



Rep. Tom Weber

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10300HB3583ham002

LRB103 30047 SPS 59743 a

1 AMENDMENT TO HOUSE BILL 3583

2 AMENDMENT NO. _____. Amend House Bill 3583 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Acupuncture Practice Act is amended by
5 changing Section 110 and by adding Section 40.5 as follows:

6 (225 ILCS 2/40.5 new)

7 Sec. 40.5. Criminal history. Any Department process under
8 statute or rule used to verify the criminal history of an
9 applicant for licensure under this Act shall be used for all
10 applicants for licensure, applicants for renewal of a license,
11 or persons whose conviction of a crime or other behavior
12 warrants review of a license under this Act.

13 (225 ILCS 2/110)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 110. Grounds for disciplinary action.

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

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

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

17 (3) Making any misrepresentation for the purpose of
18 obtaining a license.

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

21 (5) Failing to provide information within 60 days in
22 response to a written request made by the Department which
23 has been sent by certified or registered mail to the
24 licensee's address of record or by email to the licensee's
25 email address of record.

26 (6) Discipline by another U.S. jurisdiction or foreign

1 nation, if at least one of the grounds for the discipline
2 is the same or substantially equivalent to one set forth
3 in this Section.

4 (7) Solicitation of professional services by means
5 other than permitted under this Act.

6 (8) Failure to provide a patient with a copy of his or
7 her record upon the written request of the patient.

8 (9) Gross negligence in the practice of acupuncture.

9 (10) Habitual or excessive use or addiction to
10 alcohol, narcotics, stimulants, or any other chemical
11 agent or drug that results in an acupuncturist's inability
12 to practice with reasonable judgment, skill, or safety.

13 (11) A finding that licensure has been applied for or
14 obtained by fraudulent means.

15 (12) A pattern of practice or other behavior that
16 demonstrates incapacity or incompetence to practice under
17 this Act.

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

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

1 and Neglected Child Reporting Act.

2 (15) The use of any words, abbreviations, figures or
3 letters (such as "Acupuncturist", "Licensed
4 Acupuncturist", "Certified Acupuncturist", "Doctor of
5 Acupuncture and Chinese Medicine", "Doctor of Acupuncture
6 and Oriental Medicine", "Doctor of Acupuncture", "Oriental
7 Medicine Practitioner", "Licensed Oriental Medicine
8 Practitioner", "Oriental Medicine Doctor", "Licensed
9 Oriental Medicine Doctor", "C.A.", "Act.", "Lic. Act.",
10 "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or "O.M.D.") or any
11 designation used by the Accreditation Commission for
12 Acupuncture and Oriental Medicine with the intention of
13 indicating practice as a licensed acupuncturist without a
14 valid license as an acupuncturist issued under this Act.

15 When the name of the licensed acupuncturist is used
16 professionally in oral, written, or printed announcements,
17 professional cards, or publications for the information of
18 the public, the degree title or degree abbreviation shall
19 be added immediately following title and name. When the
20 announcement, professional card, or publication is in
21 writing or in print, the explanatory addition shall be in
22 writing, type, or print not less than 1/2 the size of that
23 used in the name and title. No person other than the holder
24 of a valid existing license under this Act shall use the
25 title and designation of "acupuncturist", either directly
26 or indirectly, in connection with his or her profession or

1 business.

2 (16) Using claims of superior quality of care to
3 entice the public or advertising fee comparisons of
4 available services with those of other persons providing
5 acupuncture services.

6 (17) Advertising of professional services that the
7 offeror of the services is not licensed to render.
8 Advertising of professional services that contains false,
9 fraudulent, deceptive, or misleading material or
10 guarantees of success, statements that play upon the
11 vanity or fears of the public, or statements that promote
12 or produce unfair competition.

13 (18) Having treated ailments other than by the
14 practice of acupuncture as defined in this Act, or having
15 treated ailments of as a licensed acupuncturist pursuant
16 to a referral by written order that provides for
17 management of the patient by a physician or dentist
18 without having notified the physician or dentist who
19 established the diagnosis that the patient is receiving
20 acupuncture treatments.

21 (19) Unethical, unauthorized, or unprofessional
22 conduct as defined by rule.

23 (20) Physical illness, mental illness, or other
24 impairment that results in the inability to practice the
25 profession with reasonable judgment, skill, and safety,
26 including, without limitation, deterioration through the

1 aging process, mental illness, or disability.

2 (21) Violation of the Health Care Worker Self-Referral
3 Act.

4 (22) Failure to refer a patient whose condition
5 should, at the time of evaluation or treatment, be
6 determined to be beyond the scope of practice of the
7 acupuncturist to a licensed physician or dentist.

8 (23) Holding himself or herself out as being trained
9 in Chinese herbology without being able to provide the
10 Department with proof of status as a Diplomate of Oriental
11 Medicine certified by the National Certification
12 Commission for Acupuncture and Oriental Medicine or a
13 substantially equivalent status approved by the Department
14 or proof that he or she has successfully completed the
15 National Certification Commission for Acupuncture and
16 Oriental Medicine Chinese Herbology Examination or a
17 substantially equivalent examination approved by the
18 Department.

19 Notwithstanding anything in this Section to the contrary,
20 a felony conviction after the effective date of this
21 amendatory Act of the 103rd General Assembly of any of the
22 offenses listed in subsections (a) and (a-5) of Section 25 of
23 the Health Care Worker Background Check Act, except for
24 Section 16-25 of the Criminal Code of 2012, is a disqualifying
25 offense and requires immediate review of an individual's
26 license, subject to the notice and hearing requirements set

1 forth in this Act.

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

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

22 In enforcing this Section, the Department upon a showing
23 of a possible violation may compel an individual licensed to
24 practice under this Act, or who has applied for licensure
25 under this Act, to submit to a mental or physical examination,
26 or both, as required by and at the expense of the Department.

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

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

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

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

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

20 (Source: P.A. 100-375, eff. 8-25-17; 101-201, eff. 1-1-20.)

21 Section 10. The Illinois Athletic Trainers Practice Act is
22 amended by changing Sections 9 and 16 as follows:

23 (225 ILCS 5/9) (from Ch. 111, par. 7609)

24 (Section scheduled to be repealed on January 1, 2026)

1 Sec. 9. Qualifications for licensure. A person shall be
2 qualified for licensure as an athletic trainer if he or she
3 fulfills all of the following:

4 (a) Has graduated from a curriculum in athletic
5 training accredited by the Commission on Accreditation of
6 Athletic Training Education (CAATE), its successor entity,
7 or its equivalent, as approved by the Department.

8 (b) Gives proof of current certification, on the date
9 of application, in cardiopulmonary resuscitation (CPR) and
10 automated external defibrillators (AED) for Healthcare
11 Providers and Professional Rescuers or its equivalent
12 based on American Red Cross or American Heart Association
13 standards.

14 (b-5) Has graduated from a 4 year accredited college
15 or university.

16 (c) Has passed an examination approved by the
17 Department to determine his or her fitness for practice as
18 an athletic trainer, or is entitled to be licensed without
19 examination as provided in Sections 7 and 8 of this Act.

20 Any Department process under statute or rule used to
21 verify the criminal history of an applicant for licensure
22 under this Act shall be used for all applicants for licensure,
23 applicants for renewal of a license, or persons whose
24 conviction of a crime or other behavior warrants review of a
25 license under this Act.

26 (Source: P.A. 99-469, eff. 8-26-15.)

1 (225 ILCS 5/16) (from Ch. 111, par. 7616)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 16. Grounds for discipline.

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

10 (A) Material misstatement in furnishing information to
11 the Department;

12 (B) Violations of this Act, or of the rules or
13 regulations promulgated hereunder;

14 (C) Conviction of or plea of guilty to any crime under
15 the Criminal Code of 2012 or the laws of any jurisdiction
16 of the United States that is (i) a felony, (ii) a
17 misdemeanor, an essential element of which is dishonesty,
18 or (iii) of any crime that is directly related to the
19 practice of the profession;

20 (D) Fraud or any misrepresentation in applying for or
21 procuring a license under this Act, or in connection with
22 applying for renewal of a license under this Act;

23 (E) Professional incompetence or gross negligence;

24 (F) Malpractice;

25 (G) Aiding or assisting another person, firm,

1 partnership, or corporation in violating any provision of
2 this Act or rules;

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

5 (I) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud or harm the public;

8 (J) Habitual or excessive use or abuse of drugs
9 defined in law as controlled substances, alcohol, or any
10 other substance that results in the inability to practice
11 with reasonable judgment, skill, or safety;

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

17 (L) Directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate, or other form of compensation
20 for any professional services not actually or personally
21 rendered. Nothing in this subparagraph (L) affects any
22 bona fide independent contractor or employment
23 arrangements among health care professionals, health
24 facilities, health care providers, or other entities,
25 except as otherwise prohibited by law. Any employment
26 arrangements may include provisions for compensation,

1 health insurance, pension, or other employment benefits
2 for the provision of services within the scope of the
3 licensee's practice under this Act. Nothing in this
4 subparagraph (L) shall be construed to require an
5 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 disciplined has violated
9 the terms of probation;

10 (N) Abandonment of an athlete;

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

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

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

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

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

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

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

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

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

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

23 (X-5) Failure to provide a monthly report on the
24 patient's progress to the referring physician, physician
25 assistant, advanced practice registered nurse, podiatric
26 physician, or dentist;

1 (Y) (Blank);

2 (Z) Failure to fulfill continuing education
3 requirements;

4 (AA) Allowing one's license under this Act to be used
5 by an unlicensed person in violation of this Act;

6 (BB) Practicing under a false or, except as provided
7 by law, assumed name;

8 (CC) Promotion of the sale of drugs, devices,
9 appliances, or goods provided in any manner to exploit the
10 client for the financial gain of the licensee;

11 (DD) Gross, willful, or continued overcharging for
12 professional services;

13 (EE) Mental illness or disability that results in the
14 inability to practice under this Act with reasonable
15 judgment, skill, or safety;

16 (FF) Cheating on or attempting to subvert the
17 licensing examination administered under this Act;

18 (GG) Violation of the Health Care Worker Self-Referral
19 Act; or

20 (HH) Failure by a supervising athletic trainer of an
21 aide to maintain contact, including personal supervision
22 and instruction, to ensure the safety and welfare of an
23 athlete.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the fine
26 or in accordance with the terms set forth in the order imposing

1 the fine.

2 (1.5) Notwithstanding anything in this Section to the
3 contrary, a felony conviction after the effective date of this
4 amendatory Act of the 103rd General Assembly of any of the
5 offenses listed in subsections (a) and (a-5) of Section 25 of
6 the Health Care Worker Background Check Act, except for
7 Section 16-25 of the Criminal Code of 2012, is a disqualifying
8 offense and requires immediate review of an individual's
9 license, subject to the notice and hearing requirements set
10 forth in this Act.

11 (2) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. Such suspension will
15 end only upon a finding by a court that the licensee is no
16 longer subject to involuntary admission or judicial admission
17 and issuance of an order so finding and discharging the
18 licensee.

19 (3) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (a) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code
3 of Illinois.

4 (4) In enforcing this Section, the Department, upon a
5 showing of a possible violation, may compel any individual who
6 is licensed under this Act or any individual who has applied
7 for licensure to submit to a mental or physical examination or
8 evaluation, or both, which may include a substance abuse or
9 sexual offender evaluation, at the expense of the Department.

10 The Department shall specifically designate the examining
11 physician licensed to practice medicine in all of its branches
12 or, if applicable, the multidisciplinary team involved in
13 providing the mental or physical examination and evaluation.

14 The multidisciplinary team shall be led by a physician
15 licensed to practice medicine in all of its branches and may
16 consist of one or more or a combination of physicians licensed
17 to practice medicine in all of its branches, licensed
18 chiropractic physicians, licensed clinical psychologists,
19 licensed clinical social workers, licensed clinical
20 professional counselors, and other professional and
21 administrative staff. Any examining physician or member of the
22 multidisciplinary team may require any person ordered to
23 submit to an examination and evaluation pursuant to this
24 Section to submit to any additional supplemental testing
25 deemed necessary to complete any examination or evaluation
26 process, including, but not limited to, blood testing,

1 urinalysis, psychological testing, or neuropsychological
2 testing.

3 The Department may order the examining physician or any
4 member of the multidisciplinary team to provide to the
5 Department any and all records, including business records,
6 that relate to the examination and evaluation, including any
7 supplemental testing performed. The Department may order the
8 examining physician or any member of the multidisciplinary
9 team to present testimony concerning this examination and
10 evaluation of the licensee or applicant, including testimony
11 concerning any supplemental testing or documents relating to
12 the examination and evaluation. No information, report,
13 record, or other documents in any way related to the
14 examination and evaluation shall be excluded by reason of any
15 common law or statutory privilege relating to communication
16 between the licensee or applicant and the examining physician
17 or any member of the multidisciplinary team. No authorization
18 is necessary from the licensee or applicant ordered to undergo
19 an evaluation and examination for the examining physician or
20 any member of the multidisciplinary team to provide
21 information, reports, records, or other documents or to
22 provide any testimony regarding the examination and
23 evaluation. The individual to be examined may have, at his or
24 her own expense, another physician of his or her choice
25 present during all aspects of the examination.

26 Failure of any individual to submit to a mental or

1 physical examination or evaluation, or both, when directed,
2 shall result in an automatic suspension without hearing, until
3 such time as the individual submits to the examination. If the
4 Department finds a licensee unable to practice because of the
5 reasons set forth in this Section, the Department shall
6 require the licensee to submit to care, counseling, or
7 treatment by physicians approved or designated by the
8 Department as a condition for continued, reinstated, or
9 renewed licensure.

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

19 Individuals licensed under this Act who are affected under
20 this Section shall be afforded an opportunity to demonstrate
21 to the Department that they can resume practice in compliance
22 with acceptable and prevailing standards under the provisions
23 of their license.

24 (5) (Blank).

25 (6) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

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

11 (Source: P.A. 102-940, eff. 1-1-23.)

12 Section 15. The Illinois Dental Practice Act is amended by
13 changing Section 23 and by adding Section 23d as follows:

14 (225 ILCS 25/23) (from Ch. 111, par. 2323)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 23. Refusal, revocation or suspension of dental
17 licenses. The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem proper, including imposing fines not to exceed \$10,000
21 per violation, with regard to any license for any one or any
22 combination of the following causes:

23 1. Fraud or misrepresentation in applying for or
24 procuring a license under this Act, or in connection with

1 applying for renewal of a license under this Act.

2 2. Inability to practice with reasonable judgment,
3 skill, or safety as a result of habitual or excessive use
4 or addiction to alcohol, narcotics, stimulants, or any
5 other chemical agent or drug.

6 3. Willful or repeated violations of the rules of the
7 Department of Public Health or Department of Nuclear
8 Safety.

9 4. Acceptance of a fee for service as a witness,
10 without the knowledge of the court, in addition to the fee
11 allowed by the court.

12 5. Division of fees or agreeing to split or divide the
13 fees received for dental services with any person for
14 bringing or referring a patient, except in regard to
15 referral services as provided for under Section 45, or
16 assisting in the care or treatment of a patient, without
17 the knowledge of the patient or his or her legal
18 representative. Nothing in this item 5 affects any bona
19 fide independent contractor or employment arrangements
20 among health care professionals, health facilities, health
21 care providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this
26 Act. Nothing in this item 5 shall be construed to require

1 an employment arrangement to receive professional fees for
2 services rendered.

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

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

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

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

25 10. Practicing under a false or, except as provided by
26 law, an assumed name.

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

4 12. Conviction by plea of guilty or nolo contendere,
5 finding of guilt, jury verdict, or entry of judgment or by
6 sentencing for 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 that (i)
10 is a felony under the laws of this State or (ii) is a
11 misdemeanor, an essential element of which is dishonesty,
12 or that is directly related to the practice of dentistry.

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

16 14. Permitting more than 4 dental hygienists to be
17 employed under his or her supervision at any one time.

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

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

22 17. Violating any provision of Section 45 relating to
23 advertising.

