

1 AN ACT concerning impaired professionals.

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

4 Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 adding Section 2105-16 as follows:

7 (225 ILCS 2105/2105-16 new)

8 Sec. 2105-16. Impaired Professionals Assistance System.

9 (a) For the purposes of this Section:

10 "Contract" means a written agreement specifying the terms
11 and conditions of program participation between a health care
12 practitioner and the entity administering the Impaired
13 Professionals Assistance System.

14 "Disciplinary action" means a Department proceeding that
15 may lead to a public record disciplinary fine or probation or
16 to reprimand, restriction, revocation, suspension, denial, or
17 other order relating to the license or certificate of
18 registration of a health care practitioner by the Department.

19 "Impaired" means a physical or mental disability or
20 misuse or abuse of any substance, including alcohol or drugs,
21 that substantially alters the ability of a practitioner to
22 practice his or her profession with reasonable judgment,
23 skill, and safety.

24 "Health care practitioner" means an individual licensed
25 or regulated by the Department pursuant to one or more of the
26 Acts specified in subsection (c) of this Section.

27 (b) The General Assembly finds that the impaired health
28 care practitioner poses a danger to the public health,
29 safety, and welfare. It is in the public interest and in the
30 best interest of the health care practitioner to identify and
31 address any impairment at the earliest possible stage.

1 (c) The Department of Professional Regulation shall
2 establish the Impaired Professionals Assistance System. The
3 Impaired Professionals Assistance System established by the
4 Department of Professional Regulation shall be applicable to
5 the professions licensed or regulated by the Department under
6 all of the following Acts:

7 (1) The Illinois Acupuncture Practice Act.

8 (2) The Illinois Athletic Trainers Practice Act.

9 (3) The Clinical Psychologist Licensing Act.

10 (4) The Clinical Social Work and Social Work
11 Practice Act.

12 (5) The Illinois Dental Practice Act.

13 (6) The Dietetic and Nutrition Services Practice
14 Act.

15 (7) The Environmental Health Practitioner Licensing
16 Act.

17 (8) The Marriage and Family Therapy Licensing Act.

18 (9) The Medical Practice Act of 1987.

19 (10) The Naprapathic Practice Act.

20 (11) The Nursing and Advanced Practice Nursing Act.

21 (12) The Nursing Home Administrators Licensing and
22 Disciplinary Act.

23 (13) The Illinois Occupational Therapy Practice
24 Act.

25 (14) The Illinois Optometric Practice Act of 1987.

26 (15) The Pharmacy Practice Act of 1987.

27 (16) The Illinois Physical Therapy Act.

28 (17) The Physician Assistant Practice Act of 1987.

29 (18) The Podiatric Medical Practice Act of 1987.

30 (19) The Professional Counselor and Clinical
31 Professional Counselor Licensing Act.

32 (20) The Respiratory Care Practice Act.

33 (21) The Illinois Speech-Language Pathology and
34 Audiology Practice Act.

1 (22) The Veterinary Medicine and Surgery Practice
2 Act of 1994.

3 (d) The Department shall enter into an agreement with an
4 appropriately licensed and qualified agency to administer the
5 Impaired Professional Assistance System. This agreement shall
6 establish the agency as an intermediary between the
7 Department's disciplinary system and the individual health
8 care practitioner enrolled in the Impaired Professionals
9 Assistance System. Pursuant to the terms of the agreement,
10 the agency shall act as agent of the Department; as an expert
11 in the treatment and monitoring of impaired professionals;
12 and as an advocate for impaired health care professionals.
13 The agency shall perform the following functions: receipt of
14 reports from or regarding health care practitioners eligible
15 for participation in or evaluation or assessment by the
16 program; evaluation and assessment of such participants;
17 recommendation, development, and provision of appropriate
18 treatment plans; monitoring the progress and compliance of
19 participants; and reporting cases of non-compliance to the
20 Department. The agency shall also provide the Department with
21 statistical reports as requested by the Department.

22 (e) A health care practitioner who has never been
23 disciplined by the Department or is currently enrolled in an
24 employee assistance program or other substantially similar
25 program is eligible to participate in the Impaired
26 Professionals Assistance System. Entry into the system may be
27 made by self-referral or referral by other persons or
28 entities or by the Department.

29 (f) The Department may provide for program eligibility
30 for those licensees subject to an order of discipline on the
31 effective date of this amendatory Act of the 92nd General
32 Assembly or who were subject to such an order before the
33 effective date of this amendatory Act of the 92nd General
34 Assembly. However, the system shall monitor any licensee

1 under an order of discipline by the Department where the
2 violation was related to substance abuse.

3 (g) Every health care practitioner participating in the
4 system shall enter into a contract with the agency
5 administering the Impaired Professionals Assistance System.
6 The contract shall include an acknowledgment by the health
7 care practitioner of his or her impairment and the execution
8 of releases necessary to obtain relevant records or
9 information and to communicate with other agencies or the
10 Department, as may be required.

11 (h) The system shall not be deemed disciplinary for
12 first time participants. Participation does not, however,
13 provide an exemption from future prosecution for violation of
14 the contract or the Act governing the profession of the
15 individual.

16 (i) The identity of health care practitioners
17 participating in the Impaired Professional Assistance System
18 shall be kept confidential by the Impaired Professional
19 Assistance System and shall not be reported to the Department
20 unless the participant is not in compliance with the terms
21 and conditions of a treatment agreement. The Impaired
22 Professional Assistance System may use reference numbers or
23 other identifiers to preserve the confidentiality of
24 participants who are in compliance. In cases of
25 non-compliance or termination from the System, the Department
26 shall have the authority to review the health care
27 practitioner's record of treatment regarding the impairment
28 and may use such information in a Department administrative
29 proceeding, including a hearing, involving the health
30 practitioner's license.

31 (j) If any health care practitioner is participating in
32 an impaired professional program other than the Impaired
33 Professionals Assistance System established herein, that
34 program shall report the compliance status of the health care

1 practitioner to the Impaired Professionals Assistance System.

2 (k) In all cases resulting in termination, the system
3 shall immediately notify the Department and shall provide the
4 identity of the health care practitioner to the Department.
5 In cases involving substance abuse, a first relapse by a
6 health care practitioner while in the system may, but will
7 not automatically, result in termination from the system. The
8 Department shall adopt rules to determine eligibility for
9 continued participation following a relapse. In the event of
10 a second relapse, the health care practitioner shall be
11 terminated from the system. In all cases resulting in
12 termination, the Department may commence proceedings to
13 discipline the license.

14 (l) The Department shall pay all costs related to the
15 establishment, administration, and maintenance of the
16 Impaired Professionals Assistance System from the specific
17 professional funds to which the Impaired Professionals
18 Assistance System is applicable. The health care practitioner
19 shall bear all costs related to treatment, treatment-related
20 services, support group activities, equipment, and travel.
21 The Department shall include a specific line item in its
22 budget to finance this program.

23 (m) The Department shall report to the General Assembly
24 at least annually on the activities of the Impaired
25 Professionals Assistance System.

26 (n) The Department shall promulgate rules to implement
27 the Impaired Professionals Assistance System, including
28 standards for reporting of non-compliance.

29 Section 10. The Acupuncture Practice Act is amended by
30 changing Sections 10 and 110 and adding Section 115 as
31 follows:

1 (Section scheduled to be repealed on January 1, 2008)

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

3 "Acupuncture" means the evaluation or treatment of
4 persons affected through a method of stimulation of a certain
5 point or points on or immediately below the surface of the
6 body by the insertion of pre-sterilized, single-use,
7 disposable needles, unless medically contraindicated, with or
8 without the application of heat, electronic stimulation, or
9 manual pressure to prevent or modify the perception of pain,
10 to normalize physiological functions, or for the treatment of
11 certain diseases or dysfunctions of the body. Acupuncture
12 does not include radiology, electrosurgery, chiropractic
13 technique, physical therapy, naprapathic technique, use or
14 prescribing of any drugs, medications, herbal preparations,
15 nutritional supplements, serums, or vaccines, or
16 determination of a differential diagnosis. An acupuncturist
17 registered under this Act who is not also licensed as a
18 physical therapist under the Illinois Physical Therapy Act
19 shall not hold himself or herself out as being qualified to
20 provide physical therapy or physiotherapy services. An
21 acupuncturist shall refer to a licensed physician or dentist,
22 any patient whose condition should, at the time of evaluation
23 or treatment, be determined to be beyond the scope of
24 practice of the acupuncturist.

25 "Acupuncturist" means a person who practices acupuncture
26 and who is licensed by the Department.

27 "Board" means the Board of Acupuncture.

28 "Dentist" means a person licensed under the Illinois
29 Dental Practice Act.

30 "Department" means the Department of Professional
31 Regulation.

32 "Director" means the Director of Professional Regulation.

33 "Impaired" means the inability to practice with
34 reasonable skill and safety due to physical or mental

1 disabilities as evidenced by a written determination or
2 written consent based on clinical evidence, including
3 deterioration through the aging process or loss of motor
4 skill, abuse of drugs or alcohol, or a psychiatric disorder,
5 of sufficient degree to diminish the person's ability to
6 deliver competent patient care.

7 "Impaired Professionals Assistance System" means the
8 program established by Section 16 of the Department of
9 Professional Regulation Law (20 ILCS 2105/2105-16).

10 "Physician" means a person licensed under the Medical
11 Practice Act of 1987.

12 "Program of care, counseling, or treatment" means a
13 written agreement between the Department and an applicant or
14 licensee requiring that the applicant or licensee enroll and
15 participate in a treatment program approved by the
16 Department. The agreement may also specify terms and
17 conditions deemed appropriate by the Board.

18 "Referral by written order" for purposes of this Act
19 means a diagnosis, substantiated by signature of a physician
20 or dentist, that a patient's condition is such that it may be
21 treated by acupuncture as defined in this Act. The diagnosis
22 shall remain in effect until changed by the physician or
23 dentist who shall maintain management of the patient.

24 "State" includes:

- 25 (1) the states of the United States of America;
- 26 (2) the District of Columbia; and
- 27 (3) the Commonwealth of Puerto Rico.

28 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

29 (225 ILCS 2/110)

30 (Section scheduled to be repealed on January 1, 2008)

31 Sec. 110. Grounds for disciplinary action.

32 (a) The Department may refuse to issue or to renew,
33 place on probation, suspend, revoke or take other

1 disciplinary action as deemed appropriate including the
2 imposition of fines not to exceed \$5,000 for each violation,
3 as the Department may deem proper, with regard to a license
4 for any one or combination of the following causes:

5 (1) Violations of the Act or its rules.

6 (2) Conviction of any crime under the laws of any
7 U.S. jurisdiction that is (i) a felony, (ii) a
8 misdemeanor, an essential element of which is dishonesty,
9 or (iii) directly related to the practice of the
10 profession.

11 (3) Making any misrepresentation for the purpose of
12 obtaining a license.

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

15 (5) Failing to provide information within 60 days
16 in response to a written request made by the Department
17 which has been sent by certified or registered mail to
18 the licensee's last known address.

