



Rep. Michael J. Zalewski

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09800HB2996ham001

LRB098 10815 MGM 42068 a

1 AMENDMENT TO HOUSE BILL 2996

2 AMENDMENT NO. _____. Amend House Bill 2996 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.24 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.
8 The following Acts and Section of an Act are repealed on
9 January 1, 2014:

10 The Electrologist Licensing Act.

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 ~~The Illinois Occupational Therapy Practice Act.~~

13 The Illinois Public Accounting Act.

14 The Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 The Registered Surgical Assistant and Registered Surgical

1 Technologist Title Protection Act.

2 Section 2.5 of the Illinois Plumbing License Law.

3 The Veterinary Medicine and Surgery Practice Act of 2004.

4 (Source: P.A. 97-1139, eff. 12-28-12.)

5 (5 ILCS 80/4.34 new)

6 Sec. 4.34. Act repealed on January 1, 2024. The following
7 Act is repealed on January 1, 2024:

8 The Illinois Occupational Therapy Practice Act.

9 Section 10. The Illinois Occupational Therapy Practice Act
10 is amended by changing Sections 2, 3, 3.1, 3.3, 3.5, 4, 5, 6,
11 7, 8, 11, 11.1, 12, 15, 16, 16.5, 18, 19, 19.1, 19.2, 19.3,
12 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 19.10, 19.11, 19.13, 19.15,
13 19.16, 20, and 21 and by adding Section 19.2a as follows:

14 (225 ILCS 75/2) (from Ch. 111, par. 3702)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 2. Definitions. In this Act:

17 (1) "Department" means the Department of Financial and
18 Professional Regulation.

19 (2) "Secretary" means the Secretary of the Department of
20 Financial and Professional Regulation. "Director" means the
21 Director of Professional Regulation.

22 (3) "Board" means the Illinois Occupational Therapy
23 Licensure Board appointed by the Secretary. Director.

1 (4) "Occupational therapist" means a person initially
2 registered and licensed to practice occupational therapy as
3 defined in this Act, and whose license is in good standing.

4 (5) "Occupational therapy assistant" means a person
5 initially registered and licensed to assist in the practice of
6 occupational therapy under the supervision of a licensed
7 occupational therapist, and to implement the occupational
8 therapy treatment program as established by the licensed
9 occupational therapist. ~~Such program may include training in
10 activities of daily living, the use of therapeutic activity
11 including task oriented activity to enhance functional
12 performance, and guidance in the selection and use of adaptive
13 equipment.~~

14 (6) "Occupational therapy" means the therapeutic use of
15 purposeful and meaningful occupations or goal-directed
16 activities to evaluate and provide interventions for
17 individuals, groups, and populations who have a disease or
18 disorder, an impairment, an activity limitation, or a
19 participation restriction that interferes with their ability
20 to function independently in their daily life roles, including
21 activities of daily living (ADLs) and instrumental activities
22 of daily living (IADLs). Occupational therapy services are
23 provided for the purpose of habilitation, rehabilitation, and
24 to promote health and wellness. Occupational therapy may be
25 provided via technology or telecommunication methods, also
26 known as telehealth, however the standard of care shall be the

1 same whether a patient is seen in person, through telehealth,
2 or other method of electronically enabled health care. and to
3 ~~promote health and wellness.~~ Occupational therapy practice
4 ~~intervention~~ may include any of the following:

5 (a) remediation or restoration of performance
6 abilities that are limited due to impairment in biological,
7 physiological, psychological, or neurological processes;

8 (b) modification or adaptation of task, process, or the
9 environment or the teaching of compensatory techniques in
10 order to enhance performance;

11 (c) disability prevention methods and techniques that
12 facilitate the development or safe application of
13 performance skills; and

14 (d) health and wellness promotion strategies,
15 including self-management strategies, and practices that
16 enhance performance abilities.

17 The licensed occupational therapist or licensed
18 occupational therapy assistant may assume a variety of roles in
19 his or her career including, but not limited to, practitioner,
20 supervisor of professional students and volunteers,
21 researcher, scholar, consultant, administrator, faculty,
22 clinical instructor, fieldwork educator, and educator of
23 consumers, peers, and family.

24 (7) "Occupational therapy services" means services that
25 may be provided to individuals, groups, and populations, when
26 provided to treat an occupational therapy need, including,

1 ~~without limitation,~~ the following:

2 (a) evaluating, developing, improving, sustaining, or
3 restoring skills in activities of daily living, work, or
4 productive activities, including instrumental activities
5 of daily living and play and leisure activities;

6 (b) evaluating, developing, remediating, or restoring
7 sensorimotor, cognitive, or psychosocial components of
8 performance with considerations for cultural context and
9 activity demands that affect performance;

10 (c) designing, fabricating, applying, or training in
11 the use of assistive technology, adaptive devices, seating
12 and positioning, or temporary, orthoses and training in the
13 use of orthoses and prostheses;

14 (d) adapting environments and processes, including the
15 application of ergonomic principles, to enhance
16 performance and safety in daily life roles;

17 (e) for the occupational therapist or occupational
18 therapy assistant possessing advanced training, skill, and
19 competency as demonstrated through criteria ~~examinations~~
20 that shall be determined by the Department, applying
21 physical agent modalities as an adjunct to or in
22 preparation for engagement in occupations;

23 (f) evaluating and providing intervention in
24 collaboration with the client, family, caregiver, or
25 others;

26 (g) educating the client, family, caregiver, or others

1 in carrying out appropriate nonskilled interventions; ~~and~~

2 (h) consulting with groups, programs, organizations,
3 or communities to provide population-based services; ~~and~~

4 (i) assessing, recommending, and training in
5 techniques to enhance functional mobility, including
6 wheelchair management;

7 (j) driver rehabilitation and community mobility;

8 (k) management of feeding, eating, and swallowing to
9 enable or enhance performance of these tasks;

10 (l) low vision rehabilitation;

11 (m) lymphedema and wound care management;

12 (n) pain management; and

13 (o) care coordination, case management, and transition
14 services.

15 (8) (Blank). ~~"An aide in occupational therapy" means an~~
16 ~~individual who provides supportive services to occupational~~
17 ~~therapists or occupational therapy assistants but who is not~~
18 ~~certified by a nationally recognized occupational therapy~~
19 ~~certifying or licensing body.~~

20 (9) "Address of record" means the designated address
21 recorded by the Department in the applicant's or licensee's
22 application file or license file as maintained by the
23 Department's licensure maintenance unit. It is the duty of the
24 applicant or licensee to inform the Department of any change of
25 address, and those changes must be made either through the
26 Department's website or by contacting the Department.

1 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; 92-651,
2 eff. 7-11-02; 93-461, eff. 8-8-03.)

3 (225 ILCS 75/3) (from Ch. 111, par. 3703)

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

5 Sec. 3. Licensure requirement; exempt activities. After
6 the effective date of this Act, no person shall practice
7 occupational therapy or hold himself out as an occupational
8 therapist or an occupational therapy assistant, or as being
9 able to practice occupational therapy or to render services
10 designated as occupational therapy in this State, unless he is
11 licensed in accordance with the provisions of this Act.

