Sec. 95. Grounds for discipline.

12 (1) The Department may refuse to issue or 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 ~~proper~~, including imposing fines not to exceed
16 \$10,000 ~~\$1000~~ for each violation, with regard to any license or
17 certificate for any one or combination of the following causes:

18 (a) Material misstatement in furnishing information to
19 the Department.

20 (b) Violations of this Act or of its ~~its~~ rules adopted
21 under this Act.

22 (c) Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or by
24 sentencing of any crime, including, but not limited to,
25 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under
2 the laws of any jurisdiction of the United States (i) that
3 is a felony or (ii) that is a misdemeanor, an essential
4 element of which is dishonesty, or that is directly related
5 to the practice of the profession ~~Conviction of any crime~~
6 ~~under the laws of the United States or any state or~~
7 ~~territory thereof that is (i) a felony; (ii) a misdemeanor,~~
8 ~~an essential element of which is dishonesty; or (iii) a~~
9 ~~crime that is directly related to the practice of the~~
10 ~~profession.~~

11 (d) Fraud or Making any misrepresentation in applying
12 for or procuring a license under this Act or in connection
13 with applying for renewal of a license under this Act ~~for~~
14 ~~the purpose of obtaining licensure or violating any~~
15 ~~provision of this Act.~~

16 (e) Professional incompetence or gross negligence.

17 (f) Malpractice.

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

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

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

25 (j) Habitual or excessive use or abuse of drugs defined
26 in law as controlled substances, alcohol ~~addiction to~~

1 ~~alcohol, narcotics, stimulants,~~ or any other substance
2 that ~~chemical agent or drug that~~ results in the inability
3 to practice with reasonable judgment, skill, or safety.

4 (k) Discipline by another state, the District of
5 Columbia, territory, ~~or~~ country, or governmental agency if
6 at least one of the grounds for the discipline is the same
7 or substantially equivalent to those set forth in this Act.

8 (l) Charging for professional services not rendered,
9 including filing false statements for the collection of
10 fees for which services are not rendered ~~Directly or~~
11 ~~indirectly giving to or receiving from any person, firm,~~
12 ~~corporation, partnership, or association any fee,~~
13 ~~commission, rebate, or other form of compensation for any~~
14 ~~professional services not actually or personally rendered.~~

15 Nothing in this paragraph (l) affects any bona fide
16 independent contractor or employment arrangements among
17 health care professionals, health facilities, health care
18 providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this Act.
23 Nothing in this paragraph (l) shall be construed to require
24 an employment arrangement to receive professional fees for
25 services rendered.

26 (m) 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 (n) Willfully making or filing false records or reports
4 in his or her practice, including, but not limited to,
5 false records filed with State agencies or departments
6 ~~Conviction by any court of competent jurisdiction, either~~
7 ~~within or outside this State, of any violation of any law~~
8 ~~governing the practice of dietetics or nutrition~~
9 ~~counseling, if the Department determines, after~~
10 ~~investigation, that the person has not been sufficiently~~
11 ~~rehabilitated to warrant the public trust.~~

12 (o) Allowing one's license under this Act to be used by
13 an unlicensed person in violation of this Act ~~A finding~~
14 ~~that licensure has been applied for or obtained by~~
15 ~~fraudulent means.~~

16 (p) Practicing under a false or, except as provided by
17 law, an assumed name ~~or attempting to practice under a name~~
18 ~~other than the full name as shown on the license or any~~
19 ~~other legally authorized name.~~

20 (q) Gross and willful overcharging for professional
21 services ~~including filing statements for collection of~~
22 ~~fees or monies for which services are not rendered.~~

23 (r) (Blank). ~~Failure to (i) file a return, (ii) pay the~~
24 ~~tax, penalty or interest shown in a filed return, or (iii)~~
25 ~~pay any final assessment of tax, penalty or interest, as~~
26 ~~required by any tax Act administered by the Illinois~~

1 ~~Department of Revenue, until the requirements of any such~~
2 ~~tax Act are satisfied.~~

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

6 (t) Cheating on or attempting to subvert a licensing
7 examination administered under this Act.

8 (u) Mental illness or disability that results in the
9 inability to practice under this Act with reasonable
10 judgment, skill, or safety.

11 (v) Physical illness, including, but not limited to,
12 deterioration through the aging process or loss of motor
13 skill that results in a licensee's inability to practice
14 under this Act with reasonable judgment, skill, or safety.