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

1 within this Act.

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

5 20. Gross negligence in practice under this Act.

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

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

16 23. Professional incompetence as manifested by poor
17 standards of care.

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

26 25. Gross or repeated irregularities in billing for

1 services rendered to a patient. For purposes of this
2 paragraph 25, "irregularities in billing" shall include:

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

6 (b) Reporting charges for services not rendered.

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

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

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

20 28. Violating the Health Care Worker Self-Referral
21 Act.

22 29. Abandonment of a patient.

23 30. Mental incompetency as declared by a court of
24 competent jurisdiction.

25 31. A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 32. Material misstatement in furnishing information to
3 the Department.

4 33. Failing, within 60 days, to provide information in
5 response to a written request by the Department in the
6 course of an investigation.

7 34. Immoral conduct in the commission of any act,
8 including, but not limited to, commission of an act of
9 sexual misconduct related to the licensee's practice.

10 35. Cheating on or attempting to subvert the licensing
11 examination administered under this Act.

12 36. A pattern of practice or other behavior that
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 37. Failure to establish and maintain records of
16 patient care and treatment as required under this Act.

17 38. Failure to provide copies of dental records as
18 required by law.

19 All proceedings to suspend, revoke, place on probationary
20 status, or take any other disciplinary action as the
21 Department may deem proper, with regard to a license on any of
22 the foregoing grounds, must be commenced within 5 years after
23 receipt by the Department of a complaint alleging the
24 commission of or notice of the conviction order for any of the
25 acts described herein. Except for fraud in procuring a
26 license, no action shall be commenced more than 7 years after

1 the date of the incident or act alleged to have violated this
2 Section. The time during which the holder of the license was
3 outside the State of Illinois shall not be included within any
4 period of time limiting the commencement of disciplinary
5 action by the Department.

6 Notwithstanding anything in this Section to the contrary,
7 a felony conviction after the effective date of this
8 amendatory Act of the 103rd General Assembly of any of the
9 offenses listed in subsections (a) and (a-5) of Section 25 of
10 the Health Care Worker Background Check Act, except for
11 Section 16-25 of the Criminal Code of 2012, is a disqualifying
12 offense and requires immediate review of an individual's
13 license, subject to the notice and hearing requirements set
14 forth in this Act.

15 All fines imposed under this Section shall be paid within
16 60 days after the effective date of the order imposing the fine
17 or in accordance with the terms set forth in the order imposing
18 the fine.

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

26 Any dentist who has had his or her license suspended or

1 revoked for more than 5 years must comply with the
2 requirements for restoration set forth in Section 16 prior to
3 being eligible for reinstatement from the suspension or
4 revocation.

5 (Source: P.A. 99-492, eff. 12-31-15.)

6 (225 ILCS 25/23d new)

7 Sec. 23d. Criminal history. Any Department process under
8 statute or rule used to verify the criminal history of an
9 applicant for licensure under this Act shall be used for all
10 applicants for licensure, applicants for renewal of a license,
11 or persons whose conviction of a crime or other behavior
12 warrants review of a license under this Act.

13 Section 20. The Health Care Worker Background Check Act is
14 amended by changing Sections 10, 15, and 25 as follows:

15 (225 ILCS 46/10)

16 Sec. 10. Applicability.

17 (a) This Act applies to all individuals employed or
18 retained by a health care employer as home health care aides,
19 nurse aides, personal care assistants, private duty nurse
20 aides, day training personnel, or an individual working in any
21 similar health-related occupation where he or she provides
22 direct care or has access to long-term care residents or the
23 living quarters or financial, medical, or personal records of

1 long-term care residents. This Act also applies to all
2 employees of licensed or certified long-term care facilities
3 who have or may have contact with residents or access to the
4 living quarters or the financial, medical, or personal records
5 of residents.

6 (b) This Act applies to persons licensed, certified, or
7 registered by the Department of Financial and Professional
8 Regulation under the Medical Practice Act of 1987, the Nurse
9 Practice Act, the Illinois Dental Practice Act, the Massage
10 Licensing Act, the Illinois Optometric Practice Act of 1987,
11 the Orthotics, Prosthetics, and Pedorthics Practice Act, the
12 Illinois Physical Therapy Act, the Physician Assistant
13 Practice Act of 1987, the Podiatric Medical Practice Act of
14 1987, the Respiratory Care Practice Act, the Registered
15 Surgical Assistant and Registered Surgical Technologist Title
16 Protection Act, the Acupuncture Practice Act, and the Illinois
17 Athletic Trainers Practice Act and estheticians and esthetics
18 teachers licensed under the Barber, Cosmetology, Esthetics,
19 Hair Braiding, and Nail Technology Act of 1985.

20 (Source: P.A. 94-665, eff. 1-1-06.)

21 (225 ILCS 46/15)

22 Sec. 15. Definitions. In this Act:

23 "Applicant" means an individual enrolling in a training
24 program, seeking employment, whether paid or on a volunteer
25 basis, with a health care employer who has received a bona fide

1 conditional offer of employment.

2 "Conditional offer of employment" means a bona fide offer
3 of employment by a health care employer to an applicant, which
4 is contingent upon the receipt of a report from the Department
5 of Public Health indicating that the applicant does not have a
6 record of conviction of any of the criminal offenses
7 enumerated in Section 25.

8 "Department" means the Department of Public Health or the
9 Department of Financial and Professional Regulation with
10 regard to persons licensed, certified, or registered by the
11 Department of Professional Regulation under any of the Acts
12 specified in subsection (b) of Section 10.

13 "Direct care" means the provision of nursing care or
14 assistance with feeding, dressing, movement, bathing,
15 toileting, or other personal needs, including home services as
16 defined in the Home Health, Home Services, and Home Nursing
17 Agency Licensing Act. The entity responsible for inspecting
18 and licensing, certifying, or registering the health care
19 employer may, by administrative rule, prescribe guidelines for
20 interpreting this definition with regard to the health care
21 employers that it licenses.

22 "Director" means the Director of Public Health.

23 "Disqualifying offenses" means those offenses set forth in
24 Section 25 of this Act.

25 "Employee" means any individual hired, employed, or
26 retained, whether paid or on a volunteer basis, to which this

1 Act applies.

2 "Finding" means the Department's determination of whether
3 an allegation is verified and substantiated.

4 "Fingerprint-based criminal history records check" means a
5 livescan fingerprint-based criminal history records check
6 submitted as a fee applicant inquiry in the form and manner
7 prescribed by the Illinois State Police.

8 "Health care employer" means:

9 (1) the owner or licensee of any of the following:

10 (i) a community living facility, as defined in the
11 Community Living Facilities Licensing Act;

12 (ii) a life care facility, as defined in the Life
13 Care Facilities Act;

14 (iii) a long-term care facility;

15 (iv) a home health agency, home services agency,
16 or home nursing agency as defined in the Home Health,
17 Home Services, and Home Nursing Agency Licensing Act;

18 (v) a hospice care program or volunteer hospice
19 program, as defined in the Hospice Program Licensing
20 Act;

21 (vi) a hospital, as defined in the Hospital
22 Licensing Act;

23 (vii) (blank);

24 (viii) a nurse agency, as defined in the Nurse
25 Agency Licensing Act;

26 (ix) a respite care provider, as defined in the

1 Respite Program Act;

2 (ix-a) an establishment licensed under the
3 Assisted Living and Shared Housing Act;

4 (x) a supportive living program, as defined in the
5 Illinois Public Aid Code;

6 (xi) early childhood intervention programs as
7 described in 59 Ill. Adm. Code 121;

8 (xii) the University of Illinois Hospital,
9 Chicago;

10 (xiii) programs funded by the Department on Aging
11 through the Community Care Program;

12 (xiv) programs certified to participate in the
13 Supportive Living Program authorized pursuant to
14 Section 5-5.01a of the Illinois Public Aid Code;

15 (xv) programs listed by the Emergency Medical
16 Services (EMS) Systems Act as Freestanding Emergency
17 Centers;

18 (xvi) locations licensed under the Alternative
19 Health Care Delivery Act;

20 (2) a day training program certified by the Department
21 of Human Services;

22 (3) a community integrated living arrangement operated
23 by a community mental health and developmental service
24 agency, as defined in the Community-Integrated Living
25 Arrangements Licensure and Certification Act;

26 (4) the State Long Term Care Ombudsman Program,

1 including any regional long term care ombudsman programs
2 under Section 4.04 of the Illinois Act on the Aging, only
3 for the purpose of securing background checks; or

4 (5) the Department of Corrections or a third-party
5 vendor employing certified nursing assistants working with
6 the Department of Corrections.

7 "Initiate" means obtaining from a student, applicant, or
8 employee his or her social security number, demographics, a
9 disclosure statement, and an authorization for the Department
10 of Public Health or its designee to request a
11 fingerprint-based criminal history records check; transmitting
12 this information electronically to the Department of Public
13 Health; conducting Internet searches on certain web sites,
14 including without limitation the Illinois Sex Offender
15 Registry, the Department of Corrections' Sex Offender Search
16 Engine, the Department of Corrections' Inmate Search Engine,
17 the Department of Corrections Wanted Fugitives Search Engine,
18 the National Sex Offender Public Registry, and the List of
19 Excluded Individuals and Entities database on the website of
20 the Health and Human Services Office of Inspector General to
21 determine if the applicant has been adjudicated a sex
22 offender, has been a prison inmate, or has committed Medicare
23 or Medicaid fraud, or conducting similar searches as defined
24 by rule; and having the student, applicant, or employee's
25 fingerprints collected and transmitted electronically to the
26 Illinois State Police.

1 "Livescan vendor" means an entity whose equipment has been
2 certified by the Illinois State Police to collect an
3 individual's demographics and inkless fingerprints and, in a
4 manner prescribed by the Illinois State Police and the
5 Department of Public Health, electronically transmit the
6 fingerprints and required data to the Illinois State Police
7 and a daily file of required data to the Department of Public
8 Health. The Department of Public Health shall negotiate a
9 contract with one or more vendors that effectively demonstrate
10 that the vendor has 2 or more years of experience transmitting
11 fingerprints electronically to the Illinois State Police and
12 that the vendor can successfully transmit the required data in
13 a manner prescribed by the Department of Public Health. Vendor
14 authorization may be further defined by administrative rule.

15 "Long-term care facility" means a facility licensed by the
16 State or certified under federal law as a long-term care
17 facility, including without limitation facilities licensed
18 under the Nursing Home Care Act, the Specialized Mental Health
19 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
20 the MC/DD Act, a supportive living facility, an assisted
21 living establishment, or a shared housing establishment or
22 registered as a board and care home.

23 "Resident" means a person, individual, or patient under
24 the direct care of a health care employer or who has been
25 provided goods or services by a health care employer.

26 (Source: P.A. 101-176, eff. 7-31-19; 102-226, eff. 7-30-21;

1 102-503, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff.
2 5-13-22.)

3 (225 ILCS 46/25)

4 Sec. 25. Hiring of people with criminal records by health
5 care employers and long-term care facilities.

6 (a) A health care employer or long-term care facility may
7 hire, employ, or retain any individual in a position involving
8 direct care for clients, patients, or residents, or access to
9 the living quarters or the financial, medical, or personal
10 records of clients, patients, or residents who has been
11 convicted of committing or attempting to commit one or more of
12 the following offenses only with a waiver described in Section
13 40: those defined in Sections 8-1(b), 8-1.1, 8-1.2, 9-1,
14 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1,
15 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-1.20, 11-1.30,
16 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-9.2, 11-9.3,
17 11-9.4-1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
18 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
19 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
20 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-20.5, 12-21, 12-21.5,
21 12-21.6, 12-32, 12-33, 12C-5, 12C-10, 16-1, 16-1.3, 16-25,
22 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3,
23 19-4, 19-6, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, 24-1.8,
24 24-3.8, or 33A-2, or subdivision (a) (4) of Section 11-14.4, or
25 in subsection (a) of Section 12-3 or subsection (a) or (b) of

1 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
2 Code of 2012; those provided in Section 4 of the Wrongs to
3 Children Act; those provided in Section 53 of the Criminal
4 Jurisprudence Act; those defined in subsection (c), (d), (e),
5 (f), or (g) of Section 5 or Section 5.1, 5.2, 7, or 9 of the
6 Cannabis Control Act; those defined in the Methamphetamine
7 Control and Community Protection Act; those defined in
8 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the
9 Illinois Controlled Substances Act; or subsection (a) of
10 Section 3.01, Section 3.02, or Section 3.03 of the Humane Care
11 for Animals Act.

12 (a-1) A health care employer or long-term care facility
13 may hire, employ, or retain any individual in a position
14 involving direct care for clients, patients, or residents, or
15 access to the living quarters or the financial, medical, or
16 personal records of clients, patients, or residents who has
17 been convicted of committing or attempting to commit one or
18 more of the following offenses only with a waiver described in
19 Section 40: those offenses defined in Section 12-3.3,
20 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
21 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or
22 24-3.3, or subsection (b) of Section 17-32, subsection (b) of
23 Section 18-1, or subsection (b) of Section 20-1, of the
24 Criminal Code of 1961 or the Criminal Code of 2012; Section 4,
25 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card
26 Act; or Section 11-9.1A of the Criminal Code of 1961 or the

1 Criminal Code of 2012 or Section 5.1 of the Wrongs to Children
2 Act; or (ii) violated Section 50-50 of the Nurse Practice Act.

3 A health care employer is not required to retain an
4 individual in a position with duties involving direct care for
5 clients, patients, or residents, and no long-term care
6 facility is required to retain an individual in a position
7 with duties that involve or may involve contact with residents
8 or access to the living quarters or the financial, medical, or
9 personal records of residents, who has been convicted of
10 committing or attempting to commit one or more of the offenses
11 enumerated in this subsection.