19 (6) Discipline by another U.S. jurisdiction or
20 foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to one
22 set forth in this Section.

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

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

27 (9) Gross negligence in the practice of
28 acupuncture.

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

34 (11) A finding that licensure has been applied for

1 or obtained by fraudulent means.

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

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

12 (14) Wilfully failing to report an instance of
13 suspected child abuse or neglect as required by the
14 Abused and Neglected Child Reporting Act.

15 (15) The use of any words, abbreviations, figures
16 or letters (such as Acupuncturist, Licensed
17 Acupuncturist, Certified Acupuncturist, C.A., Act., Lic.
18 Act., or Lic. Ac.) with the intention of indicating
19 practice as a licensed acupuncturist without a valid
20 license as an acupuncturist issued under this Act.

21 (16) Using testimonials or claims of superior
22 quality of care to entice the public or advertising fee
23 comparisons of available services with those of other
24 persons providing acupuncture services.

25 (17) Advertising of professional services that the
26 offeror of the services is not licensed to render.
27 Advertising of professional services that contains false,
28 fraudulent, deceptive, or misleading material or
29 guarantees of success, statements that play upon the
30 vanity or fears of the public, or statements that promote
31 or produce unfair competition.

32 (18) Having treated ailments of human beings other
33 than by the practice of acupuncture as defined in this
34 Act, or having treated ailments of human beings as a

1 licensed acupuncturist independent of a written referral
2 order from a physician or dentist, or having failed to
3 notify the physician or dentist who established the
4 diagnosis that the patient is receiving acupuncture
5 treatment pursuant to that diagnosis.

6 (19) Unethical, unauthorized, or unprofessional
7 conduct as defined by rule.

8 (20) Physical illness including but not limited to
9 deterioration through the aging process, mental illness,
10 or disability that results in the inability to practice
11 the profession with reasonable judgment, skill, and
12 safety.

13 (21) Violation of the Health Care Worker
14 Self-Referral Act.

15 (22) Failure to comply with the terms and
16 conditions of an agreement with the Impaired
17 Professionals Assistance System or other such approved
18 treatment program.

19 The entry of an order by a circuit court establishing
20 that any person holding a license under this Act is subject
21 to involuntary admission or judicial admission as provided
22 for in the Mental Health and Developmental Disabilities Code
23 operates as an automatic suspension of that license. That
24 person may have his or her license restored only upon the
25 determination by a circuit court that the patient is no
26 longer subject to involuntary admission or judicial admission
27 and the issuance of an order so finding and discharging the
28 patient and upon the Board's recommendation to the Department
29 that the license be restored. Where the circumstances so
30 indicate, the Board may recommend to the Department that it
31 require an examination prior to restoring a suspended
32 license.

33 The Department may refuse to issue or renew the license
34 of any person who fails to (i) file a return or to pay the

1 tax, penalty or interest shown in a filed return or (ii) pay
2 any final assessment of the tax, penalty, or interest as
3 required by any tax Act administered by the Illinois
4 Department of Revenue, until the time that the requirements
5 of that tax Act are satisfied.

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

27 If the Department or Board determines that an applicant
28 or licensee is unable to practice because of the reasons set
29 forth in this Section, the Department or Board may discipline
30 the licensee or require the applicant or licensee to enter
31 into an agreement of care, counseling, and treatment with the
32 Department or Board to enroll and participate in an approved
33 treatment program in accordance with the Impaired
34 Professionals Assistance System, subject to terms and

1 conditions the Department or Board deems appropriate.

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

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

29 An individual licensed under this Act and affected under
30 this Section shall be afforded an opportunity to demonstrate
31 to the Department or Board that he or she can resume practice
32 in compliance with acceptable and prevailing standards under
33 the provisions of his or her license.

34 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

1 (225 ILCS 2/115 new)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 115. Reporting requirements. The Department shall,
4 by rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 15. The Illinois Athletic Trainers Practice Act
23 is amended by changing Sections 3 and 16 and adding Section
24 16.5 as follows:

25 (225 ILCS 5/3) (from Ch. 111, par. 7603)

26 (Section scheduled to be repealed on January 1, 2006)

27 Sec. 3. Definitions. As used in this Act:

28 (1) "Department" means the Department of Professional
29 Regulation.

30 (2) "Director" means the Director of Professional
31 Regulation.

32 (3) "Board" means the Illinois Board of Athletic

1 Trainers appointed by the Director.

2 (4) "Licensed athletic trainer" means a person licensed
3 to practice athletic training as defined in this Act and with
4 the specific qualifications set forth in Section 9 of this
5 Act who, upon the direction of his or her team physician or
6 consulting physician, carries out the practice of
7 prevention/emergency care or physical reconditioning of
8 injuries incurred by athletes participating in an athletic
9 program conducted by an educational institution, professional
10 athletic organization, or sanctioned amateur athletic
11 organization employing the athletic trainer; or a person who,
12 under the direction of a physician, carries out comparable
13 functions for a health organization-based extramural program
14 of athletic training services for athletes. Specific duties
15 of the athletic trainer include but are not limited to:

16 A. Supervision of the selection, fitting, and
17 maintenance of protective equipment;

18 B. Provision of assistance to the coaching staff in
19 the development and implementation of conditioning
20 programs;

21 C. Counseling of athletes on nutrition and hygiene;

22 D. Supervision of athletic training facility and
23 inspection of playing facilities;

24 E. Selection and maintenance of athletic training
25 equipment and supplies;

26 F. Instruction and supervision of student trainer
27 staff;

28 G. Coordination with a team physician to provide:

29 (i) pre-competition physical exam and health
30 history updates,

31 (ii) game coverage or phone access to a
32 physician or paramedic,

33 (iii) follow-up injury care,

34 (iv) reconditioning programs, and

1 (v) assistance on all matters pertaining to
2 the health and well-being of athletes.

3 H. Provision of on-site injury care and evaluation
4 as well as appropriate transportation, follow-up
5 treatment and rehabilitation as necessary for all
6 injuries sustained by athletes in the program;

7 I. With a physician, determination of when an
8 athlete may safely return to full participation
9 post-injury; and

10 J. Maintenance of complete and accurate records of
11 all athletic injuries and treatments rendered.

12 To carry out these functions the athletic trainer is
13 authorized to utilize modalities such as heat, light, sound,
14 cold, electricity, exercise, or mechanical devices related to
15 care and reconditioning.

16 (5) "Referral" means the guidance or direction to the
17 athletic trainer given by the physician, who shall maintain
18 supervision of the athlete.

19 (6) "Impaired" means the inability to practice with
20 reasonable skill and safety due to physical or mental
21 disabilities as evidenced by a written determination or
22 written consent based on clinical evidence, including
23 deterioration through the aging process or loss of motor
24 skill, abuse of drugs or alcohol, or a psychiatric disorder,
25 of sufficient degree to diminish the person's ability to
26 deliver competent patient care.

27 (7) "Impaired Professionals Assistance System" means the
28 program established by Section 16 of the Department of
29 Professional Regulation Law (20 ILCS 2105/2105-16).

30 (8) "Program of care, counseling, or treatment" means a
31 written agreement between the Department and an applicant or
32 licensee requiring that the applicant or licensee enroll and
33 participate in a treatment program approved by the
34 Department. The agreement may also specify terms and

1 conditions deemed appropriate by the Board.

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

3 (225 ILCS 5/16) (from Ch. 111, par. 7616)

4 (Section scheduled to be repealed on January 1, 2006)

5 Sec. 16. Refusal to issue, suspension, or revocation of
6 license. The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary action as the Department may deem proper,
9 including fines not to exceed \$1,000 for each violation, with
10 regard to any licensee for any one or combination of the
11 following:

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

14 (B) Negligent or intentional disregard of this Act, or
15 of the rules or regulations promulgated hereunder;

16 (C) Conviction of any crime under the laws of the United
17 States or any state or territory thereof that is a felony or
18 a misdemeanor, and an essential element of which is
19 dishonesty, or of any crime that is directly related to the
20 practice of the profession;

21 (D) Making any misrepresentation for the purpose of
22 obtaining registration, or violating any provision of this
23 Act;

24 (E) Professional incompetence;

25 (F) Malpractice;

26 (G) Aiding or assisting another person in violating any
27 provision of this Act or rules;

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

30 (I) Engaging in dishonorable, unethical, or
31 unprofessional conduct of a character likely to deceive,
32 defraud or harm the public;

33 (J) Habitual intoxication or addiction to the use of

1 drugs;

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

6 (L) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered;

11 (M) A finding that the licensee after having his or her
12 license placed on probationary status has violated the terms
13 of probation;

14 (N) Abandonment of an athlete;

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

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

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

25 (R) Solicitation of professional services other than by
26 permitted institutional policy;

27 (S) The use of any words, abbreviations, figures or
28 letters with the intention of indicating practice as an
29 athletic trainer without a valid license as an athletic
30 trainer under this Act;

31 (T) The treatment of injuries of athletes by a licensed
32 athletic trainer except by the referral of a physician,
33 podiatrist, or dentist;

34 (U) Willfully violating or knowingly assisting in the

1 violation of any law of this State relating to the use of
2 habit-forming drugs;

3 (V) Willfully violating or knowingly assisting in the
4 violation of any law of this State relating to the practice
5 of abortion;

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

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

14 (Y) Failure to file a return, or to pay the tax,
15 penalty, or interest shown in a filed return, or to pay any
16 final assessment of tax, penalty, or interest, as required by
17 any tax Act administered by the Illinois Department of
18 Revenue, until such time as the requirements of any such tax
19 Act are satisfied; or

20 (Z) Failure to fulfill continuing education requirements
21 as prescribed in Section 10 of this Act.

22 (AA) Failure to comply with the terms and conditions of
23 an agreement with the Impaired Professionals Assistance
24 System or other such approved treatment program.

25 The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission as
27 provided in the Mental Health and Developmental Disabilities
28 Code operates as an automatic suspension. Such suspension
29 will end only upon a finding by a court that the athletic
30 trainer is no longer subject to involuntary admission or
31 judicial admission and issues an order so finding and
32 discharging the athlete; and upon the recommendation of the
33 Board to the Director that the licensee be allowed to resume
34 his or her practice.

1 In enforcing this Section, the Department upon a showing
2 of a possible violation may compel an individual licensed to
3 practice under this Act or who has applied for licensure
4 pursuant to this Act to submit to a mental or physical
5 examination, or both, as required by and at the expense of
6 the Department. The examining physicians or clinical
7 psychologists shall be those specifically designated by the
8 Department. The individual to be examined may have, at his or
9 her own expense, another physician or clinical psychologist
10 of his or her choice present during all aspects of this
11 examination. Failure of any individual to submit to a mental
12 or physical examination when directed shall be grounds for
13 suspension of his or her license until the individual submits
14 to the examination if the Department finds, after notice and
15 hearing, that the refusal to submit to the examination was
16 without reasonable cause.

17 If the Department determines that an applicant or
18 licensee is unable to practice because of the reasons set
19 forth in this Section, the Department may discipline the
20 licensee or require the applicant or licensee to enter into
21 an agreement of care, counseling, and treatment with the
22 Department to enroll and participate in an approved treatment
23 program in accordance with the Impaired Professionals
24 Assistance System, subject to terms and conditions the
25 Department deems appropriate.