12 Nothing in this Act shall be construed as preventing or
13 restricting the practice, services, or activities of:

14 (1) Any person licensed in this State by any other law from
15 engaging in the profession or occupation for which he is
16 licensed; or

17 (2) Any person employed as an occupational therapist or
18 occupational therapy assistant by the Government of the United
19 States, if such person provides occupational therapy solely
20 under the direction or control of the organization by which he
21 or she is employed; or

22 (3) Any person pursuing a course of study leading to a
23 degree or certificate in occupational therapy at an accredited
24 or approved educational program if such activities and services
25 constitute a part of a supervised course of study, and if such

1 person is designated by a title which clearly indicates his or
2 her status as a student or trainee; or

3 (4) Any person fulfilling the supervised work experience
4 requirements of Sections 8 and 9 of this Act, if such
5 activities and services constitute a part of the experience
6 necessary to meet the requirement of those Sections; or

7 (5) Any person performing occupational therapy services in
8 the State, if such a person is not a resident of this State and
9 is not licensed under this Act, and if such services are
10 performed for no more than 60 days a calendar year in
11 association with an occupational therapist licensed under this
12 Act and if such person meets the qualifications for license
13 under this Act and:

14 (i) such person is licensed under the law of another
15 state which has licensure requirements at least as
16 restrictive as the requirements of this Act, or

17 (ii) such person meets the requirements for
18 certification as an Occupational Therapist Registered
19 (O.T.R.) or a Certified Occupational Therapy Assistant
20 (C.O.T.A.) established by the National Board for
21 Certification of Occupational Therapy or another
22 nationally recognized credentialing body approved by the
23 Board; or

24 (6) The practice of occupational therapy by one who has
25 applied in writing to the Department for a license, in form and
26 substance satisfactory to the Department, and has complied with

1 all the provisions of either Section 8 or 9 except the passing
2 of the examination to be eligible to receive such license. In
3 no event shall this exemption extend to any person for longer
4 than 6 months, except as follows:

5 (i) if the date on which a person can take the next
6 available examination authorized by the Department extends
7 beyond 6 months from the date the person completes the
8 occupational therapy program as required under Section 8 or
9 9, the Department shall extend the exemption until the
10 results of that examination become available to the
11 Department; or

12 (ii) if the Department is unable to complete its
13 evaluation and processing of a person's application for a
14 license within 6 months after the date on which the
15 application is submitted to the Department in proper form,
16 the Department shall extend the exemption until the
17 Department has completed its evaluation and processing of
18 the application.

19 In the event such applicant fails the examination, the
20 applicant shall cease work immediately until such time as the
21 applicant is licensed to practice occupational therapy in this
22 State.

23 (7) The practice of occupational therapy by one who has
24 applied to the Department, in form and substance satisfactory
25 to the Department, and who is licensed to practice occupational
26 therapy under the laws of another state, territory of the

1 United States or country and who is qualified to receive a
2 license under the provisions of either Section 8 or 9 of this
3 Act. In no event shall this exemption extend to any person for
4 longer than 6 months.

5 (8) (Blank). ~~The practice of occupational therapy by one~~
6 ~~who has applied to the Department, in form and substance~~
7 ~~satisfactory to the Department, and who is qualified to receive~~
8 ~~a license under the provisions of either Section 8 or 9 of this~~
9 ~~Act. In no event shall this exemption extend to any person for~~
10 ~~longer than 6 months.~~

11 (Source: P.A. 93-461, eff. 8-8-03.)

12 (225 ILCS 75/3.1)

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

14 Sec. 3.1. Referrals.

15 (a) A licensed occupational therapist or licensed
16 occupational therapy assistant may consult with, educate,
17 evaluate, and monitor services for individuals, groups, and
18 populations ~~clients~~ concerning ~~non-medical~~ occupational
19 therapy needs. Except as indicated in subsections (b) and (c)
20 of this Section, implementation ~~Implementation~~ of direct
21 occupational therapy treatment to individuals for their
22 specific health care conditions shall be based upon a referral
23 from a licensed physician, dentist, podiatrist, advanced
24 practice nurse who has a written collaborative agreement with a
25 collaborating physician to provide or accept referrals from

1 licensed occupational therapists, physician assistant who has
2 been delegated authority to provide or accept referrals from or
3 to licensed occupational therapists, or optometrist.

4 (b) A referral is not required for the purpose of providing
5 consultation, habilitation, screening, education, wellness,
6 prevention, environmental assessments, and work-related
7 ergonomic services to individuals, groups, or populations.

8 (c) Referral from a physician or other health care provider
9 is not required for evaluation or intervention for children and
10 youths if an occupational therapist or occupational therapy
11 assistant provides services in a school-based or educational
12 environment, including the child's home.

13 (d) An occupational therapist shall refer to a licensed
14 physician, dentist, optometrist, advanced practice nurse,
15 physician assistant, or podiatrist any patient whose medical
16 condition should, at the time of evaluation or treatment, be
17 determined to be beyond the scope of practice of the
18 occupational therapist.

19 (Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03; 93-962,
20 eff. 8-20-04.)

21 (225 ILCS 75/3.3)

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

23 Sec. 3.3. Rules. The Department shall promulgate rules to
24 define and regulate the activities of an aide in occupational
25 therapy ~~aides~~.

1 (Source: P.A. 92-297, eff. 1-1-02.)

2 (225 ILCS 75/3.5)

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

4 Sec. 3.5. Unlicensed practice; violation; civil penalty.

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

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

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

23 (Source: P.A. 89-474, eff. 6-18-96.)

24 (225 ILCS 75/4) (from Ch. 111, par. 3704)

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

2 Sec. 4. Administration of Act; rules and forms.

3 (a) The Department shall exercise the powers and duties
4 prescribed by the Civil Administrative Code of Illinois for the
5 administration of licensing Acts and shall exercise such other
6 powers and duties necessary for effectuating the purposes of
7 this Act.

8 (b) The Secretary may ~~Director shall~~ promulgate rules
9 consistent with the provisions of this Act for the
10 administration and enforcement thereof, and for the payment of
11 fees connected therewith, and may prescribe forms which shall
12 be issued in connection therewith. The rules may ~~shall~~ include
13 but not be limited to the standards and criteria for licensure
14 and professional conduct and discipline; the standards and
15 criteria used in determining when oral interviews will be
16 conducted; the standards and criteria used when determining
17 fitness to practice therapy; and the procedures followed in
18 oral interviews. The Department may ~~shall~~ consult with the
19 Board in promulgating rules. ~~Notice of proposed rulemaking~~
20 ~~shall be transmitted to the Board and the Department shall~~
21 ~~review the Board's response and any recommendations made~~
22 ~~therein. The Department shall notify the Board in writing with~~
23 ~~proper explanation of deviations from the Board's~~
24 ~~recommendations and responses.~~

25 (c) The Department may at any time seek the advice and the
26 expert knowledge of the Board on any matter relating to the

1 administration of this Act.

