



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 2936

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2936 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. The Regulatory Sunset Act is amended by  
5 changing 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 Section Acts and Sections repealed on January 1,  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9 Acts are repealed on January 1, 2013: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.)

1 (5 ILCS 80/4.33)

2 Sec. 4.33. Acts ~~Act~~ repealed on January 1, 2023. The  
3 following Acts are ~~Act is~~ repealed on January 1, 2023:

4 The Dietitian Nutritionist Practice Act.

5 The Elevator Safety and Regulation Act.

6 The Fire Equipment Distributor and Employee Regulation Act  
7 of 2011.

8 The Funeral Directors and Embalmers Licensing Code.

9 The Naprapathic Practice Act.

10 The Professional Counselor and Clinical Professional  
11 Counselor Licensing and Practice Act.

12 The Wholesale Drug Distribution Licensing Act.

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

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

19 (20 ILCS 2310/2310-210) (was 20 ILCS 2310/55.62a)

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

21 (a) In this Section:

22 "Health profession" means any health profession regulated  
23 under the laws of this State, including, without limitation,  
24 professions regulated under the Illinois Athletic Trainers

1 Practice Act, the Clinical Psychologist Licensing Act, the  
2 Clinical Social Work and Social Work Practice Act, the Illinois  
3 Dental Practice Act, the Dietitian Nutritionist ~~Dietetic and~~  
4 ~~Nutrition Services~~ Practice Act, the Marriage and Family  
5 Therapy Licensing Act, the Medical Practice Act of 1987, the  
6 Naprapathic Practice Act, the Nurse Practice Act, the Illinois  
7 Occupational Therapy Practice Act, the Illinois Optometric  
8 Practice Act of 1987, the Illinois Physical Therapy Act, the  
9 Physician Assistant Practice Act of 1987, the Podiatric Medical  
10 Practice Act of 1987, the Professional Counselor and Clinical  
11 Professional Counselor Licensing Act, and the Illinois  
12 Speech-Language Pathology and Audiology Practice Act.

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

14 (b) The General Assembly finds as follows:

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

18 (2) Minorities suffer disproportionately high rates of  
19 cancer, stroke, heart disease, diabetes, sickle-cell  
20 anemia, lupus, substance abuse, acquired immune deficiency  
21 syndrome, other diseases and disorders, unintentional  
22 injuries, and suicide.

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

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

1           (5) Minorities are under-represented in the health  
2 care professions.

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

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

8           (8) National experts on minority health report that  
9 access to health care among minorities can be substantially  
10 improved by increasing the number of minority health  
11 professionals.

12           (9) Increasing the number of minorities serving on the  
13 facilities of health professional schools is an important  
14 factor in attracting minorities to pursue a career in  
15 health professions.

16           (10) Retaining minority health professionals currently  
17 practicing in this State and those receiving training and  
18 education in this State is an important factor in  
19 maintaining and increasing the number of minority health  
20 professionals in Illinois.

21           (11) An Advisory Panel on Minority Health is necessary  
22 to address the health issues affecting minorities in this  
23 State.

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

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

26           (2) That the gap between the health status of

1 minorities and other Illinoisans be closed.

2 (3) That the health issues that disproportionately  
3 affect minorities be addressed to improve the health status  
4 of minorities.

5 (4) That the number of minorities in the health  
6 professions be increased.

7 (d) The Advisory Panel on Minority Health is created. The  
8 Advisory Panel shall consist of 25 members appointed by the  
9 Director of Public Health. The members shall represent health  
10 professions and the General Assembly.

11 (e) The Advisory Panel shall assist the Department in the  
12 following manner:

13 (1) Examination of the following areas as they relate  
14 to minority health:

15 (A) Access to health care.

16 (B) Demographic factors.

17 (C) Environmental factors.

18 (D) Financing of health care.

19 (E) Health behavior.

20 (F) Health knowledge.

21 (G) Utilization of quality care.

22 (H) Minorities in health care professions.

23 (2) Development of monitoring, tracking, and reporting  
24 mechanisms for programs and services with minority health  
25 goals and objectives.

26 (3) Communication with local health departments,

1 community-based organizations, voluntary health  
2 organizations, and other public and private organizations  
3 statewide, on an ongoing basis, to learn more about their  
4 services to minority communities, the health problems of  
5 minority communities, and their ideas for improving  
6 minority health.

7 (4) Promotion of communication among all State  
8 agencies that provide services to minority populations.

9 (5) Building coalitions between the State and  
10 leadership in minority communities.

11 (6) Encouragement of recruitment and retention of  
12 minority health professionals.

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

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

18 (9) Reduction of communication barriers for  
19 non-English speaking residents.

20 (10) Coordination of the development and dissemination  
21 of culturally appropriate and sensitive education  
22 material, public awareness messages, and health promotion  
23 programs for minorities.

24 (f) On or before January 1, 1997 the Advisory Panel shall  
25 submit an interim report to the Governor and the General  
26 Assembly. The interim report shall include an update on the

1 Advisory Panel's progress in performing its functions under  
2 this Section and shall include recommendations, including  
3 recommendations for any necessary legislative changes.

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

7 (1) An evaluation of the health status of minorities in  
8 this State.

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

11 (3) Recommendations for improving the health status of  
12 minorities in this State.

13 (4) Recommendations for increasing minority access to  
14 health care in this State.

15 (5) Recommendations for increasing minority  
16 participation in the procurement policies of the health  
17 care industry.

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

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

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

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

1 (215 ILCS 5/356w)

2 Sec. 356w. Diabetes self-management training and  
3 education.

4 (a) A group policy of accident and health insurance that is  
5 amended, delivered, issued, or renewed after the effective date  
6 of this amendatory Act of 1998 shall provide coverage for  
7 outpatient self-management training and education, equipment,  
8 and supplies, as set forth in this Section, for the treatment  
9 of type 1 diabetes, type 2 diabetes, and gestational diabetes  
10 mellitus.

11 (b) As used in this Section:

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

24 "Medical nutrition therapy" shall have the meaning  
25 ascribed to that term ~~"medical nutrition care"~~ in the Dietitian



1 Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

2 "Physician" means a physician licensed to practice  
3 medicine in all of its branches providing care to the  
4 individual.

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

6 (1) a health maintenance organization that uses a  
7 primary care physician to control access to specialty care  
8 means (A) the individual's primary care physician licensed  
9 to practice medicine in all of its branches, (B) a  
10 physician licensed to practice medicine in all of its  
11 branches to whom the individual has been referred by the  
12 primary care physician, or (C) a certified, registered, or  
13 licensed network health care professional with expertise  
14 in diabetes management to whom the individual has been  
15 referred by the primary care physician.

16 (2) an insurance plan means (A) a physician licensed to  
17 practice medicine in all of its branches or (B) a  
18 certified, registered, or licensed health care  
19 professional with expertise in diabetes management to whom  
20 the individual has been referred by a physician.

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

24 (1) Up to 3 medically necessary visits to a qualified  
25 provider upon initial diagnosis of diabetes by the  
26 patient's physician or, if diagnosis of diabetes was made

1 within one year prior to the effective date of this  
2 amendatory Act of 1998 where the insured was a covered  
3 individual, up to 3 medically necessary visits to a  
4 qualified provider within one year after that effective  
5 date.

6 (2) Up to 2 medically necessary visits to a qualified  
7 provider upon a determination by a patient's physician that  
8 a significant change in the patient's symptoms or medical  
9 condition has occurred. A "significant change" in  
10 condition means symptomatic hyperglycemia (greater than  
11 250 mg/dl on repeated occasions), severe hypoglycemia  
12 (requiring the assistance of another person), onset or  
13 progression of diabetes, or a significant change in medical  
14 condition that would require a significantly different  
15 treatment regimen.