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

25 (3) The Department shall deny a license or renewal
26 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with item (5) of subsection
4 (a) of Section 2105-15 of the Civil Administrative Code of
5 Illinois.

6 (4) In cases where the Department of Healthcare and Family
7 Services has previously determined a licensee or a potential
8 licensee is more than 30 days delinquent in the payment of
9 child support and has subsequently certified the delinquency to
10 the Department, the Department may refuse to issue or renew or
11 may revoke or suspend that person's license or may take other
12 disciplinary action against that person based solely upon the
13 certification of delinquency made by the Department of
14 Healthcare and Family Services in accordance with item (5) of
15 subsection (a) of Section 1205-15 of the Civil Administrative
16 Code of Illinois.

17 (5) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension shall
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of an order so finding and discharging the
24 patient.

25 (6) In enforcing this Act, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

1 practice under this Act, or who has applied for licensure under
2 this Act, to submit to a mental or physical examination, or
3 both, as required by and at the expense of the Department. The
4 Department may order the examining physician to present
5 testimony concerning the mental or physical examination of the
6 licensee or applicant. No information shall be excluded by
7 reason of any common law or statutory privilege relating to
8 communications between the licensee or applicant and the
9 examining physician. The examining physicians shall be
10 specifically designated by the Department. The individual to be
11 examined may have, at his or her own expense, another physician
12 of his or her choice present during all aspects of this
13 examination. The examination shall be performed by a physician
14 licensed to practice medicine in all its branches. Failure of
15 an individual to submit to a mental or physical examination,
16 when directed, shall result in an automatic suspension without
17 hearing.

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

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

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 15 days after
14 the suspension and completed without appreciable delay. The
15 Department shall have the authority to review the subject
16 individual's record of treatment and counseling regarding the
17 impairment to the extent permitted by applicable federal
18 statutes and regulations safeguarding the confidentiality of
19 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 that he or she can resume practice in compliance
23 with acceptable and prevailing standards under the provisions
24 of his or her license.

25 ~~(2) In enforcing this Section, the Board, upon a showing of~~
26 ~~a possible violation, may compel a licensee or applicant to~~

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

1 ~~continued, reinstated, or renewed subject to conditions,~~
2 ~~terms, or restrictions, as provided for in this Section, or any~~
3 ~~individual who was disciplined or placed on supervision~~
4 ~~pursuant to this Section must be referred to the Director for a~~
5 ~~determination as to whether the individual shall have his or~~
6 ~~her license suspended immediately, pending a hearing by the~~
7 ~~Board.~~

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

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

24 (Source: P.A. 96-1482, eff. 11-29-10.)

25 (225 ILCS 30/97) (from Ch. 111, par. 8401-97)

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

2 Sec. 97. Payments; penalty for insufficient funds. Any
3 person who delivers a check or other payment to the Department
4 that is returned to the Department unpaid by the financial
5 institution upon which it is drawn shall pay to the Department,
6 in addition to the amount already owed to the Department, a
7 fine of \$50. The fines imposed by this Section are in addition
8 to any other discipline provided under this Act for unlicensed
9 practice or practice on a nonrenewed license. The Department
10 shall notify the person that payment of fees and fines shall be
11 paid to the Department by certified check or money order within
12 30 calendar days of the notification. If, after the expiration
13 of 30 days from the date of the notification, the person has
14 failed to submit the necessary remittance, the Department shall
15 automatically terminate the license or certificate or deny the
16 application, without hearing. If, after termination or denial,
17 the person seeks a license or certificate, he or she shall
18 apply to the Department for restoration or issuance of the
19 license or certificate and pay all fees and fines due to the
20 Department. The Department may establish a fee for the
21 processing of an application for restoration of a license or
22 certificate to pay all expenses of processing this application.
23 The Secretary ~~Director~~ may waive the fines due under this
24 Section in individual cases where the Secretary ~~Director~~ finds
25 that the fines would be unreasonable or unnecessarily
26 burdensome.

1 (Source: P.A. 92-146, eff. 1-1-02.)

2 (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

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

4 Sec. 100. Injunctions; cease and desist orders.

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

19 (b) If any person practices as a dietitian nutritionist
20 ~~dietitian or nutrition counselor~~ or holds himself or herself
21 out as such without having a valid license under this Act, then
22 any licensee, any interested party, or any person injured
23 thereby may, in addition to the Secretary ~~Director~~, petition
24 for relief as provided in subsection (a) of this Section.