12 (a-5) A felony conviction of any of the following offenses
13 is a disqualifying offense and requires immediate review of
14 the license, registration, or certification under the relevant
15 Acts for the professions identified in subsection (b) of
16 Section 10:

17 (1) first degree murder, under Section 9-1 of the
18 Criminal Code of 2012;

19 (2) second degree murder, under Section 9-2 of the
20 Criminal Code of 2012;

21 (3) predatory criminal sexual assault of a child,
22 under Section 11-1.40 of the Criminal Code of 2012;

23 (4) aggravated criminal sexual assault, under Section
24 11-1.30 of the Criminal Code of 2012;

25 (5) criminal sexual assault; under Section 11-1.20 of
26 the Criminal Code of 2012;

1 (6) aggravated kidnaping, under Section 10-2 of the
2 Criminal Code of 2012;

3 (7) kidnapping, under Section 10-1 of the Criminal
4 Code of 2012;

5 (8) aggravated battery resulting in great bodily harm
6 or permanent disability or disfigurement, under subsection
7 (a) of Section 12-3.05 of the Criminal Code of 2012;

8 (9) solicitation of murder, under subsection (b) of
9 Section 8-1 of the Criminal Code of 2012;

10 (10) solicitation of murder for hire, under Section
11 8-1.2 of the Criminal code of 2012;

12 (11) intentional homicide of an unborn child, under
13 Section 9-1.2 of the Criminal Code of 2012;

14 (12) voluntary manslaughter of an unborn child, under
15 Section 9-2.1 of the Criminal Code of 2012;

16 (13) concealment of homicidal death, if committed in
17 the pursuance of job duties, under Section 9-3.4 of the
18 Criminal Code of 2012;

19 (14) concealment of death, if committed in the
20 pursuance of job duties, under Section 9-3.5 of the
21 Criminal Code of 2012;

22 (15) aggravated unlawful restraint, under Section
23 10-3.1 of the Criminal Code of 2012;

24 (16) forcible detention, under Section 10-4 of the
25 Criminal Code of 2012;

26 (17) child abduction, under Section 10-5 of the

1 Criminal Code of 2012;

2 (18) luring of a minor, under Section 10-5.1 of the
3 Criminal Code of 2012;

4 (19) aiding or abetting child abduction, under Section
5 10-7 of the Criminal Code of 2012;

6 (20) trafficking in person, involuntary servitude, and
7 related offenses, under Section 10-9 of the Criminal Code
8 of 2012;

9 (21) failure to report the death or disappearance of a
10 child under 13 years of age, if committed in the pursuance
11 of job duties, under Section 10-10 of the Criminal Code of
12 2012;

13 (22) aggravated criminal sexual abuse, under Section
14 11-1.60 of the Criminal Code of 2012;

15 (23) indecent solicitation of a child, under Section
16 11-6 of the Criminal Code of 2012;

17 (24) solicitation to meet a child, under Section
18 11-6.6 of the Criminal Code of 2012;

19 (25) sexual exploitation of a child, under Section
20 11-9.1 of the Criminal Code of 2012;

21 (26) permitting sexual abuse of a child, under Section
22 11-9.1A of the Criminal Code of 2012;

23 (27) failure to report sexual abuse of a child, if
24 committed in pursuance of job duties, under Section
25 11-9.1B of the Criminal Code of 2012;

26 (28) custodial sexual misconduct, under Section 11-9.2

1 of the Criminal Code of 2012;

2 (29) sexual misconduct with a person with a
3 disability, under Section 11-9.5 of the Criminal Code of
4 2012;

5 (30) promoting juvenile prostitution, under Section
6 11-14.4 of the Criminal Code of 2012;

7 (31) patronizing a minor engaged in prostitution,
8 under Section 11-18.1 of the Criminal Code of 2012;

9 (32) child pornography, under Section 11-20.1 of the
10 Criminal Code of 2012;

11 (33) distributing harmful material to a minor, under
12 Section 11-21 of the Criminal Code of 2012;

13 (34) non-consensual dissemination of private sexual
14 images, under Section 11-23.5 of the Criminal Code of
15 2012;

16 (35) grooming, under Section 11-25 of the Criminal
17 Code of 2012;

18 (36) traveling to meet a child, under Section 11-26 of
19 the Criminal Code of 2012;

20 (37) aggravated assault, under Section 12-2 of the
21 Criminal Code of 2012;

22 (38) aggravated battery, under Section 12-3.05 of the
23 Criminal Code of 2012;

24 (39) aggravated battery of an unborn child, under
25 Section 12-3.1 of the Criminal Code of 2012;

26 (40) aggravated domestic battery, under Section 12-3.3

1 of the Criminal Code of 2012;

2 (41) criminal abuse or neglect of a long term care
3 facility resident, under paragraph (2) of subsection (a)
4 of Section 12-4.4a of the Criminal Code of 2012;

5 (42) aggravated intimidation, under Section 12-6.2 of
6 the Criminal Code of 2012;

7 (43) compelling confession or information by force or
8 threat, under Section 12-7 of the Criminal Code of 2012;

9 (44) educational intimidation, under Section 12-7.2 of
10 the Criminal Code of 2012;

11 (45) aggravated stalking, under Section 12-7.4 of the
12 Criminal Code of 2012;

13 (46) tongue splitting, under Section 12-10.2 of the
14 Criminal Code of 2012;

15 (47) sale of body parts, under Section 12-10 of the
16 Criminal Code of 2012;

17 (48) dismembering of a human body, under Section
18 12-20.5 of the Criminal Code of 2012;

19 (49) abuse of a corpse, under Section 12-20.6 of the
20 Criminal Code of 2012;

21 (50) ritual mutilation, under Section 12-32 of the
22 Criminal Code of 2012;

23 (51) ritualized abuse of child, under Section 12-33 of
24 the Criminal Code of 2012;

25 (52) female genital mutilation, under Section 12-34 of
26 the Criminal Code of 2012;

1 (53) inducement to commit suicide, under Section
2 12-34.5 of the Criminal Code of 2012;

3 (54) organized retail crime; under paragraphs (1) and
4 (2) of subsection (a) of Section 16-25.2 of the Criminal
5 Code of 2012;

6 (55) financial exploitation of an elderly person or a
7 person with a disability by intimidation, under Section
8 16-1.3 of the Criminal Code of 2012;

9 (56) aggravated robbery, under subsection (b) of
10 Section 18-1 of the Criminal Code of 2012;

11 (57) armed robbery, under Section 18-2 of the Criminal
12 Code of 2012;

13 (58) aggravated vehicular hijacking, under Section
14 18-4 of the Criminal Code of 2012;

15 (59) vehicular invasion, under Section 18-6 of the
16 Criminal Code of 2012;

17 (60) burglary, under Section 19-1 of the Criminal Code
18 of 2012;

19 (61) aggravated arson, under Section 20-1.1 of the
20 Criminal Code of 2012;

21 (62) aggravated unlawful use of a weapon, under
22 Section 24-1.6 of the Criminal Code of 2012;

23 (63) unlawful manufacture or delivery of nitrous
24 oxide, under Section 24.5-10 of the Criminal Code of 2012;

25 (64) mob action, under paragraphs (1) and (3) of
26 subsection (a) of Section 25-1 of the Criminal Code of

1 2012;

2 (65) terrorism, under Section 29D-14.9 of the Criminal
3 Code of 2012;

4 (66) causing a catastrophe, under Section 29D-15.1 of
5 the Criminal Code of 2012;

6 (67) treason, under Section 30-1 of the Criminal Code
7 of 2012;

8 (68) perjury, under Section 32-2 of the Criminal Code
9 of 2012;

10 (69) subordination of perjury, under Section 32-3 of
11 the Criminal Code of 2012;

12 (70) armed violence, under Section 33A-2 of the
13 Criminal Code of 2012;

14 (71) solicitation of any of the offenses specified in
15 this subsection, under subsection (a) of Section 801 of
16 the Criminal Code of 2012;

17 (72) conspiracy to commit any of the offenses
18 specified in this subsection, under Section 802 of the
19 Criminal Code of 2012;

20 (73) attempt to commit any of the offenses specified
21 in this subsection, under Section 8-4 of the Criminal Code
22 of 2012; or

23 (74) any felony not listed for which an offense
24 specified in this subsection is a lesser included offense.

25 This subsection applies after the effective date of this
26 amendatory Act of the 103rd General Assembly to all initial

1 applications for licensure, certification, or registration
2 with the Department of Financial and Professional Regulation
3 under the Acts specified in subsection (b) of Section 10. For
4 every licensure, certification, or registration renewal under
5 the Acts specified in subsection (b) of Section 10, the
6 Department of Financial and Professional Regulation shall
7 conduct a review of the applicant's criminal background to
8 determine whether the applicant committed an offense specified
9 in this subsection after the effective date of this amendatory
10 Act of the 103rd General Assembly.

11 (b) A health care employer shall not hire, employ, or
12 retain, whether paid or on a volunteer basis, any individual
13 in a position with duties involving direct care of clients,
14 patients, or residents, and no long-term care facility shall
15 knowingly hire, employ, or retain, whether paid or on a
16 volunteer basis, any individual in a position with duties that
17 involve or may involve contact with residents or access to the
18 living quarters or the financial, medical, or personal records
19 of residents, if the health care employer becomes aware that
20 the individual has been convicted in another state of
21 committing or attempting to commit an offense that has the
22 same or similar elements as an offense listed in subsection
23 (a), ~~or~~ (a-1), or (a-5), as verified by court records, records
24 from a state agency, or an FBI criminal history record check,
25 unless the applicant or employee obtains a waiver pursuant to
26 Section 40 of this Act. This shall not be construed to mean

1 that a health care employer has an obligation to conduct a
2 criminal history records check in other states in which an
3 employee has resided.

4 (c) A health care employer shall not hire, employ, or
5 retain, whether paid or on a volunteer basis, any individual
6 in a position with duties involving direct care of clients,
7 patients, or residents, who has a finding by the Department of
8 abuse, neglect, misappropriation of property, or theft denoted
9 on the Health Care Worker Registry.

10 (d) A health care employer shall not hire, employ, or
11 retain, whether paid or on a volunteer basis, any individual
12 in a position with duties involving direct care of clients,
13 patients, or residents if the individual has a verified and
14 substantiated finding of abuse, neglect, or financial
15 exploitation, as identified within the Adult Protective
16 Service Registry established under Section 7.5 of the Adult
17 Protective Services Act.

18 (e) A health care employer shall not hire, employ, or
19 retain, whether paid or on a volunteer basis, any individual
20 in a position with duties involving direct care of clients,
21 patients, or residents who has a finding by the Department of
22 Human Services of physical or sexual abuse, financial
23 exploitation, or egregious neglect of an individual denoted on
24 the Health Care Worker Registry.

25 (Source: P.A. 99-872, eff. 1-1-17; 100-432, eff. 8-25-17.)

1 Section 25. The Massage Licensing Act is amended by
2 changing Sections 15 and 45 as follows:

3 (225 ILCS 57/15)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 15. Licensure requirements.

6 (a) Persons engaged in massage for compensation must be
7 licensed by the Department. The Department shall issue a
8 license to an individual who meets all of the following
9 requirements:

10 (1) The applicant has applied in writing on the
11 prescribed forms and has paid the required fees.

12 (2) The applicant is at least 18 years of age and of
13 good moral character. In determining good moral character,
14 the Department may take into consideration conviction of
15 any crime under the laws of the United States or any state
16 or territory thereof that is a felony or a misdemeanor or
17 any crime that is directly related to the practice of the
18 profession. Such a conviction shall not operate
19 automatically as a complete bar to a license, except in
20 the case of any conviction for prostitution, rape, or
21 sexual misconduct, or where the applicant is a registered
22 sex offender.

23 (3) The applicant has successfully completed a massage
24 therapy program approved by the Department that requires a
25 minimum of 500 hours, except applicants applying on or

1 after January 1, 2014 shall meet a minimum requirement of
2 600 hours, and has passed a competency examination
3 approved by the Department.

4 (b) Each applicant for licensure as a massage therapist
5 shall have his or her fingerprints submitted to the Illinois
6 State Police in an electronic format that complies with the
7 form and manner for requesting and furnishing criminal history
8 record information as prescribed by the Illinois State Police.
9 These fingerprints shall be checked prior to the Department
10 issuing or renewing a license against the Illinois State
11 Police and Federal Bureau of Investigation criminal history
12 record databases now and hereafter filed. The Illinois State
13 Police shall charge applicants a fee for conducting the
14 criminal history records check, which shall be deposited into
15 the State Police Services Fund and shall not exceed the actual
16 cost of the records check. The Illinois State Police shall
17 furnish, pursuant to positive identification, records of
18 Illinois convictions to the Department. The Department may
19 require applicants to pay a separate fingerprinting fee,
20 either to the Department or to a vendor. The Department, in its
21 discretion, may allow an applicant who does not have
22 reasonable access to a designated vendor to provide his or her
23 fingerprints in an alternative manner. The Department may
24 adopt any rules necessary to implement this Section.

25 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22.)

1 (225 ILCS 57/45)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 45. Grounds for discipline.

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

10 (1) violations of this Act or of the rules adopted
11 under this Act;

12 (2) conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or by
14 sentencing of any crime, including, but not limited to,
15 convictions, preceding sentences of supervision,
16 conditional discharge, or first offender probation, under
17 the laws of any jurisdiction of the United States: (i)
18 that is a felony; or (ii) that is a misdemeanor, an
19 essential element of which is dishonesty, or that is
20 directly related to the practice of the profession;

21 (3) professional incompetence;

22 (4) advertising in a false, deceptive, or misleading
23 manner, including failing to use the massage therapist's
24 own license number in an advertisement;

25 (5) aiding, abetting, assisting, procuring, advising,

1 employing, or contracting with any unlicensed person to
2 practice massage contrary to any rules or provisions of
3 this Act;

4 (6) engaging in immoral conduct in the commission of
5 any act, such as sexual abuse, sexual misconduct, or
6 sexual exploitation, related to the licensee's practice;

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

10 (8) practicing or offering to practice beyond the
11 scope permitted by law or accepting and performing
12 professional responsibilities which the licensee knows or
13 has reason to know that he or she is not competent to
14 perform;

15 (9) knowingly delegating professional
16 responsibilities to a person unqualified by training,
17 experience, or licensure to perform;

18 (10) failing to provide information in response to a
19 written request made by the Department within 60 days;

20 (11) having a habitual or excessive use of or
21 addiction to alcohol, narcotics, stimulants, or any other
22 chemical agent or drug which results in the inability to
23 practice with reasonable judgment, skill, or safety;

24 (12) having a pattern of practice or other behavior
25 that demonstrates incapacity or incompetence to practice
26 under this Act;

1 (13) discipline by another state, District of
2 Columbia, territory, or foreign nation, if at least one of
3 the grounds for the discipline is the same or
4 substantially equivalent to those set forth in this
5 Section;

6 (14) a finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status, has violated the terms of probation;

9 (15) willfully making or filing false records or
10 reports in his or her practice, including, but not limited
11 to, false records filed with State agencies or
12 departments;

13 (16) making a material misstatement in furnishing
14 information to the Department or otherwise making
15 misleading, deceptive, untrue, or fraudulent
16 representations in violation of this Act or otherwise in
17 the practice of the profession;

18 (17) fraud or misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal of a license under this Act;

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

26 (19) charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered;

3 (20) practicing under a false or, except as provided
4 by law, an assumed name; or

5 (21) cheating on or attempting to subvert the
6 licensing examination administered under this Act.

7 All fines shall be paid within 60 days of the effective
8 date of the order imposing the fine.

9 (a-5) Notwithstanding anything in this Section to the
10 contrary, a felony conviction after the effective date of this
11 amendatory Act of the 103rd General Assembly of any of the
12 offenses listed in subsections (a) and (a-5) of Section 25 of
13 the Health Care Worker Background Check Act, except for
14 Section 16-25 of the Criminal Code of 2012, is a disqualifying
15 offense and requires immediate review of an individual's
16 license, subject to the notice and hearing requirements set
17 forth in this Act.

18 (b) A person not licensed under this Act and engaged in the
19 business of offering massage therapy services through others,
20 shall not aid, abet, assist, procure, advise, employ, or
21 contract with any unlicensed person to practice massage
22 therapy contrary to any rules or provisions of this Act. A
23 person violating this subsection (b) shall be treated as a
24 licensee for the purposes of disciplinary action under this
25 Section and shall be subject to cease and desist orders as
26 provided in Section 90 of this Act.

1 (c) The Department shall revoke any license issued under
2 this Act of any person who is convicted of prostitution, rape,
3 sexual misconduct, or any crime that subjects the licensee to
4 compliance with the requirements of the Sex Offender
5 Registration Act and any such conviction shall operate as a
6 permanent bar in the State of Illinois to practice as a massage
7 therapist.

8 (d) The Department may refuse to issue or may suspend the
9 license of any person who fails to file a tax return, to pay
10 the tax, penalty, or interest shown in a filed tax return, or
11 to pay any final assessment of tax, penalty, or interest, as
12 required by any tax Act administered by the Illinois
13 Department of Revenue, until such time as the requirements of
14 the tax Act are satisfied in accordance with subsection (g) of
15 Section 2105-15 of the Civil Administrative Code of Illinois.

16 (e) (Blank).

17 (f) In cases where the Department of Healthcare and Family
18 Services has previously determined that a licensee or a
19 potential licensee is more than 30 days delinquent in the
20 payment of child support and has subsequently certified the
21 delinquency to the Department, the Department may refuse to
22 issue or renew or may revoke or suspend that person's license
23 or may take other disciplinary action against that person
24 based solely upon the certification of delinquency made by the
25 Department of Healthcare and Family Services in accordance
26 with item (5) of subsection (a) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 (g) The determination by a circuit court that a licensee
3 is subject to involuntary admission or judicial admission, as
4 provided in the Mental Health and Developmental Disabilities
5 Code, operates as an automatic suspension. The suspension will
6 end only upon a finding by a court that the patient is no
7 longer subject to involuntary admission or judicial admission
8 and the issuance of a court order so finding and discharging
9 the patient.

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

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

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

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable

1 delay. The Department and Board shall have the authority to
2 review the subject individual's record of treatment and
3 counseling regarding the impairment to the extent permitted by
4 applicable federal statutes and regulations safeguarding the
5 confidentiality of medical records.