16 Payment by the insurer or health maintenance organization  
17 for the coverage required for diabetes self-management  
18 training pursuant to the provisions of this Section is only  
19 required to be made for services provided. No coverage is  
20 required for additional visits beyond those specified in items  
21 (1) and (2) of this subsection.

22 Coverage under this subsection (c) for diabetes  
23 self-management training shall be subject to the same  
24 deductible, co-payment, and co-insurance provisions that apply  
25 to coverage under the policy for other services provided by the  
26 same type of provider.

1 (d) Coverage shall be provided for the following equipment  
2 when medically necessary and prescribed by a physician licensed  
3 to practice medicine in all of its branches. Coverage for the  
4 following items shall be subject to deductible, co-payment and  
5 co-insurance provisions provided for under the policy or a  
6 durable medical equipment rider to the policy:

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

11 This subsection does not apply to a group policy of  
12 accident and health insurance that does not provide a durable  
13 medical equipment benefit.

14 (e) Coverage shall be provided for the following  
15 pharmaceuticals and supplies when medically necessary and  
16 prescribed by a physician licensed to practice medicine in all  
17 of its branches. Coverage for the following items shall be  
18 subject to the same coverage, deductible, co-payment, and  
19 co-insurance provisions under the policy or a drug rider to the  
20 policy:

- 21 (1) insulin;
- 22 (2) syringes and needles;
- 23 (3) test strips for glucose monitors;
- 24 (4) FDA approved oral agents used to control blood  
25 sugar; and
- 26 (5) glucagon emergency kits.

1           This subsection does not apply to a group policy of  
2 accident and health insurance that does not provide a drug  
3 benefit.

4           (f) Coverage shall be provided for regular foot care exams  
5 by a physician or by a physician to whom a physician has  
6 referred the patient. Coverage for regular foot care exams  
7 shall be subject to the same deductible, co-payment, and  
8 co-insurance provisions that apply under the policy for other  
9 services provided by the same type of provider.

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

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

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

17           Section 5. The Dietetic and Nutrition Services Practice Act  
18 is amended by changing Sections 1, 10, 15, 15.5, 20, 30, 37,  
19 45, 65, 70, 80, 85, 95, 97, 100, 105, 110, 115, 120, 125, 130,  
20 135, 140, 145, 155, 165, 175, and 180 and by adding Section 108  
21 as follows:

22           (225 ILCS 30/1) (from Ch. 111, par. 8401-1)

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

24           Sec. 1. Short title. This Act may be cited as the Dietitian

1 Nutritionist ~~Dietetic and Nutrition Services~~ Practice Act.

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

3 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

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

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

6 "Address of record" means the designated address recorded  
7 by the Department in the applicant's or licensee's application  
8 file or license file as maintained by the Department's  
9 licensure maintenance unit. It is the duty of the applicant or  
10 licensee to inform the Department of any change of address and  
11 those changes must be made either through the Department's  
12 website or by contacting the Department.

13 "Board" means the Dietitian Nutritionist Practice Board  
14 appointed by the Secretary ~~Director~~.

15 "Certified clinical nutritionist" means an individual  
16 certified by the Clinical Nutrition Certification Board.

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

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

21 "Dietetics and nutrition services" means the integration  
22 and application of principles derived from the sciences of food  
23 and nutrition to provide for all aspects of nutrition care for  
24 individuals and groups, including, but not limited to:

25 (1) nutrition counseling; "nutrition counseling" means

1 advising and assisting individuals or groups on  
2 appropriate nutrition intake by integrating information  
3 from the nutrition assessment;

4 (2) nutrition assessment; "nutrition assessment" means  
5 the evaluation of the nutrition needs of individuals or  
6 groups using appropriate data to determine nutrient needs  
7 or status and make appropriate nutrition recommendations;

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

16 (4) medical nutrition therapy; "medical nutrition  
17 therapy" means the component of nutrition care that deals  
18 with:

19 (A) interpreting and recommending nutrient needs  
20 relative to medically prescribed diets, including, but  
21 not limited to, enteral feedings, specialized  
22 intravenous solutions, and specialized oral feedings;

23 (B) food and prescription drug interactions; and

24 (C) developing and managing food service  
25 operations whose chief function is nutrition care and  
26 provision of medically prescribed diets;

1           (5) nutrition services for individuals and groups;  
2           "nutrition services for individuals and groups" includes,  
3           but is not limited to, all of the following:

4           (A) providing nutrition assessments relative to  
5           preventive maintenance or restorative care;

6           (B) providing nutrition education and nutrition  
7           counseling as components of preventive maintenance or  
8           restorative care; and

9           (C) developing and managing systems whose chief  
10           function is nutrition care; nutrition services for  
11           individuals and groups does not include medical  
12           nutrition therapy as defined in this Act; and

13           (6) restorative; "restorative" means the component of  
14           nutrition care that deals with oral dietary needs for  
15           individuals and groups; activities shall relate to the  
16           metabolism of food and the requirements for nutrients,  
17           including dietary supplements for growth, development,  
18           maintenance, or attainment of optimal health.

19           ~~"Dietetics" means the integration and application of~~  
20           ~~principles derived from the sciences of food and nutrition to~~  
21           ~~provide for all aspects of nutrition care for individuals and~~  
22           ~~groups, including, but not limited to nutrition services and~~  
23           ~~medical nutrition therapy as defined in this Act.~~

24           "Diplomate of the American Clinical Board of Nutrition"  
25           means an individual certified by the American Clinical Board of  
26           Nutrition.

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

3       "Licensed dietitian nutritionist" means a person licensed  
4 under this Act to practice dietetics and nutrition services, as  
5 defined in this Section ~~including medical nutrition therapy.~~  
6 Activities of a licensed dietitian nutritionist do not include  
7 the medical differential diagnosis of the health status of an  
8 individual.

9       ~~"Medical nutrition therapy" means the component of~~  
10 ~~nutrition care that deals with:~~

11       ~~(a) interpreting and recommending nutrient needs~~  
12 ~~relative to medically prescribed diets, including, but not~~  
13 ~~limited to tube feedings, specialized intravenous~~  
14 ~~solutions, and specialized oral feedings;~~

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

16       ~~(c) developing and managing food service operations~~  
17 ~~whose chief function is nutrition care and provision of~~  
18 ~~medically prescribed diets.~~

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

26       ~~"Nutrition assessment" means the evaluation of the~~



1 ~~nutrition needs of individuals or groups using appropriate data~~  
2 ~~to determine nutrient needs or status and make appropriate~~  
3 ~~nutrition recommendations.~~

4 ~~"Nutrition counseling" means advising and assisting~~  
5 ~~individuals or groups on appropriate nutrition intake by~~  
6 ~~integrating information from the nutrition assessment.~~

7 ~~"Nutrition services for individuals and groups" shall~~  
8 ~~include, but is not limited to, all of the following;~~

9 ~~(a) Providing nutrition assessments relative to~~  
10 ~~preventive maintenance or restorative care.~~

11 ~~(b) Providing nutrition education and nutrition~~  
12 ~~counseling as components of preventive maintenance or~~  
13 ~~restorative care.~~

14 ~~(c) Developing and managing systems whose chief~~  
15 ~~function is nutrition care. Nutrition services for~~  
16 ~~individuals and groups does not include medical nutrition~~  
17 ~~therapy as defined in this Act.~~

18 "Practice experience" means a preprofessional, documented,  
19 supervised practice in dietetics or nutrition services that is  
20 acceptable to the Department in compliance with requirements  
21 for licensure, as specified in Section ~~Sections~~ 45 and ~~50~~. It  
22 may be or may include a documented, supervised practice  
23 experience which is a component of the educational requirements  
24 for licensure, as specified in Section 45 ~~or 50~~.