25 (c) Whenever in the opinion of the Department any person

1 violates any provision of this Act, the Department may issue a
2 rule to show cause why an order to cease and desist should be
3 entered against him or her. The rule shall clearly set forth
4 the grounds relied upon the Department and shall provide a
5 period of 7 days from the date of the rule to file an answer to
6 the satisfaction of the Department. Failure to answer to the
7 satisfaction of the Department shall cause in order to cease
8 and desist to be issued immediately.

9 (Source: P.A. 87-784.)

10 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

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

12 Sec. 105. Investigation; notice and hearing. The
13 Department may investigate the actions or qualifications of any
14 applicant or of any person or persons holding or claiming to
15 hold a license or certificate of registration. The Department
16 shall, before refusing to issue or renew a license or to
17 discipline a licensee under Section 95 ~~before suspending,~~
18 ~~revoking, placing on probationary status, or taking any other~~
19 ~~disciplinary action as the Department may deem proper with~~
20 ~~regard to any license or certificate of registration,~~ at least
21 30 days before the date set for the hearing, (i) notify the
22 accused in writing of any charges made and the time and place
23 for a hearing of the charges before the Board, (ii) direct him
24 or her to file his or her written answer to the charges with
25 the Board under oath within 20 days after the service ~~on him or~~

1 ~~her~~ of ~~the such~~ notice, and (iii) inform the applicant or
2 licensee ~~him or her~~ that failure ~~if he or she fails~~ to file an
3 answer shall result in, ~~default~~ being ~~will be~~ taken against the
4 applicant or licensee. At the time and place fixed in the
5 notice, the Department shall proceed to hear the charges and
6 the parties or their counsel shall be accorded ample
7 opportunity to present any pertinent statements, testimony,
8 evidence, and arguments. The Department may continue the
9 hearing from time to time. In case the person, after receiving
10 the notice, fails to file an answer, his or her license, may,
11 in the discretion of the Department, be revoked, suspended, or
12 placed on probationary status or the Department may take
13 whatever disciplinary action considered proper, including
14 limiting the scope, nature, or extent of the person's practice
15 or the imposition of a fine, without a hearing, if the act or
16 acts charged constitute sufficient grounds for that action
17 under the Act. The written notice and any notice in the
18 subsequent proceeding may be served by registered or certified
19 mail to the licensee's address of record. ~~him or her and his or~~
20 ~~her license or certificate of registration may be suspended,~~
21 ~~revoked, placed on probationary status, or other disciplinary~~
22 ~~action may be taken with regard to the license or certificate,~~
23 ~~including limiting the scope, nature or extent of his or her~~
24 ~~practice, as the Department may deem proper.~~ In case the
25 ~~person, after receiving notice, fails to file an answer, his or~~
26 ~~her license or certificate may, in the discretion of the~~

1 ~~Department, be suspended, revoked, or placed on probationary~~
2 ~~status, or the Department may take whatever disciplinary action~~
3 ~~deemed proper, including limiting the scope, nature, or extent~~
4 ~~of the person's practice or the imposition of a fine, without a~~
5 ~~hearing, if the act or acts charged constitute sufficient~~
6 ~~grounds for such action under this Act.~~

7 ~~This written notice and any notice in the subsequent~~
8 ~~proceedings may be served by personal delivery to the accused~~
9 ~~person, or by registered or certified mail to the address last~~
10 ~~specified by the accused in his or her last notification to the~~
11 ~~Department. The written answer shall be served by personal~~
12 ~~delivery, certified delivery, or certified or registered mail~~
13 ~~to the Department. At the time and place fixed in the notice,~~
14 ~~the Department shall proceed to hear the charges and the~~
15 ~~parties or their counsel shall be accorded ample opportunity to~~
16 ~~present such statements, testimony, evidence, and argument as~~
17 ~~may be pertinent to the charges or to the defense thereto. The~~
18 ~~Department may continue such hearing from time to time. At the~~
19 ~~discretion of the Director after having first received the~~
20 ~~recommendation of the Board, the accused person's certificate~~
21 ~~of registration may be suspended or revoked, if the evidence~~
22 ~~constitutes sufficient grounds for such action under this Act.~~

23 (Source: P.A. 87-784; 87-1000; 87-1031; 88-45.)