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

11 (Source: P.A. 102-20, eff. 1-1-22.)

12 Section 30. The Medical Practice Act of 1987 is amended by
13 changing Sections 9.7 and 22 as follows:

14 (225 ILCS 60/9.7)

15 (Section scheduled to be repealed on January 1, 2027)

16 Sec. 9.7. Criminal history records background check. Each
17 applicant for licensure or permit under Sections 9, 18, and 19
18 shall have his or her fingerprints submitted to the Illinois
19 State Police in an electronic format that complies with the
20 form and manner for requesting and furnishing criminal history
21 record information as prescribed by the Illinois State Police.
22 These fingerprints shall be checked prior to the Department
23 issuing or renewing a license against the Illinois State
24 Police and Federal Bureau of Investigation criminal history

1 record databases now and hereafter filed. The Illinois State
2 Police shall charge applicants a fee for conducting the
3 criminal history records check, which shall be deposited into
4 the State Police Services Fund and shall not exceed the actual
5 cost of the records check. The Illinois State Police shall
6 furnish, pursuant to positive identification, records of
7 Illinois convictions to the Department. The Department may
8 require applicants to pay a separate fingerprinting fee,
9 either to the Department or to a Department designated or
10 approved vendor. The Department, in its discretion, may allow
11 an applicant who does not have reasonable access to a
12 designated vendor to provide his or her fingerprints in an
13 alternative manner. The Department may adopt any rules
14 necessary to implement this Section.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 22. Disciplinary action.

19 (A) The Department may revoke, suspend, place on
20 probation, reprimand, refuse to issue or renew, or take any
21 other disciplinary or non-disciplinary action as the
22 Department may deem proper with regard to the license or
23 permit of any person issued under this Act, including imposing
24 fines not to exceed \$10,000 for each violation, upon any of the
25 following grounds:

1 (1) (Blank).

2 (2) (Blank).

3 (3) A plea of guilty or nolo contendere, finding of
4 guilt, jury verdict, or entry of judgment or sentencing,
5 including, but not limited to, convictions, preceding
6 sentences of supervision, conditional discharge, or first
7 offender probation, under the laws of any jurisdiction of
8 the United States of any crime that is a felony.

9 (4) Gross negligence in practice under this Act.

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

13 (6) Obtaining any fee by fraud, deceit, or
14 misrepresentation.

15 (7) Habitual or excessive use or abuse of drugs
16 defined in law as controlled substances, of alcohol, or of
17 any other substances which results in the inability to
18 practice with reasonable judgment, skill, or safety.

19 (8) Practicing under a false or, except as provided by
20 law, an assumed name.

21 (9) Fraud or misrepresentation in applying for, or
22 procuring, a license under this Act or in connection with
23 applying for renewal of a license under this Act.

24 (10) Making a false or misleading statement regarding
25 their skill or the efficacy or value of the medicine,
26 treatment, or remedy prescribed by them at their direction

1 in the treatment of any disease or other condition of the
2 body or mind.

3 (11) Allowing another person or organization to use
4 their license, procured under this Act, to practice.

5 (12) Adverse action taken by another state or
6 jurisdiction against a license or other authorization to
7 practice as a medical doctor, doctor of osteopathy, doctor
8 of osteopathic medicine, or doctor of chiropractic, a
9 certified copy of the record of the action taken by the
10 other state or jurisdiction being prima facie evidence
11 thereof. This includes any adverse action taken by a State
12 or federal agency that prohibits a medical doctor, doctor
13 of osteopathy, doctor of osteopathic medicine, or doctor
14 of chiropractic from providing services to the agency's
15 participants.

16 (13) Violation of any provision of this Act or of the
17 Medical Practice Act prior to the repeal of that Act, or
18 violation of the rules, or a final administrative action
19 of the Secretary, after consideration of the
20 recommendation of the Medical Board.

21 (14) Violation of the prohibition against fee
22 splitting in Section 22.2 of this Act.

23 (15) A finding by the Medical Board that the
24 registrant after having his or her license placed on
25 probationary status or subjected to conditions or
26 restrictions violated the terms of the probation or failed

1 to comply with such terms or conditions.

2 (16) Abandonment of a patient.

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

8 (18) Promotion of the sale of drugs, devices,
9 appliances, or goods provided for a patient in such manner
10 as to exploit the patient for financial gain of the
11 physician.

12 (19) Offering, undertaking, or agreeing to cure or
13 treat disease by a secret method, procedure, treatment, or
14 medicine, or the treating, operating, or prescribing for
15 any human condition by a method, means, or procedure which
16 the licensee refuses to divulge upon demand of the
17 Department.

18 (20) Immoral conduct in the commission of any act
19 including, but not limited to, commission of an act of
20 sexual misconduct related to the licensee's practice.

21 (21) Willfully making or filing false records or
22 reports in his or her practice as a physician, including,
23 but not limited to, false records to support claims
24 against the medical assistance program of the Department
25 of Healthcare and Family Services (formerly Department of
26 Public Aid) under the Illinois Public Aid Code.

1 (22) Willful omission to file or record, or willfully
2 impeding the filing or recording, or inducing another
3 person to omit to file or record, medical reports as
4 required by law, or willfully failing to report an
5 instance of suspected abuse or neglect as required by law.

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

13 (24) Solicitation of professional patronage by any
14 corporation, agents, or persons, or profiting from those
15 representing themselves to be agents of the licensee.

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

25 (26) A pattern of practice or other behavior which
26 demonstrates incapacity or incompetence to practice under

1 this Act.

2 (27) Mental illness or disability which results in the
3 inability to practice under this Act with reasonable
4 judgment, skill, or safety.

5 (28) Physical illness, including, but not limited to,
6 deterioration through the aging process, or loss of motor
7 skill which results in a physician's inability to practice
8 under this Act with reasonable judgment, skill, or safety.

9 (29) Cheating on or attempting to subvert the
10 licensing examinations administered under this Act.

11 (30) Willfully or negligently violating the
12 confidentiality between physician and patient except as
13 required by law.

14 (31) The use of any false, fraudulent, or deceptive
15 statement in any document connected with practice under
16 this Act.

17 (32) Aiding and abetting an individual not licensed
18 under this Act in the practice of a profession licensed
19 under this Act.

20 (33) Violating State or federal laws or regulations
21 relating to controlled substances, legend drugs, or
22 ephedra as defined in the Ephedra Prohibition Act.

23 (34) Failure to report to the Department any adverse
24 final action taken against them by another licensing
25 jurisdiction (any other state or any territory of the
26 United States or any foreign state or country), by any

1 peer review body, by any health care institution, by any
2 professional society or association related to practice
3 under this Act, by any governmental agency, by any law
4 enforcement agency, or by any court for acts or conduct
5 similar to acts or conduct which would constitute grounds
6 for action as defined in this Section.

7 (35) Failure to report to the Department surrender of
8 a license or authorization to practice as a medical
9 doctor, a doctor of osteopathy, a doctor of osteopathic
10 medicine, or doctor of chiropractic in another state or
11 jurisdiction, or surrender of membership on any medical
12 staff or in any medical or professional association or
13 society, while under disciplinary investigation by any of
14 those authorities or bodies, for acts or conduct similar
15 to acts or conduct which would constitute grounds for
16 action as defined in this Section.

17 (36) Failure to report to the Department any adverse
18 judgment, settlement, or award arising from a liability
19 claim related to acts or conduct similar to acts or
20 conduct which would constitute grounds for action as
21 defined in this Section.

22 (37) Failure to provide copies of medical records as
23 required by law.

24 (38) Failure to furnish the Department, its
25 investigators or representatives, relevant information,
26 legally requested by the Department after consultation

1 with the Chief Medical Coordinator or the Deputy Medical
2 Coordinator.

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

5 (40) (Blank).

6 (41) Failure to establish and maintain records of
7 patient care and treatment as required by this law.

8 (42) Entering into an excessive number of written
9 collaborative agreements with licensed advanced practice
10 registered nurses resulting in an inability to adequately
11 collaborate.

12 (43) Repeated failure to adequately collaborate with a
13 licensed advanced practice registered nurse.

14 (44) Violating the Compassionate Use of Medical
15 Cannabis Program Act.

16 (45) Entering into an excessive number of written
17 collaborative agreements with licensed prescribing
18 psychologists resulting in an inability to adequately
19 collaborate.

20 (46) Repeated failure to adequately collaborate with a
21 licensed prescribing psychologist.

22 (47) Willfully failing to report an instance of
23 suspected abuse, neglect, financial exploitation, or
24 self-neglect of an eligible adult as defined in and
25 required by the Adult Protective Services Act.

26 (48) Being named as an abuser in a verified report by

1 the Department on Aging under the Adult Protective
2 Services Act, and upon proof by clear and convincing
3 evidence that the licensee abused, neglected, or
4 financially exploited an eligible adult as defined in the
5 Adult Protective Services Act.

6 (49) Entering into an excessive number of written
7 collaborative agreements with licensed physician
8 assistants resulting in an inability to adequately
9 collaborate.

10 (50) Repeated failure to adequately collaborate with a
11 physician assistant.

12 Except for actions involving the ground numbered (26), all
13 proceedings to suspend, revoke, place on probationary status,
14 or take any other disciplinary action as the Department may
15 deem proper, with regard to a license on any of the foregoing
16 grounds, must be commenced within 5 years next after receipt
17 by the Department of a complaint alleging the commission of or
18 notice of the conviction order for any of the acts described
19 herein. Except for the grounds numbered (8), (9), (26), and
20 (29), no action shall be commenced more than 10 years after the
21 date of the incident or act alleged to have violated this
22 Section. For actions involving the ground numbered (26), a
23 pattern of practice or other behavior includes all incidents
24 alleged to be part of the pattern of practice or other behavior
25 that occurred, or a report pursuant to Section 23 of this Act
26 received, within the 10-year period preceding the filing of

1 the complaint. In the event of the settlement of any claim or
2 cause of action in favor of the claimant or the reduction to
3 final judgment of any civil action in favor of the plaintiff,
4 such claim, cause of action, or civil action being grounded on
5 the allegation that a person licensed under this Act was
6 negligent in providing care, the Department shall have an
7 additional period of 2 years from the date of notification to
8 the Department under Section 23 of this Act of such settlement
9 or final judgment in which to investigate and commence formal
10 disciplinary proceedings under Section 36 of this Act, except
11 as otherwise provided by law. The time during which the holder
12 of the license was outside the State of Illinois shall not be
13 included within any period of time limiting the commencement
14 of disciplinary action by the Department.

15 The entry of an order or judgment by any circuit court
16 establishing that any person holding a license under this Act
17 is a person in need of mental treatment operates as a
18 suspension of that license. That person may resume his or her
19 practice only upon the entry of a Departmental order based
20 upon a finding by the Medical Board that the person has been
21 determined to be recovered from mental illness by the court
22 and upon the Medical Board's recommendation that the person be
23 permitted to resume his or her practice.

24 The Department may refuse to issue or take disciplinary
25 action concerning the license of any person who fails to file a
26 return, or to pay the tax, penalty, or interest shown in a

1 filed return, or to pay any final assessment of tax, penalty,
2 or interest, as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied as determined
5 by the Illinois Department of Revenue.

6 The Department, upon the recommendation of the Medical
7 Board, shall adopt rules which set forth standards to be used
8 in determining:

9 (a) when a person will be deemed sufficiently
10 rehabilitated to warrant the public trust;

11 (b) what constitutes dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (c) what constitutes immoral conduct in the commission
15 of any act, including, but not limited to, commission of
16 an act of sexual misconduct related to the licensee's
17 practice; and

18 (d) what constitutes gross negligence in the practice
19 of medicine.

20 However, no such rule shall be admissible into evidence in
21 any civil action except for review of a licensing or other
22 disciplinary action under this Act.

23 In enforcing this Section, the Medical Board, upon a
24 showing of a possible violation, may compel any individual who
25 is licensed to practice under this Act or holds a permit to
26 practice under this Act, or any individual who has applied for

1 licensure or a permit pursuant to this Act, to submit to a
2 mental or physical examination and evaluation, or both, which
3 may include a substance abuse or sexual offender evaluation,
4 as required by the Medical Board and at the expense of the
5 Department. The Medical Board shall specifically designate the
6 examining physician licensed to practice medicine in all of
7 its branches or, if applicable, the multidisciplinary team
8 involved in providing the mental or physical examination and
9 evaluation, or both. The multidisciplinary team shall be led
10 by a physician licensed to practice medicine in all of its
11 branches and may consist of one or more or a combination of
12 physicians licensed to practice medicine in all of its
13 branches, licensed chiropractic physicians, licensed clinical
14 psychologists, licensed clinical social workers, licensed
15 clinical professional counselors, and other professional and
16 administrative staff. Any examining physician or member of the
17 multidisciplinary team may require any person ordered to
18 submit to an examination and evaluation pursuant to this
19 Section to submit to any additional supplemental testing
20 deemed necessary to complete any examination or evaluation
21 process, including, but not limited to, blood testing,
22 urinalysis, psychological testing, or neuropsychological
23 testing. The Medical Board or the Department may order the
24 examining physician or any member of the multidisciplinary
25 team to provide to the Department or the Medical Board any and
26 all records, including business records, that relate to the

1 examination and evaluation, including any supplemental testing
2 performed. The Medical Board or the Department may order the
3 examining physician or any member of the multidisciplinary
4 team to present testimony concerning this examination and
5 evaluation of the licensee, permit holder, or applicant,
6 including testimony concerning any supplemental testing or
7 documents relating to the examination and evaluation. No
8 information, report, record, or other documents in any way
9 related to the examination and evaluation shall be excluded by
10 reason of any common law or statutory privilege relating to
11 communication between the licensee, permit holder, or
12 applicant and the examining physician or any member of the
13 multidisciplinary team. No authorization is necessary from the
14 licensee, permit holder, or applicant ordered to undergo an
15 evaluation and examination for the examining physician or any
16 member of the multidisciplinary team to provide information,
17 reports, records, or other documents or to provide any
18 testimony regarding the examination and evaluation. The
19 individual to be examined may have, at his or her own expense,
20 another physician of his or her choice present during all
21 aspects of the examination. Failure of any individual to
22 submit to mental or physical examination and evaluation, or
23 both, when directed, shall result in an automatic suspension,
24 without hearing, until such time as the individual submits to
25 the examination. If the Medical Board finds a physician unable
26 to practice following an examination and evaluation because of

1 the reasons set forth in this Section, the Medical Board shall
2 require such physician to submit to care, counseling, or
3 treatment by physicians, or other health care professionals,
4 approved or designated by the Medical Board, as a condition
5 for issued, continued, reinstated, or renewed licensure to
6 practice. Any physician, whose license was granted pursuant to
7 Section 9, 17, or 19 of this Act, or, continued, reinstated,
8 renewed, disciplined, or supervised, subject to such terms,
9 conditions, or restrictions who shall fail to comply with such
10 terms, conditions, or restrictions, or to complete a required
11 program of care, counseling, or treatment, as determined by
12 the Chief Medical Coordinator or Deputy Medical Coordinators,
13 shall be referred to the Secretary for a determination as to
14 whether the licensee shall have his or her license suspended
15 immediately, pending a hearing by the Medical Board. In
16 instances in which the Secretary immediately suspends a
17 license under this Section, a hearing upon such person's
18 license must be convened by the Medical Board within 15 days
19 after such suspension and completed without appreciable delay.
20 The Medical Board shall have the authority to review the
21 subject physician's record of treatment and counseling
22 regarding the impairment, to the extent permitted by
23 applicable federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 An individual licensed under this Act, affected under this
26 Section, shall be afforded an opportunity to demonstrate to

1 the Medical Board that he or she can resume practice in
2 compliance with acceptable and prevailing standards under the
3 provisions of his or her license.