25 "Registered dietitian" means an individual registered with  
26 the Commission on Dietetic Registration, the accrediting body

1 of the Academy of Nutrition and Dietetics, formerly known as  
2 ~~for~~ the American Dietetic Association.

3 "Secretary" means the Secretary of Financial and  
4 Professional Regulation.

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

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

12 (225 ILCS 30/15) (from Ch. 111, par. 8401-15)

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

14 Sec. 15. License required.

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

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

22 (1) ~~A~~ The person is licensed in this State under any  
23 ~~other Act that authorizes the person to provide these~~  
24 ~~services.~~ (2) ~~The person~~ that is licensed to practice  
25 nutrition under the law of another state, territory of the

1 United States, or country and has applied in writing to the  
2 Department in form and substance satisfactory to the  
3 Department for a license as a dietitian nutritionist until  
4 (i) the expiration of 6 months after filing the written  
5 application, (ii) the withdrawal of the application, or  
6 (iii) the denial of the application by the Department.

7 ~~(b) No person shall practice dietetics, as defined in this  
8 Act, or hold himself or herself out as a licensed dietitian  
9 nutritionist unless that person is so licensed under this Act  
10 or meets one or more of the following criteria:~~

11 ~~(1) The person is licensed in this State under any  
12 other Act that authorizes the person to provide these  
13 services.~~

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

22 (2) A ~~(3)~~ The person that is licensed to practice  
23 dietetics under the law of another state, territory of the  
24 United States, or country, or is a certified nutrition  
25 specialist, a certified clinical nutritionist, a diplomate  
26 of the American Clinical Board of Nutrition, or a

1 registered dietitian, who has applied in writing to the  
2 Department in form and substance satisfactory to the  
3 Department for a license as a dietitian nutritionist until  
4 (i) the expiration of 6 months after the filing the written  
5 application, (ii) the withdrawal of the application, or  
6 (iii) the denial of the application by the Department.

7 ~~(c) No person shall practice dietetics or nutrition~~  
8 ~~services, as defined in this Act, or hold himself or herself~~  
9 ~~out as a licensed dietitian nutritionist, a dietitian, a~~  
10 ~~nutritionist, or a nutrition counselor unless the person is~~  
11 ~~licensed in accordance with this Act.~~

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

13 (225 ILCS 30/15.5)

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

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

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

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

3 (c) The civil penalty shall be paid within 60 days after  
4 the effective date of the order imposing the civil penalty. The  
5 order shall constitute a judgment and may be filed and  
6 execution had thereon in the same manner as any judgment from  
7 any court of record.

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

9 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

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

11 Sec. 20. Exemptions. This Act does not prohibit or  
12 restrict:

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

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

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

22 (d) The practice of dietetics and nutrition services ~~or~~  
23 ~~dietetics~~ by a person pursuing a course of study leading to a  
24 degree in dietetics, nutrition, or an equivalent major, ~~as~~  
25 ~~authorized by the Department,~~ from a regionally accredited

1 school or program, if the activities and services constitute a  
2 part of a supervised course of study and if the person is  
3 designated by a title that clearly indicates the person's  
4 status as a student or trainee.

5 (e) The practice of dietetics and nutrition services ~~or~~  
6 ~~dietetics~~ by a person fulfilling the supervised practice  
7 experience component of Section ~~Sections~~ 45 ~~or 50~~, if the  
8 activities and services constitute a part of the experience  
9 necessary to meet the requirements of Section 45 ~~or 50~~.

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

11 (1) providing oral nutrition information as an  
12 operator or employee of a health food store or business  
13 that sells health products, including dietary supplements,  
14 food, or food materials; or ~~or~~

15 (2) disseminating written nutrition information in  
16 connection with the marketing and distribution of those  
17 products, or discussing the use of those products, both  
18 individually and as components of nutritional programs,  
19 including explanations of their federally regulated label  
20 claims, any known drug-nutrient interactions, their role  
21 in various diets, or suggestions as how to best use and  
22 combine them.

23 (g) The practice of dietetics and nutrition services by an  
24 educator who is in the employ of a nonprofit organization; ~~as~~  
25 ~~authorized by the Department,~~ a federal, state, county, or  
26 municipal agency, or other political subdivision; an

1 elementary or secondary school; or a regionally accredited  
2 institution of higher education, as long as the activities and  
3 services of the educator are part of his or her employment.

4 (h) The practice of dietetics and nutrition services by any  
5 person who provides weight control services, provided the  
6 nutrition program has been reviewed by, consultation is  
7 available from, and no program change can be initiated without  
8 prior approval by an individual licensed under this Act, an  
9 individual licensed to practice dietetics or nutrition  
10 services in another state that has licensure requirements  
11 considered by the Department to be at least as stringent as the  
12 requirements for licensure under this Act, or a registered  
13 dietitian.

14 (i) The practice of dietetics and nutrition services ~~or~~  
15 ~~dietetics~~ by any person with a masters or doctorate degree with  
16 a major in nutrition or equivalent from a regionally accredited  
17 school recognized by the Department for the purpose of  
18 education and research.

19 (j) A person from providing general nutrition information  
20 or encouragement of general healthy eating choices that does  
21 not include the development of a customized nutrition regimen  
22 for a particular client or individual, or from providing  
23 encouragement for compliance with a customized nutrition plan  
24 prepared by a licensed dietitian nutritionist or any other  
25 licensed professional whose scope of practice includes  
26 nutrition assessment and counseling. ~~Any person certified in~~

1 ~~this State and who is employed by a facility or program~~  
2 ~~regulated by the State of Illinois from engaging in the~~  
3 ~~practice for which he or she is certified and authorized by the~~  
4 ~~Department.~~

5 (k) The practice of dietetics and nutrition services by a  
6 graduate of a 2 year associate program or a 4 year  
7 baccalaureate program from a school or program accredited at  
8 the time of graduation by the appropriate accrediting agency  
9 recognized by the Council on Higher Education Accreditation and  
10 the United States Department of Education with a major in human  
11 nutrition, food and nutrition or its equivalent, as authorized  
12 by the Department, who is directly supervised by an individual  
13 licensed under this Act.

14 (l) Providing nutrition information as an employee of a  
15 nursing facility operated exclusively by and for those relying  
16 upon spiritual means through prayer alone for healing in  
17 accordance with the tenets and practices of a recognized church  
18 or religious denomination.

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

26 The provisions of this Act shall not be construed to



1 prohibit or limit any person from the free dissemination of  
2 information, from conducting a class or seminar, or from giving  
3 a speech related to nutrition if that person does not hold  
4 himself or herself out as a licensed dietitian nutritionist  
5 ~~nutrition counselor or licensed dietitian~~ in a manner  
6 prohibited by Section 15.

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

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

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

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

22 Members shall serve 3-year ~~3-year~~ terms and until their  
23 successors are appointed and qualified, ~~except the terms of the~~  
24 ~~initial appointments~~. No member shall be reappointed to the  
25 Board for a term that would cause his or her continuous service

1 on the Board to be longer than 8 years. Appointments to fill  
2 vacancies shall be made in the same manner as original  
3 appointments, for the unexpired portion of the vacated term.  
4 ~~Initial terms shall begin upon the effective date of this Act~~  
5 ~~and Board members in office on that date shall be appointed to~~  
6 ~~specific terms as indicated in this Section.~~

7 Insofar as possible, the licensed professionals appointed  
8 to serve on the Board shall be generally representative of the  
9 geographical distribution of licensed professionals within ~~The~~  
10 ~~membership of the Board shall reasonably represent all the~~  
11 ~~geographic areas in this State. Any time there is a vacancy on~~  
12 ~~the Board, any professional association composed of persons~~  
13 ~~licensed under this Act may recommend licensees to fill the~~  
14 ~~vacancy to the Board for the appointment of licensees, the~~  
15 ~~organization representing the largest number of licensed~~  
16 ~~physicians for the appointment of physicians to the Board, and~~  
17 ~~the organization representing the largest number of licensed~~  
18 ~~professional nurses for the appointment of a nurse to the~~  
19 ~~Board.~~

20 A vacancy in the membership of the Board shall not impair  
21 the right of a quorum to exercise all the rights and perform  
22 all the duties of the Board.