24 (225 ILCS 30/108 new)

25 Sec. 108. Confidentiality. All information collected by

1 the Department in the course of an examination or investigation
2 of a licensee or applicant, including, but not limited to, any
3 complaint against a licensee filed with the Department and
4 information collected to investigate any such complaint, shall
5 be maintained for the confidential use of the Department and
6 shall not be disclosed. The Department may not disclose the
7 information to anyone other than law enforcement officials,
8 other regulatory agencies that have an appropriate regulatory
9 interest as determined by the Secretary, or a party presenting
10 a lawful subpoena to the Department. Information and documents
11 disclosed to a federal, State, county, or local law enforcement
12 agency shall not be disclosed by the agency for any purpose to
13 any other agency or person. A formal complaint filed against a
14 licensee by the Department or any order issued by the
15 Department against a licensee or applicant shall be a public
16 record, except as otherwise prohibited by law.

17 (225 ILCS 30/110) (from Ch. 111, par. 8401-110)

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

19 Sec. 110. Record of hearing. The Department, at its
20 expense, shall preserve a record of all proceedings at the
21 formal hearing of any case. The notice of hearing, complaint,
22 and other documents in the nature of pleadings and written
23 motions filed in the proceedings, the transcript of testimony,
24 the report of the Board, and orders of the Department shall be
25 in the record of the proceedings. ~~The Department shall furnish~~

1 ~~a transcript of the record to any person interested in the~~
2 ~~hearing upon payment of the fee required under Section 2105-115~~
3 ~~of the Department of Professional Regulation Law (20 ILCS~~
4 ~~2105/2105-115).~~

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (225 ILCS 30/115) (from Ch. 111, par. 8401-115)

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

8 Sec. 115. Subpoenas; oaths; attendance of witnesses.

9 (a) The Department may ~~shall have the power to~~ subpoena and
10 ~~to~~ bring before it any person ~~and~~ to take the oral or written
11 testimony or compel the production of any books, papers,
12 records, or any other documents that the Secretary or his or
13 her designee deems relevant or material to any investigation or
14 hearing conducted by the Department either orally or by
15 deposition, or both, with the same fees and mileage and in the
16 same manner as prescribed in civil cases in the courts of this
17 State.

18 (b) The Secretary Director, the designated hearing
19 officer, any and every member of the Board, or a certified
20 shorthand court reporter may ~~shall have power to~~ administer
21 oaths ~~to witnesses~~ at any hearing that the Department conducts
22 ~~is authorized to conduct and any other oaths authorized in any~~
23 ~~Act administered by the Department.~~ Notwithstanding any other
24 statute or Department rule to the contrary, all requests for
25 testimony, production of documents, or records shall be in

1 accordance with this Act.

2 (c) Any circuit court ~~may~~, upon application of the
3 Department or ~~designee or of the applicant, licensee, or person~~
4 ~~holding a license against whom proceedings under this Act are~~
5 ~~pending, may enter an order requiring~~ the attendance and
6 testimony of witnesses ~~and their testimony~~, and the production
7 of relevant documents, papers, files, books and records in
8 connection with any hearing or investigations. The court may
9 compel obedience to its order by proceedings for contempt.

10 (Source: P.A. 87-784; 87-1000.)

11 (225 ILCS 30/120) (from Ch. 111, par. 8401-120)

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

13 Sec. 120. Board report. At the conclusion of the hearing,
14 the Board shall present to the Secretary ~~Director~~ a written
15 report of its findings of fact, conclusions of law, and
16 recommendations. The report shall contain a finding whether or
17 not the accused person violated this Act or failed to comply
18 with the conditions required in this Act. The Board shall
19 specify the nature of the violation or failure to comply and
20 shall make its recommendations to the Secretary ~~Director~~.

21 The report of findings of fact, conclusions of law and
22 recommendation of the Board shall be the basis for the
23 Department's order for refusing to issue, restore, or renew a
24 license or otherwise disciplining a licensee ~~refusal or for the~~
25 ~~granting of a license~~. If the Secretary ~~Director~~ disagrees in

1 any regard with the report of the Board, the Secretary Director
2 may issue an order in contravention of the report. ~~The Director~~
3 ~~shall provide a written report to the Board on any deviation~~
4 ~~and shall specify with particularity the reasons for that~~
5 ~~action in the final order.~~ The finding is not admissible in
6 evidence against the person in a criminal prosecution brought
7 for the violation of this Act, but the hearing and finding is
8 not a bar to a criminal prosecution brought for the violation
9 of this Act.

10 (Source: P.A. 87-784.)