2 ~~(d) The Department shall issue quarterly a report to the~~
3 ~~Board of the status of all complaints related to the profession~~
4 ~~filed with the Department.~~

5 (Source: P.A. 84-793.)

6 (225 ILCS 75/5) (from Ch. 111, par. 3705)

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

8 Sec. 5. Board. The Secretary ~~Director~~ shall appoint an
9 Illinois Occupational Therapy Licensure Board as follows: 7
10 persons who shall be appointed by and shall serve in an
11 advisory capacity to the Secretary. ~~Director.~~ Four ~~One member~~
12 ~~must be a physician licensed to practice medicine in all of its~~
13 ~~branches;~~ 3 members must be licensed occupational therapists in
14 good standing, and actively engaged in the practice of
15 occupational therapy in this State; 2 members must be licensed
16 occupational therapy assistants in good standing and actively
17 engaged in the practice of occupational therapy in this State;
18 and 1 member must be a public member who is not licensed under
19 this Act, or a similar Act of another jurisdiction, and is not
20 a provider of health care service.

21 Members shall serve 4 year terms and until their successors
22 are appointed and qualified. No member shall be appointed under
23 this or any prior Act to the Board for service which would
24 constitute more than 2 full consecutive terms. Appointments to
25 fill vacancies shall be made in the same manner as original

1 appointments, for the unexpired portion of the vacated term.

2 ~~Initial terms shall begin upon the effective date of this Act.~~

3 ~~The membership of the Board should reasonably reflect~~
4 ~~representation from the geographic areas in this State.~~

5 The Secretary shall have the authority to remove or suspend
6 any member of the Board for cause at any time before the
7 expiration of his or her term. The Secretary shall be the sole
8 arbiter of cause. ~~Director may terminate the appointment of any~~
9 ~~member for cause which in the opinion of the Director~~
10 ~~reasonably justifies such termination.~~

11 The Secretary ~~Director~~ shall consider the recommendations
12 of the Board on questions involving standards of professional
13 conduct, discipline and qualifications of candidates and
14 license holders under this Act.

15 Four members of the Board shall constitute a quorum. A
16 quorum is required for all Board decisions.

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

20 Members of the Board shall be reimbursed for all
21 legitimate, necessary, and authorized expenses incurred in
22 attending the meetings of the Board.

23 (Source: P.A. 93-461, eff. 8-8-03.)

24 (225 ILCS 75/6) (from Ch. 111, par. 3706)

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

1 Sec. 6. Applications for original licensure. Applications
2 for original licensure shall be made to the Department in
3 writing on forms prescribed by the Department and shall be
4 accompanied by the required fee, which shall not be returnable.
5 Any such application shall require such information as in the
6 judgment of the Department will enable the Department to pass
7 on the qualifications of the applicant for licensure.
8 Applicants have 3 years from the date of application to
9 complete the application process. If the process has not been
10 completed within 3 years, the application shall be denied, the
11 fee forfeited, and the applicant must reapply and meet the
12 requirements in effect at the time of reapplication.

13 (Source: P.A. 83-696.)

14 (225 ILCS 75/7) (from Ch. 111, par. 3707)

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

16 Sec. 7. Examinations. The Department shall authorize
17 examinations of applicants for a license under this Act at the
18 times ~~at least annually and at such time~~ and place as it may
19 designate. The examination shall be of a character to give a
20 fair test of the qualifications of the applicant to practice
21 occupational therapy.

22 Applications for examination as occupational therapists
23 and occupational therapy assistants shall be required to pay,
24 either to the Department or the designated testing service, a
25 fee covering the cost of providing the examination. Failure to

1 appear for the examination on the scheduled date, at the time
2 and place specified, after the applicant's application for
3 examination has been received and acknowledged by the
4 Department or the designated testing service, shall result in
5 the forfeiture of the examination fee.

6 If an applicant neglects, fails or refuses to take the
7 examination within 90 days after the date the Confirmation of
8 Examination and Eligibility to Examine Notice is issued or
9 fails to pass an examination for certification under this Act,
10 the application shall be denied. If an applicant fails to pass
11 an examination for registration under this Act within 3 years
12 after filing his application, the application shall be denied.
13 The applicant may thereafter make a new application accompanied
14 by the required fee, however, the applicant shall meet all
15 requirements in effect at the time of subsequent application
16 before obtaining licensure.

17 The Department may employ consultants for the purposes of
18 preparing and conducting examinations.

19 (Source: P.A. 93-461, eff. 8-8-03.)

20 (225 ILCS 75/8) (from Ch. 111, par. 3708)

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

22 Sec. 8. A person shall be qualified for licensure as an
23 occupational therapist if that person:

24 (1) has applied in writing in form and substance to the
25 Department;

1 (2) (blank);

2 (3) has completed an occupational therapy program ~~of at~~
3 ~~least 4 years in length,~~ leading to a Masters or doctoral
4 ~~baccalaureate~~ degree, or its equivalent, approved by the
5 Department; and

6 (4) has successfully completed the examination
7 authorized by the Department within the past 5 years.

8 (Source: P.A. 93-461, eff. 8-8-03.)

9 (225 ILCS 75/11) (from Ch. 111, par. 3711)

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

11 Sec. 11. Expiration and renewal; restoration; military
12 service.

13 (a) The expiration date and renewal period for each
14 certificate issued under this Act shall be set by rule.

15 (b) Any occupational therapist or occupational therapy
16 assistant who has permitted his or her license to expire or who
17 has had his or her license on inactive status may have his or
18 her license restored by making application to the Department,
19 by and filing proof acceptable to the Department of his fitness
20 to have his license restored, by paying the required fee, and
21 by showing proof of compliance with any continuing education
22 requirements. Proof ~~The Department may consider a certificate~~
23 ~~expired less than 5 years as prima facie evidence that the~~
24 ~~applicant is fit. If the applicant's license has expired or~~
25 ~~been placed on inactive status, proof of fitness may include~~

1 sworn evidence certifying to active practice in another
2 jurisdiction ~~satisfactory to the Department and by paying the~~
3 ~~required restoration fee.~~

4 If the occupational therapist or occupational therapy
5 assistant has not maintained an active practice in another
6 jurisdiction satisfactory to the Department, the Department
7 shall determine, by an evaluation program established by rule,
8 his fitness to resume active status and shall establish
9 procedures and requirements for restoration. ~~may require the~~
10 ~~occupational therapist or occupational therapy assistant to~~
11 ~~successfully complete a practice examination.~~

12 (c) However, any occupational therapist or occupational
13 therapy assistant whose license expired while he was (1) in
14 Federal Service on active duty with the Armed Forces of the
15 United States, or the State Militia called into service or
16 training, or (2) in training or education under the supervision
17 of the United States preliminary to induction into the military
18 service, may have his or her license ~~certificate~~ renewed or
19 restored without paying any lapsed renewal fees if within 2
20 years after honorable termination of such service, training or
21 education except under conditions other than honorable, he or
22 she furnishes ~~furnished~~ the Department with satisfactory
23 evidence to the effect that he or she has been so engaged and
24 that his or her service, training, or education has been so
25 terminated.