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

26 The Secretary ~~Director~~ shall have the authority to remove

1 or suspend any member of the Board for cause at any time before  
2 the expiration of his or her term. The Secretary shall be the  
3 sole arbiter of cause ~~from office for neglect of any duty~~  
4 ~~required by law or for incompetency or unprofessional or~~  
5 ~~dishonorable conduct.~~

6 The Secretary ~~Director~~ shall consider the recommendation  
7 of the Board on questions of standards of professional conduct,  
8 discipline, and qualifications of candidates or licensees  
9 under this Act.

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

11 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

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

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

16 (a) Has applied in writing in form and substance acceptable  
17 to the Department and possesses a baccalaureate degree or post  
18 baccalaureate degree in human nutrition, foods and nutrition,  
19 dietetics, food systems management, nutrition education,  
20 nutrition, nutrition science, clinical nutrition, applied  
21 clinical nutrition, nutrition counseling, nutrition and  
22 functional medicine, nutrition and integrative health, or an  
23 equivalent major course of study as recommended by the Board  
24 and approved by the Department from a school or program  
25 accredited at the time of graduation from the appropriate

1 regional accrediting agency recognized by the Council on Higher  
2 Education Accreditation and the United States Department of  
3 Education.

4 (b) Has successfully completed an ~~the~~ examination  
5 authorized by the Department which may be or may include  
6 examinations ~~an examination~~ given by each of the American  
7 Clinical Board of Nutrition, the Certification Board of  
8 Nutrition Specialists, the Clinical Nutrition Certification  
9 Board, and the Commission on Dietetic Registration, or another  
10 examination approved by the Department.

11 The Department shall establish by rule a waiver of the  
12 examination requirement to applicants who, at the time of  
13 application, are acknowledged to be certified clinical  
14 nutritionists by the Clinical Nutrition Certification Board,  
15 certified nutrition specialists by the Certification Board of  
16 Nutrition Specialists, diplomates of the American Clinical  
17 Board of Nutrition, or registered dietitians by the Commission  
18 on Dietetic Registration and who are in compliance with other  
19 qualifications as included in the Act.

20 (c) Has completed a dietetic internship or documented,  
21 supervised practice experience in dietetics and nutrition  
22 services of not less than 900 hours under the supervision of a  
23 certified clinical nutritionist, certified nutrition  
24 specialist, diplomate of the American Clinical Board of  
25 Nutrition, registered dietitian or a licensed dietitian  
26 nutritionist, a State licensed healthcare practitioner, or an

1 individual with a doctoral degree conferred by a U.S.  
2 regionally accredited college or university with a major course  
3 of study in human nutrition, nutrition education, food and  
4 nutrition, dietetics, ~~or~~ food systems management, nutrition,  
5 nutrition science, clinical nutrition, applied clinical  
6 nutrition, nutrition counseling, nutrition and functional  
7 medicine, or nutrition and integrative health. Supervised  
8 practice experience must be completed in the United States or  
9 its territories. Supervisors who obtained their doctoral  
10 degree outside the United States and its territories must have  
11 their degrees validated as equivalent to the doctoral degree  
12 conferred by a U.S. regionally accredited college or  
13 university.

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

15 (225 ILCS 30/65) (from Ch. 111, par. 8401-65)

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

17 Sec. 65. Expiration and renewal dates. The expiration date  
18 and renewal period for each license issued under this Act shall  
19 be set by rule.

20 ~~As a condition for renewal of a license that expires on~~  
21 ~~October 31, 2003, a licensed nutrition counselor shall be~~  
22 ~~required to complete and submit to the Department proof of 30~~  
23 ~~hours of continuing education in dietetics or nutrition~~  
24 ~~services during the 24 months preceding the expiration date of~~  
25 ~~the license in accordance with rules established by the~~

1 ~~Department. A minimum of 24 hours of the required 30 hours of~~  
2 ~~continuing education shall be in medical nutrition therapy,~~  
3 ~~which shall include diet therapy, medical dietetics, clinical~~  
4 ~~nutrition, or the equivalent, as provided by continuing~~  
5 ~~education sponsors approved by the Department. The Department~~  
6 ~~may adopt rules to implement this Section.~~

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

23       ~~Any person who has permitted his or her license to expire~~  
24 ~~or who has had his or her license on inactive status may have~~  
25 ~~the license restored by submitting an application to the~~  
26 ~~Department, meeting continuing education requirements, and~~

1 ~~filing proof acceptable with the Department of fitness to have~~  
2 ~~the license restored, which may include sworn evidence~~  
3 ~~certifying to active practice in another jurisdiction~~  
4 ~~satisfactory to the Department and by paying the required~~  
5 ~~restoration fee.~~

6 ~~If the person has not maintained an active practice in~~  
7 ~~another jurisdiction satisfactory to the Department, the~~  
8 ~~Department shall determine, by an evaluation program~~  
9 ~~established by rule, his or her fitness to resume active status~~  
10 ~~and may require the person to complete a period of evaluated~~  
11 ~~professional experience and may require successful completion~~  
12 ~~of a practical examination.~~

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

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

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

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

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

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

22 (c) A licensee whose license expired while he or she was  
23 (1) in federal service on active duty with the Armed Forces of  
24 the United States or the State Militia called into service or  
25 training or (2) in training or education under the supervision  
26 of the United States before induction into the military



1 service, may have the license restored without paying any  
2 lapsed renewal fees if within 2 years after honorable  
3 termination of the service, training, or education he or she  
4 furnishes the Department with satisfactory evidence to the  
5 effect that he or she has been so engaged and that his or her  
6 service, training, or education has been so terminated.

7 (d) Any person requesting restoration from inactive status  
8 shall be required to pay the current renewal fee, shall meet  
9 continuing education requirements, and shall be required to  
10 restore his or her license as provided in Section 65 of this  
11 Act.

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

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

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

21 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

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

23 Sec. 80. Use of title; advertising. Only a person who is  
24 issued a license as a dietitian nutritionist under this Act may  
25 use the words "dietitian nutritionist", "dietitian", "licensed

1 nutritionist", or "nutrition counselor" or the letters  
2 "L.D.N." in connection with his or her name.

3 ~~A person who meets the additional criteria for registration~~  
4 ~~by the Commission on Dietetic Registration for the American~~  
5 ~~Dietetic Association may assume or use the title or designation~~  
6 ~~"Registered Dietitian" or "Registered Dietician" or use the~~  
7 ~~letters "R.D." or any words, letters, abbreviations, or~~  
8 ~~insignia indicating that the person is a registered dietitian.~~

9 ~~Any person who meets the additional criteria for~~  
10 ~~certification by the Clinical Nutrition Certification Board of~~  
11 ~~the International and American Associations of Clinical~~  
12 ~~Nutritionists may assume or use the title or designation~~  
13 ~~"Certified Clinical Nutritionist" or use the letters "C.C.N."~~  
14 ~~or any words, letters, abbreviations, or insignia indicating~~  
15 ~~that the person is a certified clinical nutritionist.~~

16 ~~Any person who meets the additional criteria for~~  
17 ~~certification by the Certification Board of Nutrition~~  
18 ~~Specialists may assume or use the title or designation~~  
19 ~~"Certified Nutrition Specialist", or use the letters "C.N.S."~~  
20 ~~or any words, letters, abbreviations, or insignia indicating~~  
21 ~~that the person is a certified nutrition specialist.~~

22 A licensee shall include in every advertisement for  
23 services regulated under this Act his or her title as it  
24 appears on the license or the initials authorized under this  
25 Act. Advertisements shall not include false, fraudulent,  
26 deceptive, or misleading material or guarantees of success.