11 (225 ILCS 30/125) (from Ch. 111, par. 8401-125)

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

13 Sec. 125. Motion for rehearing. In any hearing involving
14 the refusal to issue or renew or the discipline of a licensee,
15 a copy of the Board's report shall be served upon the
16 respondent by the Department, either personally or as provided
17 in this Act for the service of the notice of hearing. Within 20
18 calendar days after the service, the respondent may present to
19 the Department a motion in writing for a rehearing which shall
20 specify the particular grounds for rehearing. If no motion for
21 rehearing is filed, then upon the expiration of the time
22 specified for filing a motion, or if motion for rehearing is
23 denied, then upon denial, the Secretary Director may enter an
24 order in accordance with recommendations of the Board, except
25 as provided for in Section 120. If the respondent orders a

1 transcript of the record from the reporting service and pays
2 for it within the time for filing a motion for rehearing, the
3 20 calendar day period within which a motion for rehearing may
4 be filed shall commence upon the delivery of the transcript to
5 the respondent.

6 (Source: P.A. 87-784; 87-1000.)

7 (225 ILCS 30/130) (from Ch. 111, par. 8401-130)

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

9 Sec. 130. Order for rehearing ~~Rehearing~~. Whenever the
10 Secretary ~~Director~~ is not satisfied that substantial justice
11 has been done in the revocation, suspension, or refusal to
12 issue or renew a license the Secretary ~~Director~~ may order a
13 rehearing by the same or other hearing officers ~~examiners~~.

14 (Source: P.A. 87-784.)

15 (225 ILCS 30/135) (from Ch. 111, par. 8401-135)

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

17 Sec. 135. Hearing officer. The Secretary ~~Director~~ shall
18 have the authority to appoint any attorney duly licensed to
19 practice law in the State of Illinois to serve as the hearing
20 officer in any action for refusal to issue or renew a license
21 or to discipline a licensee or person holding a license. The
22 hearing officer shall have full authority to conduct the
23 hearing. The hearing officer shall report his or her findings
24 and recommendations to the Board and the Secretary ~~Director~~.

1 The Board shall have 60 calendar days from receipt of the
2 report to review the report of the hearing officer and present
3 its findings of fact, conclusions of law, and recommendations
4 to the Secretary ~~Director~~. If the Board fails to present its
5 report within the 60 calendar day period, the Secretary
6 ~~Director~~ may issue an order based on the report of the hearing
7 officer. If the Secretary ~~Director~~ disagrees with the
8 recommendation of the Board or of the hearing officer, the
9 Secretary ~~Director~~ may issue an order in contravention of the
10 recommendation.

11 (Source: P.A. 87-784; 87-1000.)

12 (225 ILCS 30/140) (from Ch. 111, par. 8401-140)

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

14 Sec. 140. Order; certified copy. An order or a certified
15 copy of an order, over the seal of the Department and
16 purporting to be signed by the Secretary ~~Director~~, shall be
17 prima facie proof:

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

20 (b) that the Secretary ~~Director~~ is duly appointed and
21 qualified. ~~and~~

22 ~~(c) that the Board and the Board members are qualified.~~

23 (Source: P.A. 87-784.)

24 (225 ILCS 30/145) (from Ch. 111, par. 8401-145)

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

2 Sec. 145. Restoration of license from discipline. At any
3 time after the successful completion of a term of indefinite
4 probation, suspension, or revocation of a license, the
5 Department may restore the license to the licensee, unless,
6 after an investigation and a hearing, the Secretary determines
7 that restoration is not in the public interest or that the
8 licensee has not been sufficiently rehabilitated to warrant the
9 public trust. No person or entity whose license, certificate,
10 or authority has been revoked as authorized in this Act may
11 apply for restoration of that license, certification, or
12 authority until such time as provided for in the Civil
13 Administrative Code of Illinois. ~~suspension or revocation of~~
14 ~~any license, the Department may restore the license to the~~
15 ~~accused person upon the written recommendation of the Board,~~
16 ~~unless after an investigation and a hearing the Board~~
17 ~~determines that restoration is not in the public interest.~~

18 (Source: P.A. 87-784.)

19 (225 ILCS 30/155) (from Ch. 111, par. 8401-155)

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

21 Sec. 155. Summary suspension. The Secretary ~~Director~~ may
22 summarily suspend the license of a licensee ~~dietitian or~~
23 ~~nutrition counselor~~ without a hearing, simultaneously with the
24 institution of proceedings for a hearing provided for in
25 Section 105 of this Act, if the Secretary ~~Director~~ finds that

1 ~~the~~ evidence ~~in his or her possession~~ indicates that a
2 licensee's continuation in practice would constitute an
3 imminent danger to the public. In the event that the Secretary
4 ~~Director~~ summarily suspends the license ~~of a dietitian or~~
5 ~~nutrition counselor~~ without a hearing, a hearing shall by the
6 ~~Board must~~ be commenced held within 30 ~~calendar~~ days after the
7 suspension has occurred and shall be concluded as expeditiously
8 as possible.