26 (Source: P.A. 93-461, eff. 8-8-03.)

1 (225 ILCS 75/11.1)

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

3 Sec. 11.1. Continuing education requirement. As a
4 condition for renewal of a license, licensees shall be required
5 to complete continuing education in occupational therapy in
6 accordance with rules established by the Department. ~~All~~
7 ~~renewal applicants shall provide proof of having met the~~
8 ~~continuing competency requirements set forth in the rules of~~
9 ~~the Department. The Department shall provide by rule for an~~
10 ~~orderly process for the reinstatement of licenses that have not~~
11 ~~been renewed for failure to meet the continuing competency~~
12 ~~requirements. The continuing competency requirements may be~~
13 ~~waived in cases of extreme hardship as defined by rule.~~

14 ~~The Department shall establish by rule a means for~~
15 ~~verifying the completion of the continuing competency required~~
16 ~~by this Section. This verification may be accomplished through~~
17 ~~audits of records maintained by licensees, by requiring the~~
18 ~~filing of continuing competency certificates with the~~
19 ~~Department, or by any other means established by the~~
20 ~~Department.~~

21 (Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03.)

22 (225 ILCS 75/12) (from Ch. 111, par. 3712)

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

24 Sec. 12. Inactive status; restoration. Any occupational

1 therapist or occupational therapy assistant who notifies the
2 Department in writing on forms prescribed by the Department,
3 may elect to place his license on an inactive status and shall,
4 subject to rules of the Department, be excused from payment of
5 renewal fees until he notifies the Department in writing of his
6 desire to resume active status.

7 Any occupational therapist or occupational therapy
8 assistant requesting restoration from inactive or expired
9 status shall be required to pay the current renewal fee,
10 demonstrate compliance with continuing education requirements,
11 if any, and shall be required to restore his license as
12 provided in Section 11.

13 Any occupational therapist or occupational therapy
14 assistant whose license is in expired or ~~an~~ inactive status
15 shall not practice occupational therapy in the State of
16 Illinois.

17 (Source: P.A. 83-696.)

18 (225 ILCS 75/15) (from Ch. 111, par. 3715)

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

20 Sec. 15. Any person who is issued a license as an
21 occupational therapist registered under the terms of this Act
22 may use the words "occupational therapist" or "licensed
23 occupational therapist", or may use the letters "O.T.", "OT/L",
24 or "OTR/L", "~~O.T.~~", in connection with his or her name or place
25 of business to denote his or her licensure under this Act.

1 Any person who is issued a license as a occupational
2 therapy assistant under the terms of this Act may use the
3 words, "occupational therapy assistant" or "licensed
4 occupational therapy assistant", or he or she may use the
5 letters "O.T.A.", "OTA/L", or "COTA/L" in connection with his
6 or her name or place of business to denote his or her licensure
7 under this Act.

8 (Source: P.A. 93-461, eff. 8-8-03.)

9 (225 ILCS 75/16) (from Ch. 111, par. 3716)

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

11 Sec. 16. Fees; returned checks. The fees for the
12 administration and enforcement of this Act, including but not
13 limited to, original certification, renewal, and restoration
14 of a license issued under this Act, shall be set by rule. The
15 fees shall be non-refundable.

16 Any person who delivers a check or other payment to the
17 Department that is returned to the Department unpaid by the
18 financial institution upon which it is drawn shall pay to the
19 Department, in addition to the amount already owed to the
20 Department, a fine of \$50. The fines imposed by this Section
21 are in addition to any other discipline provided under this Act
22 for unlicensed practice or practice on a nonrenewed license.
23 The Department shall notify the person that payment of fees and
24 fines shall be paid to the Department by certified check or
25 money order within 30 calendar days of the notification. If,

1 after the expiration of 30 days from the date of the
2 notification, the person has failed to submit the necessary
3 remittance, the Department shall automatically terminate the
4 license or certificate or deny the application, without
5 hearing. If, after termination or denial, the person seeks a
6 license or certificate, he or she shall apply to the Department
7 for restoration or issuance of the license or certificate and
8 pay all fees and fines due to the Department. The Department
9 may establish a fee for the processing of an application for
10 restoration of a license or certificate to pay all expenses of
11 processing this application. The Secretary ~~Director~~ may waive
12 the fines due under this Section in individual cases where the
13 Secretary ~~Director~~ finds that the fines would be unreasonable
14 or unnecessarily burdensome.

15 ~~However, any person whose license has expired while he has~~
16 ~~been engaged (1) in federal or state service active duty, or~~
17 ~~(2) in training or education under the supervision of the~~
18 ~~United States preliminary to induction into the military~~
19 ~~service, may have his license renewed, reinstated or restored~~
20 ~~without paying any lapsed renewal and restoration fees, if~~
21 ~~within 2 years after termination of such service, training or~~
22 ~~education other than by dishonorable discharge, he furnishes~~
23 ~~the Department with satisfactory proof that he has been so~~
24 ~~engaged and that his service, training or education has been so~~
25 ~~terminated.~~

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

1 (225 ILCS 75/16.5)

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

3 Sec. 16.5. Deposit of fees and fines. All Beginning July 1,
4 ~~1995, all of the fees, penalties,~~ and fines collected under
5 this Act shall be deposited into the General Professions
6 Dedicated Fund and shall be appropriated to the Department for
7 the ordinary and contingent expenses of the Department in the
8 administration of this Act.

9 (Source: P.A. 88-683, eff. 1-24-95.)

10 (225 ILCS 75/18) (from Ch. 111, par. 3718)

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

12 Sec. 18. Advertising.

13 (a) Any person licensed under this Act may advertise the
14 availability of professional services in the public media or on
15 the premises where such professional services are rendered as
16 permitted by law, on the condition that such advertising is
17 truthful and not misleading and is in conformity with rules
18 promulgated by the Department. Advertisements shall not
19 include false, fraudulent, deceptive, or misleading material
20 or guarantees of success.

21 (b) A licensee shall include in every advertisement for
22 services regulated under this Act his or her title as it
23 appears on the license or the initials authorized under this
24 Act.

1 (Source: P.A. 91-310, eff. 1-1-00.)

