

1 AN ACT concerning the regulation of professions.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.13 and adding Section 4.23 as follows:

6 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

7 Sec. 4.13. Acts repealed on December 31, 2002. The
8 following Acts are repealed on December 31, 2002:

9 The Environmental Health Practitioner Licensing Act.

10 ~~The Naprapathic Practice Act.~~

11 The Wholesale Drug Distribution Licensing Act.

12 The Dietetic and Nutrition Services Practice Act.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Professional Counselor and Clinical Professional
15 Counselor Licensing Act.

16 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

17 (5 ILCS 80/4.23 new)

18 Sec. 4.23. Act repealed on January 1, 2013. The
19 following Act is repealed on January 1, 2013:

20 The Naprapathic Practice Act.

21 Section 10. The Naprapathic Practice Act is amended by
22 changing Sections 50, 85, and 110 as follows:

23 (225 ILCS 63/50)

24 (Section scheduled to be repealed on December 31, 2002)

25 Sec. 50. Naprapathic Examining Committee. The Director
26 shall appoint a Naprapathic Examining Committee to consist of
27 7 persons who shall be appointed by and shall serve in an
28 advisory capacity to the Director. Five members must hold an

1 active license to engage in the practice of naprapathy in
2 this State, one member shall be a physician licensed to
3 practice medicine in all of its branches in Illinois, and one
4 member must be a member of the public who is not licensed
5 under this Act or a similar Act of another jurisdiction or
6 has no connection with the profession. ~~The initial appointees~~
7 ~~who would otherwise be required to be licensed narpapaths~~
8 ~~shall instead be individuals who have been practicing~~
9 ~~naprapathy for at least 5 years and who would be eligible~~
10 ~~under this Act for licensure as narpapaths.~~ Neither the
11 public member nor the physician member shall participate in
12 the preparation or administration of the examination of
13 applicants for licensure.

14 Members shall serve 4 year terms and until their
15 successors are appointed and qualified, ~~except that of the~~
16 ~~initial appointments, 2 members shall be appointed to serve~~
17 ~~for 2 years, 2 shall be appointed to serve for 3 years and~~
18 ~~the remaining members shall be appointed to serve for 4 years~~
19 ~~and until their successors are appointed and qualified.~~ No
20 member shall be reappointed to the Committee for a term that
21 would cause his or her continuous service on the Committee to
22 be longer than 8 consecutive years. Appointments to fill
23 vacancies shall be made in the same manner as original
24 appointments, for the unexpired portion of the vacated term.
25 Initial terms shall begin upon the effective date of this
26 Act. Committee members in office on that date shall be
27 appointed to specific terms as indicated in this Section.

28 The Committee shall annually elect a chairman and a
29 vice-chairman who shall preside in the absence of the
30 chairman.

31 The membership of the Committee should reasonably reflect
32 representation from the geographic areas in this State.

33 The Director may terminate the appointment of any member
34 for cause.

1 The Director may give due consideration to all
2 recommendations of the Committee.

3 Without limiting the power of the Department to conduct
4 investigations in any manner, the Committee may recommend to
5 the Director that one or more licensed naprapaths be selected
6 by the Director to conduct or assist in any investigation
7 under this Act. A licensed naprapath so selected may receive
8 remuneration as determined by the Director.

9 (Source: P.A. 89-61, eff. 6-30-95.)

10 (225 ILCS 63/85)

11 (Section scheduled to be repealed on December 31, 2002)

12 Sec. 85. Fees. ~~The fees imposed under this Act are as~~
13 ~~follows and are not refundable:~~

14 (a) The Department shall provide by rule for a schedule
15 of fees for the administration and enforcement of this Act,
16 including but not limited to original licensure, renewal, and
17 restoration. The fees shall be nonrefundable.

18 All fees collected under this Act shall be deposited into
19 the General Professions Dedicated Fund and shall be
20 appropriated to the Department for the ordinary and
21 contingent expenses of the Department in the administration
22 of this Act. ~~The fee for application for a license is \$250.~~

23 (b) ~~In addition to the application fee,~~ An applicant for
24 the examination shall be required to pay, either to the
25 Department or to the designated testing service, a fee
26 covering the cost of initial screening to determine
27 determining an applicant's eligibility and providing the
28 examination. Failure to appear for the examination on the
29 scheduled date, at the time and place specified, after the
30 applicant's application and fee for examination has have been
31 received and acknowledged by the Department or the designated
32 testing service, shall result in the forfeiture of the
33 examination fee.

1 (e) The fee for the renewal of a license is \$125 per
2 year.

3 (d) The fee for the restoration of a license that has
4 been expired for less than 5 years is \$100, plus payment of
5 all lapsed renewal fees.

6 (e) The fee for the restoration of a license that has
7 been expired for more than 5 years is \$500.