4 The Department may promulgate rules for the imposition of
5 fines in disciplinary cases, not to exceed \$10,000 for each
6 violation of this Act. Fines may be imposed in conjunction
7 with other forms of disciplinary action, but shall not be the
8 exclusive disposition of any disciplinary action arising out
9 of conduct resulting in death or injury to a patient. Any funds
10 collected from such fines shall be deposited in the Illinois
11 State Medical Disciplinary Fund.

12 All fines imposed under this Section shall be paid within
13 60 days after the effective date of the order imposing the fine
14 or in accordance with the terms set forth in the order imposing
15 the fine.

16 (B) The Department shall revoke the license or permit
17 issued under this Act to practice medicine or a chiropractic
18 physician who has been convicted a second time of committing
19 any felony under the Illinois Controlled Substances Act or the
20 Methamphetamine Control and Community Protection Act, or who
21 has been convicted a second time of committing a Class 1 felony
22 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
23 person whose license or permit is revoked under this
24 subsection B shall be prohibited from practicing medicine or
25 treating human ailments without the use of drugs and without
26 operative surgery.

1 (C) The Department shall not revoke, suspend, place on
2 probation, reprimand, refuse to issue or renew, or take any
3 other disciplinary or non-disciplinary action against the
4 license or permit issued under this Act to practice medicine
5 to a physician:

6 (1) based solely upon the recommendation of the
7 physician to an eligible patient regarding, or
8 prescription for, or treatment with, an investigational
9 drug, biological product, or device;

10 (2) for experimental treatment for Lyme disease or
11 other tick-borne diseases, including, but not limited to,
12 the prescription of or treatment with long-term
13 antibiotics;

14 (3) based solely upon the physician providing,
15 authorizing, recommending, aiding, assisting, referring
16 for, or otherwise participating in any health care
17 service, so long as the care was not unlawful under the
18 laws of this State, regardless of whether the patient was
19 a resident of this State or another state; or

20 (4) based upon the physician's license being revoked
21 or suspended, or the physician being otherwise disciplined
22 by any other state, if that revocation, suspension, or
23 other form of discipline was based solely on the physician
24 violating another state's laws prohibiting the provision
25 of, authorization of, recommendation of, aiding or
26 assisting in, referring for, or participation in any

1 health care service if that health care service as
2 provided would not have been unlawful under the laws of
3 this State and is consistent with the standards of conduct
4 for the physician if it occurred in Illinois.

5 (D) (Blank).

6 (E) The conduct specified in subsection (C) shall not
7 trigger reporting requirements under Section 23, constitute
8 grounds for suspension under Section 25, or be included on the
9 physician's profile required under Section 10 of the Patients'
10 Right to Know Act.

11 (F) An applicant seeking licensure, certification, or
12 authorization pursuant to this Act and who has been subject to
13 disciplinary action by a duly authorized professional
14 disciplinary agency of another jurisdiction solely on the
15 basis of having provided, authorized, recommended, aided,
16 assisted, referred for, or otherwise participated in health
17 care shall not be denied such licensure, certification, or
18 authorization, unless the Department determines that the
19 action would have constituted professional misconduct in this
20 State; however, nothing in this Section shall be construed as
21 prohibiting the Department from evaluating the conduct of the
22 applicant and making a determination regarding the licensure,
23 certification, or authorization to practice a profession under
24 this Act.

25 (G) The Department may adopt rules to implement the
26 changes made by this amendatory Act of the 102nd General

1 Assembly.

2 (H) Notwithstanding anything in this Section to the
3 contrary, a felony conviction after the effective date of this
4 amendatory Act of the 103rd General Assembly of any of the
5 offenses listed in subsections (a) and (a-5) of Section 25 of
6 the Health Care Worker Background Check Act, except for
7 Section 16-25 of the Criminal Code of 2012, is a disqualifying
8 offense and requires immediate review of an individual's
9 license, subject to the notice and hearing requirements set
10 forth in this Act.

11 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
12 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
13 8-20-21; 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23.)

14 Section 35. The Nurse Practice Act is amended by changing
15 Sections 50-35 and 70-5 as follows:

16 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

17 (Section scheduled to be repealed on January 1, 2028)

18 Sec. 50-35. Criminal history records background check.
19 Each applicant for licensure by examination or restoration
20 shall have his or her fingerprints submitted to the Illinois
21 State Police in an electronic format that complies with the
22 form and manner for requesting and furnishing criminal history
23 record information as prescribed by the Illinois State Police.
24 These fingerprints shall be checked prior to the Department

1 issuing or renewing a license against the Illinois State
2 Police and Federal Bureau of Investigation criminal history
3 record databases now and hereafter filed. The Illinois State
4 Police shall charge applicants a fee for conducting the
5 criminal history records check, which shall be deposited into
6 the State Police Services Fund and shall not exceed the actual
7 cost of the records check. The Illinois State Police shall
8 furnish, pursuant to positive identification, records of
9 Illinois convictions to the Department. The Department may
10 require applicants to pay a separate fingerprinting fee,
11 either to the Department or to a vendor. The Department, in its
12 discretion, may allow an applicant who does not have
13 reasonable access to a designated vendor to provide his or her
14 fingerprints in an alternative manner. The Department may
15 adopt any rules necessary to implement this Section.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

18 (Section scheduled to be repealed on January 1, 2028)

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

20 (a) The Department may refuse to issue or to renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action as the Department may
23 deem appropriate, including fines not to exceed \$10,000 per
24 violation, with regard to a license for any one or combination
25 of the causes set forth in subsection (b) below. All fines

1 collected under this Section shall be deposited in the Nursing
2 Dedicated and Professional Fund.

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

4 (1) Material deception in furnishing information to
5 the Department.

6 (2) Material violations of any provision of this Act
7 or violation of the rules of or final administrative
8 action of the Secretary, after consideration of the
9 recommendation of the Board.

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

19 (4) A pattern of practice or other behavior which
20 demonstrates incapacity or incompetency to practice under
21 this Act.

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

24 (6) Failing, within 90 days, to provide a response to
25 a request for information in response to a written request
26 made by the Department by certified or registered mail or

1 by email to the email address of record.

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

5 (8) Unlawful taking, theft, selling, distributing, or
6 manufacturing of any drug, narcotic, or prescription
7 device.

8 (9) Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug
10 that could result in a licensee's inability to practice
11 with reasonable judgment, skill, or safety.

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

16 (11) A finding that the licensee, after having her or
17 his license placed on probationary status or subject to
18 conditions or restrictions, has violated the terms of
19 probation or failed to comply with such terms or
20 conditions.

21 (12) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 and under the Abused and Neglected Child Reporting Act,
24 and upon proof by clear and convincing evidence that the
25 licensee has caused a child to be an abused child or
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (13) Willful omission to file or record, or willfully
3 impeding the filing or recording or inducing another
4 person to omit to file or record medical reports as
5 required by law.

6 (13.5) Willfully failing to report an instance of
7 suspected child abuse or neglect as required by the Abused
8 and Neglected Child Reporting Act.

9 (14) Gross negligence in the practice of practical,
10 professional, or advanced practice registered nursing.

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

13 (16) Failure of a licensee to report to the Department
14 any adverse final action taken against him or her by
15 another licensing jurisdiction of the United States or any
16 foreign state or country, any peer review body, any health
17 care institution, any professional or nursing society or
18 association, any governmental agency, any law enforcement
19 agency, or any court or a nursing liability claim related
20 to acts or conduct similar to acts or conduct that would
21 constitute grounds for action as defined in this Section.

22 (17) Failure of a licensee to report to the Department
23 surrender by the licensee of a license or authorization to
24 practice nursing or advanced practice registered nursing
25 in another state or jurisdiction or current surrender by
26 the licensee of membership on any nursing staff or in any

1 nursing or advanced practice registered nursing or
2 professional association or society while under
3 disciplinary investigation by any of those authorities or
4 bodies for acts or conduct similar to acts or conduct that
5 would constitute grounds for action as defined by this
6 Section.

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

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

11 (20) Fraud, deceit, or misrepresentation in applying
12 for or procuring a license under this Act or in connection
13 with applying for renewal of a license under this Act.

14 (21) Allowing another person or organization to use
15 the licensee's license to deceive the public.

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

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

24 (24) Immoral conduct in the commission of an act,
25 including, but not limited to, sexual abuse, sexual
26 misconduct, or sexual exploitation, related to the

1 licensee's practice.

2 (25) Willfully or negligently violating the
3 confidentiality between nurse and patient except as
4 required by law.

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

7 (27) The use of any false, fraudulent, or deceptive
8 statement in any document connected with the licensee's
9 practice.

10 (28) Directly or indirectly giving to or receiving
11 from a person, firm, corporation, partnership, or
12 association a fee, commission, rebate, or other form of
13 compensation for professional services not actually or
14 personally rendered. Nothing in this paragraph (28)
15 affects any bona fide independent contractor or employment
16 arrangements among health care professionals, health
17 facilities, health care providers, or other entities,
18 except as otherwise prohibited by law. Any employment
19 arrangements may include provisions for compensation,
20 health insurance, pension, or other employment benefits
21 for the provision of services within the scope of the
22 licensee's practice under this Act. Nothing in this
23 paragraph (28) shall be construed to require an employment
24 arrangement to receive professional fees for services
25 rendered.

26 (29) A violation of the Health Care Worker

1 Self-Referral Act.

2 (30) Physical illness, mental illness, or disability
3 that results in the inability to practice the profession
4 with reasonable judgment, skill, or safety.

5 (31) Exceeding the terms of a collaborative agreement
6 or the prescriptive authority delegated to a licensee by
7 his or her collaborating physician or podiatric physician
8 in guidelines established under a written collaborative
9 agreement.

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

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

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

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

24 (36) Willfully or negligently violating the
25 confidentiality between an advanced practice registered
26 nurse, collaborating physician, dentist, or podiatric

1 physician and a patient, except as required by law.

2 (37) Willfully failing to report an instance of
3 suspected abuse, neglect, financial exploitation, or
4 self-neglect of an eligible adult as defined in and
5 required by the Adult Protective Services Act.

6 (38) Being named as an abuser in a verified report by
7 the Department on Aging and under the Adult Protective
8 Services Act, and upon proof by clear and convincing
9 evidence that the licensee abused, neglected, or
10 financially exploited an eligible adult as defined in the
11 Adult Protective Services Act.

12 (39) A violation of any provision of this Act or any
13 rules adopted under this Act.

14 (40) Violating the Compassionate Use of Medical
15 Cannabis Program Act.

16 (b-5) The Department shall not revoke, suspend, summarily
17 suspend, place on probation, reprimand, refuse to issue or
18 renew, or take any other disciplinary or non-disciplinary
19 action against the license or permit issued under this Act to
20 practice as a registered nurse or an advanced practice
21 registered nurse based solely upon the registered nurse or
22 advanced practice registered nurse providing, authorizing,
23 recommending, aiding, assisting, referring for, or otherwise
24 participating in any health care service, so long as the care
25 was not unlawful under the laws of this State, regardless of
26 whether the patient was a resident of this State or another

1 state.

2 (b-10) The Department shall not revoke, suspend, summarily
3 suspend, place on prohibition, reprimand, refuse to issue or
4 renew, or take any other disciplinary or non-disciplinary
5 action against the license or permit issued under this Act to
6 practice as a registered nurse or an advanced practice
7 registered nurse based upon the registered nurse's or advanced
8 practice registered nurse's license being revoked or
9 suspended, or the registered nurse or advanced practice
10 registered nurse being otherwise disciplined by any other
11 state, if that revocation, suspension, or other form of
12 discipline was based solely on the registered nurse or
13 advanced practice registered nurse violating another state's
14 laws prohibiting the provision of, authorization of,
15 recommendation of, aiding or assisting in, referring for, or
16 participation in any health care service if that health care
17 service as provided would not have been unlawful under the
18 laws of this State and is consistent with the standards of
19 conduct for the registered nurse or advanced practice
20 registered nurse practicing in Illinois.

21 (b-15) The conduct specified in subsections (b-5) and
22 (b-10) shall not trigger reporting requirements under Section
23 65-65 or constitute grounds for suspension under Section
24 70-60.

25 (b-20) An applicant seeking licensure, certification, or
26 authorization under this Act who has been subject to

1 disciplinary action by a duly authorized professional
2 disciplinary agency of another jurisdiction solely on the
3 basis of having provided, authorized, recommended, aided,
4 assisted, referred for, or otherwise participated in health
5 care shall not be denied such licensure, certification, or
6 authorization, unless the Department determines that such
7 action would have constituted professional misconduct in this
8 State; however, nothing in this Section shall be construed as
9 prohibiting the Department from evaluating the conduct of such
10 applicant and making a determination regarding the licensure,
11 certification, or authorization to practice a profession under
12 this Act.

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

23 (d) The Department may refuse to issue or may suspend or
24 otherwise discipline the license of any person who fails to
25 file a return, or to pay the tax, penalty or interest shown in
26 a filed return, or to pay any final assessment of the tax,

1 penalty, or interest as required by any tax Act administered
2 by the Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied.

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

21 All substance-related violations shall mandate an
22 automatic substance abuse assessment. Failure to submit to an
23 assessment by a licensed physician who is certified as an
24 addictionist or an advanced practice registered nurse with
25 specialty certification in addictions may be grounds for an
26 automatic suspension, as defined by rule.

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

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

1 confidentiality of medical records.

2 An individual licensed under this Act and affected under
3 this subsection (e) shall be afforded an opportunity to
4 demonstrate to the Department that he or she can resume
5 practice in compliance with nursing standards under the
6 provisions of his or her license.

7 (f) The Department may adopt rules to implement the
8 changes made by this amendatory Act of the 102nd General
9 Assembly.

10 (g) Notwithstanding anything in this Section to the
11 contrary, a felony conviction after the effective date of this
12 amendatory Act of the 103rd General Assembly of any of the
13 offenses listed in subsections (a) and (a-5) of Section 25 of
14 the Health Care Worker Background Check Act, except for
15 Section 16-25 of the Criminal Code of 2012, is a disqualifying
16 offense and requires immediate review of an individual's
17 license, subject to the notice and hearing requirements set
18 forth in this Act.

19 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
20 102-1117, eff. 1-13-23.)

21 Section 40. The Illinois Optometric Practice Act of 1987
22 is amended by changing Section 24 and by adding Section 12.3 as
23 follows:

24 (225 ILCS 80/12.3 new)

1 Sec. 12.3. Criminal history. Any Department process under
2 statute or rule used to verify the criminal history of an
3 applicant for licensure under this Act shall be used for all
4 applicants for licensure, applicants for renewal of a license,
5 or persons whose conviction of a crime or other behavior
6 warrants review of a license under this Act.

7 (225 ILCS 80/24) (from Ch. 111, par. 3924)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 24. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or to renew, or may
11 revoke, suspend, place on probation, reprimand or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including fines not to exceed \$10,000 for
14 each violation, with regard to any license for any one or
15 combination of the causes set forth in subsection (a-3) of
16 this Section. All fines collected under this Section shall be
17 deposited in the Optometric Licensing and Disciplinary Board
18 Fund. Any fine imposed shall be payable within 60 days after
19 the effective date of the order imposing the fine.

20 (a-3) Grounds for disciplinary action include the
21 following:

22 (1) Violations of this Act, or of the rules
23 promulgated hereunder.

24 (2) Conviction of or entry of a plea of guilty to any
25 crime under the laws of any U.S. jurisdiction thereof that

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

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

6 (4) Professional incompetence or gross negligence in
7 the practice of optometry.

8 (5) Gross malpractice, prima facie evidence of which
9 may be a conviction or judgment of malpractice in any
10 court of competent jurisdiction.

11 (6) Aiding or assisting another person in violating
12 any provision of this Act or rules.

13 (7) Failing, within 60 days, to provide information in
14 response to a written request made by the Department that
15 has been sent by certified or registered mail to the
16 licensee's last known address.

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

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

24 (10) Discipline by another U.S. jurisdiction or
25 foreign nation, if at least one of the grounds for the
26 discipline is the same or substantially equivalent to

1 those set forth herein.

2 (11) Violation of the prohibition against fee
3 splitting in Section 24.2 of this Act.