2 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

4 Sec. 19. Grounds for discipline.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand or take other
7 disciplinary or non-disciplinary action as the Department may
8 deem proper, including imposing fines not to exceed \$10,000
9 ~~\$2,500~~ for each violation and the assessment of costs as
10 provided under Section 19.3 of this Act, with regard to any
11 license for any one or combination of the following:

12 (1) Material misstatement in furnishing information to
13 the Department;

14 (2) Violations of ~~Wilfully violating~~ this Act, or of
15 the rules promulgated thereunder;

16 (3) Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or
18 sentencing of any crime, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation, under
21 the laws of any jurisdiction of the United States that is
22 (i) a felony or (ii) a misdemeanor, an essential element of
23 which is dishonesty, or that is directly related to the
24 practice of the profession; of any crime under the laws of
25 ~~the United States or any state or territory thereof which~~

1 ~~is a felony or which is a misdemeanor, an essential element~~
2 ~~of which is dishonesty, or of any crime which is directly~~
3 ~~related to the practice of occupational therapy;~~

4 (4) Fraud or Making any misrepresentation in applying
5 for or procuring a license under this Act, or in connection
6 with applying for renewal of a license under this Act; ~~for~~
7 ~~the purpose of obtaining certification, or violating any~~
8 ~~provision of this Act or the rules promulgated thereunder~~
9 ~~pertaining to advertising;~~

10 (5) Professional incompetence; ~~Having demonstrated~~
11 ~~unworthiness, or incompetency to act as an occupational~~
12 ~~therapist or occupational therapy assistant in such manner~~
13 ~~as to safeguard the interest of the public;~~

14 (6) Aiding ~~Wilfully aiding~~ or assisting another
15 person, firm, partnership or corporation in violating any
16 provision of this Act or rules;

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

19 (8) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public;

22 (9) Habitual or excessive use or abuse of drugs defined
23 in law as controlled substances, alcohol, or any other
24 substance that results in the inability to practice with
25 reasonable judgment, skill, or safety; ~~intoxication or~~
26 ~~addiction to the use of drugs;~~

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

6 (11) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate or other form of compensation
9 for professional services not actually or personally
10 rendered. Nothing in this paragraph (11) affects any bona
11 fide independent contractor or employment arrangements
12 among health care professionals, health facilities, health
13 care providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (11) shall be construed to
19 require an employment arrangement to receive professional
20 fees for services rendered;

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

24 (13) Wilfully making or filing false records or reports
25 in the practice of occupational therapy, including but not
26 limited to false records filed with the State agencies or

1 departments;

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

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

9 (16) Allowing one's license under this Act to be used
10 by an unlicensed person in violation of this Act; Wilfully
11 ~~exceeding the scope of practice customarily undertaken by~~
12 ~~persons licensed under this Act, which conduct results in,~~
13 ~~or may result in, harm to the public;~~

14 (17) Practicing under a false or, except as provided by
15 law, assumed name; Holding one's self out to practice
16 ~~occupational therapy under any name other than his own or~~
17 ~~impersonation of any other occupational therapy licensee;~~

18 (18) Professional incompetence or gross ~~Gross~~
19 negligence;

20 (19) Malpractice;

21 (20) Promotion of the sale of drugs, devices,
22 appliances, or goods provided for a patient in any manner
23 to exploit the client for financial gain of the licensee;
24 ~~Obtaining a fee in money or gift in kind of any other items~~
25 ~~of value or in the form of financial profit or benefit as~~
26 ~~personal compensation, or as compensation, or charge,~~

1 ~~profit or gain for an employer or for any other person or~~
2 ~~persons, on the fraudulent misrepresentation that a~~
3 ~~manifestly incurable condition of sickness, disease or~~
4 ~~injury to any person can be cured;~~

5 (21) Gross, willful, or continued overcharging for
6 professional services; ~~Accepting commissions or rebates or~~
7 ~~other forms of remuneration for referring persons to other~~
8 ~~professionals;~~

9 (22) Mental illness or disability that results in the
10 inability to practice under this Act with reasonable
11 judgment, skill, or safety; ~~Failure to file a return, or to~~
12 ~~pay the tax, penalty or interest shown in a filed return,~~
13 ~~or to pay any final assessment of tax, penalty or interest,~~
14 ~~as required by any tax Act administered by the Illinois~~
15 ~~Department of Revenue, until such time as the requirements~~
16 ~~of any such tax Act are satisfied;~~

17 (23) Violating the Health Care Worker Self-Referral
18 Act; ~~and~~

19 (24) Having treated patients other than by the practice
20 of occupational therapy as defined in this Act, or having
21 treated patients as a licensed occupational therapist
22 independent of a referral from a physician, advanced
23 practice nurse or physician assistant in accordance with
24 Section 3.1, dentist, podiatrist, or optometrist, or
25 having failed to notify the physician, advanced practice
26 nurse, physician assistant, dentist, podiatrist, or

1 optometrist who established a diagnosis that the patient is
2 receiving occupational therapy pursuant to that
3 diagnosis~~;~~

4 (25) Cheating on or attempting to subvert the licensing
5 examination administered under this Act; and

6 (26) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered.

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the fine
11 or in accordance with the terms set forth in the order imposing
12 the fine.

13 (b) The determination by a circuit court that a license
14 holder is subject to involuntary admission or judicial
15 admission as provided in the Mental Health and Developmental
16 Disabilities Code, as now or hereafter amended, operates as an
17 automatic suspension. Such suspension will end only upon a
18 finding by a court that the patient is no longer subject to
19 involuntary admission or judicial admission, ~~and~~ and an order by
20 the court so finding and discharging the patient. In any case
21 where a license is suspended under this provision, the licensee
22 shall file a petition for restoration and shall include
23 evidence acceptable to the Department that the licensee can
24 resume practice in compliance with acceptable and prevailing
25 standards of their profession. , ~~and the recommendation of the~~
26 ~~Board to the Director that the license holder be allowed to~~

1 ~~resume his practice.~~

2 (c) The Department may refuse to issue or may suspend
3 without hearing, as provided for in the Code of Civil
4 Procedure, take disciplinary action concerning the license of
5 any person who fails to file a return, to pay the tax, penalty,
6 or interest shown in a filed return, or to pay any final
7 assessment of tax, penalty, or interest as required by any tax
8 Act administered by the Illinois Department of Revenue, until
9 such time as the requirements of any such tax Act are satisfied
10 in accordance with subsection (a) of Section 2105-15 of the
11 Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois. ~~as determined by the~~
13 ~~Department of Revenue.~~

14 (d) In enforcing this Section, the Department, upon a
15 showing of a possible violation, may compel any individual who
16 is licensed under this Act or any individual who has applied
17 for licensure to submit to a mental or physical examination or
18 evaluation, or both, which may include a substance abuse or
19 sexual offender evaluation, at the expense of the Department.
20 The Department shall specifically designate the examining
21 physician licensed to practice medicine in all of its branches
22 or, if applicable, the multidisciplinary team involved in
23 providing the mental or physical examination and evaluation.
24 The multidisciplinary team shall be led by a physician licensed
25 to practice medicine in all of its branches and may consist of
26 one or more or a combination of physicians licensed to practice

1 medicine in all of its branches, licensed chiropractic
2 physicians, licensed clinical psychologists, licensed clinical
3 social workers, licensed clinical professional counselors, and
4 other professional and administrative staff. Any examining
5 physician or member of the multidisciplinary team may require
6 any person ordered to submit to an examination and evaluation
7 pursuant to this Section to submit to any additional
8 supplemental testing deemed necessary to complete any
9 examination or evaluation process, including, but not limited
10 to, blood testing, urinalysis, psychological testing, or
11 neuropsychological testing.