8 (f) The fee for the issuance of a duplicate license,
9 the issuance of a replacement for a license that has been
10 lost or destroyed, or the issuance of a license with a change
11 of name or address, other than during the renewal period, is
12 \$75. No fee is required for name and address changes on
13 Department records when no duplicate license is issued.

14 (g) The fee for the certification of a license for any
15 purpose is \$50.

16 (h) The fee for the rescoreing of an examination is the
17 cost to the Department of rescoreing the examination, plus any
18 fees charged by the applicable testing service to have the
19 examination rescored.

20 (i) The fee for a wall certificate shall be the actual
21 cost of producing the certificate.

22 (j) The fee for a roster of persons licensed as
23 naprapaths is the actual cost of producing the roster.

24 (k) The fee for application for a license by a
25 naprapath registered or licensed under the laws of another
26 jurisdiction is \$500.

27 (l) The fee for application as a continuing education
28 sponsor is \$500. State agencies, State colleges, and State
29 universities in Illinois are exempt from paying this fee.

30 (m) The fee for renewal as a continuing education
31 sponsor is \$125 per year.

32 All of the fees and fines collected under this Act shall
33 be deposited into the General Professions Dedicated Fund.
34 All moneys in the Fund shall be used by the Department of

1 Professional--Regulation,--as--appropriated,--for--the--ordinary
2 and--contingent--expenses--of--the--Department.

3 (Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95;
4 89-626, eff. 8-9-96.)

5 (225 ILCS 63/110)

6 (Section scheduled to be repealed on December 31, 2002)

7 Sec. 110. Grounds for disciplinary action; refusal,
8 revocation, suspension.

9 (a) The Department may refuse to issue or to renew, or
10 may revoke, suspend, place on probation, reprimand or take
11 other disciplinary action as the Department may deem proper,
12 including fines not to exceed \$5,000 for each violation, with
13 regard to any licensee or license for any one or combination
14 of the following causes:

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

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

18 (3) Conviction of any crime under the laws of any
19 U.S. jurisdiction that is (i) a felony, (ii) a
20 misdemeanor, an essential element of which is dishonesty,
21 or (iii) directly related to the practice of the
22 profession.

23 (4) Making any misrepresentation for the purpose of
24 obtaining a license.

25 (5) Professional incompetence or gross negligence.

26 (6) Gross malpractice.

27 (7) Aiding or assisting another person in violating
28 any provision of this Act or its rules.

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

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

1 (10) Habitual or excessive use or addiction to
2 alcohol, narcotics, stimulants, or any other chemical
3 agent or drug that results in the inability to practice
4 with reasonable judgment, skill, or safety.

5 (11) Discipline by another U.S. jurisdiction or
6 foreign nation if at least one of the grounds for the
7 discipline is the same or substantially equivalent to
8 those set forth in this Act.

9 (12) Directly or indirectly giving to or receiving
10 from any person, firm, corporation, partnership, or
11 association any fee, commission, rebate, or other form of
12 compensation for any professional services not actually
13 or personally rendered. This shall not be deemed to
14 include rent or other remunerations paid to an
15 individual, partnership, or corporation by a naprapath
16 for the lease, rental, or use of space, owned or
17 controlled by the individual, partnership, corporation or
18 association.

19 (13) Using the title "Doctor" or its abbreviation
20 without further clarifying that title or abbreviation
21 with the word "naprapath" or "naprapathy" or the
22 designation "D.N."

23 (14) A finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status, has violated the terms of probation.

26 (15) Abandonment of a patient without cause.

27 (16) Willfully making or filing false records or
28 reports relating to a licensee's practice, including but
29 not limited to, false records filed with State agencies
30 or departments.

31 (17) Willfully failing to report an instance of
32 suspected child abuse or neglect as required by the
33 Abused and Neglected Child Reporting Act.

34 (18) Physical illness, including but not limited

1 to, deterioration through the aging process or loss of
2 motor skill that results in the inability to practice the
3 profession with reasonable judgment, skill, or safety.

4 (19) Solicitation of professional services by means
5 other than permitted advertising.

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

9 (21) Conviction by any court of competent
10 jurisdiction, either within or without this State, of any
11 violation of any law governing the practice of
12 naprapathy, conviction in this or another state of any
13 crime which is a felony under the laws of this State or
14 conviction of a felony in a federal court, if the
15 Department determines, after investigation, that the
16 person has not been sufficiently rehabilitated to warrant
17 the public trust.

18 (22) A finding that licensure has been applied for
19 or obtained by fraudulent means.

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

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

29 (25) Practicing or attempting to practice under a
30 name other than the full name shown on the license.

31 (26) Immoral conduct in the commission of any act,
32 such as sexual abuse, sexual misconduct, or sexual
33 exploitation, related to the licensee's practice.

34 (27) Maintaining a professional relationship with

1 any person, firm, or corporation when the naprapath
2 knows, or should know, that the person, firm, or
3 corporation is violating this Act.