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

2 (225 ILCS 30/85) (from Ch. 111, par. 8401-85)

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

4 Sec. 85. Fees. The Department shall provide by rule for a  
5 schedule of fees for the administration and enforcement of this  
6 Act, including, but not limited to, original licensure,  
7 registration, renewal, and restoration. The fees shall be  
8 nonrefundable.

9 All fees, fines, and penalties collected under this Act  
10 shall be deposited into the General Professions Dedicated Fund  
11 and shall be appropriated to the Department for the ordinary  
12 and contingent expenses of the Department in the administration  
13 of this Act.

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

15 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

17 Sec. 95. Grounds for discipline.

18 (1) The Department may refuse to issue or renew, or may  
19 revoke, suspend, place on probation, reprimand, or take other  
20 disciplinary or non-disciplinary action as the Department may  
21 deem appropriate ~~proper~~, including imposing fines not to exceed  
22 \$10,000 ~~\$1000~~ for each violation, with regard to any license or  
23 certificate for any one or combination of the following causes:

24 (a) Material misstatement in furnishing information to

1 the Department.

2 (b) Violations of this Act or of its rules adopted  
3 under this Act.

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

18 (d) Fraud or Making any misrepresentation in applying  
19 for or procuring a license under this Act or in connection  
20 with applying for renewal of a license under this Act ~~for~~  
21 ~~the purpose of obtaining licensure or violating any~~  
22 ~~provision of this Act.~~

23 (e) Professional incompetence or gross negligence.

24 (f) Malpractice.

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

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

3 (i) Engaging in dishonorable, unethical or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public.

6 (j) Habitual or excessive use or abuse of drugs defined  
7 in law as controlled substances, alcohol ~~addiction to~~  
8 ~~alcohol, narcotics, stimulants,~~ or any other substance  
9 that ~~chemical agent or drug that~~ results in the inability  
10 to practice with reasonable judgment, skill, or safety.

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

15 (l) Charging for professional services not rendered,  
16 including filing false statements for the collection of  
17 fees for which services are not rendered ~~Directly or~~  
18 ~~indirectly giving to or receiving from any person, firm,~~  
19 ~~corporation, partnership, or association any fee,~~  
20 ~~commission, rebate, or other form of compensation for any~~  
21 ~~professional services not actually or personally rendered.~~

22 Nothing in this paragraph (l) affects any bona fide  
23 independent contractor or employment arrangements among  
24 health care professionals, health facilities, health care  
25 providers, or other entities, except as otherwise  
26 prohibited by law. Any employment arrangements may include

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

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

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

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

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

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

4 (r) (Blank). ~~Failure to (i) file a return, (ii) pay the~~  
5 ~~tax, penalty or interest shown in a filed return, or (iii)~~  
6 ~~pay any final assessment of tax, penalty or interest, as~~  
7 ~~required by any tax Act administered by the Illinois~~  
8 ~~Department of Revenue, until the requirements of any such~~  
9 ~~tax Act are satisfied.~~

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

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

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

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

22 (2) The Department may refuse to issue or may suspend  
23 without hearing, as provided for in the Code of Civil  
24 Procedure, the license of any person who fails to file a  
25 return, or pay the tax, penalty, or interest shown in a filed  
26 return, or pay any final assessment of the tax, penalty, or

1 interest as required by any tax Act administered by the  
2 Illinois Department of Revenue, until such time as the  
3 requirements of any such tax Act are satisfied in accordance  
4 with subsection (g) of Section 2105-15 of the Civil  
5 Administrative Code of Illinois.

6 (3) The Department shall deny a license or renewal  
7 authorized by this Act to a person who has defaulted on an  
8 educational loan or scholarship provided or guaranteed by the  
9 Illinois Student Assistance Commission or any governmental  
10 agency of this State in accordance with item (5) of subsection  
11 (a) of Section 2105-15 of the Civil Administrative Code of  
12 Illinois.

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

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



1 Code, operates as an automatic suspension. The suspension shall  
2 end only upon a finding by a court that the patient is no  
3 longer subject to involuntary admission or judicial admission  
4 and the issuance of an order so finding and discharging the  
5 patient.

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

25 A person holding a license under this Act or who has  
26 applied for a license under this Act who, because of a physical

1 or mental illness or disability, including, but not limited to,  
2 deterioration through the aging process or loss of motor skill,  
3 is unable to practice the profession with reasonable judgment,  
4 skill, or safety, may be required by the Department to submit  
5 to care, counseling, or treatment by physicians approved or  
6 designated by the Department as a condition, term, or  
7 restriction for continued, reinstated, or renewed licensure to  
8 practice. Submission to care, counseling, or treatment as  
9 required by the Department shall not be considered discipline  
10 of a license. If the licensee refuses to enter into a care,  
11 counseling, or treatment agreement or fails to abide by the  
12 terms of the agreement, then the Department may file a  
13 complaint to revoke, suspend, or otherwise discipline the  
14 license of the individual. The Secretary may order the license  
15 suspended immediately, pending a hearing by the Department.  
16 Fines shall not be assessed in disciplinary actions involving  
17 physical or mental illness or impairment.

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

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

6       ~~(2) In enforcing this Section, the Board, upon a showing of~~  
7 ~~a possible violation, may compel a licensee or applicant to~~  
8 ~~submit to a mental or physical examination, or both, as~~  
9 ~~required by and at the expense of the Department. The examining~~  
10 ~~physician shall be specifically designated by the Board. The~~  
11 ~~Board or the Department may order the examining physician to~~  
12 ~~present testimony concerning the mental or physical~~  
13 ~~examination of a licensee or applicant. No information may be~~  
14 ~~excluded by reason of any common law or statutory privilege~~  
15 ~~relating to communications between a licensee or applicant and~~  
16 ~~the examining physician. An individual to be examined may have,~~  
17 ~~at his or her own expense, another physician of his or her~~  
18 ~~choice present during all aspects of the examination. Failure~~  
19 ~~of an individual to submit to a mental or physical examination,~~  
20 ~~when directed, is grounds for suspension of his or her license.~~  
21 ~~The license must remain suspended until the time that the~~  
22 ~~individual submits to the examination or the Board finds, after~~  
23 ~~notice and a hearing, that the refusal to submit to the~~  
24 ~~examination was with reasonable cause. If the Board finds that~~  
25 ~~an individual is unable to practice because of the reasons set~~  
26 ~~forth in this Section, the Board must require the individual to~~

1 ~~submit to care, counseling, or treatment by a physician~~  
2 ~~approved by the Board, as a condition, term, or restriction for~~  
3 ~~continued, reinstated, or renewed licensure to practice. In~~  
4 ~~lieu of care, counseling, or treatment, the Board may recommend~~  
5 ~~that the Department file a complaint to immediately suspend or~~  
6 ~~revoke the license of the individual or otherwise discipline~~  
7 ~~him or her. Any individual whose license was granted,~~  
8 ~~continued, reinstated, or renewed subject to conditions,~~  
9 ~~terms, or restrictions, as provided for in this Section, or any~~  
10 ~~individual who was disciplined or placed on supervision~~  
11 ~~pursuant to this Section must be referred to the Director for a~~  
12 ~~determination as to whether the individual shall have his or~~  
13 ~~her license suspended immediately, pending a hearing by the~~  
14 ~~Board.~~

15 ~~The Department shall deny any license or renewal under this~~  
16 ~~Act to any person who has defaulted on an educational loan~~  
17 ~~guaranteed by the Illinois Student Assistance Commission;~~  
18 ~~however, the Department may issue a license or renewal if the~~  
19 ~~person in default has established a satisfactory repayment~~  
20 ~~record as determined by the Illinois Student Assistance~~  
21 ~~Commission.~~