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

7 (13) Abandonment of a patient.

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

11 (15) Willfully failing to report an instance of
12 suspected abuse or neglect as required by law.

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

18 (17) Solicitation of professional services other than
19 permitted advertising.

20 (18) Failure to provide a patient with a copy of his or
21 her record or prescription in accordance with federal law.

22 (19) Conviction by any court of competent
23 jurisdiction, either within or without this State, of any
24 violation of any law governing the practice of optometry,
25 conviction in this or another State of any crime that is a
26 felony under the laws of this State or conviction of a

1 felony in a federal court, if the Department determines,
2 after investigation, that such person has not been
3 sufficiently rehabilitated to warrant the public trust.

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

6 (21) Continued practice by a person knowingly having
7 an infectious or contagious disease.

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

15 (23) Practicing or attempting to practice under a name
16 other than the full name as shown on his or her license.

17 (24) Immoral conduct in the commission of any act,
18 such as sexual abuse, sexual misconduct or sexual
19 exploitation, related to the licensee's practice.

20 (25) Maintaining a professional relationship with any
21 person, firm, or corporation when the optometrist knows,
22 or should know, that such person, firm, or corporation is
23 violating this Act.

24 (26) Promotion of the sale of drugs, devices,
25 appliances or goods provided for a client or patient in
26 such manner as to exploit the patient or client for

1 financial gain of the licensee.

2 (27) Using the title "Doctor" or its abbreviation
3 without further qualifying that title or abbreviation with
4 the word "optometry" or "optometrist".

5 (28) Use by a licensed optometrist of the word
6 "infirmary", "hospital", "school", "university", in
7 English or any other language, in connection with the
8 place where optometry may be practiced or demonstrated
9 unless the licensee is employed by and practicing at a
10 location that is licensed as a hospital or accredited as a
11 school or university.

12 (29) Continuance of an optometrist in the employ of
13 any person, firm or corporation, or as an assistant to any
14 optometrist or optometrists, directly or indirectly, after
15 his or her employer or superior has been found guilty of
16 violating or has been enjoined from violating the laws of
17 the State of Illinois relating to the practice of
18 optometry, when the employer or superior persists in that
19 violation.

20 (30) The performance of optometric service in
21 conjunction with a scheme or plan with another person,
22 firm or corporation known to be advertising in a manner
23 contrary to this Act or otherwise violating the laws of
24 the State of Illinois concerning the practice of
25 optometry.

26 (31) Failure to provide satisfactory proof of having

1 participated in approved continuing education programs as
2 determined by the Board and approved by the Secretary.
3 Exceptions for extreme hardships are to be defined by the
4 rules of the Department.

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

11 (33) Gross and willful overcharging for professional
12 services including filing false statements for collection
13 of fees for which services are not rendered, including,
14 but not limited to filing false statements for collection
15 of monies for services not rendered from the medical
16 assistance program of the Department of Healthcare and
17 Family Services (formerly Department of Public Aid) under
18 the Illinois Public Aid Code.

19 (34) In the absence of good reasons to the contrary,
20 failure to perform a minimum eye examination as required
21 by the rules of the Department.

22 (35) Violation of the Health Care Worker Self-Referral
23 Act.

24 The Department shall refuse to issue or shall suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty or interest shown in a filed return, or to pay any

1 final assessment of the tax, penalty or interest, as required
2 by any tax Act administered by the Illinois Department of
3 Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 (a-5) In enforcing this Section, the Board or Department,
6 upon a showing of a possible violation, may compel any
7 individual licensed to practice under this Act, or who has
8 applied for licensure or certification pursuant to this Act,
9 to submit to a mental or physical examination, or both, as
10 required by and at the expense of the Department. The
11 examining physicians or clinical psychologists shall be those
12 specifically designated by the Department. The Board or the
13 Department may order the examining physician or clinical
14 psychologist to present testimony concerning this mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician or clinical
19 psychologist. Eye examinations may be provided by a licensed
20 optometrist. The individual to be examined may have, at his or
21 her own expense, another physician of his or her choice
22 present during all aspects of the examination. Failure of any
23 individual to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of a license until
25 such time as the individual submits to the examination if the
26 Board or Department finds, after notice and hearing, that the

1 refusal to submit to the examination was without reasonable
2 cause.

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

22 (a-10) Notwithstanding anything in this Section to the
23 contrary, a felony conviction after the effective date of this
24 amendatory Act of the 103rd General Assembly of any of the
25 offenses listed in subsections (a) and (a-5) of Section 25 of
26 the Health Care Worker Background Check Act, except for

1 Section 16-25 of the Criminal Code of 2012, is a disqualifying
2 offense and requires immediate review of an individual's
3 license, subject to the notice and hearing requirements set
4 forth in this Act.

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

14 (Source: P.A. 99-43, eff. 1-1-16; 99-909, eff. 1-1-17.)

15 Section 45. The Orthotics, Prosthetics, and Pedorthics
16 Practice Act is amended by changing Section 90 and by adding
17 Section 45.5 as follows:

18 (225 ILCS 84/45.5 new)

19 Sec. 45.5. Criminal history. Any Department process under
20 statute or rule used to verify the criminal history of an
21 applicant for licensure under this Act shall be used for all
22 applicants for licensure, applicants for renewal of a license,
23 or persons whose conviction of a crime or other behavior
24 warrants review of a license under this Act.

1 (225 ILCS 84/90)

2 (Section scheduled to be repealed on January 1, 2030)

3 Sec. 90. Grounds for discipline.

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

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

13 (2) Violations of or negligent or intentional
14 disregard of this Act or its rules.

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

24 (4) Making a misrepresentation for the purpose of
25 obtaining a license under this Act or in connection with

1 applying for renewal or restoration of a license under
2 this Act.

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

6 (6) Gross negligence under this Act.

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

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

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

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

18 (11) Discipline by another state or territory of the
19 United States, the federal government, or foreign nation,
20 if at least one of the grounds for the discipline is the
21 same or substantially equivalent to one set forth in this
22 Section.

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

1 personally rendered. Nothing in this paragraph (12)
2 affects any bona fide independent contractor or employment
3 arrangements among health care professionals, health
4 facilities, health care providers, or other entities,
5 except as otherwise prohibited by law. Any employment
6 arrangements may include provisions for compensation,
7 health insurance, pension, or other employment benefits
8 for the provision of services within the scope of the
9 licensee's practice under this Act. Nothing in this
10 paragraph (12) shall be construed to require an employment
11 arrangement to receive professional fees for services
12 rendered.

13 (13) A finding by the Board that the licensee or
14 registrant, after having his or her license placed on
15 probationary status, has violated the terms of probation
16 or failed to comply with such terms.

17 (14) Abandonment of a patient or client.

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

22 (16) Willfully failing to report an instance of
23 suspected abuse, neglect, financial exploitation, or
24 self-neglect of an eligible child or adult as required by
25 the Abused and Neglected Child Reporting Act and the Adult
26 Protective Services Act.

1 (17) Inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of a
3 physical illness, including, but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, or a mental illness or disability.

6 (18) Solicitation of professional services using false
7 or misleading advertising.

8 (a-5) Notwithstanding anything in this Section to the
9 contrary, a felony conviction after the effective date of this
10 amendatory Act of the 103rd General Assembly of any of the
11 offenses listed in subsections (a) and (a-5) of Section 25 of
12 the Health Care Worker Background Check Act, except for
13 Section 16-25 of the Criminal Code of 2012, is a disqualifying
14 offense and requires immediate review of an individual's
15 license, subject to the notice and hearing requirements set
16 forth in this Act.

17 (b) In enforcing this Section, the Department or Board
18 upon a showing of a possible violation, may compel a licensee
19 or applicant to submit to a mental or physical examination, or
20 both, as required by and at the expense of the Department. The
21 Department or Board may order the examining physician to
22 present testimony concerning the mental or physical
23 examination of the licensee or applicant. No information shall
24 be excluded by reason of any common law or statutory privilege
25 relating to communications between the licensee or applicant
26 and the examining physician. The examining physicians shall be

1 specifically designated by the Board or Department. The
2 individual to be examined may have, at his or her own expense,
3 another physician of his or her choice present during all
4 aspects of this examination. Failure of an individual to
5 submit to a mental or physical examination, when directed,
6 shall be grounds for the immediate suspension of his or her
7 license until the individual submits to the examination if the
8 Department finds that the refusal to submit to the examination
9 was without reasonable cause as defined by rule.

10 If the Secretary immediately suspends a person's license
11 for his or her failure to submit to a mental or physical
12 examination, when directed, a hearing on that person's license
13 must be convened by the Department within 15 days after the
14 suspension and completed without appreciable delay.

15 If the Secretary otherwise suspends a person's license
16 pursuant to the results of a compelled mental or physical
17 examination, a hearing on that person's license must be
18 convened by the Department within 15 days after the suspension
19 and completed without appreciable delay. The Department and
20 Board shall have the authority to review the subject
21 individual's record of treatment and counseling regarding the
22 impairment to the extent permitted by applicable federal
23 statutes and regulations safeguarding the confidentiality of
24 medical records.

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate

1 to the Department or Board that he or she can resume practice
2 in compliance with acceptable and prevailing standards under
3 his or her license.

4 (c) (Blank).

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

17 (e) The Department shall refuse to issue or renew a
18 license, or may revoke or suspend a license, for failure to
19 file a return, to pay the tax, penalty, or interest shown in a
20 filed return, or to pay any final assessment of tax, penalty,
21 or interest as required by any tax Act administered by the
22 Department of Revenue, until the requirements of the tax Act
23 are satisfied in accordance with subsection (g) of Section
24 2105-15 of the Department of Professional Regulation Law of
25 the Civil Administrative Code of Illinois.

26 (Source: P.A. 100-872, eff. 8-14-18; 101-269, eff. 8-9-19.)

1 Section 50. The Illinois Physical Therapy Act is amended
2 by changing Section 17 and by adding Section 9.5 as follows:

3 (225 ILCS 90/9.5 new)

4 Sec. 9.5. Criminal history records background check. Each
5 applicant for licensure under this Act, or for renewal
6 thereof, shall have his or her fingerprints submitted to the
7 Illinois State Police in an electronic format that complies
8 with the form and manner for requesting and furnishing
9 criminal history record information as prescribed by the
10 Illinois State Police. These fingerprints shall be checked
11 against the Illinois State Police and Federal Bureau of
12 Investigation criminal history record databases now and
13 hereafter filed. The Illinois State Police shall charge
14 applicants a fee for conducting the criminal history records
15 check, which shall be deposited into the State Police Services
16 Fund and shall not exceed the actual cost of the records check.
17 The Illinois State Police shall furnish, pursuant to positive
18 identification, records of Illinois convictions to the
19 Department. The Department may require applicants to pay a
20 separate fingerprinting fee, either to the Department or to a
21 vendor. The Department, in its discretion, may allow an
22 applicant who does not have reasonable access to a designated
23 vendor to provide his or her fingerprints in an alternative
24 manner. The Department may adopt any rules necessary to

1 implement this Section.

2 (225 ILCS 90/17) (from Ch. 111, par. 4267)

3 (Section scheduled to be repealed on January 1, 2026)

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

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

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

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

24 D. Making any misrepresentation for the purpose of
25 obtaining licenses, or violating any provision of this Act

1 or the rules promulgated thereunder pertaining to
2 advertising;

3 E. A pattern of practice or other behavior which
4 demonstrates incapacity or incompetency to practice under
5 this Act;

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

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

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

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

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

26 K. Revocation or suspension of a license to practice

1 physical therapy as a physical therapist or physical
2 therapist assistant or the taking of other disciplinary
3 action by the proper licensing authority of another state,
4 territory or country;

5 L. Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate or other form of compensation
8 for any professional services not actually or personally
9 rendered. Nothing contained in this paragraph prohibits
10 persons holding valid and current licenses under this Act
11 from practicing physical therapy in partnership under a
12 partnership agreement, including a limited liability
13 partnership, a limited liability company, or a corporation
14 under the Professional Service Corporation Act or from
15 pooling, sharing, dividing, or apportioning the fees and
16 monies received by them or by the partnership, company, or
17 corporation in accordance with the partnership agreement
18 or the policies of the company or professional
19 corporation. Nothing in this paragraph (L) affects any
20 bona fide independent contractor or employment
21 arrangements among health care professionals, health
22 facilities, health care providers, or other entities,
23 except as otherwise prohibited by law. Any employment
24 arrangements may include provisions for compensation,
25 health insurance, pension, or other employment benefits
26 for the provision of services within the scope of the

1 licensee's practice under this Act. Nothing in this
2 paragraph (L) shall be construed to require an employment
3 arrangement to receive professional fees for services
4 rendered;

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

8 N. Abandonment of a patient;

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

12 P. Willfully failing to report an instance of
13 suspected elder abuse or neglect as required by the Elder
14 Abuse Reporting Act;

15 Q. Physical illness, including but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in the inability to practice the
18 profession with reasonable judgement, skill or safety;

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

25 S. The use of the term physical therapist assistant,
26 or abbreviations, figures, or letters with the intention

1 of indicating practice as a physical therapist assistant
2 without a valid license as a physical therapist assistant
3 issued under this Act;

4 T. Willfully violating or knowingly assisting in the
5 violation of any law of this State relating to the
6 practice of abortion;

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

9 V. Having treated ailments of human beings otherwise
10 than by the practice of physical therapy as defined in
11 this Act, or having treated ailments of human beings as a
12 licensed physical therapist in violation of Section 1.2;

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

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

24 Y. Failure by a physical therapist assistant and
25 supervising physical therapist to maintain continued
26 contact, including periodic personal supervision and

1 instruction, to insure safety and welfare of patients;

2 Z. Violation of the Health Care Worker Self-Referral
3 Act.

4 (1.5) Notwithstanding anything in this Section to the
5 contrary, a felony conviction after the effective date of this
6 amendatory Act of the 103rd General Assembly of any of the
7 offenses listed in subsections (a) and (a-5) of Section 25 of
8 the Health Care Worker Background Check Act, except for
9 Section 16-25 of the Criminal Code of 2012, is a disqualifying
10 offense and requires immediate review of an individual's
11 license, subject to the notice and hearing requirements set
12 forth in this Act.

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

22 (3) The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, or to pay the
24 tax, penalty or interest shown in a filed return, or to pay any
25 final assessment of tax, penalty or interest, as required by
26 any tax Act administered by the Illinois Department of

1 Revenue, until such time as the requirements of any such tax
2 Act are satisfied.

3 (Source: P.A. 100-513, eff. 1-1-18; 100-897, eff. 8-16-18.)

4 Section 55. The Physician Assistant Practice Act of 1987
5 is amended by changing Section 21 and by adding Section 9.9 as
6 follows:

7 (225 ILCS 95/9.9 new)

8 Sec. 9.9. Criminal history. Any Department process under
9 statute or rule used to verify the criminal history of an
10 applicant for licensure under this Act shall be used for all
11 applicants for licensure, applicants for renewal of a license,
12 or persons whose conviction of a crime or other behavior
13 warrants review of a license under this Act.

14 (225 ILCS 95/21) (from Ch. 111, par. 4621)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 21. Grounds for disciplinary action.

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

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

3 (2) Violations of this Act, or the rules adopted under
4 this Act.

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

14 (4) Making any misrepresentation for the purpose of
15 obtaining licenses.

16 (5) Professional incompetence.

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

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

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

24 (9) Habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that results in a physician assistant's inability to

1 practice with reasonable judgment, skill, or safety.

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

6 (11) Directly or indirectly giving to or receiving
7 from any person, firm, corporation, partnership, or
8 association any fee, commission, rebate or other form of
9 compensation for any professional services not actually or
10 personally rendered. Nothing in this paragraph (11)
11 affects any bona fide independent contractor or employment
12 arrangements, which may include provisions for
13 compensation, health insurance, pension, or other
14 employment benefits, with persons or entities authorized
15 under this Act for the provision of services within the
16 scope of the licensee's practice under this Act.

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

20 (13) Abandonment of a patient.