9 (Source: P.A. 87-784; 87-1000.)

10 (225 ILCS 30/165) (from Ch. 111, par. 8401-165)

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

12 Sec. 165. Certification of record; receipt. The Department
13 shall not be required to certify any record to the Court or
14 file any answer in court or otherwise appear in any court in a
15 judicial review proceeding, unless and until the Department has
16 received from the plaintiff there is filed in the court, with
17 the complaint, a receipt from the Department acknowledging
18 payment of the costs of furnishing and certifying the record,
19 which costs shall be determined by the Department. Exhibits
20 shall be certified without cost. Failure on the part of the
21 plaintiff to file a receipt in Court is ~~shall be~~ grounds for
22 dismissal of the action.

23 (Source: P.A. 87-784.)

24 (225 ILCS 30/175) (from Ch. 111, par. 8401-175)

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

2 Sec. 175. Illinois Administrative Procedure Act. The
3 Illinois Administrative Procedure Act is expressly adopted and
4 incorporated as if all of the provisions of that Act were
5 included in this Act, except that the provision of paragraph
6 (d) of Section 10-65 of the Illinois Administrative Procedure
7 Act, which provides that at hearings the licensee or person
8 holding a license has the right to show compliance with all
9 lawful requirements for retention or continuation of the
10 license, is specifically excluded. For the purpose of this Act,
11 the notice required under Section 10-25 of the Illinois
12 Administrative Procedure Act is deemed sufficient when mailed
13 to the last known address of record of a party.

14 (Source: P.A. 87-784; 88-670, eff. 12-2-94.)

15 (225 ILCS 30/180) (from Ch. 111, par. 8401-180)

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

17 Sec. 180. Home rule. The regulation and licensing of
18 dietitian nutritionists ~~dietitians and nutrition counselors~~
19 are exclusive functions of the State. A home rule unit may not
20 regulate or license dietitian nutritionists ~~dietitians or~~
21 ~~nutrition counselors~~. This Section is a limitation and denial
22 of home rule powers under paragraph (h) of Section 6 of Article
23 VII of the Illinois Constitution.

24 (Source: P.A. 87-784.)

1 (225 ILCS 30/56 rep.)

2 (225 ILCS 30/87 rep.)

3 Section 6. The Dietetic and Nutrition Services Practice Act
4 is amended by repealing Sections 56 and 87.

5 Section 8. The Elder Abuse and Neglect Act is amended by
6 changing Section 2 as follows:

7 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

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

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

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

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

6 (b) "Department" means the Department on Aging of the State
7 of Illinois.

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

9 (d) "Domestic living situation" means a residence where the
10 eligible adult at the time of the report lives alone or with
11 his or her family or a caregiver, or others, or a board and
12 care home or other community-based unlicensed facility, but is
13 not:

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

16 (1.5) A facility licensed under the ID/DD Community
17 Care Act;

18 (1.7) A facility licensed under the Specialized Mental
19 Health Rehabilitation Act;

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

22 (3) A home, institution, or other place operated by the
23 federal government or agency thereof or by the State of
24 Illinois;

25 (4) A hospital, sanitarium, or other institution, the
26 principal activity or business of which is the diagnosis,

1 care, and treatment of human illness through the
2 maintenance and operation of organized facilities
3 therefor, which is required to be licensed under the
4 Hospital Licensing Act;

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

7 (6) (Blank);

8 (7) A "community-integrated living arrangement" as
9 defined in the Community-Integrated Living Arrangements
10 Licensure and Certification Act;

11 (8) An assisted living or shared housing establishment
12 as defined in the Assisted Living and Shared Housing Act;
13 or

14 (9) A supportive living facility as described in
15 Section 5-5.01a of the Illinois Public Aid Code.

16 (e) "Eligible adult" means a person 60 years of age or
17 older who resides in a domestic living situation and is, or is
18 alleged to be, abused, neglected, or financially exploited by
19 another individual or who neglects himself or herself.