22 ~~The determination by a circuit court that a registrant is~~  
23 ~~subject to involuntary admission or judicial admission as~~  
24 ~~provided in the Mental Health and Developmental Disabilities~~  
25 ~~Code operates as an automatic suspension. This suspension will~~  
26 ~~end only upon a finding by a court that the patient is no~~

1 ~~longer subject to involuntary admission or judicial admission,~~  
2 ~~the issuance of an order so finding and discharging the~~  
3 ~~patient, and the recommendation of the Board to the Director~~  
4 ~~that the registrant be allowed to resume practice.~~

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

6 (225 ILCS 30/97) (from Ch. 111, par. 8401-97)

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

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

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

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

9 (225 ILCS 30/100) (from Ch. 111, par. 8401-100)

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

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

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

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

7 (c) Whenever in the opinion of the Department any person  
8 violates any provision of this Act, the Department may issue a  
9 rule to show cause why an order to cease and desist should be  
10 entered against him or her. The rule shall clearly set forth  
11 the grounds relied upon the Department and shall provide a  
12 period of 7 days from the date of the rule to file an answer to  
13 the satisfaction of the Department. Failure to answer to the  
14 satisfaction of the Department shall cause in order to cease  
15 and desist to be issued immediately.

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

17 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

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

19 Sec. 105. Investigation; notice and hearing. The  
20 Department may investigate the actions or qualifications of any  
21 applicant or of any person or persons holding or claiming to  
22 hold a license or certificate of registration. The Department  
23 shall, before refusing to issue or renew a license or to  
24 discipline a licensee under Section 95 ~~before suspending,~~  
25 ~~revoking, placing on probationary status, or taking any other~~

1 ~~disciplinary action as the Department may deem proper with~~  
2 ~~regard to any license or certificate of registration,~~ at least  
3 30 days before the date set for the hearing, (i) notify the  
4 accused in writing of any charges made and the time and place  
5 for a hearing of the charges before the Board, (ii) direct him  
6 or her to file his or her written answer to the charges with  
7 the Board under oath within 20 days after the service ~~on him or~~  
8 ~~her~~ of the such notice, and (iii) inform the applicant or  
9 licensee ~~him or her~~ that failure if he or she fails to file an  
10 answer shall result in, default being ~~will be~~ taken against the  
11 applicant or licensee. At the time and place fixed in the  
12 notice, the Department shall proceed to hear the charges and  
13 the parties or their counsel shall be accorded ample  
14 opportunity to present any pertinent statements, testimony,  
15 evidence, and arguments. The Department may continue the  
16 hearing from time to time. In case the person, after receiving  
17 the notice, fails to file an answer, his or her license, may,  
18 in the discretion of the Department, be revoked, suspended, or  
19 placed on probationary status or the Department may take  
20 whatever disciplinary action considered proper, including  
21 limiting the scope, nature, or extent of the person's practice  
22 or the imposition of a fine, without a hearing, if the act or  
23 acts charged constitute sufficient grounds for that action  
24 under the Act. The written notice and any notice in the  
25 subsequent proceeding may be served by registered or certified  
26 mail to the licensee's address of record. ~~him or her and his or~~



1 ~~her license or certificate of registration may be suspended,~~  
2 ~~revoked, placed on probationary status, or other disciplinary~~  
3 ~~action may be taken with regard to the license or certificate,~~  
4 ~~including limiting the scope, nature or extent of his or her~~  
5 ~~practice, as the Department may deem proper. In case the~~  
6 ~~person, after receiving notice, fails to file an answer, his or~~  
7 ~~her license or certificate may, in the discretion of the~~  
8 ~~Department, be suspended, revoked, or placed on probationary~~  
9 ~~status, or the Department may take whatever disciplinary action~~  
10 ~~deemed proper, including limiting the scope, nature, or extent~~  
11 ~~of the person's practice or the imposition of a fine, without a~~  
12 ~~hearing, if the act or acts charged constitute sufficient~~  
13 ~~grounds for such action under this Act.~~

14 ~~This written notice and any notice in the subsequent~~  
15 ~~proceedings may be served by personal delivery to the accused~~  
16 ~~person, or by registered or certified mail to the address last~~  
17 ~~specified by the accused in his or her last notification to the~~  
18 ~~Department. The written answer shall be served by personal~~  
19 ~~delivery, certified delivery, or certified or registered mail~~  
20 ~~to the Department. At the time and place fixed in the notice,~~  
21 ~~the Department shall proceed to hear the charges and the~~  
22 ~~parties or their counsel shall be accorded ample opportunity to~~  
23 ~~present such statements, testimony, evidence, and argument as~~  
24 ~~may be pertinent to the charges or to the defense thereto. The~~  
25 ~~Department may continue such hearing from time to time. At the~~  
26 ~~discretion of the Director after having first received the~~

1 ~~recommendation of the Board, the accused person's certificate~~  
2 ~~of registration may be suspended or revoked, if the evidence~~  
3 ~~constitutes sufficient grounds for such action under this Act.~~

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

5 (225 ILCS 30/108 new)

6 Sec. 108. Confidentiality. All information collected by  
7 the Department in the course of an examination or investigation  
8 of a licensee or applicant, including, but not limited to, any  
9 complaint against a licensee filed with the Department and  
10 information collected to investigate any such complaint, shall  
11 be maintained for the confidential use of the Department and  
12 shall not be disclosed. The Department may not disclose the  
13 information to anyone other than law enforcement officials,  
14 other regulatory agencies that have an appropriate regulatory  
15 interest as determined by the Secretary, or a party presenting  
16 a lawful subpoena to the Department. Information and documents  
17 disclosed to a federal, State, county, or local law enforcement  
18 agency shall not be disclosed by the agency for any purpose to  
19 any other agency or person. A formal complaint filed against a  
20 licensee by the Department or any order issued by the  
21 Department against a licensee or applicant shall be a public  
22 record, except as otherwise prohibited by law.

23 (225 ILCS 30/110) (from Ch. 111, par. 8401-110)

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

1           Sec. 110. Record of hearing. The Department, at its  
2 expense, shall preserve a record of all proceedings at the  
3 formal hearing of any case. The notice of hearing, complaint,  
4 and other documents in the nature of pleadings and written  
5 motions filed in the proceedings, the transcript of testimony,  
6 the report of the Board, and orders of the Department shall be  
7 in the record of the proceedings. ~~The Department shall furnish~~  
8 ~~a transcript of the record to any person interested in the~~  
9 ~~hearing upon payment of the fee required under Section 2105-115~~  
10 ~~of the Department of Professional Regulation Law (20 ILCS~~  
11 ~~2105/2105-115).~~

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

13           (225 ILCS 30/115) (from Ch. 111, par. 8401-115)

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

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

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

25           (b) The Secretary ~~Director,~~ the ~~designated~~ hearing

1 officer, any and every member of the Board, or a certified  
2 shorthand court reporter may ~~shall have power to~~ administer  
3 oaths ~~to witnesses~~ at any hearing that the Department conducts  
4 ~~is authorized to conduct and any other oaths authorized in any~~  
5 ~~Act administered by the Department.~~ Notwithstanding any other  
6 statute or Department rule to the contrary, all requests for  
7 testimony, production of documents, or records shall be in  
8 accordance with this Act.

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

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

18 (225 ILCS 30/120) (from Ch. 111, par. 8401-120)

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

20 Sec. 120. Board report. At the conclusion of the hearing,  
21 the Board shall present to the Secretary ~~Director~~ a written  
22 report of its findings of fact, conclusions of law, and  
23 recommendations. The report shall contain a finding whether or  
24 not the accused person violated this Act or failed to comply  
25 with the conditions required in this Act. The Board shall

1 specify the nature of the violation or failure to comply and  
2 shall make its recommendations to the Secretary ~~Director~~.