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

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

1 (16) Physical illness, or mental illness or impairment
2 that results in the inability to practice the profession
3 with reasonable judgment, skill, or safety, including, but
4 not limited to, deterioration through the aging process or
5 loss of motor skill.

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

13 (18) (Blank).

14 (19) Gross negligence resulting in permanent injury or
15 death of a patient.

16 (20) Employment of fraud, deception or any unlawful
17 means in applying for or securing a license as a physician
18 assistant.

19 (21) Exceeding the authority delegated to him or her
20 by his or her collaborating physician in a written
21 collaborative agreement.

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

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

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

3 (25) Making a false or misleading statement regarding
4 his or her skill or the efficacy or value of the medicine,
5 treatment, or remedy prescribed by him or her in the
6 course of treatment.

7 (26) Allowing another person to use his or her license
8 to practice.

9 (27) Prescribing, selling, administering,
10 distributing, giving, or self-administering a drug
11 classified as a controlled substance for other than
12 medically accepted therapeutic purposes.

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

16 (29) A pattern of practice or other behavior that
17 demonstrates incapacity or incompetence to practice under
18 this Act.

19 (30) Violating State or federal laws or regulations
20 relating to controlled substances or other legend drugs or
21 ephedra as defined in the Ephedra Prohibition Act.

22 (31) Exceeding the prescriptive authority delegated by
23 the collaborating physician or violating the written
24 collaborative agreement delegating that authority.

25 (32) Practicing without providing to the Department a
26 notice of collaboration or delegation of prescriptive

1 authority.

2 (33) Failure to establish and maintain records of
3 patient care and treatment as required by law.

4 (34) Attempting to subvert or cheat on the examination
5 of the National Commission on Certification of Physician
6 Assistants or its successor agency.

7 (35) Willfully or negligently violating the
8 confidentiality between physician assistant and patient,
9 except as required by law.

10 (36) Willfully failing to report an instance of
11 suspected abuse, neglect, financial exploitation, or
12 self-neglect of an eligible adult as defined in and
13 required by the Adult Protective Services Act.

14 (37) Being named as an abuser in a verified report by
15 the Department on Aging under the Adult Protective
16 Services Act and upon proof by clear and convincing
17 evidence that the licensee abused, neglected, or
18 financially exploited an eligible adult as defined in the
19 Adult Protective Services Act.

20 (38) Failure to report to the Department an adverse
21 final action taken against him or her by another licensing
22 jurisdiction of the United States or a foreign state or
23 country, a peer review body, a health care institution, a
24 professional society or association, a governmental
25 agency, a law enforcement agency, or a court acts or
26 conduct similar to acts or conduct that would constitute

1 grounds for action under this Section.

2 (39) Failure to provide copies of records of patient
3 care or treatment, except as required by law.

4 (40) Entering into an excessive number of written
5 collaborative agreements with licensed physicians
6 resulting in an inability to adequately collaborate.

7 (41) Repeated failure to adequately collaborate with a
8 collaborating physician.

9 (42) Violating the Compassionate Use of Medical
10 Cannabis Program Act.

11 (a-5) Notwithstanding anything in this Section to the
12 contrary, a felony conviction after the effective date of this
13 amendatory Act of the 103rd General Assembly of any of the
14 offenses listed in subsections (a) and (a-5) of Section 25 of
15 the Health Care Worker Background Check Act, except for
16 Section 16-25 of the Criminal Code of 2012, is a disqualifying
17 offense and requires immediate review of an individual's
18 license, subject to the notice and hearing requirements set
19 forth in this Act.

20 (b) The Department may, without a hearing, refuse to issue
21 or renew or may suspend the license of any person who fails to
22 file a return, or to pay the tax, penalty or interest shown in
23 a filed return, or to pay any final assessment of the tax,
24 penalty, or interest as required by any tax Act administered
25 by the Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied.

1 (b-5) The Department shall not revoke, suspend, summarily
2 suspend, place on prohibition, reprimand, refuse to issue or
3 renew, or take any other disciplinary or non-disciplinary
4 action against the license or permit issued under this Act to
5 practice as a physician assistant based solely upon the
6 physician assistant providing, authorizing, recommending,
7 aiding, assisting, referring for, or otherwise participating
8 in any health care service, so long as the care was not
9 unlawful under the laws of this State, regardless of whether
10 the patient was a resident of this State or another state.

11 (b-10) The Department shall not revoke, suspend, summarily
12 suspend, place on prohibition, reprimand, refuse to issue or
13 renew, or take any other disciplinary or non-disciplinary
14 action against the license or permit issued under this Act to
15 practice as a physician assistant based upon the physician
16 assistant's license being revoked or suspended, or the
17 physician assistant being otherwise disciplined by any other
18 state, if that revocation, suspension, or other form of
19 discipline was based solely on the physician assistant
20 violating another state's laws prohibiting the provision of,
21 authorization of, recommendation of, aiding or assisting in,
22 referring for, or participation in any health care service if
23 that health care service as provided would not have been
24 unlawful under the laws of this State and is consistent with
25 the standards of conduct for a physician assistant practicing
26 in Illinois.

1 (b-15) The conduct specified in subsections (b-5) and
2 (b-10) shall not constitute grounds for suspension under
3 Section 22.13.

4 (b-20) An applicant seeking licensure, certification, or
5 authorization pursuant to this Act who has been subject to
6 disciplinary action by a duly authorized professional
7 disciplinary agency of another jurisdiction solely on the
8 basis of having provided, authorized, recommended, aided,
9 assisted, referred for, or otherwise participated in health
10 care shall not be denied such licensure, certification, or
11 authorization, unless the Department determines that such
12 action would have constituted professional misconduct in this
13 State; however, nothing in this Section shall be construed as
14 prohibiting the Department from evaluating the conduct of such
15 applicant and making a determination regarding the licensure,
16 certification, or authorization to practice a profession under
17 this Act.

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

1 (d) In enforcing this Section, the Department upon a
2 showing of a possible violation may compel an individual
3 licensed to practice under this Act, or who has applied for
4 licensure under this Act, to submit to a mental or physical
5 examination, or both, which may include a substance abuse or
6 sexual offender evaluation, as required by and at the expense
7 of the Department.

8 The Department shall specifically designate the examining
9 physician licensed to practice medicine in all of its branches
10 or, if applicable, the multidisciplinary team involved in
11 providing the mental or physical examination or both. The
12 multidisciplinary team shall be led by a physician licensed to
13 practice medicine in all of its branches and may consist of one
14 or more or a combination of physicians licensed to practice
15 medicine in all of its branches, licensed clinical
16 psychologists, licensed clinical social workers, licensed
17 clinical professional counselors, and other professional and
18 administrative staff. Any examining physician or member of the
19 multidisciplinary team may require any person ordered to
20 submit to an examination pursuant to this Section to submit to
21 any additional supplemental testing deemed necessary to
22 complete any examination or evaluation process, including, but
23 not limited to, blood testing, urinalysis, psychological
24 testing, or neuropsychological testing.

25 The Department may order the examining physician or any
26 member of the multidisciplinary team to provide to the

1 Department any and all records, including business records,
2 that relate to the examination and evaluation, including any
3 supplemental testing performed.

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to present testimony
6 concerning the mental or physical examination of the licensee
7 or applicant. No information, report, record, or other
8 documents in any way related to the examination shall be
9 excluded by reason of any common law or statutory privilege
10 relating to communications between the licensee or applicant
11 and the examining physician or any member of the
12 multidisciplinary team. No authorization is necessary from the
13 licensee or applicant ordered to undergo an examination for
14 the examining physician or any member of the multidisciplinary
15 team to provide information, reports, records, or other
16 documents or to provide any testimony regarding the
17 examination and evaluation.

18 The individual to be examined may have, at his or her own
19 expense, another physician of his or her choice present during
20 all aspects of this examination. However, that physician shall
21 be present only to observe and may not interfere in any way
22 with the examination.

23 Failure of an individual to submit to a mental or physical
24 examination, when ordered, shall result in an automatic
25 suspension of his or her license until the individual submits
26 to the examination.

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

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

26 An individual licensed under this Act and affected under

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

5 (e) An individual or organization acting in good faith,
6 and not in a willful and wanton manner, in complying with this
7 Section by providing a report or other information to the
8 Board, by assisting in the investigation or preparation of a
9 report or information, by participating in proceedings of the
10 Board, or by serving as a member of the Board, shall not be
11 subject to criminal prosecution or civil damages as a result
12 of such actions.

13 (f) Members of the Board shall be indemnified by the State
14 for any actions occurring within the scope of services on the
15 Board, done in good faith and not willful and wanton in nature.
16 The Attorney General shall defend all such actions unless he
17 or she determines either that there would be a conflict of
18 interest in such representation or that the actions complained
19 of were not in good faith or were willful and wanton.

20 If the Attorney General declines representation, the
21 member has the right to employ counsel of his or her choice,
22 whose fees shall be provided by the State, after approval by
23 the Attorney General, unless there is a determination by a
24 court that the member's actions were not in good faith or were
25 willful and wanton.

26 The member must notify the Attorney General within 7 days

1 after receipt of notice of the initiation of any action
2 involving services of the Board. Failure to so notify the
3 Attorney General constitutes an absolute waiver of the right
4 to a defense and indemnification.

5 The Attorney General shall determine, within 7 days after
6 receiving such notice, whether he or she will undertake to
7 represent the member.

8 (g) The Department may adopt rules to implement the
9 changes made by this amendatory Act of the 102nd General
10 Assembly.

11 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
12 102-1117, eff. 1-13-23.)

13 Section 60. The Podiatric Medical Practice Act of 1987 is
14 amended by changing Section 24 and by adding Section 13.5 as
15 follows:

16 (225 ILCS 100/13.5 new)

17 Sec. 13.5. Criminal history. Any Department process under
18 statute or rule used to verify the criminal history of an
19 applicant for licensure under this Act shall be used for all
20 applicants for licensure, applicants for renewal of a license,
21 or persons whose conviction of a crime or other behavior
22 warrants review of a license under this Act.

23 (225 ILCS 100/24) (from Ch. 111, par. 4824)

1 (Section scheduled to be repealed on January 1, 2028)

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

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

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

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

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

1 (5) Professional incompetence.

2 (6) Gross or repeated malpractice or negligence.

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

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

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

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

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

18 (12) Violation of the prohibition against fee
19 splitting in Section 24.2 of this Act.

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

23 (14) Abandonment of a patient.

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

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

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

9 (18) Solicitation of professional services other than
10 permitted advertising.

11 (19) The determination by a circuit court that a
12 licensed podiatric physician is subject to involuntary
13 admission or judicial admission as provided in the Mental
14 Health and Developmental Disabilities Code operates as an
15 automatic suspension. Such suspension will end only upon a
16 finding by a court that the patient is no longer subject to
17 involuntary admission or judicial admission and issues an
18 order so finding and discharging the patient; and upon the
19 recommendation of the Board to the Secretary that the
20 licensee be allowed to resume his or her practice.

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

24 (21) Revocation or suspension or other action taken
25 with respect to a podiatric medical license in another
26 jurisdiction that would constitute disciplinary action

1 under this Act.

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

6 (23) Gross, willful, and continued overcharging for
7 professional services including filing false statements
8 for collection of fees for those services, including, but
9 not limited to, filing false statement for collection of
10 monies for services not rendered from the medical
11 assistance program of the Department of Healthcare and
12 Family Services (formerly Department of Public Aid) under
13 the Illinois Public Aid Code or other private or public
14 third party payor.

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

22 (25) Willfully making or filing false records or
23 reports in the practice of podiatric medicine, including,
24 but not limited to, false records to support claims
25 against the medical assistance program of the Department
26 of Healthcare and Family Services (formerly Department of

1 Public Aid) under the Illinois Public Aid Code.

2 (26) (Blank).

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

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

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

17 (30) Willfully failing to report an instance of
18 suspected abuse, neglect, financial exploitation, or
19 self-neglect of an eligible adult as defined in and
20 required by the Adult Protective Services Act.

21 (31) Being named as a perpetrator in an indicated
22 report by the Department on Aging under the Adult
23 Protective Services Act, and upon proof by clear and
24 convincing evidence that the licensee has caused an
25 eligible adult to be abused, neglected, or financially
26 exploited as defined in the Adult Protective Services Act.

1 Notwithstanding anything in this Section to the contrary,
2 a felony conviction after the effective date of this
3 amendatory Act of the 103rd General Assembly of any of the
4 offenses listed in subsections (a) and (a-5) of Section 25 of
5 the Health Care Worker Background Check Act, except for
6 Section 16-25 of the Criminal Code of 2012, is a disqualifying
7 offense and requires immediate review of an individual's
8 license, subject to the notice and hearing requirements set
9 forth in this Act.

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

17 Upon receipt of a written communication from the Secretary
18 of Human Services, the Director of Healthcare and Family
19 Services (formerly Director of Public Aid), or the Director of
20 Public Health that continuation of practice of a person
21 licensed under this Act constitutes an immediate danger to the
22 public, the Secretary may immediately suspend the license of
23 such person without a hearing. In instances in which the
24 Secretary immediately suspends a license under this Section, a
25 hearing upon such person's license must be convened by the
26 Board within 15 days after such suspension and completed

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

10 Except for fraud in procuring a license, all proceedings
11 to suspend, revoke, place on probationary status, or take any
12 other disciplinary action as the Department may deem proper,
13 with regard to a license on any of the foregoing grounds, must
14 be commenced within 5 years after receipt by the Department of
15 a complaint alleging the commission of or notice of the
16 conviction order for any of the acts described in this
17 Section. Except for the grounds set forth in items (8), (9),
18 (26), and (29) of this Section, no action shall be commenced
19 more than 10 years after the date of the incident or act
20 alleged to have been a violation of this Section. In the event
21 of the settlement of any claim or cause of action in favor of
22 the claimant or the reduction to final judgment of any civil
23 action in favor of the plaintiff, such claim, cause of action,
24 or civil action being grounded on the allegation that a person
25 licensed under this Act was negligent in providing care, the
26 Department shall have an additional period of 2 years from the

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

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

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

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

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

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

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

9 (Source: P.A. 100-525, eff. 9-22-17.)

10 Section 65. The Respiratory Care Practice Act is amended
11 by changing Section 95 and by adding Section 55.5 as follows:

12 (225 ILCS 106/55.5 new)

13 Sec. 55.5. Criminal history. Any Department process under
14 statute or rule used to verify the criminal history of an
15 applicant for licensure under this Act shall be used for all
16 applicants for licensure, applicants for renewal of a license,
17 or persons whose conviction of a crime or other behavior
18 warrants review of a license under this Act.

19 (225 ILCS 106/95)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 95. Grounds for discipline.

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

1 disciplinary or non-disciplinary action as the Department
2 considers appropriate, including the issuance of fines not to
3 exceed \$10,000 for each violation, with regard to any license
4 for any one or combination of the following:

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

7 (2) Violations of this Act, or any of the rules
8 adopted under this Act.

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

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

21 (5) Professional incompetence or negligence in the
22 rendering of respiratory care services.

23 (6) Malpractice.

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

26 (8) Failing to provide information within 60 days in

1 response to a written request made by the Department.

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

5 (10) Violating the rules of professional conduct
6 adopted by the Department.

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

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

25 (13) A finding that the licensee, after having her or
26 his license placed on probationary status or subject to

1 conditions or restrictions, has violated the terms of
2 probation or failed to comply with such terms or
3 conditions.

4 (14) Abandonment of a patient.

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

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

12 (17) Providing respiratory care, other than pursuant
13 to an order.

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

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

21 (20) Failure to file a tax return, or to pay the tax,
22 penalty, or interest shown in a filed return, or to pay any
23 final assessment of tax penalty, or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue or any successor agency or the Internal Revenue
26 Service or any successor agency.

1 (21) Irregularities in billing a third party for
2 services rendered or in reporting charges for services not
3 rendered.

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

11 (23) Habitual or excessive use or addiction to
12 alcohol, narcotics, stimulants, or any other chemical
13 agent or drug that results in an inability to practice
14 with reasonable skill, judgment, or safety.