26 An individual whose license was granted, continued,
27 reinstated, renewed, disciplined, or supervised subject to
28 such terms, conditions, or restrictions and who fails to
29 comply with such terms, conditions, or restrictions shall be
30 referred to the Director for a determination as to whether
31 the individual shall have his or her license suspended
32 immediately, pending a hearing by the Department.

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

1 (225 ILCS 5/16.5 new)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 16.5. Reporting requirements. The Department shall,
4 by rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 20. The Clinical Psychologist Licensing Act is
23 amended by changing Sections 2 and 15 and adding Section 14.1
24 as follows:

25 (225 ILCS 15/2) (from Ch. 111, par. 5352)

26 (Section scheduled to be repealed on January 1, 2007)

27 Sec. 2. Definitions. As used in this Act:

28 (1) "Department" means the Department of
29 Professional Regulation.

30 (2) "Director" means the Director of Professional
31 Regulation.

32 (3) "Board" means the Clinical Psychologists

1 Licensing and Disciplinary Board appointed by the
2 Director.

3 (4) "Person" means an individual, association,
4 partnership or corporation.

5 (5) "Clinical psychology" means the independent
6 evaluation, classification and treatment of mental,
7 emotional, behavioral or nervous disorders or conditions,
8 developmental disabilities, alcoholism and substance
9 abuse, disorders of habit or conduct, the psychological
10 aspects of physical illness. The practice of clinical
11 psychology includes psychoeducational evaluation,
12 therapy, remediation and consultation, the use of
13 psychological and neuropsychological testing, assessment,
14 psychotherapy, psychoanalysis, hypnosis, biofeedback, and
15 behavioral modification when any of these are used for
16 the purpose of preventing or eliminating psychopathology,
17 or for the amelioration of psychological disorders of
18 individuals or groups. "Clinical psychology" does not
19 include the use of hypnosis by unlicensed persons
20 pursuant to Section 3.

21 (6) A person represents himself to be a "clinical
22 psychologist" within the meaning of this Act when he or
23 she holds himself out to the public by any title or
24 description of services incorporating the words
25 "psychological", "psychologic", "psychologist",
26 "psychology", or "clinical psychologist" or under such
27 title or description offers to render or renders clinical
28 psychological services as defined in paragraph (7) of
29 this Section to individuals, corporations, or the public
30 for remuneration.

31 (7) "Clinical psychological services" refers to any
32 services under paragraph (5) of this Section if the words
33 "psychological", "psychologic", "psychologist",
34 "psychology" or "clinical psychologist" are used to

1 describe such services by the person or organization
2 offering to render or rendering them.

3 (8) "Impaired" means the inability to practice with
4 reasonable skill and safety due to physical or mental
5 disabilities as evidenced by a written determination or
6 written consent based on clinical evidence, including
7 deterioration through the aging process or loss of motor
8 skill, abuse of drugs or alcohol, or a psychiatric
9 disorder, of sufficient degree to diminish the person's
10 ability to deliver competent patient care.

11 (9) "Impaired Professionals Assistance System"
12 means the program established by Section 16 of the
13 Department of Professional Regulation Law (20 ILCS
14 2105/2105-16).

15 (10) "Program of care, counseling, or treatment"
16 means a written agreement between the Department and an
17 applicant or licensee requiring that the applicant or
18 licensee enroll and participate in a treatment program
19 approved by the Department. The agreement may also
20 specify terms and conditions deemed appropriate by the
21 Board.

22 This Act shall not apply to persons lawfully carrying on
23 their particular profession or business under any valid
24 existing regulatory Act of the State.

25 (Source: P.A. 89-702, eff. 7-1-97; 90-473, eff. 1-1-98.)

26 (225 ILCS 15/15) (from Ch. 111, par. 5365)

27 (Section scheduled to be repealed on January 1, 2007)

28 Sec. 15. Disciplinary action; grounds. The Department
29 may refuse to issue, refuse to renew, suspend, or revoke any
30 license, or may place on probation, censure, reprimand, or
31 take other disciplinary action deemed appropriate by the
32 Department, including the imposition of fines not to exceed
33 \$5000 for each violation, with regard to any license issued

1 under the provisions of this Act for any one or a combination
2 of the following reasons:

3 (1) Conviction of any crime that is a felony under the
4 laws of the United States or any state or territory thereof
5 or that is a misdemeanor of which an essential element is
6 dishonesty, or any crime that is directly related to the
7 practice of the profession.

8 (2) Gross negligence in the rendering of clinical
9 psychological services.

10 (3) Using fraud or making any misrepresentation in
11 applying for a license or in passing the examination provided
12 for in this Act.

13 (4) Aiding or abetting or conspiring to aid or abet a
14 person, not a clinical psychologist licensed under this Act,
15 in representing himself or herself as so licensed or in
16 applying for a license under this Act.

17 (5) Violation of any provision of this Act or the rules
18 promulgated thereunder.

19 (6) Professional connection or association with any
20 person, firm, association, partnership or corporation holding
21 himself, herself, themselves, or itself out in any manner
22 contrary to this Act.

23 (7) Unethical, unauthorized or unprofessional conduct as
24 defined by rule. In establishing those rules, the Department
25 shall consider, though is not bound by, the ethical standards
26 for psychologists promulgated by recognized national
27 psychology associations.

28 (8) Aiding or assisting another person in violating any
29 provisions of this Act or the rules promulgated thereunder.

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

32 (10) Habitual or excessive use or addiction to alcohol,
33 narcotics, stimulants, or any other chemical agent or drug
34 that results in a clinical psychologist's inability to

1 practice with reasonable judgment, skill or safety.

2 (11) Discipline by another state, territory, the
3 District of Columbia or foreign country, if at least one of
4 the grounds for the discipline is the same or substantially
5 equivalent to those set forth herein.

6 (12) Directly or indirectly giving or receiving from any
7 person, firm, corporation, association or partnership any
8 fee, commission, rebate or other form of compensation for any
9 professional service not actually or personally rendered.

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

13 (14) Willfully making or filing false records or
14 reports, including but not limited to, false records or
15 reports filed with State agencies or departments.

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

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

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

29 (18) Violation of the Health Care Worker Self-Referral
30 Act.

31 (19) Making a material misstatement in furnishing
32 information to the Department, any other State or federal
33 agency, or any other entity.

34 (20) Failure to comply with the terms and conditions of

1 an agreement with the Impaired Professionals Assistance
2 System or other such approved treatment program.

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

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

24 In enforcing this Section, the Board upon a showing of a
25 possible violation may compel any person licensed to practice
26 under this Act, or who has applied for licensure or
27 certification pursuant to this Act, to submit to a mental or
28 physical examination, or both, as required by and at the
29 expense of the Department. The examining physicians or
30 clinical psychologists shall be those specifically designated
31 by the Board. The Board or the Department may order the
32 examining physician or clinical psychologist to present
33 testimony concerning this mental or physical examination of
34 the licensee or applicant. No information shall be excluded

1 by reason of any common law or statutory privilege relating
 2 to communications between the licensee or applicant and the
 3 examining physician or clinical psychologist. The person to
 4 be examined may have, at his or her own expense, another
 5 physician or clinical psychologist of his or her choice
 6 present during all aspects of the examination. Failure of
 7 any person to submit to a mental or physical examination,
 8 when directed, shall be grounds for suspension of a license
 9 until the person submits to the examination if the Board
 10 finds, after notice and hearing, that the refusal to submit
 11 to the examination was without reasonable cause.

12 If the Board determines that an applicant or licensee is
 13 unable to practice because of the reasons set forth in this
 14 Section, the Board may discipline the licensee or require the
 15 applicant or licensee to enter into an agreement of care,
 16 counseling, and treatment with the Department to enroll and
 17 participate in an approved treatment program in accordance
 18 with the Impaired Professionals Assistance System, subject to
 19 terms and conditions the Board deems appropriate.

20 ~~If the Board finds a person unable to practice because of~~
 21 ~~the reasons set forth in this Section, the Board may require~~
 22 ~~that person to submit to care, counseling or treatment by~~
 23 ~~physicians or clinical psychologists approved or designated~~
 24 ~~by the Board, as a condition, term, or restriction for~~
 25 ~~continued, reinstated, or renewed licensure to practice; or,~~
 26 ~~in lieu of care, counseling or treatment, the Board may~~
 27 ~~recommend to the Department to file a complaint to~~
 28 ~~immediately suspend, revoke or otherwise discipline the~~
 29 ~~license of the person. Any person whose license was granted,~~
 30 ~~continued, reinstated, renewed, disciplined or supervised~~
 31 ~~subject to such terms, conditions or restrictions, and who~~
 32 ~~fails to comply with such terms, conditions or restrictions,~~
 33 ~~shall be referred to the Director for a determination as to~~
 34 ~~whether the person shall have his or her license suspended~~

1 immediately, pending a hearing by the Board.

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

11 A person licensed under this Act and affected under this
12 Section shall be afforded an opportunity to demonstrate to
13 the Board that he or she can resume practice in compliance
14 with acceptable and prevailing standards under the provisions
15 of his or her license.

16 (Source: P.A. 89-702, eff. 7-1-97.)

17 (225 ILCS 15/14.1 new)

18 (Section scheduled to be repealed on January 1, 2007)

19 Sec. 14.1. Reporting requirements. The Department shall,
20 by rule, provide for the reporting by all employers to the
21 Impaired Professionals Assistance System of all instances in
22 which a person licensed under this Act who is impaired by
23 reason of age, drug or alcohol abuse, or physical or mental
24 impairment, is under supervision and, where appropriate, is
25 in a program of rehabilitation. Reports shall be strictly
26 confidential and may be reviewed and considered only by
27 authorized Department staff as provided by rule. Provisions
28 shall be made for the periodic report of the status of any
29 such licensee not less than twice annually so that the
30 Department shall have current information upon which to
31 determine the status of any such licensee. Initial and
32 periodic reports of impaired licensees shall not be
33 considered records within the meaning of the State Records

1 Act and shall be disposed of, following a determination by
 2 the Department that such reports are no longer required, in a
 3 manner and at such time as the Department shall determine by
 4 rule.

5 Section 25. The Clinical Social Work and Social Work
 6 Practice Act is amended by changing Sections 3 and 19 and
 7 adding Section 19.5 as follows:

8 (225 ILCS 20/3) (from Ch. 111, par. 6353)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 3. Definitions.÷ The following words and phrases
 11 shall have the meanings ascribed to them in this Section
 12 unless the context clearly indicates otherwise:

13 1÷ "Department" means the Department of Professional
 14 Regulation.

15 2÷ "Director" means the Director of the Department of
 16 Professional Regulation.

17 3÷ "Board" means the Social Work Examining and
 18 Disciplinary Board.

19 4÷ "Licensed Clinical Social Worker" means a person who
 20 holds a license authorizing the independent practice of
 21 clinical social work in Illinois under the auspices of an
 22 employer or in private practice.