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

25 (f-5) "Mandated reporter" means any of the following
26 persons while engaged in carrying out their professional

1 duties:

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

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

26 (3) an administrator, employee, or person providing

1 services in or through an unlicensed community based
2 facility;

3 (4) any religious practitioner who provides treatment
4 by prayer or spiritual means alone in accordance with the
5 tenets and practices of a recognized church or religious
6 denomination, except as to information received in any
7 confession or sacred communication enjoined by the
8 discipline of the religious denomination to be held
9 confidential;

10 (5) field personnel of the Department of Healthcare and
11 Family Services, Department of Public Health, and
12 Department of Human Services, and any county or municipal
13 health department;

14 (6) personnel of the Department of Human Services, the
15 Guardianship and Advocacy Commission, the State Fire
16 Marshal, local fire departments, the Department on Aging
17 and its subsidiary Area Agencies on Aging and provider
18 agencies, and the Office of State Long Term Care Ombudsman;

19 (7) any employee of the State of Illinois not otherwise
20 specified herein who is involved in providing services to
21 eligible adults, including professionals providing medical
22 or rehabilitation services and all other persons having
23 direct contact with eligible adults;

24 (8) a person who performs the duties of a coroner or
25 medical examiner; or

26 (9) a person who performs the duties of a paramedic or

1 an emergency medical technician.

2 (g) "Neglect" means another individual's failure to
3 provide an eligible adult with or willful withholding from an
4 eligible adult the necessities of life including, but not
5 limited to, food, clothing, shelter or health care. This
6 subsection does not create any new affirmative duty to provide
7 support to eligible adults. Nothing in this Act shall be
8 construed to mean that an eligible adult is a victim of neglect
9 because of health care services provided or not provided by
10 licensed health care professionals.

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

16 (i) "Regional administrative agency" means any public or
17 nonprofit agency in a planning and service area so designated
18 by the Department, provided that the designated Area Agency on
19 Aging shall be designated the regional administrative agency if
20 it so requests. The Department shall assume the functions of
21 the regional administrative agency for any planning and service
22 area where another agency is not so designated.

23 (i-5) "Self-neglect" means a condition that is the result
24 of an eligible adult's inability, due to physical or mental
25 impairments, or both, or a diminished capacity, to perform
26 essential self-care tasks that substantially threaten his or

1 her own health, including: providing essential food, clothing,
2 shelter, and health care; and obtaining goods and services
3 necessary to maintain physical health, mental health,
4 emotional well-being, and general safety. The term includes
5 compulsive hoarding, which is characterized by the acquisition
6 and retention of large quantities of items and materials that
7 produce an extensively cluttered living space, which
8 significantly impairs the performance of essential self-care
9 tasks or otherwise substantially threatens life or safety.

10 (j) "Substantiated case" means a reported case of alleged
11 or suspected abuse, neglect, financial exploitation, or
12 self-neglect in which a provider agency, after assessment,
13 determines that there is reason to believe abuse, neglect, or
14 financial exploitation has occurred.

15 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,
16 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,
17 eff. 1-1-12; 97-300, eff. 8-11-11; 97-706, eff. 6-25-12;
18 97-813, eff. 7-13-12.)

19 Section 10. The Unified Code of Corrections is amended by
20 changing Section 5-5-5 as follows:

21 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

22 Sec. 5-5-5. Loss and Restoration of Rights.

23 (a) Conviction and disposition shall not entail the loss by
24 the defendant of any civil rights, except under this Section

1 and Sections 29-6 and 29-10 of The Election Code, as now or
2 hereafter amended.

3 (b) A person convicted of a felony shall be ineligible to
4 hold an office created by the Constitution of this State until
5 the completion of his sentence.

6 (c) A person sentenced to imprisonment shall lose his right
7 to vote until released from imprisonment.

8 (d) On completion of sentence of imprisonment or upon
9 discharge from probation, conditional discharge or periodic
10 imprisonment, or at any time thereafter, all license rights and
11 privileges granted under the authority of this State which have
12 been revoked or suspended because of conviction of an offense
13 shall be restored unless the authority having jurisdiction of
14 such license rights finds after investigation and hearing that
15 restoration is not in the public interest. This paragraph (d)
16 shall not apply to the suspension or revocation of a license to
17 operate a motor vehicle under the Illinois Vehicle Code.

18 (e) Upon a person's discharge from incarceration or parole,
19 or upon a person's discharge from probation or at any time
20 thereafter, the committing court may enter an order certifying
21 that the sentence has been satisfactorily completed when the
22 court believes it would assist in the rehabilitation of the
23 person and be consistent with the public welfare. Such order
24 may be entered upon the motion of the defendant or the State or
25 upon the court's own motion.