3 The report of findings of fact, conclusions of law and  
4 recommendation of the Board shall be the basis for the  
5 Department's order for refusing to issue, restore, or renew a  
6 license or otherwise disciplining a licensee ~~refusal or for the~~  
7 ~~granting of a license~~. If the Secretary ~~Director~~ disagrees in  
8 any regard with the report of the Board, the Secretary ~~Director~~  
9 may issue an order in contravention of the report. ~~The Director~~  
10 ~~shall provide a written report to the Board on any deviation~~  
11 ~~and shall specify with particularity the reasons for that~~  
12 ~~action in the final order~~. The finding is not admissible in  
13 evidence against the person in a criminal prosecution brought  
14 for the violation of this Act, but the hearing and finding is  
15 not a bar to a criminal prosecution brought for the violation  
16 of this Act.

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

18 (225 ILCS 30/125) (from Ch. 111, par. 8401-125)

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

20 Sec. 125. Motion for rehearing. In any hearing involving  
21 the refusal to issue or renew or the discipline of a licensee,  
22 a copy of the Board's report shall be served upon the  
23 respondent by the Department, either personally or as provided  
24 in this Act for the service of the notice of hearing. Within 20  
25 calendar days after the service, the respondent may present to

1 the Department a motion in writing for a rehearing which shall  
2 specify the particular grounds for rehearing. If no motion for  
3 rehearing is filed, then upon the expiration of the time  
4 specified for filing a motion, or if motion for rehearing is  
5 denied, then upon denial, the Secretary ~~Director~~ may enter an  
6 order in accordance with recommendations of the Board, except  
7 as provided for in Section 120. If the respondent orders a  
8 transcript of the record from the reporting service and pays  
9 for it within the time for filing a motion for rehearing, the  
10 20 calendar day period within which a motion for rehearing may  
11 be filed shall commence upon the delivery of the transcript to  
12 the respondent.

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

14 (225 ILCS 30/130) (from Ch. 111, par. 8401-130)

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

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

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

22 (225 ILCS 30/135) (from Ch. 111, par. 8401-135)

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

24 Sec. 135. Hearing officer. The Secretary ~~Director~~ shall

1 have the authority to appoint any attorney duly licensed to  
2 practice law in the State of Illinois to serve as the hearing  
3 officer in any action for refusal to issue or renew a license  
4 or to discipline a licensee or person holding a license. The  
5 hearing officer shall have full authority to conduct the  
6 hearing. The hearing officer shall report his or her findings  
7 and recommendations to the Board and the Secretary ~~Director~~.  
8 The Board shall have 60 calendar days from receipt of the  
9 report to review the report of the hearing officer and present  
10 its findings of fact, conclusions of law, and recommendations  
11 to the Secretary ~~Director~~. If the Board fails to present its  
12 report within the 60 calendar day period, the Secretary  
13 ~~Director~~ may issue an order based on the report of the hearing  
14 officer. If the Secretary ~~Director~~ disagrees with the  
15 recommendation of the Board or of the hearing officer, the  
16 Secretary ~~Director~~ may issue an order in contravention of the  
17 recommendation.

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

19 (225 ILCS 30/140) (from Ch. 111, par. 8401-140)

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

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

25 (a) that the signature is the genuine signature of the

1           Secretary Director; and

2           (b) that the Secretary Director is duly appointed and  
3           qualified.~~;~~ and

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

5           (Source: P.A. 87-784.)

6           (225 ILCS 30/145) (from Ch. 111, par. 8401-145)

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

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

24          (Source: P.A. 87-784.)



1 (225 ILCS 30/155) (from Ch. 111, par. 8401-155)

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

3 Sec. 155. Summary suspension. The Secretary ~~Director~~ may  
4 summarily suspend the license of a licensee ~~dietitian or~~  
5 ~~nutrition counselor~~ without a hearing, simultaneously with the  
6 institution of proceedings for a hearing provided for in  
7 Section 105 of this Act, if the Secretary ~~Director~~ finds that  
8 the evidence ~~in his or her possession~~ indicates that a  
9 licensee's continuation in practice would constitute an  
10 imminent danger to the public. In the event that the Secretary  
11 ~~Director~~ summarily suspends the license ~~of a dietitian or~~  
12 ~~nutrition counselor~~ without a hearing, a hearing shall ~~by the~~  
13 ~~Board must~~ be commenced ~~held~~ within 30 ~~calendar~~ days after the  
14 suspension has occurred and shall be concluded as expeditiously  
15 as possible.

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

17 (225 ILCS 30/165) (from Ch. 111, par. 8401-165)

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

19 Sec. 165. Certification of record; receipt. The Department  
20 shall not be required to certify any record to the Court or  
21 file any answer in court or otherwise appear in any court in a  
22 judicial review proceeding, unless and until the Department has  
23 received from the plaintiff ~~there is filed in the court, with~~  
24 ~~the complaint, a receipt from the Department acknowledging~~  
25 payment of the costs of furnishing and certifying the record, l

1 which costs shall be determined by the Department. Exhibits  
2 shall be certified without cost. Failure on the part of the  
3 plaintiff to file a receipt in Court is ~~shall be~~ grounds for  
4 dismissal of the action.

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

6 (225 ILCS 30/175) (from Ch. 111, par. 8401-175)

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

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

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

21 (225 ILCS 30/180) (from Ch. 111, par. 8401-180)

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

23 Sec. 180. Home rule. The regulation and licensing of  
24 dietitian nutritionists ~~dietitians and nutrition counselors~~

1 are exclusive functions of the State. A home rule unit may not  
2 regulate or license dietitian nutritionists ~~dietitians or~~  
3 ~~nutrition counselors~~. This Section is a limitation and denial  
4 of home rule powers under paragraph (h) of Section 6 of Article  
5 VII of the Illinois Constitution.

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

7 (225 ILCS 30/56 rep.)

8 (225 ILCS 30/87 rep.)

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

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

13 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

19 Nothing in this Act shall be construed to mean that an  
20 eligible adult is a victim of abuse, neglect, or self-neglect  
21 for the sole reason that he or she is being furnished with or  
22 relies upon treatment by spiritual means through prayer alone,  
23 in accordance with the tenets and practices of a recognized

1 church or religious denomination.

2 Nothing in this Act shall be construed to mean that an  
3 eligible adult is a victim of abuse because of health care  
4 services provided or not provided by licensed health care  
5 professionals.

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

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

13 (b) "Department" means the Department on Aging of the State  
14 of Illinois.