23 5÷ "Clinical social work practice" means the providing
 24 of mental health services for the evaluation, treatment, and
 25 prevention of mental and emotional disorders in individuals,
 26 families and groups based on knowledge and theory of
 27 psychosocial development, behavior, psychopathology,
 28 unconscious motivation, interpersonal relationships, and
 29 environmental stress.

30 6÷ "Treatment procedures" means among other things,
 31 individual, marital, family and group psychotherapy.

32 7÷ "Independent practice of clinical social work" means

1 the application of clinical social work knowledge and skills
2 by a licensed clinical social worker who regulates and is
3 responsible for her or his own practice or treatment
4 procedures.

5 8- "License" means that which is required to practice
6 clinical social work or social work under this Act, the
7 qualifications for which include specific education,
8 acceptable experience and examination requirements.

9 9- "Licensed social worker" means a person who holds a
10 license authorizing the practice of social work, which
11 includes social services to individuals, groups or
12 communities in any one or more of the fields of social
13 casework, social group work, community organization for
14 social welfare, social work research, social welfare
15 administration or social work education. Social casework and
16 social group work may also include clinical social work, as
17 long as it is not conducted in an independent practice, as
18 defined in this Section.

19 "Impaired" means the inability to practice with
20 reasonable skill and safety due to physical or mental
21 disabilities as evidenced by a written determination or
22 written consent based on clinical evidence, including
23 deterioration through the aging process or loss of motor
24 skill, abuse of drugs or alcohol, or a psychiatric disorder,
25 of sufficient degree to diminish the person's ability to
26 deliver competent patient care.

27 "Impaired Professionals Assistance System" means the
28 program established by Section 16 of the Department of
29 Professional Regulation Law (20 ILCS 2105/2105-16).

30 "Program of care, counseling, or treatment" means a
31 written agreement between the Department and an applicant or
32 licensee requiring that the applicant or licensee enroll and
33 participate in a treatment program approved by the
34 Department. The agreement may also specify terms and

1 conditions deemed appropriate by the Board.

2 (Source: P.A. 85-1440.)

3 (225 ILCS 20/19) (from Ch. 111, par. 6369)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 19. Grounds for disciplinary action.

6 (1) The Department may refuse to issue, refuse to renew,
7 suspend, or revoke any license, or may place on probation,
8 censure, reprimand, or take other disciplinary action deemed
9 appropriate by the Department, including the imposition of
10 fines not to exceed \$1,000 for each violation, with regard to
11 any license issued under the provisions of this Act for any
12 one or a combination of the following reasons:

13 (a) material misstatements of fact in furnishing
14 information to the Department or to any other State
15 agency or in furnishing information to any insurance
16 company with respect to a claim on behalf of a licensee
17 or a patient;

18 (b) violations or negligent or intentional
19 disregard of this Act, or any of the rules promulgated
20 hereunder;

21 (c) conviction of any crime under the laws of the
22 United States or any state or territory thereof that is a
23 felony or misdemeanor, of which an essential element is
24 dishonesty, or of any crime which is directly related to
25 the practice of the clinical social work or social work
26 professions;

27 (d) making any misrepresentation for the purpose of
28 obtaining licenses, or violating any provision of this
29 Act or any of the rules promulgated hereunder;

30 (e) professional incompetence;

31 (f) malpractice;

32 (g) aiding or assisting another person in violating
33 any provision or this Act or any rules;

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

3 (i) engaging in dishonorable, unethical or
4 unprofessional conduct of a character likely to deceive,
5 defraud or harm the public as defined by the rules of the
6 Department, or violating the rules of professional
7 conduct adopted by the Board and published by the
8 Department;

9 (j) habitual or excessive use or addiction to
10 alcohol, narcotics, stimulants, or any other chemical
11 agent or drug that results in a clinical social worker's
12 or social worker's inability to practice with reasonable
13 judgment, skill, or safety;

14 (k) discipline by another jurisdiction, if at least
15 one of the grounds for the discipline is the same or
16 substantially equivalent to those set forth in this
17 Section;

18 (l) directly or indirectly giving to or receiving
19 from any person, firm, corporation, partnership or
20 association any fee, commission, rebate or other form of
21 compensation for any professional service not actually
22 rendered;

23 (m) a finding by the Board that the licensee, after
24 having the license placed on probationary status, has
25 violated the terms of probation;

26 (n) abandonment, without cause, of a client;

27 (o) wilfully filing false reports relating to a
28 licensee's practice, including but not limited to false
29 records filed with Federal or State agencies or
30 departments;

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

34 (q) being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services
2 under the Abused and Neglected Child Reporting Act, and
3 upon proof by clear and convincing evidence that the
4 licensee has caused a child to be an abused child or
5 neglected child as defined in the Abused and Neglected
6 Child Reporting Act;

7 (r) physical or mental disability, including
8 deterioration through the aging process, or loss of
9 abilities and skills which results in the inability to
10 practice the profession with reasonable judgment, skill
11 or safety;

12 (s) solicitation of professional services by using
13 false or misleading advertising; or

14 (t) violation of the Health Care Worker
15 Self-Referral Act; or-

16 (u) failure to comply with the terms and conditions
17 of an agreement with the Impaired Professionals
18 Assistance System or other such approved treatment
19 program.

20 (2) (Blank).

21 (3) The determination by a court that a licensee is
22 subject to involuntary admission or judicial admission as
23 provided in the Mental Health and Developmental Disabilities
24 Code, will result in an automatic suspension of his license.
25 Such suspension will end upon a finding by a court that the
26 licensee is no longer subject to involuntary admission or
27 judicial admission and issues an order so finding and
28 discharging the patient, and upon the recommendation of the
29 Board to the Director that the licensee be allowed to resume
30 professional practice.

31 (4) The Department may refuse to issue or may suspend
32 the license of a person who fails to file a return, pay the
33 tax, penalty, or interest shown in a filed return, or pay any
34 final assessment of tax, penalty, or interest, as required by

1 any tax Act administered by the Department of Revenue, until
2 the requirements of the tax Act are satisfied.

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

23 If the Board determines that an applicant or licensee is
24 unable to practice because of the reasons set forth in this
25 Section, the Board may discipline the licensee or require the
26 applicant or licensee to enter into an agreement of care,
27 counseling, and treatment with the Board to enroll and
28 participate in an approved treatment program in accordance
29 with the Impaired Professionals Assistance System, subject to
30 terms and conditions the Board deems appropriate.

31 ~~If the Board finds a person unable to practice because of~~
32 ~~the reasons set forth in this Section, the Board may require~~
33 ~~that person to submit to care, counseling, or treatment by~~
34 ~~physicians approved or designated by the Board, as a~~

1 ~~condition, term, or restriction for continued, reinstated, or~~
2 ~~renewed---licensure---to---practice;---or,---in---lieu---of---care,~~
3 ~~counseling or treatment, the Board may recommend to the~~
4 ~~Department to file a complaint to immediately suspend, revoke~~
5 ~~or otherwise discipline the license of the person. Any person~~
6 whose license was granted, continued, reinstated, renewed,
7 disciplined or supervised subject to such terms, conditions
8 or restrictions, and who fails to comply with such terms,
9 conditions, or restrictions, shall be referred to the
10 Director for a determination as to whether the person shall
11 have his or her license suspended immediately, pending a
12 hearing by the Board.

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

22 A person licensed under this Act and affected under this
23 Section shall be afforded an opportunity to demonstrate to
24 the Board that he or she can resume practice in compliance
25 with acceptable and prevailing standards under the provisions
26 of his or her license.

27 (Source: P.A. 90-150, eff. 12-30-97.)

28 (225 ILCS 20/19.5 new)

29 (Section scheduled to be repealed on January 1, 2008)

30 Sec. 19.5. Reporting requirements. The Department shall,
31 by rule, provide for the reporting by all employers to the
32 Impaired Professionals Assistance System of all instances in
33 which a person licensed under this Act who is impaired by

1 reason of age, drug or alcohol abuse, or physical or mental
2 impairment, is under supervision and, where appropriate, is
3 in a program of rehabilitation. Reports shall be strictly
4 confidential and may be reviewed and considered only by
5 authorized Department staff as provided by rule. Provisions
6 shall be made for the periodic report of the status of any
7 such licensee not less than twice annually so that the
8 Department shall have current information upon which to
9 determine the status of any such licensee. Initial and
10 periodic reports of impaired licensees shall not be
11 considered records within the meaning of the State Records
12 Act and shall be disposed of, following a determination by
13 the Department that such reports are no longer required, in a
14 manner and at such time as the Department shall determine by
15 rule.

16 Section 30. The Illinois Dental Practice Act is amended
17 by changing Sections 4, 23, and 24 and adding Section 24.5
18 and as follows:

19 (225 ILCS 25/4) (from Ch. 111, par. 2304)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 4. Definitions. As used in this Act:

22 (a) "Department" means the Illinois Department of
23 Professional Regulation.

24 (b) "Director" means the Director of Professional
25 Regulation.

26 (c) "Board" means the Board of Dentistry established by
27 Section 6 of this Act.

28 (d) "Dentist" means a person who has received a general
29 license pursuant to paragraph (a) of Section 11 of this Act
30 and who may perform any intraoral and extraoral procedure
31 required in the practice of dentistry and to whom is reserved
32 the responsibilities specified in Section 17.

1 (e) "Dental hygienist" means a person who holds a
2 license under this Act to perform dental services as
3 authorized by Section 18.

4 (f) "Dental assistant" means an appropriately trained
5 person who, under the supervision of a dentist, provides
6 dental services as authorized by Section 17.

7 (g) "Dental laboratory" means a person, firm or
8 corporation which:

9 (i) engages in making, providing, repairing or
10 altering dental prosthetic appliances and other
11 artificial materials and devices which are returned to a
12 dentist for insertion into the human oral cavity or which
13 come in contact with its adjacent structures and tissues;
14 and

15 (ii) utilizes or employs a dental technician to
16 provide such services; and

17 (iii) performs such functions only for a dentist or
18 dentists.

19 (h) "Supervision" means supervision of a dental
20 hygienist or a dental assistant requiring that a dentist
21 authorize the procedure, remain in the dental facility while
22 the procedure is performed, and approve the work performed by
23 the dental hygienist or dental assistant before dismissal of
24 the patient, but does not mean that the dentist must be
25 present at all times in the treatment room.

26 (i) "General supervision" means supervision of a dental
27 hygienist requiring that a dentist authorize the procedures
28 which are being carried out, but not requiring that a dentist
29 be present when the authorized procedures are being
30 performed. The authorized procedures may also be performed
31 at a place other than the dentist's usual place of practice.
32 The issuance of a prescription to a dental laboratory by a
33 dentist does not constitute general supervision.

34 (j) "Public member" means a person who is not a health

1 professional. For purposes of board membership, any person
2 with a significant financial interest in a health service or
3 profession is not a public member.

4 (k) "Dentistry" means the healing art which is concerned
5 with the examination, diagnosis, treatment planning and care
6 of conditions within the human oral cavity and its adjacent
7 tissues and structures, as further specified in Section 17.