12 The Department may order the examining physician or any
13 member of the multidisciplinary team to provide to the
14 Department any and all records, including business records,
15 that relate to the examination and evaluation, including any
16 supplemental testing performed. The Department may order the
17 examining physician or any member of the multidisciplinary team
18 to present testimony concerning this examination and
19 evaluation of the licensee or applicant, including testimony
20 concerning any supplemental testing or documents relating to
21 the examination and evaluation. No information, report,
22 record, or other documents in any way related to the
23 examination and evaluation shall be excluded by reason of any
24 common law or statutory privilege relating to communication
25 between the licensee or applicant and the examining physician
26 or any member of the multidisciplinary team. No authorization

1 is necessary from the licensee or applicant ordered to undergo
2 an evaluation and examination for the examining physician or
3 any member of the multidisciplinary team to provide
4 information, reports, records, or other documents or to provide
5 any testimony regarding the examination and evaluation. The
6 individual to be examined may have, at his or her own expense,
7 another physician of his or her choice present during all
8 aspects of the examination.

9 Failure of any individual to submit to mental or physical
10 examination or evaluation, or both, when directed, shall result
11 in an automatic suspension without hearing, until such time as
12 the individual submits to the examination. If the Department
13 finds a licensee unable to practice because of the reasons set
14 forth in this Section, the Department shall require the
15 licensee to submit to care, counseling, or treatment by
16 physicians approved or designated by the Department as a
17 condition for continued, reinstated, or renewed licensure.

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

26 Individuals licensed under this Act that are affected under

1 this Section, shall be afforded an opportunity to demonstrate
2 to the Department that they can resume practice in compliance
3 with acceptable and prevailing standards under the provisions
4 of their license. ~~In enforcing this Section, the Board, upon a~~
5 ~~showing of a possible violation, may compel a licensee or~~
6 ~~applicant to submit to a mental or physical examination, or~~
7 ~~both, as required by and at the expense of the Department. The~~
8 ~~examining physicians or clinical psychologists shall be those~~
9 ~~specifically designated by the Board. The Board or the~~
10 ~~Department may order (i) the examining physician to present~~
11 ~~testimony concerning the mental or physical examination of a~~
12 ~~licensee or applicant or (ii) the examining clinical~~
13 ~~psychologist to present testimony concerning the mental~~
14 ~~examination of a licensee or applicant. No information shall be~~
15 ~~excluded by reason of any common law or statutory privilege~~
16 ~~relating to communications between a licensee or applicant and~~
17 ~~the examining physician or clinical psychologist. An~~
18 ~~individual to be examined may have, at his or her own expense,~~
19 ~~another physician or clinical psychologist of his or her choice~~
20 ~~present during all aspects of the examination. Failure of an~~
21 ~~individual to submit to a mental or physical examination, when~~
22 ~~directed, is grounds for suspension of his or her license. The~~
23 ~~license must remain suspended until the person submits to the~~
24 ~~examination or the Board finds, after notice and hearing, that~~
25 ~~the refusal to submit to the examination was with reasonable~~
26 ~~cause.~~

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

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

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

26 (f) In cases where the Department of Healthcare and Family

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

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

13 (225 ILCS 75/19.1) (from Ch. 111, par. 3720)

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

15 Sec. 19.1. Injunctive relief; order to cease and desist.

16 (a) If any person violates the provisions of this Act, the
17 Secretary ~~Director~~ may, in the name of the People of the State
18 of Illinois, through the Attorney General of the State of
19 Illinois or the State's Attorney of the county in which the
20 violation is alleged to have occurred, petition for an order
21 enjoining such violation or for an order enforcing compliance
22 with this Act. Upon the filing of a verified petition in such
23 court, the court may issue a temporary restraining order,
24 without notice or bond, and may preliminarily and permanently
25 enjoin such violation. If it is established that such person

1 has violated or is violating the injunction, the court may
2 punish the offender for contempt of court. Proceedings under
3 this Section shall be in addition to, and not in lieu of, all
4 other remedies and penalties provided by this Act.

5 (b) If any person practices ~~shall practice~~ as an
6 occupational therapist or an occupational therapy assistant or
7 holds himself or herself ~~hold himself~~ out as such without being
8 licensed under the provisions of this Act then any person
9 licensed under this Act, any interested party or any person
10 injured thereby may, in addition to the Secretary ~~Director~~,
11 petition for relief as provided in subsection (a).

12 (c) Whenever in the opinion of the Department any person
13 violates any provision of this Act, the Department may issue a
14 rule to show cause why an order to cease and desist should not
15 be entered against him or her. The rule shall clearly set forth
16 the grounds relied upon by the Department and shall provide a
17 period of 7 days from the date of the rule to file an answer to
18 the satisfaction of the Department. Failure to answer to the
19 satisfaction of the Department shall cause an order to cease
20 and desist to be issued forthwith.

21 (Source: P.A. 83-696.)

22 (225 ILCS 75/19.2) (from Ch. 111, par. 3721)

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

24 Sec. 19.2. Investigations; notice and hearing. The
25 Department may investigate the actions of any applicant or of

1 any person or person holding or claiming to hold a license. The
2 Department shall, before refusing to issue, renew, or
3 discipline ~~taking action under Section 19 against~~ a licensee or
4 applicant, at least 30 days prior to the date set for the
5 hearing, notify the applicant or licensee in writing ~~the~~
6 ~~applicant for, or holder of, a license~~ of the nature of the
7 charges and the time and place for, ~~that~~ a hearing on the
8 charges. ~~will be held on the date designated, and~~ The
9 Department shall direct the applicant or licensee ~~applicant or~~
10 ~~licensee~~ to file a written answer to the charges with the Board
11 under oath within 20 days after the service of the notice and
12 inform the applicant or licensee that failure to file an answer
13 will result in default being taken against the applicant or
14 licensee. At the time and place fixed in the notice, the
15 Department shall proceed to hear the charges and the parties or
16 their counsel shall be accorded ample opportunity to present
17 any pertinent statements, testimony, evidence, and arguments.
18 The Department may continue the hearing from time to time. In
19 case the person, after receiving the notice, fails to file an
20 answer, his or her license may, in the discretion of the
21 Department, be revoked, suspended, placed on probationary
22 status, or the Department may take whatever disciplinary action
23 considered proper, including limiting the scope, nature, or
24 extent of the person's practice or the imposition of a fine,
25 without a hearing, if the act or acts charged constitute
26 sufficient grounds for that action under the Act. The written