15 (24) Being named as a perpetrator in an indicated
16 report by the Department on Aging under the Adult
17 Protective Services Act, and upon proof by clear and
18 convincing evidence that the licensee has caused an adult
19 with disabilities or an older adult to be abused or
20 neglected as defined in the Adult Protective Services Act.

21 (25) Willfully failing to report an instance of
22 suspected abuse, neglect, financial exploitation, or
23 self-neglect of an adult with disabilities or an older
24 adult as required by the Adult Protective Services Act.

25 (26) Willful omission to file or record, or willfully
26 impeding the filing or recording, or inducing another

1 person to omit to file or record medical reports as
2 required by law or willfully failing to report an instance
3 of suspected child abuse or neglect as required by the
4 Abused and Neglected Child Reporting Act.

5 (27) Practicing under a false or assumed name, except
6 as provided by law.

7 (28) Willfully or negligently violating the
8 confidentiality between licensee and patient, except as
9 required by law.

10 (29) The use of any false, fraudulent, or deceptive
11 statement in any document connected with the licensee's
12 practice.

13 (a-5) Notwithstanding anything in this Section to the
14 contrary, a felony conviction after the effective date of this
15 amendatory Act of the 103rd General Assembly of any of the
16 offenses listed in subsections (a) and (a-5) of Section 25 of
17 the Health Care Worker Background Check Act, except for
18 Section 16-25 of the Criminal Code of 2012, is a disqualifying
19 offense and requires immediate review of an individual's
20 license, subject to the notice and hearing requirements set
21 forth in this Act.

22 (b) The determination by a court that a licensee is
23 subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code will result in an automatic suspension of his or her
26 license. The suspension will end upon a finding by a court that

1 the licensee is no longer subject to involuntary admission or
2 judicial admission, the issuance of an order so finding and
3 discharging the patient, and the recommendation of the Board
4 to the Secretary that the licensee be allowed to resume his or
5 her practice.

6 All fines imposed under this Section shall be paid within
7 60 days after the effective date of the order imposing the fine
8 or in accordance with the terms set forth in the order imposing
9 the fine.

10 (Source: P.A. 98-49, eff. 7-1-13; 99-230, eff. 8-3-15.)

11 Section 70. The Registered Surgical Assistant and
12 Registered Surgical Technologist Title Protection Act is
13 amended by changing Section 75 and by adding Section 60.5 as
14 follows:

15 (225 ILCS 130/60.5 new)

16 Sec. 60.5. Criminal history. Any Department process under
17 statute or rule used to verify the criminal history of an
18 applicant for licensure under this Act shall be used for all
19 applicants for licensure, applicants for renewal of a license,
20 or persons whose conviction of a crime or other behavior
21 warrants review of a license under this Act.

22 (225 ILCS 130/75)

23 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 75. Grounds for disciplinary action.

2 (a) The Department may refuse to issue, renew, or restore
3 a registration, may revoke or suspend a registration, or may
4 place on probation, reprimand, or take other disciplinary or
5 non-disciplinary action with regard to a person registered
6 under this Act, including but not limited to the imposition of
7 fines not to exceed \$10,000 for each violation and the
8 assessment of costs as provided for in Section 90, for any one
9 or combination of the following causes:

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

12 (2) Violating a provision of this Act or rules adopted
13 under this Act.

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

23 (4) Fraud or misrepresentation in applying for,
24 renewing, restoring, reinstating, or procuring a
25 registration under this Act.

26 (5) Aiding or assisting another person in violating a

1 provision of this Act or its rules.

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

4 (7) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public, as defined by rule of the
7 Department.

8 (8) Discipline by another United States jurisdiction,
9 governmental agency, unit of government, or foreign
10 nation, if at least one of the grounds for discipline is
11 the same or substantially equivalent to those set forth in
12 this Section.

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

1 fees for services rendered.

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

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

8 (12) Willfully making or signing a false statement,
9 certificate, or affidavit to induce payment.

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

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

20 (15) (Blank).

21 (16) Failure to report to the Department (A) any
22 adverse final action taken against the registrant by
23 another registering or licensing jurisdiction, government
24 agency, law enforcement agency, or any court or (B)
25 liability for conduct that would constitute grounds for
26 action as set forth in this Section.

1 (17) Habitual or excessive use or abuse of drugs
2 defined in law as controlled substances, alcohol, or any
3 other substance that results in the inability to practice
4 with reasonable judgment, skill, or safety.

5 (18) Physical or mental illness, including but not
6 limited to deterioration through the aging process or loss
7 of motor skills, which results in the inability to
8 practice the profession for which he or she is registered
9 with reasonable judgment, skill, or safety.

10 (19) Gross malpractice.

11 (20) Immoral conduct in the commission of an act
12 related to the registrant's practice, including but not
13 limited to sexual abuse, sexual misconduct, or sexual
14 exploitation.

15 (21) Violation of the Health Care Worker Self-Referral
16 Act.

17 (a-5) Notwithstanding anything in this Section to the
18 contrary, a felony conviction after the effective date of this
19 amendatory Act of the 103rd General Assembly of any of the
20 offenses listed in subsections (a) and (a-5) of Section 25 of
21 the Health Care Worker Background Check Act, except for
22 Section 16-25 of the Criminal Code of 2012, is a disqualifying
23 offense and requires immediate review of an individual's
24 license, subject to the notice and hearing requirements set
25 forth in this Act.

26 (b) The Department may refuse to issue or may suspend

1 without hearing the registration of a person who fails to file
2 a return, to pay the tax, penalty, or interest shown in a filed
3 return, or to pay a final assessment of the tax, penalty, or
4 interest as required by a tax Act administered by the
5 Department of Revenue, until the requirements of the tax Act
6 are satisfied in accordance with subsection (g) of Section
7 2105-15 of the Department of Regulation Law of the Civil
8 Administrative Code of Illinois.

9 (b-1) The Department shall not revoke, suspend, summarily
10 suspend, place on probation, reprimand, refuse to issue or
11 renew, or take any other disciplinary or non-disciplinary
12 action against the license issued under this Act to practice
13 as a registered surgical assistant or registered surgical
14 technologist based solely upon the registered surgical
15 assistant or registered surgical technologist providing,
16 authorizing, recommending, aiding, assisting, referring for,
17 or otherwise participating in any health care service, so long
18 as the care was not unlawful under the laws of this State,
19 regardless of whether the patient was a resident of this State
20 or another state.

21 (b-2) The Department shall not revoke, suspend, summarily
22 suspend, place on prohibition, reprimand, refuse to issue or
23 renew, or take any other disciplinary or non-disciplinary
24 action against the license issued under this Act to practice
25 as a registered surgical assistant or registered surgical
26 technologist based upon the registered surgical assistant's or

1 registered surgical technologist's license being revoked or
2 suspended, or the registered surgical assistant's or
3 registered surgical technologist's being otherwise disciplined
4 by any other state, if that revocation, suspension, or other
5 form of discipline was based solely on the registered surgical
6 assistant or registered surgical technologist violating
7 another state's laws prohibiting the provision of,
8 authorization of, recommendation of, aiding or assisting in,
9 referring for, or participation in any health care service if
10 that health care service as provided would not have been
11 unlawful under the laws of this State and is consistent with
12 the standards of conduct for the registered surgical assistant
13 or registered surgical technologist practicing in this State.

14 (b-3) The conduct specified in subsection (b-1) or (b-2)
15 shall not constitute grounds for suspension under Section 145.

16 (b-4) An applicant seeking licensure, certification, or
17 authorization pursuant to this Act who has been subject to
18 disciplinary action by a duly authorized professional
19 disciplinary agency of another jurisdiction solely on the
20 basis of having provided, authorized, recommended, aided,
21 assisted, referred for, or otherwise participated in health
22 care shall not be denied such licensure, certification, or
23 authorization, unless the Department determines that such
24 action would have constituted professional misconduct in this
25 State. Nothing in this Section shall be construed as
26 prohibiting the Department from evaluating the conduct of such

1 applicant and making a determination regarding the licensure,
2 certification, or authorization to practice a profession under
3 this Act.

4 (c) The determination by a circuit court that a registrant
5 is subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code operates as an automatic suspension. The suspension will
8 end only upon (1) a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission,
10 (2) issuance of an order so finding and discharging the
11 patient, and (3) filing of a petition for restoration
12 demonstrating fitness to practice.

13 (d) (Blank).

14 (e) In cases where the Department of Healthcare and Family
15 Services has previously determined a registrant or a potential
16 registrant is more than 30 days delinquent in the payment of
17 child support and has subsequently certified the delinquency
18 to the Department, the Department may refuse to issue or renew
19 or may revoke or suspend that person's registration or may
20 take other disciplinary action against that person based
21 solely upon the certification of delinquency made by the
22 Department of Healthcare and Family Services in accordance
23 with paragraph (5) of subsection (a) of Section 2105-15 of the
24 Department of Professional Regulation Law of the Civil
25 Administrative Code of Illinois.

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

1 showing of a possible violation, may compel any individual
2 registered under this Act or any individual who has applied
3 for registration to submit to a mental or physical examination
4 and evaluation, or both, that may include a substance abuse or
5 sexual offender evaluation, at the expense of the Department.
6 The Department shall specifically designate the examining
7 physician licensed to practice medicine in all of its branches
8 or, if applicable, the multidisciplinary team involved in
9 providing the mental or physical examination and evaluation,
10 or both. The multidisciplinary team shall be led by a
11 physician licensed to practice medicine in all of its branches
12 and may consist of one or more or a combination of physicians
13 licensed to practice medicine in all of its branches, licensed
14 chiropractic physicians, licensed clinical psychologists,
15 licensed clinical social workers, licensed clinical
16 professional counselors, and other professional and
17 administrative staff. Any examining physician or member of the
18 multidisciplinary team may require any person ordered to
19 submit to an examination and evaluation pursuant to this
20 Section to submit to any additional supplemental testing
21 deemed necessary to complete any examination or evaluation
22 process, including, but not limited to, blood testing,
23 urinalysis, psychological testing, or neuropsychological
24 testing.

25 The Department may order the examining physician or any
26 member of the multidisciplinary team to provide to the

1 Department any and all records, including business records,
2 that relate to the examination and evaluation, including any
3 supplemental testing performed. The Department may order the
4 examining physician or any member of the multidisciplinary
5 team to present testimony concerning this examination and
6 evaluation of the registrant or applicant, including testimony
7 concerning any supplemental testing or documents relating to
8 the examination and evaluation. No information, report,
9 record, or other documents in any way related to the
10 examination and evaluation shall be excluded by reason of any
11 common law or statutory privilege relating to communication
12 between the registrant or applicant and the examining
13 physician or any member of the multidisciplinary team. No
14 authorization is necessary from the registrant or applicant
15 ordered to undergo an evaluation and examination for the
16 examining physician or any member of the multidisciplinary
17 team to provide information, reports, records, or other
18 documents or to provide any testimony regarding the
19 examination and evaluation. The individual to be examined may
20 have, at his or her own expense, another physician of his or
21 her choice present during all aspects of the examination.

22 Failure of any individual to submit to mental or physical
23 examination and evaluation, or both, when directed, shall
24 result in an automatic suspension without a hearing until such
25 time as the individual submits to the examination. If the
26 Department finds a registrant unable to practice because of

1 the reasons set forth in this Section, the Department shall
2 require such registrant to submit to care, counseling, or
3 treatment by physicians approved or designated by the
4 Department as a condition for continued, reinstated, or
5 renewed registration.

6 When the Secretary immediately suspends a registration
7 under this Section, a hearing upon such person's registration
8 must be convened by the Department within 15 days after such
9 suspension and completed without appreciable delay. The
10 Department shall have the authority to review the registrant's
11 record of treatment and counseling regarding the impairment to
12 the extent permitted by applicable federal statutes and
13 regulations safeguarding the confidentiality of medical
14 records.

15 Individuals registered under this Act and affected under
16 this Section shall be afforded an opportunity to demonstrate
17 to the Department that they can resume practice in compliance
18 with acceptable and prevailing standards under the provisions
19 of their registration.

20 (g) All fines imposed under this Section shall be paid
21 within 60 days after the effective date of the order imposing
22 the fine or in accordance with the terms set forth in the order
23 imposing the fine.

24 (f) The Department may adopt rules to implement the
25 changes made by this amendatory Act of the 102nd General
26 Assembly.

1 (Source: P.A. 102-1117, eff. 1-13-23.)

2 Section 75. The Rights of Crime Victims and Witnesses Act
3 is amended by changing Section 4 as follows:

4 (725 ILCS 120/4) (from Ch. 38, par. 1404)

5 Sec. 4. Rights of crime victims.

6 (a) Crime victims shall have the following rights:

7 (1) The right to be treated with fairness and respect
8 for their dignity and privacy and to be free from
9 harassment, intimidation, and abuse throughout the
10 criminal justice process.

11 (1.5) The right to notice and to a hearing before a
12 court ruling on a request for access to any of the victim's
13 records, information, or communications which are
14 privileged or confidential by law.

15 (2) The right to timely notification of all court
16 proceedings.

17 (3) The right to communicate with the prosecution.

18 (4) The right to be heard at any post-arraignment
19 court proceeding in which a right of the victim is at issue
20 and any court proceeding involving a post-arraignment
21 release decision, plea, or sentencing.

22 (5) The right to be notified of the conviction, the
23 sentence, the imprisonment and the release of the accused.

24 (6) The right to the timely disposition of the case

1 following the arrest of the accused.

2 (7) The right to be reasonably protected from the
3 accused through the criminal justice process.

4 (7.5) The right to have the safety of the victim and
5 the victim's family considered in determining whether to
6 release the defendant and setting conditions of release
7 after arrest and conviction.

8 (8) The right to be present at the trial and all other
9 court proceedings on the same basis as the accused, unless
10 the victim is to testify and the court determines that the
11 victim's testimony would be materially affected if the
12 victim hears other testimony at the trial.

13 (9) The right to have present at all court
14 proceedings, including proceedings under the Juvenile
15 Court Act of 1987, subject to the rules of evidence, an
16 advocate and other support person of the victim's choice.

17 (10) The right to restitution.

18 (11) The right to file a complaint against the accused
19 with the agency or department that licensed, certified,
20 permitted, or registered the accused if the accused holds
21 a license, certificate, permit, or registration to
22 practice a profession.

23 (b) Any law enforcement agency that investigates an
24 offense committed in this State shall provide a crime victim
25 with a written statement and explanation of the rights of
26 crime victims under this amendatory Act of the 99th General

1 Assembly within 48 hours of law enforcement's initial contact
2 with a victim. The statement shall include information about
3 crime victim compensation, including how to contact the Office
4 of the Illinois Attorney General to file a claim, and
5 appropriate referrals to local and State programs that provide
6 victim services. The content of the statement shall be
7 provided to law enforcement by the Attorney General. Law
8 enforcement shall also provide a crime victim with a sign-off
9 sheet that the victim shall sign and date as an
10 acknowledgement that he or she has been furnished with
11 information and an explanation of the rights of crime victims
12 and compensation set forth in this Act.

13 (b-5) Upon the request of the victim, the law enforcement
14 agency having jurisdiction shall provide a free copy of the
15 police report concerning the victim's incident, as soon as
16 practicable, but in no event later than 5 business days from
17 the request.

18 (c) The Clerk of the Circuit Court shall post the rights of
19 crime victims set forth in Article I, Section 8.1(a) of the
20 Illinois Constitution and subsection (a) of this Section
21 within 3 feet of the door to any courtroom where criminal
22 proceedings are conducted. The clerk may also post the rights
23 in other locations in the courthouse.

24 (d) At any point, the victim has the right to retain a
25 victim's attorney who may be present during all stages of any
26 interview, investigation, or other interaction with

1 representatives of the criminal justice system. Treatment of
2 the victim should not be affected or altered in any way as a
3 result of the victim's decision to exercise this right.

4 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

5 Section 99. Effective date. This Act takes effect 6 months
6 after becoming law."