8 (l) "Branches of dentistry" means the various
9 specialties of dentistry which, for purposes of this Act,
10 shall be limited to the following: endodontics, oral and
11 maxillofacial surgery, orthodontics and dentofacial
12 orthopedics, pediatric dentistry, periodontics,
13 prosthodontics, and oral and maxillofacial radiology.

14 (m) "Specialist" means a dentist who has received a
15 specialty license pursuant to Section 11(b).

16 (n) "Dental technician" means a person who owns,
17 operates or is employed by a dental laboratory and engages in
18 making, providing, repairing or altering dental prosthetic
19 appliances and other artificial materials and devices which
20 are returned to a dentist for insertion into the human oral
21 cavity or which come in contact with its adjacent structures
22 and tissues.

23 (o) (Blank). "~~Impaired--dentist--or--"impaired--dental~~
24 ~~hygienist"--means-a-dentist-or-dental-hygienist-who-is--unable~~
25 ~~to--practice--with--reasonable--skill-and-safety-because-of-a~~
26 ~~physical-or-mental--disability--as--evidenced--by--a--written~~
27 ~~determination--or-written-consent-based-on-clinical-evidence,~~
28 ~~including-deterioration-through-the-aging--process,~~ ~~loss--of~~
29 ~~motor--skills,~~ ~~abuse--of--drugs-or-alcohol,~~ ~~or-a-psychiatric~~
30 ~~disorder,~~ ~~of--sufficient--degree--to--diminish--the--person's~~
31 ~~ability-to-deliver-competent-patient-care.~~

32 (p) "Nurse" means a registered professional nurse, a
33 certified registered nurse anesthetist anesthetist licensed
34 as an advanced practice nurse, or a licensed practical nurse

1 licensed under the Nursing and Advanced Practice Nursing Act.

2 (r) "Impaired" means the inability to practice with
3 reasonable skill and safety due to physical or mental
4 disabilities as evidenced by a written determination or
5 written consent based on clinical evidence, including
6 deterioration through the aging process or loss of motor
7 skill, abuse of drugs or alcohol, or a psychiatric disorder,
8 of sufficient degree to diminish the person's ability to
9 deliver competent patient care.

10 (s) "Impaired Professionals Assistance System" means the
11 program established by Section 16 of the Department of
12 Professional Regulation Law (20 ILCS 2105/2105-16).

13 (t) "Program of care, counseling, or treatment" means a
14 written agreement between the Department and an applicant or
15 licensee requiring that the applicant or licensee enroll and
16 participate in a treatment program approved by the
17 Department. The agreement may also specify terms and
18 conditions deemed appropriate by the Board.

19 (Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01;
20 92-280, eff. 1-1-02; revised 9-19-01.)

21 (225 ILCS 25/23) (from Ch. 111, par. 2323)

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 23. Refusal, revocation or suspension of dental
24 licenses. The Department may refuse to issue or renew, or
25 may revoke, suspend, place on probation, reprimand or take
26 other disciplinary action as the Department may deem proper,
27 including fines not to exceed \$10,000 per violation, with
28 regard to any license for any one or any combination of the
29 following causes:

- 30 1. Fraud in procuring the license.
- 31 2. Habitual intoxication or addiction to the use of
32 drugs.
- 33 3. Wilful or repeated violations of the rules of the

1 Department of Public Health or Department of Nuclear Safety.

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

5 5. Division of fees or agreeing to split or divide the
6 fees received for dental services with any person for
7 bringing or referring a patient, except in regard to referral
8 services as provided for under Section 45, or assisting in
9 the care or treatment of a patient, without the knowledge of
10 the patient or his legal representative.

11 6. Employing, procuring, inducing, aiding or abetting a
12 person not licensed or registered as a dentist to engage in
13 the practice of dentistry. The person practiced upon is not
14 an accomplice, employer, procurer, inducer, aider, or abetter
15 within the meaning of this Act.

16 7. Making any misrepresentations or false promises,
17 directly or indirectly, to influence, persuade or induce
18 dental patronage.

19 8. Professional connection or association with or
20 lending his name to another for the illegal practice of
21 dentistry by another, or professional connection or
22 association with any person, firm or corporation holding
23 himself, herself, themselves, or itself out in any manner
24 contrary to this Act.

25 9. Obtaining or seeking to obtain practice, money, or
26 any other things of value by false or fraudulent
27 representations, but not limited to, engaging in such
28 fraudulent practice to defraud the medical assistance program
29 of the Department of Public Aid.

30 10. Practicing under a name other than his or her own.

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

34 12. Conviction in this or another State of any crime

1 which is a felony under the laws of this State or conviction
2 of a felony in a federal court, conviction of a misdemeanor,
3 an essential element of which is dishonesty, or conviction of
4 any crime which is directly related to the practice of
5 dentistry or dental hygiene.

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

9 14. Permitting more than 4 dental hygienists to be
10 employed under his supervision at any one time.

11 15. A violation of any provision of this Act or any
12 rules promulgated under this Act.

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

15 17. Violating any provision of Section 45 relating to
16 advertising.

17 18. Discipline by another U.S. jurisdiction or foreign
18 nation, if at least one of the grounds for the discipline is
19 the same or substantially equivalent to those set forth
20 within this Act.

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

24 20. Gross or repeated malpractice resulting in injury or
25 death of a patient.

26 21. The use or prescription for use of narcotics or
27 controlled substances or designated products as listed in the
28 Illinois Controlled Substances Act, in any way other than for
29 therapeutic purposes.

30 22. Willfully making or filing false records or reports
31 in his practice as a dentist, including, but not limited to,
32 false records to support claims against the dental assistance
33 program of the Illinois Department of Public Aid.

34 23. Professional incompetence as manifested by poor

1 standards of care.

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

10 25. Repeated irregularities in billing a third party for
11 services rendered to a patient. For purposes of this
12 paragraph 25, "irregularities in billing" shall include:

13 (a) Reporting excessive charges for the purpose of
14 obtaining a total payment in excess of that usually
15 received by the dentist for the services rendered.

16 (b) Reporting charges for services not rendered.

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

19 26. Continuing the active practice of dentistry while
20 knowingly having any infectious, communicable, or contagious
21 disease proscribed by rule or regulation of the Department.

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

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

29 29. Abandonment of a patient.

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

32 31. Failure to comply with the terms and conditions of an
33 agreement with the Impaired Professionals Assistance System
34 or other such approved treatment program.

1 All proceedings to suspend, revoke, place on probationary
2 status, or take any other disciplinary action as the
3 Department may deem proper, with regard to a license on any
4 of the foregoing grounds, must be commenced within 3 years
5 after receipt by the Department of a complaint alleging the
6 commission of or notice of the conviction order for any of
7 the acts described herein. Except for fraud in procuring a
8 license, no action shall be commenced more than 5 years after
9 the date of the incident or act alleged to have violated this
10 Section. The time during which the holder of the license was
11 outside the State of Illinois shall not be included within
12 any period of time limiting the commencement of disciplinary
13 action by the Department.

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

21 In enforcing this Section, the Department or Board upon a
22 showing of a possible violation may compel an individual
23 licensed to practice under this Act or who has applied for
24 licensure pursuant to this Act to submit to a mental or
25 physical examination, or both, as required by and at the
26 expense of the Department. The examining physicians or
27 clinical psychologists shall be those specifically designated
28 by the Department or Board. The individual to be examined may
29 have, at his or her own expense, another physician or
30 clinical psychologist of his or her choice present during all
31 aspects of this examination. Failure of any individual to
32 submit to a mental or physical examination when directed
33 shall be grounds for suspension of his or her license until
34 the individual submits to the examination if the Department

1 or Board finds, after notice and hearing, that the refusal to
2 submit to the examination was without reasonable cause.

3 If the Department or Board determines that an applicant
4 or licensee is unable to practice because of the reasons set
5 forth in this Section, the Department or Board may discipline
6 the licensee or require the applicant or licensee to enter
7 into an agreement of care, counseling, and treatment with the
8 Department to enroll and participate in an approved treatment
9 program in accordance with the Impaired Professionals
10 Assistance System, subject to terms and conditions the
11 Department or Board deems appropriate.

12 An individual whose license was granted, continued,
13 reinstated, renewed, disciplined, or supervised subject to
14 such terms, conditions, or restrictions and who fails to
15 comply with such terms, conditions, or restrictions shall be
16 referred to the Director for a determination as to whether
17 the individual shall have his or her license suspended
18 immediately, pending a hearing by the Department or Board.

19 (Source: P.A. 91-357, eff. 7-29-99; 91-689, eff. 1-1-01.)

20 (225 ILCS 25/24) (from Ch. 111, par. 2324)

21 (Section scheduled to be repealed on January 1, 2006)

22 Sec. 24. Refusal, Suspension or Revocation of Dental
23 Hygienist License. The Department may refuse to issue or
24 renew, may revoke, suspend, place on probation, reprimand or
25 take other disciplinary action as the Department may deem
26 proper, including fines not to exceed \$2,500 per violation,
27 with regard to any dental hygienist license for any one or
28 any combination of the following causes:

- 29 1. Fraud in procuring license.
- 30 2. Performing any operation not authorized by this Act.
- 31 3. Practicing dental hygiene other than under the
32 supervision of a licensed dentist as provided by this Act.
- 33 4. The wilful violation of, or the wilful procuring of,

1 or knowingly assisting in the violation of, any Act which is
2 now or which hereafter may be in force in this State relating
3 to the use of habit-forming drugs.

4 5. The obtaining of, or an attempt to obtain a license,
5 or practice in the profession, or money, or any other thing
6 of value by fraudulent representation.

7 6. Gross negligence in performing the operative
8 procedure of dental hygiene.

9 7. Active practice of dental hygiene while knowingly
10 having any infectious, communicable, or contagious disease
11 proscribed by rule or regulation of the Department.

12 8. Habitual intoxication or addiction to the use of
13 habit-forming drugs.

14 9. Conviction in this or another state of any crime
15 which is a felony under the laws of this State or conviction
16 of a felony in a federal court, if the Department determines,
17 after investigation, that such person has not been
18 sufficiently rehabilitated to warrant the public trust.

19 10. Aiding or abetting the unlicensed practice of
20 dentistry or dental hygiene.

21 11. Discipline by another U.S. jurisdiction or a foreign
22 nation, if at least one of the grounds for the discipline is
23 the same or substantially equivalent to those set forth in
24 this Act.

25 12. Violating the Health Care Worker Self-Referral Act.

26 13. Violating the prohibitions of Section 38.1 of this
27 Act.

28 14. Failure to comply with the terms and conditions of an
29 agreement with the Impaired Professionals Assistance System
30 or other such approved treatment program.

31 The provisions of this Act relating to proceedings for
32 the suspension and revocation of a license to practice
33 dentistry shall apply to proceedings for the suspension or
34 revocation of a license as a dental hygienist.

