

SB3590



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3590

Introduced 2/10/2012, by Sen. Larry K. Bomke

SYNOPSIS AS INTRODUCED:

225 ILCS 115/25

from Ch. 111, par. 7025

Amends the Veterinary Medicine and Surgery Practice Act of 2004. Provides that it is grounds for discipline if any person with a license or certification under the Act charges in excess of \$250 without an express prior authorization for services performed on an animal. Effective immediately.

LRB097 19862 CEL 65144 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Veterinary Medicine and Surgery Practice Act
5 of 2004 is amended by changing Section 25 as follows:

6 (225 ILCS 115/25) (from Ch. 111, par. 7025)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 25. Disciplinary actions.

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

15 A. Material misstatement in furnishing information to
16 the Department.

17 B. Violations of this Act, or of the rules adopted
18 pursuant to this Act.

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

1 D. Making any misrepresentation for the purpose of
2 obtaining licensure or certification, or violating any
3 provision of this Act or the rules adopted pursuant to this
4 Act pertaining to advertising.

5 E. Professional incompetence.

6 F. Gross malpractice.

7 G. Aiding or assisting another person in violating any
8 provision of this Act or rules.

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

11 I. Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public.

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

18 K. Discipline by another state, District of Columbia,
19 territory, or foreign nation, if at least one of the
20 grounds for the discipline is the same or substantially
21 equivalent to those set forth herein.

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

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

5 N. Willfully making or filing false records or reports
6 in his practice, including but not limited to false records
7 filed with State agencies or departments.

8 O. Physical illness, including but not limited to,
9 deterioration through the aging process, or loss of motor
10 skill which results in the inability to practice the
11 profession with reasonable judgment, skill, or safety.

12 P. Solicitation of professional services other than
13 permitted advertising.

14 Q. Having professional connection with or lending
15 one's name, directly or indirectly, to any illegal
16 practitioner of veterinary medicine and surgery and the
17 various branches thereof.

18 R. Conviction of or cash compromise of a charge or
19 violation of the Harrison Act or the Illinois Controlled
20 Substances Act, regulating narcotics.

21 S. Fraud or dishonesty in applying, treating, or
22 reporting on tuberculin or other biological tests.

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

25 U. Fraudulent use or misuse of any health certificate,
26 shipping certificate, brand inspection certificate, or

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

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

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

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

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

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

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

1 BB. Gross, willful, or continued overcharging for
2 professional services, including filing false statements
3 for collection of fees for which services are not rendered.

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

6 DD. Fraud or misrepresentation in applying for, or
7 procuring, a license under this Act or in connection with
8 applying for renewal of a license under this Act.

9 EE. Cheating on or attempting to subvert the licensing
10 examination administered under this Act.

11 FF. Using, prescribing, or selling a prescription drug
12 or the extra-label use of a prescription drug by any means
13 in the absence of a valid veterinarian-client-patient
14 relationship.

15 GG. Failing to report a case of suspected aggravated
16 cruelty, torture, or animal fighting pursuant to Section
17 3.07 or 4.01 of the Humane Care for Animals Act or Section
18 26-5 of the Criminal Code of 1961.

19 HH. Charging in excess of \$250 without an express prior
20 authorization for services performed on an animal.

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

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

5 3. All proceedings to suspend, revoke, place on
6 probationary status, or take any other disciplinary action as
7 the Department may deem proper, with regard to a license or
8 certificate on any of the foregoing grounds, must be commenced
9 within 3 years after receipt by the Department of a complaint
10 alleging the commission of or notice of the conviction order
11 for any of the acts described in this Section. Except for
12 proceedings brought for violations of items (CC), (DD), or
13 (EE), no action shall be commenced more than 5 years after the
14 date of the incident or act alleged to have violated this
15 Section. In the event of the settlement of any claim or cause
16 of action in favor of the claimant or the reduction to final
17 judgment of any civil action in favor of the plaintiff, the
18 claim, cause of action, or civil action being grounded on the
19 allegation that a person licensed or certified under this Act
20 was negligent in providing care, the Department shall have an
21 additional period of one year from the date of the settlement
22 or final judgment in which to investigate and begin formal
23 disciplinary proceedings under Section 25.2 of this Act, except
24 as otherwise provided by law. The time during which the holder
25 of the license or certificate was outside the State of Illinois
26 shall not be included within any period of time limiting the

1 commencement of disciplinary action by the Department.

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

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

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

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

17 Any individual whose license was granted, continued,
18 reinstated, or renewed subject to conditions, terms, or
19 restrictions, as provided for in this Section, or any
20 individual who was disciplined or placed on supervision
21 pursuant to this Section must be referred to the Secretary for
22 a determination as to whether the person shall have his or her
23 license suspended immediately, pending a hearing by the Board.
24 (Source: P.A. 96-1322, eff. 7-27-10.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.