1 notice and any notice in the subsequent proceeding may be
2 served by registered or certified mail to the licensee's
3 address of record. ~~applicant or licensee and that the license~~
4 ~~or certificate may be suspended, revoked, placed on~~
5 ~~probationary status, or other disciplinary action may be taken,~~
6 ~~including limiting the scope, nature or extent of practice, as~~
7 ~~the Director may deem proper. Written notice may be served by~~
8 ~~personal delivery or certified or registered mail to the~~
9 ~~respondent at the address of his last notification to the~~
10 ~~Department. In case the person fails to file an answer after~~
11 ~~receiving notice, his or her license or certificate may, in the~~
12 ~~discretion of the Department, be suspended, revoked, or placed~~
13 ~~on probationary status, or the Department may take whatever~~
14 ~~disciplinary action deemed proper, including limiting the~~
15 ~~scope, nature, or extent of the person's practice or the~~
16 ~~imposition of a fine, without a hearing, if the act or acts~~
17 ~~charged constitute sufficient grounds for such action under~~
18 ~~this Act. At the time and place fixed in the notice, the Board~~
19 ~~shall proceed to hear the charges and the parties or their~~
20 ~~counsel shall be accorded ample opportunity to represent such~~
21 ~~statements, testimony, evidence and argument as may be~~
22 ~~pertinent to the charges or to their defense. The Board may~~
23 ~~continue the hearing from time to time.~~

24 (Source: P.A. 87-1031; 88-424.)

1 Sec. 19.2a. Confidentiality. All information collected by
2 the Department in the course of an examination or investigation
3 of a licensee or applicant, including, but not limited to, any
4 complaint against a licensee filed with the Department and
5 information collected to investigate any such complaint, shall
6 be maintained for the confidential use of the Department and
7 shall not be disclosed. The Department may not disclose the
8 information to anyone other than law enforcement officials,
9 other regulatory agencies that have an appropriate regulatory
10 interest as determined by the Secretary, or to a party
11 presenting a lawful subpoena to the Department. Information and
12 documents disclosed to a federal, State, county, or local law
13 enforcement agency shall not be disclosed by the agency for any
14 purpose to any other agency or person. A formal complaint filed
15 against a licensee by the Department or any order issued by the
16 Department against a licensee or applicant shall be a public
17 record, except as otherwise prohibited by law.

18 (225 ILCS 75/19.3) (from Ch. 111, par. 3722)

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

20 Sec. 19.3. Record of proceedings. The department, at its
21 expense, shall preserve a record of all proceedings at the
22 formal hearing of any case ~~involving the refusal to issue or~~
23 ~~renew, or the taking of disciplinary action against, a license.~~
24 The notice of hearing, complaint and all other documents in the
25 nature of pleadings and written motions filed in the

1 proceedings, the transcript of testimony, the report of the
2 Board and orders of the Department, shall be the record of such
3 proceedings. Any licensee who is found to have violated this
4 Act or who fails to appear for a hearing to refuse to issue,
5 restore, or renew a license or to discipline a licensee may be
6 required by the Department to pay for the costs of the
7 proceeding. These costs are limited to costs for court
8 reporters, transcripts, and witness attendance and mileage
9 fees. All costs imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the
11 fine.

12 (Source: P.A. 83-696.)

13 (225 ILCS 75/19.4) (from Ch. 111, par. 3723)

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

15 Sec. 19.4. Subpoenas; oaths. The Department ~~may shall have~~
16 ~~the power to~~ subpoena and bring before it any person ~~in this~~
17 ~~State~~ and to take the oral or written testimony or compel the
18 production of any books, papers, records, or any other
19 documents that the Secretary or his or her designee deems
20 relevant or material to an investigation or hearing conducted
21 by the Department ~~either orally or by deposition, or both,~~ with
22 the same fees and mileage and in the same manner as prescribed
23 by law in judicial procedure in civil cases in courts of this
24 State.

25 The Secretary ~~Director,~~ the designated hearing officer,

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

9 (Source: P.A. 83-696.)

10 (225 ILCS 75/19.5) (from Ch. 111, par. 3724)

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

12 Sec. 19.5. Attendance of witnesses; contempt. Any circuit
13 court ~~may~~, upon application of the Department or ~~its designee,~~
14 ~~or the applicant or licensee,~~ may ~~against whom proceedings~~
15 ~~under Section 19 are pending, enter an order requiring~~ the
16 attendance and testimony of witnesses ~~and their testimony~~, and
17 the production of relevant documents, papers, files, books, and
18 records in connection with any hearing or investigation. The
19 court may compel obedience to its order by proceedings for
20 contempt.

21 (Source: P.A. 83-696.)

22 (225 ILCS 75/19.6) (from Ch. 111, par. 3725)

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

24 Sec. 19.6. Findings of Board. At the conclusion of the

1 hearing the Board shall present to the Secretary ~~Director~~ a
2 written report of its findings of fact, conclusions of law, and
3 recommendations. The report shall contain a finding whether or
4 not the accused person violated this Act or failed to comply
5 with the conditions required in this Act. The Board shall
6 specify the nature of the violation or failure to comply, and
7 shall make its recommendations to the Secretary ~~Director~~. The
8 report of findings of fact, conclusions of law and
9 recommendations of the Board may be the basis for the
10 Department's order for refusing to issue, restore, or renew a
11 license or otherwise disciplining a licensee. action regarding
12 ~~a certificate.~~ If the Secretary ~~Director~~ disagrees in any
13 regard with the report of the Board he may issue an order in
14 contravention thereof. ~~The Director shall provide to the Board~~
15 ~~a written explanation for any deviation and shall specify with~~
16 ~~particularity the reasons for such action in the final order.~~
17 The finding is not admissible in evidence against the person in
18 a criminal prosecution brought for the violation of this Act,
19 but the hearing and findings are not a bar to a criminal
20 prosecution brought for the violation of this Act.

21 (Source: P.A. 88-424.)

22 (225 ILCS 75/19.7) (from Ch. 111, par. 3726)

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

24 Sec. 19.7. Report of Board; motion for rehearing. In any
25 case involving the refusal to issue or renew, or the taking of

1 disciplinary action against, a license, a copy of the Board's
2 report shall be served upon the respondent by the Department as
3 provided in this Act for the service of the notice of hearing.
4 Within 20 days after such service, the respondent may present
5 to the Department a motion in writing for a rehearing, which
6 motion shall specify the particular grounds therefor. If no
7 motion for rehearing is filed, then upon the expiration of the
8 time specified for filing such a motion, or if a motion for
9 rehearing is denied, then upon such denial the Secretary
10 ~~Director~~ may enter an order in accordance with recommendations
11 of the Board except as provided in Section 19.6. If the
12 respondent shall order from the reporting service, and pays ~~pay~~
13 for a transcript of the record within the time for filing a
14 motion for rehearing, the 20 day period within which such a
15 motion may be filed shall commence upon the delivery of the
16 transcript to the respondent.

17 (Source: P.A. 83-696.)

18 (225 ILCS 75/19.8) (from Ch. 111, par. 3727)

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

20 Sec. 19.8. Rehearing. Whenever the Secretary ~~Director~~ is
21 satisfied that substantial justice has not been done in the
22 revocation or suspension of, or the refusal to issue or renew,
23 a license, the Secretary ~~Director~~ may order a rehearing by the
24 Board or a designated hearing officer.