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

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

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

23 (1.5) A facility licensed under the ID/DD Community  
24 Care Act;

25 (1.7) A facility licensed under the Specialized Mental  
26 Health Rehabilitation Act;

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

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

6           (4) A hospital, sanitarium, or other institution, the  
7 principal activity or business of which is the diagnosis,  
8 care, and treatment of human illness through the  
9 maintenance and operation of organized facilities  
10 therefor, which is required to be licensed under the  
11 Hospital Licensing Act;

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

14           (6) (Blank);

15           (7) A "community-integrated living arrangement" as  
16 defined in the Community-Integrated Living Arrangements  
17 Licensure and Certification Act;

18           (8) An assisted living or shared housing establishment  
19 as defined in the Assisted Living and Shared Housing Act;  
20 or

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

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

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

6 (f-5) "Mandated reporter" means any of the following  
7 persons while engaged in carrying out their professional  
8 duties:

9 (1) a professional or professional's delegate while  
10 engaged in: (i) social services, (ii) law enforcement,  
11 (iii) education, (iv) the care of an eligible adult or  
12 eligible adults, or (v) any of the occupations required to  
13 be licensed under the Clinical Psychologist Licensing Act,  
14 the Clinical Social Work and Social Work Practice Act, the  
15 Illinois Dental Practice Act, the Dietitian Nutritionist  
16 ~~the Dietetic and Nutrition Services~~ Practice Act, the  
17 Marriage and Family Therapy Licensing Act, the Medical  
18 Practice Act of 1987, the Naprapathic Practice Act, the  
19 Nurse Practice Act, the Nursing Home Administrators  
20 Licensing and Disciplinary Act, the Illinois Occupational  
21 Therapy Practice Act, the Illinois Optometric Practice Act  
22 of 1987, the Pharmacy Practice Act, the Illinois Physical  
23 Therapy Act, the Physician Assistant Practice Act of 1987,  
24 the Podiatric Medical Practice Act of 1987, the Respiratory  
25 Care Practice Act, the Professional Counselor and Clinical  
26 Professional Counselor Licensing and Practice Act, the

1 Illinois Speech-Language Pathology and Audiology Practice  
2 Act, the Veterinary Medicine and Surgery Practice Act of  
3 2004, and the Illinois Public Accounting Act;

4 (2) an employee of a vocational rehabilitation  
5 facility prescribed or supervised by the Department of  
6 Human Services;

7 (3) an administrator, employee, or person providing  
8 services in or through an unlicensed community based  
9 facility;

10 (4) any religious practitioner who provides treatment  
11 by prayer or spiritual means alone in accordance with the  
12 tenets and practices of a recognized church or religious  
13 denomination, except as to information received in any  
14 confession or sacred communication enjoined by the  
15 discipline of the religious denomination to be held  
16 confidential;

17 (5) field personnel of the Department of Healthcare and  
18 Family Services, Department of Public Health, and  
19 Department of Human Services, and any county or municipal  
20 health department;

21 (6) personnel of the Department of Human Services, the  
22 Guardianship and Advocacy Commission, the State Fire  
23 Marshal, local fire departments, the Department on Aging  
24 and its subsidiary Area Agencies on Aging and provider  
25 agencies, and the Office of State Long Term Care Ombudsman;

26 (7) any employee of the State of Illinois not otherwise

1 specified herein who is involved in providing services to  
2 eligible adults, including professionals providing medical  
3 or rehabilitation services and all other persons having  
4 direct contact with eligible adults;

5 (8) a person who performs the duties of a coroner or  
6 medical examiner; or

7 (9) a person who performs the duties of a paramedic or  
8 an emergency medical technician.

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

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

23 (i) "Regional administrative agency" means any public or  
24 nonprofit agency in a planning and service area so designated  
25 by the Department, provided that the designated Area Agency on  
26 Aging shall be designated the regional administrative agency if



1 it so requests. The Department shall assume the functions of  
2 the regional administrative agency for any planning and service  
3 area where another agency is not so designated.

4 (i-5) "Self-neglect" means a condition that is the result  
5 of an eligible adult's inability, due to physical or mental  
6 impairments, or both, or a diminished capacity, to perform  
7 essential self-care tasks that substantially threaten his or  
8 her own health, including: providing essential food, clothing,  
9 shelter, and health care; and obtaining goods and services  
10 necessary to maintain physical health, mental health,  
11 emotional well-being, and general safety. The term includes  
12 compulsive hoarding, which is characterized by the acquisition  
13 and retention of large quantities of items and materials that  
14 produce an extensively cluttered living space, which  
15 significantly impairs the performance of essential self-care  
16 tasks or otherwise substantially threatens life or safety.

17 (j) "Substantiated case" means a reported case of alleged  
18 or suspected abuse, neglect, financial exploitation, or  
19 self-neglect in which a provider agency, after assessment,  
20 determines that there is reason to believe abuse, neglect, or  
21 financial exploitation has occurred.

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

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

3           (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

5           (a) Conviction and disposition shall not entail the loss by  
6 the defendant of any civil rights, except under this Section  
7 and Sections 29-6 and 29-10 of The Election Code, as now or  
8 hereafter amended.

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

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

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

24           (e) Upon a person's discharge from incarceration or parole,  
25 or upon a person's discharge from probation or at any time

1 thereafter, the committing court may enter an order certifying  
2 that the sentence has been satisfactorily completed when the  
3 court believes it would assist in the rehabilitation of the  
4 person and be consistent with the public welfare. Such order  
5 may be entered upon the motion of the defendant or the State or  
6 upon the court's own motion.

7 (f) Upon entry of the order, the court shall issue to the  
8 person in whose favor the order has been entered a certificate  
9 stating that his behavior after conviction has warranted the  
10 issuance of the order.

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

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

23 (1) there is a direct relationship between one or more  
24 of the previous criminal offenses and the specific license  
25 sought; or

26 (2) the issuance of the license would involve an

1           unreasonable risk to property or to the safety or welfare  
2           of specific individuals or the general public.

3           In making such a determination, the licensing agency shall  
4           consider the following factors:

5                   (1) the public policy of this State, as expressed in  
6                   Article 5.5 of this Chapter, to encourage the licensure and  
7                   employment of persons previously convicted of one or more  
8                   criminal offenses;

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

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

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

17                  (5) the age of the person at the time of occurrence of  
18                  the criminal offense or offenses;

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

20                  (7) any information produced by the person or produced  
21                  on his or her behalf in regard to his or her rehabilitation  
22                  and good conduct, including a certificate of relief from  
23                  disabilities issued to the applicant, which certificate  
24                  shall create a presumption of rehabilitation in regard to  
25                  the offense or offenses specified in the certificate; and

26                  (8) the legitimate interest of the licensing agency in

1 protecting property, and the safety and welfare of specific  
2 individuals or the general public.

3 (i) A certificate of relief from disabilities shall be  
4 issued only for a license or certification issued under the  
5 following Acts:

6 (1) the Animal Welfare Act; except that a certificate  
7 of relief from disabilities may not be granted to provide  
8 for the issuance or restoration of a license under the  
9 Animal Welfare Act for any person convicted of violating  
10 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
11 Care for Animals Act or Section 26-5 or 48-1 of the  
12 Criminal Code of 1961;

13 (2) the Illinois Athletic Trainers Practice Act;

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

16 (4) the Boiler and Pressure Vessel Repairer Regulation  
17 Act;

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

19 (6) the Illinois Certified Shorthand Reporters Act of  
20 1984;

21 (7) the Illinois Farm Labor Contractor Certification  
22 Act;

23 (8) the Interior Design Title Act;

24 (9) the Illinois Professional Land Surveyor Act of  
25 1989;

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

- 1 (11) the Marriage and Family Therapy Licensing Act;
- 2 (12) the Private Employment Agency Act;
- 3 (13) the Professional Counselor and Clinical  
4 Professional Counselor Licensing and Practice Act;
- 5 (14) the Real Estate License Act of 2000;
- 6 (15) the Illinois Roofing Industry Licensing Act;
- 7 (16) the Professional Engineering Practice Act of  
8 1989;
- 9 (17) the Water Well and Pump Installation Contractor's  
10 License Act;
- 11 (18) the Electrologist Licensing Act;
- 12 (19) the Auction License Act;
- 13 (20) the Illinois Architecture Practice Act of 1989;
- 14 (21) the Dietitian Nutritionist ~~Dietetic and Nutrition~~  
15 ~~Services~~ Practice Act;
- 16 (22) the Environmental Health Practitioner Licensing  
17 Act;
- 18 (23) the Funeral Directors and Embalmers Licensing  
19 Code;
- 20 (24) the Land Sales Registration Act of 1999;
- 21 (25) the Professional Geologist Licensing Act;
- 22 (26) the Illinois Public Accounting Act; and
- 23 (27) the Structural Engineering Practice Act of 1989.
- 24 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;  
25 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".