4 (28) Promotion of the sale of food supplements,
5 devices, appliances, or goods provided for a client or
6 patient in such manner as to exploit the patient or
7 client for financial gain of the licensee.

8 (29) Having treated ailments of human beings other
9 than by the practice of naprapathy as defined in this
10 Act, or having treated ailments of human beings as a
11 licensed naprapath independent of a documented referral
12 or documented current and relevant diagnosis from a
13 physician, dentist, or podiatrist, or having failed to
14 notify the physician, dentist, or podiatrist who
15 established a documented current and relevant diagnosis
16 that the patient is receiving naprapathic treatment
17 pursuant to that diagnosis.

18 (30) Use by a registered naprapath of the word
19 "infirmary", "hospital", "school", "university", in
20 English or any other language, in connection with the
21 place where naprapathy may be practiced or demonstrated.

22 (31) Continuance of a naprapath in the employ of
23 any person, firm, or corporation, or as an assistant to
24 any naprapath or naprapaths, directly or indirectly,
25 after his or her employer or superior has been found
26 guilty of violating or has been enjoined from violating
27 the laws of the State of Illinois relating to the
28 practice of naprapathy when the employer or superior
29 persists in that violation.

30 (32) The performance of naprapathic service in
31 conjunction with a scheme or plan with another person,
32 firm, or corporation known to be advertising in a manner
33 contrary to this Act or otherwise violating the laws of
34 the State of Illinois concerning the practice of

1 naprapathy.

2 (33) Failure to provide satisfactory proof of
3 having participated in approved continuing education
4 programs as determined by the Committee and approved by
5 the Director. Exceptions for extreme hardships are to be
6 defined by the rules of the Department.

7 (34) Willfully making or filing false records or
8 reports in the practice of naprapathy, including, but not
9 limited to, false records to support claims against the
10 medical assistance program of the Department of Public
11 Aid under the Illinois Public Aid Code.

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

19 (36) Mental illness, including, but not limited to,
20 deterioration through the aging process or loss of motor
21 skill that results in the inability to practice the
22 profession with reasonable judgment, skill, or safety.

23 The Department may refuse to issue or may suspend the
24 license of any person who fails to (i) file a return or to
25 pay the tax, penalty or interest shown in a filed return or
26 (ii) pay any final assessment of the tax, penalty, or
27 interest as required by any tax Act administered by the
28 Illinois Department of Revenue, until the time that the
29 requirements of that tax Act are satisfied.

30 (b) The determination by a circuit court that a licensee
31 is subject to involuntary admission or judicial admission as
32 provided in the Mental Health and Developmental Disabilities
33 Code operates as an automatic suspension. The suspension
34 will end only upon a finding by a court that the patient is

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

6 (c) In enforcing this Section, the Department, upon a
7 showing of a possible violation, may compel any person
8 licensed to practice under this Act or who has applied for
9 licensure or certification pursuant to this Act to submit to
10 a mental or physical examination, or both, as required by and
11 at the expense of the Department. The examining physicians
12 shall be those specifically designated by the Department. The
13 Department may order the examining physician to present
14 testimony concerning this mental or physical examination of
15 the licensee or applicant. No information shall be excluded
16 by reason of any common law or statutory privilege relating
17 to communications between the licensee or applicant and the
18 examining physician. The person to be examined may have, at
19 his or her own expense, another physician of his or her
20 choice present during all aspects of the examination. Failure
21 of any person to submit to a mental or physical examination,
22 when directed, shall be grounds for suspension of a license
23 until the person submits to the examination if the Department
24 finds, after notice and hearing, that the refusal to submit
25 to the examination was without reasonable cause.

26 If the Department finds an individual unable to practice
27 because of the reasons set forth in this Section, the
28 Department may require that individual to submit to care,
29 counseling, or treatment by physicians approved or designated
30 by the Department, as a condition, term, or restriction for
31 continued, reinstated, or renewed licensure to practice or,
32 in lieu of care, counseling, or treatment, the Department may
33 file a complaint to immediately suspend, revoke, or otherwise
34 discipline the license of the individual.

1 Any person whose license was granted, continued,
2 reinstated, renewed, disciplined, or supervised subject to
3 such terms, conditions, or restrictions and who fails to
4 comply with such terms, conditions, or restrictions shall be
5 referred to the Director for a determination as to whether
6 the person shall have his or her license suspended
7 immediately, pending a hearing by the Department.

8 In instances in which the Director immediately suspends a
9 person's license under this Section, a hearing on that
10 person's license must be convened by the Department within 15
11 days after the suspension and completed without appreciable
12 delay. The Department shall have the authority to review the
13 subject person's record of treatment and counseling regarding
14 the impairment, to the extent permitted by applicable federal
15 statutes and regulations safeguarding the confidentiality of
16 medical records.

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

22 (Source: P.A. 89-61, eff. 6-30-95.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.