1 In enforcing this Section, the Department or Board 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 pursuant to this Act to submit to a mental or
5 physical examination, or both, as required by and at the
6 expense of the Department. The examining physicians or
7 clinical psychologists shall be those specifically designated
8 by the Department or Board. The individual to be examined may
9 have, at his or her own expense, another physician or
10 clinical psychologist of his or her choice present during all
11 aspects of this examination. Failure of any individual to
12 submit to a mental or physical examination when directed
13 shall be grounds for suspension of his or her license until
14 the individual submits to the examination if the Department
15 or Board finds, after notice and hearing, that the refusal to
16 submit to the examination was without reasonable cause.

17 If the Department or Board determines that an applicant
18 or licensee is unable to practice because of the reasons set
19 forth in this Section, the Department or Board may discipline
20 the licensee or require the applicant or licensee to enter
21 into an agreement of care, counseling, and treatment with the
22 Department or Board to enroll and participate in an approved
23 treatment program in accordance with the Impaired
24 Professionals Assistance, subject to terms and conditions the
25 Department or Board deems appropriate.

26 An individual whose license was granted, continued,
27 reinstated, renewed, disciplined, or supervised subject to
28 such terms, conditions, or restrictions and who fails to
29 comply with such terms, conditions, or restrictions shall be
30 referred to the Director for a determination as to whether
31 the individual shall have his or her license suspended
32 immediately, pending a hearing by the Department or Board.

33 (Source: P.A. 91-520, eff. 1-1-00.)

1 (225 ILCS 25/24.5 new)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 24.5. Reporting requirements. The Department shall,
4 by rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 35. The Dietetic and Nutrition Services
23 Practice Act is amended by changing Sections 10 and 95 and
24 adding Section 96 as follows:

25 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

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

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

28 "Board" means the Dietetic and Nutrition Services
29 Practice Board appointed by the Director.

30 "Department" means the Department of Professional
31 Regulation.

32 "Dietetics" means the integration and application of

1 principles derived from the sciences of food and nutrition to
2 provide for all aspects of nutrition care for individuals and
3 groups, including, but not limited to nutrition services and
4 medical nutrition care as defined in this Act.

5 "Director" means the Director of the Department of
6 Professional Regulation.

7 "Impaired" means the inability to practice with
8 reasonable skill and safety due to physical or mental
9 disabilities as evidenced by a written determination or
10 written consent based on clinical evidence, including
11 deterioration through the aging process or loss of motor
12 skill, abuse of drugs or alcohol, or a psychiatric disorder,
13 of sufficient degree to diminish the person's ability to
14 deliver competent patient care.

15 "Impaired Professionals Assistance System" means the
16 program established by Section 16 of the Department of
17 Professional Regulation Law (20 ILCS 2105/2105-16).

18 "Licensed dietitian" means a person licensed under
19 Section 45 of this Act to practice dietetics. Activities of a
20 licensed dietitian do not include the medical differential
21 diagnoses of the health status of an individual.

22 "Licensed nutrition counselor" means a person licensed
23 under Section 50 of this Act to provide any aspect of
24 nutrition services as defined in this Act. Activities of a
25 licensed nutrition counselor do not include medical nutrition
26 care as defined in this Act or the medical differential
27 diagnoses of the health status of an individual.

28 "Medical nutrition care" means the component of nutrition
29 care that deals with:

30 (a) interpreting and recommending nutrient needs
31 relative to medically prescribed diets, including, but
32 not limited to tube feedings, specialized intravenous
33 solutions, and specialized oral feedings;

34 (b) food and prescription drug interactions; and

1 (c) developing and managing food service operations
2 whose chief function is nutrition care and provision of
3 medically prescribed diets.

4 "Medically prescribed diet" means a diet prescribed when
5 specific food or nutrient levels need to be monitored,
6 altered, or both as a component of a treatment program for an
7 individual whose health status is impaired or at risk due to
8 disease, injury, or surgery and may only be performed as
9 initiated by or in consultation with a physician licensed to
10 practice medicine in all of its branches.

11 "Nutrition assessment" means the evaluation of the
12 nutrition needs of individuals or groups using appropriate
13 data to determine nutrient needs or status and make
14 appropriate nutrition recommendations.

15 "Nutrition counseling" means advising and assisting
16 individuals or groups on appropriate nutrition intake by
17 integrating information from the nutrition assessment.

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

20 (a) Providing nutrition assessments relative to
21 preventive maintenance or restorative care.

22 (b) Providing nutrition education and nutrition
23 counseling as components of preventive maintenance or
24 restorative care.

25 (c) Developing and managing systems whose chief
26 function is nutrition care. Nutrition services for
27 individuals and groups does not include medical nutrition
28 care as defined in this Act.

29 "Practice experience" means a preprofessional,
30 documented, supervised practice in dietetics or nutrition
31 services that is acceptable to the Department in compliance
32 with requirements for licensure, as specified in Sections 45
33 and 50. It may be or may include a documented, supervised
34 practice experience which is a component of the educational

1 requirements for licensure, as specified in Section 45 or 50.

2 "Program of care, counseling, or treatment" means a
3 written agreement between the Department and an applicant or
4 licensee requiring that the applicant or licensee enroll and
5 participate in a treatment program approved by the
6 Department. The agreement may also specify terms and
7 conditions deemed appropriate by the Board.

8 "Registered dietitian" means an individual registered
9 with the Commission on Dietetic Registration, the accrediting
10 body for the American Dietetic Association.

11 "Restorative" means the component of nutrition care that
12 deals with oral dietary needs for individuals and groups.
13 Activities shall relate to the metabolism of food and the
14 requirements for nutrients, including dietary supplements for
15 growth, development, maintenance, or attainment of optimal
16 health.

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

18 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

20 Sec. 95. Grounds for discipline. The Department may
21 refuse to issue or renew, or may revoke, suspend, place on
22 probation, reprimand, or take other disciplinary action as
23 the Department may deem proper, including fines not to exceed
24 \$1000 for each violation, with regard to any license or
25 certificate for any one or combination of the following
26 causes:

27 (a) Material misstatement in furnishing information
28 to the Department.

29 (b) Violations of this Act or its rules.

30 (c) Conviction of any crime under the laws of the
31 United States or any state or territory thereof that is
32 (i) a felony; (ii) a misdemeanor, an essential element of
33 which is dishonesty; or (iii) a crime that is directly

1 related to the practice of the profession.

2 (d) Making any misrepresentation for the purpose of
3 obtaining licensure or violating any provision of this
4 Act.

5 (e) Professional incompetence or gross negligence.

6 (f) Malpractice.

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

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

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

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

18 (k) Discipline by another state, territory, or
19 country if at least one of the grounds for the discipline
20 is the same or substantially equivalent to those set
21 forth in this Act.

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

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

30 (n) Conviction by any court of competent
31 jurisdiction, either within or outside this State, of any
32 violation of any law governing the practice of dietetics
33 or nutrition counseling, if the Department determines,
34 after investigation, that the person has not been

1 sufficiently rehabilitated to warrant the public trust.

2 (o) A finding that licensure has been applied for
3 or obtained by fraudulent means.

4 (p) Practicing or attempting to practice under a
5 name other than the full name as shown on the license or
6 any other legally authorized name.

7 (q) Gross and willful overcharging for professional
8 services including filing statements for collection of
9 fees or monies for which services are not rendered.

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

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

19 (t) Failure to comply with the terms and conditions
20 of an agreement with the Impaired Professionals
21 Assistance System or other such approved treatment
22 program.

23 The Department shall deny any license or renewal under
24 this Act to any person who has defaulted on an educational
25 loan guaranteed by the Illinois Student Assistance
26 Commission; however, the Department may issue a license or
27 renewal if the person in default has established a
28 satisfactory repayment record as determined by the Illinois
29 Student Assistance Commission.

30 The determination by a circuit court that a registrant is
31 subject to involuntary admission or judicial admission as
32 provided in the Mental Health and Developmental Disabilities
33 Code operates as an automatic suspension. This 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 Board
4 to the Director that the registrant be allowed to resume
5 practice.

6 In enforcing this Section, the Department upon a showing
7 of a possible violation may compel an individual licensed to
8 practice under this Act or who has applied for licensure
9 pursuant to this Act to submit to a mental or physical
10 examination, or both, as required by and at the expense of
11 the Department. The examining physicians or clinical
12 psychologists shall be those specifically designated by the
13 Department. The individual to be examined may have, at his or
14 her own expense, another physician or clinical psychologist
15 of his or her choice present during all aspects of this
16 examination. Failure of any individual to submit to a mental
17 or physical examination when directed shall be grounds for
18 suspension of his or her license until the individual submits
19 to the examination if the Department finds, after notice and
20 hearing, that the refusal to submit to the examination was
21 without reasonable cause.

22 If the Department determines that an applicant or
23 licensee is unable to practice because of the reasons set
24 forth in this Section, the Department may discipline the
25 licensee or require the applicant or licensee to enter into
26 an agreement of care, counseling, and treatment with the
27 Department to enroll and participate in an approved treatment
28 program in accordance with the Impaired Professionals
29 Assistance System, subject to terms and conditions the
30 Department deems appropriate.

31 An individual whose license was granted, continued,
32 reinstated, renewed, disciplined, or supervised subject to
33 such terms, conditions, or restrictions and who fails to
34 comply with such terms, conditions, or restrictions shall be

1 referred to the Director for a determination as to whether
2 the individual shall have his or her license suspended
3 immediately, pending a hearing by the Department.

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

5 (225 ILCS 30/96 new)

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

7 Sec. 96. Reporting requirements. The Department shall, by
8 rule, provide for the reporting by all employers to the
9 Impaired Professionals Assistance System of all instances in
10 which a person licensed under this Act who is impaired by
11 reason of age, drug or alcohol abuse, or physical or mental
12 impairment, is under supervision and, where appropriate, is
13 in a program of rehabilitation. Reports shall be strictly
14 confidential and may be reviewed and considered only by
15 authorized Department staff as provided by rule. Provisions
16 shall be made for the periodic report of the status of any
17 such licensee not less than twice annually so that the
18 Department shall have current information upon which to
19 determine the status of any such licensee. Initial and
20 periodic reports of impaired licensees shall not be
21 considered records within the meaning of the State Records
22 Act and shall be disposed of, following a determination by
23 the Department that such reports are no longer required, in a
24 manner and at such time as the Department shall determine by
25 rule.

26 Section 40. The Marriage and Family Therapy Licensing
27 Act is amended by changing Sections 10 and 85 and adding
28 Section 86 as follows:

29 (225 ILCS 55/10) (from Ch. 111, par. 8351-10)

30 (Section scheduled to be repealed on January 1, 2008)

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

1 "Advertise" means, but is not limited to, issuing or
2 causing to be distributed any card, sign or device to any
3 person; or causing, permitting or allowing any sign or
4 marking on or in any building, structure, newspaper, magazine
5 or directory, or on radio or television; or advertising by
6 any other means designed to secure public attention.

7 "Approved program" means an approved comprehensive
8 program of study in marriage and family therapy in a
9 regionally accredited educational institution approved by the
10 Department for the training of marriage and family
11 therapists.

12 "Associate licensed marriage and family therapist" means
13 a person to whom an associate marriage and family therapist
14 license has been issued under this Act.

15 "Board" means the Illinois Marriage and Family Therapy
16 Licensing and Disciplinary Board.