26 (f) Upon entry of the order, the court shall issue to the

1 person in whose favor the order has been entered a certificate
2 stating that his behavior after conviction has warranted the
3 issuance of the order.

4 (g) This Section shall not affect the right of a defendant
5 to collaterally attack his conviction or to rely on it in bar
6 of subsequent proceedings for the same offense.

7 (h) No application for any license specified in subsection
8 (i) of this Section granted under the authority of this State
9 shall be denied by reason of an eligible offender who has
10 obtained a certificate of relief from disabilities, as defined
11 in Article 5.5 of this Chapter, having been previously
12 convicted of one or more criminal offenses, or by reason of a
13 finding of lack of "good moral character" when the finding is
14 based upon the fact that the applicant has previously been
15 convicted of one or more criminal offenses, unless:

16 (1) there is a direct relationship between one or more
17 of the previous criminal offenses and the specific license
18 sought; or

19 (2) the issuance of the license would involve an
20 unreasonable risk to property or to the safety or welfare
21 of specific individuals or the general public.

22 In making such a determination, the licensing agency shall
23 consider the following factors:

24 (1) the public policy of this State, as expressed in
25 Article 5.5 of this Chapter, to encourage the licensure and
26 employment of persons previously convicted of one or more

1 criminal offenses;

2 (2) the specific duties and responsibilities
3 necessarily related to the license being sought;

4 (3) the bearing, if any, the criminal offenses or
5 offenses for which the person was previously convicted will
6 have on his or her fitness or ability to perform one or
7 more such duties and responsibilities;

8 (4) the time which has elapsed since the occurrence of
9 the criminal offense or offenses;

10 (5) the age of the person at the time of occurrence of
11 the criminal offense or offenses;

12 (6) the seriousness of the offense or offenses;

13 (7) any information produced by the person or produced
14 on his or her behalf in regard to his or her rehabilitation
15 and good conduct, including a certificate of relief from
16 disabilities issued to the applicant, which certificate
17 shall create a presumption of rehabilitation in regard to
18 the offense or offenses specified in the certificate; and

19 (8) the legitimate interest of the licensing agency in
20 protecting property, and the safety and welfare of specific
21 individuals or the general public.

22 (i) A certificate of relief from disabilities shall be
23 issued only for a license or certification issued under the
24 following Acts:

25 (1) the Animal Welfare Act; except that a certificate
26 of relief from disabilities may not be granted to provide

1 for the issuance or restoration of a license under the
2 Animal Welfare Act for any person convicted of violating
3 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
4 Care for Animals Act or Section 26-5 or 48-1 of the
5 Criminal Code of 1961;

6 (2) the Illinois Athletic Trainers Practice Act;

7 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
8 and Nail Technology Act of 1985;

9 (4) the Boiler and Pressure Vessel Repairer Regulation
10 Act;

11 (5) the Boxing and Full-contact Martial Arts Act;

12 (6) the Illinois Certified Shorthand Reporters Act of
13 1984;

14 (7) the Illinois Farm Labor Contractor Certification
15 Act;

16 (8) the Interior Design Title Act;

17 (9) the Illinois Professional Land Surveyor Act of
18 1989;

19 (10) the Illinois Landscape Architecture Act of 1989;

20 (11) the Marriage and Family Therapy Licensing Act;

21 (12) the Private Employment Agency Act;

22 (13) the Professional Counselor and Clinical
23 Professional Counselor Licensing and Practice Act;

24 (14) the Real Estate License Act of 2000;

25 (15) the Illinois Roofing Industry Licensing Act;

26 (16) the Professional Engineering Practice Act of

- 1 1989;
- 2 (17) the Water Well and Pump Installation Contractor's
- 3 License Act;
- 4 (18) the Electrologist Licensing Act;
- 5 (19) the Auction License Act;
- 6 (20) the Illinois Architecture Practice Act of 1989;
- 7 (21) the Dietitian Nutritionist ~~Dietetic and Nutrition~~
- 8 ~~Services~~ Practice Act;
- 9 (22) the Environmental Health Practitioner Licensing
- 10 Act;
- 11 (23) the Funeral Directors and Embalmers Licensing
- 12 Code;
- 13 (24) the Land Sales Registration Act of 1999;
- 14 (25) the Professional Geologist Licensing Act;
- 15 (26) the Illinois Public Accounting Act; and
- 16 (27) the Structural Engineering Practice Act of 1989.
- 17 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;
- 18 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

19 Section 99. Effective date. This Act takes effect upon

20 becoming law.