25 (Source: P.A. 83-696.)

1 (225 ILCS 75/19.9) (from Ch. 111, par. 3728)

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

3 Sec. 19.9. Appointment of hearing officer. The Secretary
4 ~~Notwithstanding the provisions of Section 19.2, the Director~~
5 shall have the authority to appoint any attorney duly licensed
6 to practice law in the State of Illinois to serve as the
7 hearing officer in any action involving a refusal to issue or
8 renew, or the taking of disciplinary action against a license.
9 ~~The Director shall notify the Board of such appointment.~~ The
10 hearing officer shall have full authority to conduct the
11 hearing. The hearing officer shall report his or her findings
12 of fact, conclusions of law and recommendations to the Board
13 and the Secretary ~~Director~~. The Board shall have 60 days from
14 receipt of the report to review the report of the hearing
15 officer and present their findings of fact, conclusion of law
16 and recommendations to the Secretary ~~Director~~. If the Board
17 fails to present its report within the 60 day period, the
18 Secretary ~~Director~~ may issue an order based on the report of
19 the hearing officer. If the Secretary ~~Director~~ disagrees ~~in any~~
20 ~~regard~~ with the report of the Board or hearing officer, then
21 the Secretary ~~he~~ may issue an order in contravention thereof.
22 ~~The Director shall provide to the Board a written explanation~~
23 ~~for any deviation, and shall specify with particularity the~~
24 ~~reasons for such action in the final order.~~

25 (Source: P.A. 88-424.)

1 (225 ILCS 75/19.10) (from Ch. 111, par. 3729)

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

3 Sec. 19.10. Order or certified copy; prima facie proof. An
4 order or a certified copy thereof, over the seal of the
5 Department and purporting to be signed by the Secretary
6 ~~Director~~, shall be prima facie proof that:

7 (1) the signature is the genuine signature of the
8 Secretary ~~Director~~; and

9 (2) the Secretary ~~Director~~ is duly appointed and
10 qualified. ~~;~~ ~~and~~

11 ~~(3) the Board and the members thereof are qualified to~~
12 ~~act.~~

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (225 ILCS 75/19.11) (from Ch. 111, par. 3730)

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

16 Sec. 19.11. Restoration of license from discipline. At any
17 time after successful completion of a term of indefinite
18 probation, suspension, or revocation of a license, the
19 Department may restore the license to the licensee, unless,
20 after an investigation and a hearing, the Secretary determines
21 that restoration is not in the public interest or that the
22 licensee has not been sufficiently rehabilitated to warrant the
23 public trust. No person or entity whose license, certificate,
24 or authority has been revoked as authorized in this Act may

1 apply for restoration of that license, certification, or
2 authority until such time as provided for in the Civil
3 Administrative Code of Illinois. ~~the suspension or revocation~~
4 ~~of any license, the Department may restore it to the accused~~
5 ~~person, upon the written recommendation of the Board, unless~~
6 ~~after an investigation and a hearing, the Department determines~~
7 ~~that restoration is not in the public interest.~~

8 (Source: P.A. 83-696.)

9 (225 ILCS 75/19.13) (from Ch. 111, par. 3732)

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

11 Sec. 19.13. Summary suspension pending hearing. The
12 Secretary Director may summarily ~~temporarily~~ suspend a license
13 issued under this Act without a hearing, simultaneously with
14 the institution of proceedings for a hearing provided for in
15 Section 19.2 of this Act, if the Secretary Director finds that
16 the evidence ~~in his possession~~ indicates that an occupational
17 therapist's or occupational therapy assistant's continuation
18 in practice would constitute an imminent danger to the public.
19 In the event that the Secretary Director summarily ~~temporarily~~
20 suspends a license without a hearing, a hearing ~~by the Board~~
21 must be commenced ~~held~~ within 30 days after such suspension has
22 occurred and shall be concluded as expeditiously as possible.

23 (Source: P.A. 83-696.)

24 (225 ILCS 75/19.15) (from Ch. 111, par. 3734)

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

2 Sec. 19.15. Certification of record. The Department shall
3 not be required to certify any record to the court or file any
4 answer in court or otherwise appear in any court in a judicial
5 review proceeding, unless and until the Department has received
6 from the plaintiff there is filed in the court, with the
7 complaint, a receipt from the Department acknowledging payment
8 of the costs of furnishing and certifying the record, which
9 costs shall be determined by the Department. Exhibits shall be
10 certified without cost. Failure on the part of the plaintiff to
11 file a receipt in court shall be grounds for dismissal of the
12 action.

13 (Source: P.A. 87-1031.)

14 (225 ILCS 75/19.16) (from Ch. 111, par. 3735)

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

16 Sec. 19.16. Criminal penalties. Any person who is found to
17 have violated ~~knowingly violates~~ any provision of this Act is
18 guilty of a Class A misdemeanor for the first offense. On
19 conviction of a second or subsequent offense the violator shall
20 be guilty of a Class 4 felony.

21 (Source: P.A. 83-696.)

22 (225 ILCS 75/20) (from Ch. 111, par. 3736)

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

24 Sec. 20. Administrative Procedure Act. The Illinois

1 Administrative Procedure Act is hereby expressly adopted and
2 incorporated herein as if all of the provisions of that Act
3 were included in this Act, except that the provision of
4 subsection (d) of Section 10-65 of the Illinois Administrative
5 Procedure Act that provides that at hearings the certificate
6 holder has the right to show compliance with all lawful
7 requirements for retention, continuation or renewal of
8 certification is specifically excluded. For the purpose of this
9 Act the notice required under Section 10-25 of the Illinois
10 Administrative Procedure Act is deemed sufficient when mailed
11 to the last known address of record of a party.

12 (Source: P.A. 88-45.)

13 (225 ILCS 75/21) (from Ch. 111, par. 3737)

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

15 Sec. 21. Home rule. The regulation and licensing as a
16 occupational therapist are exclusive powers and functions of
17 the State. A home rule unit may not regulate or license an
18 occupational therapist or the practice of occupational
19 therapy. This Section is a denial and limitation of home rule
20 powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution. ~~It is declared to be~~
22 ~~the public policy of this State, pursuant to paragraphs (h) and~~
23 ~~(i) of Section 6 of Article VII of the Illinois Constitution of~~
24 ~~1970, that any power or function set forth in this Act to be~~
25 ~~exercised by the State is an exclusive State power or function.~~

1 ~~Such power or function shall not be exercised concurrently,~~
2 ~~either directly or indirectly, by any unit of local government,~~
3 ~~including home rule units, except as otherwise provided in this~~
4 ~~Act.~~

5 (Source: P.A. 83-696.)

6 (225 ILCS 75/10 rep.)

7 Section 15. The Illinois Occupational Therapy Practice Act
8 is amended by repealing Section 10.

9 Section 99. Effective date. This Act takes effect December
10 31, 2013.".