17 "Department" means the Department of Professional
18 Regulation.

19 "Director" means the Director of the Department of
20 Professional Regulation.

21 "Impaired" means the inability to practice with
22 reasonable skill and safety due to physical or mental
23 disabilities as evidenced by a written determination or
24 written consent based on clinical evidence, including
25 deterioration through the aging process or loss of motor
26 skill, abuse of drugs or alcohol, or a psychiatric disorder,
27 of sufficient degree to diminish the person's ability to
28 deliver competent patient care.

29 "Impaired Professionals Assistance System" means the
30 program established by Section 16 of the Department of
31 Professional Regulation Law (20 ILCS 2105/2105-16).

32 "License" means that which is required to practice
33 marriage and family therapy under this Act, the
34 qualifications for which include specific education,

1 acceptable experience and examination requirements.

2 "Licensed marriage and family therapist" means a person
3 to whom a marriage and family therapist license has been
4 issued under this Act.

5 "Marriage and family therapy" means the evaluation and
6 treatment of mental and emotional problems within the context
7 of human relationships. Marriage and family therapy involves
8 the use of psychotherapeutic methods to ameliorate
9 interpersonal and intrapersonal conflict and to modify
10 perceptions, beliefs and behavior in areas of human life that
11 include, but are not limited to, premarriage, marriage,
12 sexuality, family, divorce adjustment, and parenting.

13 "Person" means any individual, firm, corporation,
14 partnership, organization, or body politic.

15 "Practice of marriage and family therapy" means the
16 rendering of marriage and family therapy services to
17 individuals, couples, and families as defined in this
18 Section, either singly or in groups, whether the services are
19 offered directly to the general public or through
20 organizations, either public or private, for a fee, monetary
21 or otherwise.

22 "Program of care, counseling, or treatment" means a
23 written agreement between the Department and an applicant or
24 licensee requiring that the applicant or licensee enroll and
25 participate in a treatment program approved by the
26 Department. The agreement may also specify terms and
27 conditions deemed appropriate by the Board.

28 "Title or description" means to hold oneself out as a
29 licensed marriage and family therapist or an associate
30 licensed marriage and family therapist to the public by means
31 of stating on signs, mailboxes, address plates, stationery,
32 announcements, calling cards or other instruments of
33 professional identification.

34 (Source: P.A. 91-362, eff. 1-1-00.)

1 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)
2 (Section scheduled to be repealed on January 1, 2008)
3 Sec. 85. Refusal, revocation, or suspension.

4 (a) The Department may refuse to issue or renew, or may
5 revoke a license, or may suspend, place on probation, fine,
6 or take any disciplinary action as the Department may deem
7 proper, including fines not to exceed \$1000 for each
8 violation, with regard to any licensee for any one or
9 combination of the following causes:

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

12 (2) Violations of this Act or its rules.

13 (3) Conviction of any crime under the laws of the
14 United States or any state or territory thereof that is
15 (i) a felony, (ii) a misdemeanor, an essential element of
16 which is dishonesty, or (iii) a crime that is related to
17 the practice of the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license or violating any provision of this
20 Act or its rules.

21 (5) Professional incompetence or gross negligence.

22 (6) Malpractice.

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

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

27 (9) Engaging in dishonorable, unethical, or
28 unprofessional conduct of a character likely to deceive,
29 defraud or harm the public as defined by the rules of the
30 Department, or violating the rules of professional
31 conduct adopted by the Board and published by the
32 Department.

33 (10) Habitual or excessive use or addiction to
34 alcohol, narcotics, stimulants, or any other chemical

1 agent or drug that results in the inability to practice
2 with reasonable judgment, skill, or safety.

3 (11) Discipline by another state, territory, or
4 country if at least one of the grounds for the discipline
5 is the same or substantially equivalent to those set
6 forth in this Act.

7 (12) Directly or indirectly giving to or receiving
8 from any person, firm, corporation, partnership or
9 association any fee, commission, rebate, or other form of
10 compensation for any professional services not actually
11 or personally rendered.

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

15 (14) Abandonment of a patient without cause.

16 (15) Willfully making or filing false records or
17 reports relating to a licensee's practice, including but
18 not limited to false records filed with State agencies or
19 departments.

20 (16) Wilfully failing to report an instance of
21 suspected child abuse or neglect as required by the
22 Abused and Neglected Child Reporting Act.

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

30 (18) Physical or mental disability, including
31 deterioration through the aging process, or loss of
32 abilities and skills that results in the inability to
33 practice the profession with reasonable judgment, skill,
34 or safety.

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

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

5 (21) Practicing or attempting to practice under a
6 name other than the full name as shown on the license or
7 any other legally authorized name.

8 (22) Gross overcharging for professional services
9 including filing statements for collection of fees or
10 moneys for which services are not rendered.

11 (23) Failure to comply with the terms and
12 conditions of an agreement with the Impaired
13 Professionals Assistance System or other such approved
14 treatment program.

15 (b) The Department shall deny any application for a
16 license, without hearing, or renewal under this Act to any
17 person who has defaulted on an educational loan guaranteed by
18 the Illinois Student Assistance Commission; however, the
19 Department may issue a license or renewal if the person in
20 default has established a satisfactory repayment record as
21 determined by the Illinois Student Assistance Commission.

22 (c) The determination by a circuit court that a licensee
23 is subject to involuntary admission or judicial admission, as
24 provided in the Mental Health and Developmental Disabilities
25 Code, operates as an automatic suspension. The suspension
26 will terminate only upon a finding by a court that the
27 patient is no longer subject to involuntary admission or
28 judicial admission and the issuance of an order so finding
29 and discharging the patient, and upon the recommendation of
30 the Board to the Director that the licensee be allowed to
31 resume his or her practice as a licensed marriage and family
32 therapist or an associate marriage and family therapist.

33 (d) The Department may refuse to issue or may suspend
34 the license of any person who fails to file a return, pay the

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

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

27 If the Board determines that an applicant or licensee is
28 unable to practice because of the reasons set forth in this
29 Section, the Board may discipline the licensee or require the
30 applicant or licensee to enter into an agreement of care,
31 counseling, and treatment with the Department to enroll and
32 participate in an approved treatment program in accordance
33 with the Impaired Professionals Assistance System, subject to
34 terms and conditions the Board deems appropriate.

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

19 In instances in which the Director immediately suspends a
20 person's license under this Section, 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
26 by applicable federal statutes and regulations safeguarding
27 the confidentiality of medical records.

28 An individual licensed under this Act and affected under
29 this Section shall be afforded an opportunity to demonstrate
30 to the Department or Board that he or she can resume practice
31 in compliance with acceptable and prevailing standards under
32 the provisions of his or her license.

33 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

1 (225 ILCS 55/86 new)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 86. Reporting requirements. The Department shall, by
4 rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 45. The Naprapathic Practice Act is amended by
23 changing Sections 10 and 110 and adding Section 111 as
24 following:

25 (225 ILCS 63/10)

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

27 Sec. 10. Definitions. In this Act:

28 "Naprapath" means a person who practices Naprapathy and
29 who has met all requirements as provided in the Act.

30 "Department" means the Department of Professional
31 Regulation.

32 "Director" means the Director of Professional Regulation.

1 "Committee" means the Naprapathic Examining Committee
2 appointed by the Director.

3 "Referral" means the following of guidance or direction
4 to the naprapath given by the licensed physician, dentist, or
5 podiatrist who maintains supervision of the patient.

6 "Documented current and relevant diagnosis" means a
7 diagnosis, substantiated by signature or oral verification of
8 a licensed physician, dentist, or podiatrist, that a
9 patient's condition is such that it may be treated by
10 naprapathy as defined in this Act, which diagnosis shall
11 remain in effect until changed by the licensed physician,
12 dentist, or podiatrist.

13 "Impaired" means the inability to practice with
14 reasonable skill and safety due to physical or mental
15 disabilities as evidenced by a written determination or
16 written consent based on clinical evidence, including
17 deterioration through the aging process or loss of motor
18 skill, abuse of drugs or alcohol, or a psychiatric disorder,
19 of sufficient degree to diminish the person's ability to
20 deliver competent patient care.

21 "Impaired Professionals Assistance System" means the
22 program established by Section 16 of the Department of
23 Professional Regulation Law (20 ILCS 2105/2105-16).

24 "Program of care, counseling, or treatment" means a
25 written agreement between the Department and an applicant or
26 licensee requiring that the applicant or licensee enroll and
27 participate in a treatment program approved by the
28 Department. The agreement may also specify terms and
29 conditions deemed appropriate by the Board.

30 (Source: P.A. 87-1231.)

31 (225 ILCS 63/110)

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

33 Sec. 110. Grounds for disciplinary action; refusal,

1 revocation, suspension.

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

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

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

11 (3) Conviction of any crime under the laws of any
12 U.S. jurisdiction that is (i) a felony, (ii) a
13 misdemeanor, an essential element of which is dishonesty,
14 or (iii) directly related to the practice of the
15 profession.

16 (4) Making any misrepresentation for the purpose of
17 obtaining a license.

18 (5) Professional incompetence or gross negligence.

19 (6) Gross malpractice.

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

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

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

27 (10) Habitual or excessive use or addiction to
28 alcohol, narcotics, stimulants, or any other chemical
29 agent or drug that results in the inability to practice
30 with reasonable judgment, skill, or safety.

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

1 (12) Directly or indirectly giving to or receiving
2 from any person, firm, corporation, partnership, or
3 association any fee, commission, rebate, or other form of
4 compensation for any professional services not actually
5 or personally rendered. This shall not be deemed to
6 include rent or other remunerations paid to an
7 individual, partnership, or corporation by a naprapath
8 for the lease, rental, or use of space, owned or
9 controlled by the individual, partnership, corporation or
10 association.

11 (13) Using the title "Doctor" or its abbreviation
12 without further clarifying that title or abbreviation
13 with the word "naprapath" or "naprapathy" or the
14 designation "D.N."

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

18 (15) Abandonment of a patient without cause.

19 (16) Willfully making or filing false records or
20 reports relating to a licensee's practice, including but
21 not limited to, false records filed with State agencies
22 or departments.

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

26 (18) Physical illness, including but not limited
27 to, deterioration through the aging process or loss of
28 motor skill that results in the inability to practice the
29 profession with reasonable judgment, skill, or safety.

30 (19) Solicitation of professional services by means
31 other than permitted advertising.

32 (20) Failure to provide a patient with a copy of
33 his or her record upon the written request of the
34 patient.

1 (21) Conviction by any court of competent
2 jurisdiction, either within or without this State, of any
3 violation of any law governing the practice of
4 naprapathy, conviction in this or another state of any
5 crime which is a felony under the laws of this State or
6 conviction of a felony in a federal court, if the
7 Department determines, after investigation, that the
8 person has not been sufficiently rehabilitated to warrant
9 the public trust.

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

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

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

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

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

26 (27) Maintaining a professional relationship with
27 any person, firm, or corporation when the naprapath
28 knows, or should know, that the person, firm, or
29 corporation is violating this Act.

30 (28) Promotion of the sale of food supplements,
31 devices, appliances, or goods provided for a client or
32 patient in such manner as to exploit the patient or
33 client for financial gain of the licensee.

34 (29) Having treated ailments of human beings other

1 than by the practice of naprapathy as defined in this
2 Act, or having treated ailments of human beings as a
3 licensed naprapath independent of a documented referral
4 or documented current and relevant diagnosis from a
5 physician, dentist, or podiatrist, or having failed to
6 notify the physician, dentist, or podiatrist who
7 established a documented current and relevant diagnosis
8 that the patient is receiving naprapathic treatment
9 pursuant to that diagnosis.

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

14 (31) Continuance of a naprapath in the employ of
15 any person, firm, or corporation, or as an assistant to
16 any naprapath or naprapaths, directly or indirectly,
17 after his or her employer or superior has been found
18 guilty of violating or has been enjoined from violating
19 the laws of the State of Illinois relating to the
20 practice of naprapathy when the employer or superior
21 persists in that violation.

22 (32) The performance of naprapathic service in
23 conjunction with a scheme or plan with another person,
24 firm, or corporation known to be advertising in a manner
25 contrary to this Act or otherwise violating the laws of
26 the State of Illinois concerning the practice of
27 naprapathy.

28 (33) Failure to provide satisfactory proof of
29 having participated in approved continuing education
30 programs as determined by the Committee and approved by
31 the Director. Exceptions for extreme hardships are to be
32 defined by the rules of the Department.

33 (34) Willfully making or filing false records or
34 reports in the practice of naprapathy, including, but not

1 limited to, false records to support claims against the
2 medical assistance program of the Department of Public
3 Aid under the Illinois Public Aid Code.

4 (35) Gross or willful overcharging for professional
5 services including filing false statements for collection
6 of fees for which services are not rendered, including,
7 but not limited to, filing false statements for
8 collection of monies for services not rendered from the
9 medical assistance program of the Department of Public
10 Aid under the Illinois Public Aid Code.

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

15 (37) Failure to comply with the terms and
16 conditions of an agreement with the Impaired
17 Professionals Assistance System or other such approved
18 treatment program.

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

26 (b) The determination by a circuit court that a licensee
27 is subject to involuntary admission or judicial admission as
28 provided in the Mental Health and Developmental Disabilities
29 Code operates as an automatic suspension. The suspension
30 will end only upon a finding by a court that the patient is
31 no longer subject to involuntary admission or judicial
32 admission, the issuance of an order so finding and
33 discharging the patient, and the recommendation of the
34 Committee to the Director that the licensee be allowed to

1 resume his or her practice.

2 In enforcing this Section, the Department upon a showing
3 of a possible violation may compel an individual licensed to
4 practice under this Act or who has applied for licensure
5 pursuant to this Act to submit to a mental or physical
6 examination, or both, as required by and at the expense of
7 the Department. The examining physicians or clinical
8 psychologists shall be those specifically designated by the
9 Department. The individual to be examined may have, at his or
10 her own expense, another physician or clinical psychologist
11 of his or her choice present during all aspects of this
12 examination. Failure of any individual to submit to a mental
13 or physical examination when directed shall be grounds for
14 suspension of his or her license until the individual submits
15 to the examination if the Department finds, after notice and
16 hearing, that the refusal to submit to the examination was
17 without reasonable cause.

18 If the Department determines that an applicant or
19 licensee is unable to practice because of the reasons set
20 forth in this Section, the Department may discipline the
21 licensee or require the applicant or licensee to enter into
22 an agreement of care, counseling, and treatment with the
23 Department to enroll and participate in an approved treatment
24 program in accordance with the Impaired Professionals
25 Assistance System, subject to terms and conditions the
26 Department deems appropriate.

27 An individual whose license was granted, continued,
28 reinstated, renewed, disciplined, or supervised subject to
29 such terms, conditions, or restrictions and who fails to
30 comply with such terms, conditions, or restrictions shall be
31 referred to the Director for a determination as to whether
32 the individual shall have his or her license suspended
33 immediately, pending a hearing by the Department.

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

1 (225 ILCS 63/111 new)

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

3 Sec. 111. Reporting requirements. The Department shall,
4 by rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 50. The Nursing and Advanced Practice Nursing
23 Act is amended by changing Sections 5-10, 10-45, 10-50, 15-5,
24 and 15-50 as follows:

25 (225 ILCS 65/5-10)

26 (Section scheduled to be repealed on January 1, 2008)

27 Sec. 5-10. Definitions. Each of the following terms,
28 when used in this Act, shall have the meaning ascribed to it
29 in this Section, except where the context clearly indicates
30 otherwise:

31 (a) "Department" means the Department of Professional
32 Regulation.

1 (b) "Director" means the Director of Professional
2 Regulation.

3 (c) "Board" means the Board of Nursing appointed by the
4 Director.

5 (d) "Academic year" means the customary annual schedule
6 of courses at a college, university, or approved school,
7 customarily regarded as the school year as distinguished from
8 the calendar year.

9 (e) "Approved program of professional nursing education"
10 and "approved program of practical nursing education" are
11 programs of professional or practical nursing, respectively,
12 approved by the Department under the provisions of this Act.

13 (f) "Nursing Act Coordinator" means a registered
14 professional nurse appointed by the Director to carry out the
15 administrative policies of the Department.

16 (g) "Assistant Nursing Act Coordinator" means a
17 registered professional nurse appointed by the Director to
18 assist in carrying out the administrative policies of the
19 Department.

20 (h) "Registered" is the equivalent of "licensed".

21 (i) "Practical nurse" or "licensed practical nurse"
22 means a person who is licensed as a practical nurse under
23 this Act and practices practical nursing as defined in
24 paragraph (j) of this Section. Only a practical nurse
25 licensed under this Act is entitled to use the title
26 "licensed practical nurse" and the abbreviation "L.P.N.".

27 (j) "Practical nursing" means the performance of nursing
28 acts requiring the basic nursing knowledge, judgement, and
29 skill acquired by means of completion of an approved
30 practical nursing education program. Practical nursing
31 includes assisting in the nursing process as delegated by and
32 under the direction of a registered professional nurse. The
33 practical nurse may work under the direction of a licensed
34 physician, dentist, podiatrist, or other health care

1 professional determined by the Department.

2 (k) "Registered Nurse" or "Registered Professional
3 Nurse" means a person who is licensed as a professional nurse
4 under this Act and practices nursing as defined in paragraph
5 (l) of this Section. Only a registered nurse licensed under
6 this Act is entitled to use the titles "registered nurse" and
7 "registered professional nurse" and the abbreviation, "R.N.".

8 (l) "Registered professional nursing practice" includes
9 all nursing specialities and means the performance of any
10 nursing act based upon professional knowledge, judgment, and
11 skills acquired by means of completion of an approved
12 registered professional nursing education program. A
13 registered professional nurse provides nursing care
14 emphasizing the importance of the whole and the
15 interdependence of its parts through the nursing process to
16 individuals, groups, families, or communities, that includes
17 but is not limited to: (1) the assessment of healthcare
18 needs, nursing diagnosis, planning, implementation, and
19 nursing evaluation; (2) the promotion, maintenance, and
20 restoration of health; (3) counseling, patient education,
21 health education, and patient advocacy; (4) the
22 administration of medications and treatments as prescribed by
23 a physician licensed to practice medicine in all of its
24 branches, a licensed dentist, a licensed podiatrist, or a
25 licensed optometrist or as prescribed by a physician
26 assistant in accordance with written guidelines required
27 under the Physician Assistant Practice Act of 1987 or by an
28 advanced practice nurse in accordance with a written
29 collaborative agreement required under the Nursing and
30 Advanced Practice Nursing Act; (5) the coordination and
31 management of the nursing plan of care; (6) the delegation to
32 and supervision of individuals who assist the registered
33 professional nurse implementing the plan of care; and (7)
34 teaching and supervision of nursing students. The foregoing

1 shall not be deemed to include those acts of medical
2 diagnosis or prescription of therapeutic or corrective
3 measures that are properly performed only by physicians
4 licensed in the State of Illinois.

5 (m) "Current nursing practice update course" means a
6 planned nursing education curriculum approved by the
7 Department consisting of activities that have educational
8 objectives, instructional methods, content or subject matter,
9 clinical practice, and evaluation methods, related to basic
10 review and updating content and specifically planned for
11 those nurses previously licensed in the United States or its
12 territories and preparing for reentry into nursing practice.

13 (n) "Professional assistance program for nurses" means a
14 professional assistance program that meets criteria
15 established by the Board of Nursing and approved by the
16 Director, which provides a non-disciplinary treatment
17 approach for nurses licensed under this Act whose ability to
18 practice is compromised by alcohol or chemical substance
19 addiction.

20 (o) "Impaired" means the inability to practice with
21 reasonable skill and safety due to physical or mental
22 disabilities as evidenced by a written determination or
23 written consent based on clinical evidence, including
24 deterioration through the aging process or loss of motor
25 skill, abuse of drugs or alcohol, or a psychiatric disorder,
26 of sufficient degree to diminish the person's ability to
27 deliver competent patient care.

28 (p) "Impaired Professionals Assistance System" means the
29 program established by Section 16 of the Department of
30 Professional Regulation Law (20 ILCS 2105/2105-16).

31 (q) "Program of care, counseling, or treatment" means a
32 written agreement between the Department and an applicant or
33 licensee requiring that the applicant or licensee enroll and
34 participate in a treatment program approved by the

1 Department. The agreement may also specify terms and
2 conditions deemed appropriate by the Board.

3 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
4 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

5 (225 ILCS 65/10-45)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 10-45. Grounds for disciplinary action.

8 (a) The Department may, upon recommendation of the
9 Board, refuse to issue or to renew, or may revoke, suspend,
10 place on probation, reprimand, or take other disciplinary
11 action as the Department may deem appropriate with regard to
12 a license for any one or combination of the causes set forth
13 in subsection (b) below. Fines up to \$2,500 may be imposed
14 in conjunction with other forms of disciplinary action for
15 those violations that result in monetary gain for the
16 licensee. Fines shall not be the exclusive disposition of any
17 disciplinary action arising out of conduct resulting in death
18 or injury to a patient. Fines shall not be assessed in
19 disciplinary actions involving mental or physical illness or
20 impairment. All fines collected under this Section shall be
21 deposited in the Nursing Dedicated and Professional Fund.

22 (b) Grounds for disciplinary action include the
23 following:

24 (1) Material deception in furnishing information to
25 the Department.

26 (2) Material violations of any provision of this
27 Act or violation of the rules of or final administrative
28 action of the Director, after consideration of the
29 recommendation of the Board.

30 (3) Conviction of any crime under the laws of any
31 jurisdiction of the United States: (i) which is a felony;
32 or (ii) which is a misdemeanor, an essential element of
33 which is dishonesty, or (iii) of any crime which is

1 directly related to the practice of the profession.

2 (4) A pattern of practice or other behavior which
3 demonstrates incapacity or incompetency to practice under
4 this Act.

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

7 (6) Failing, within 90 days, to provide a response
8 to a request for information in response to a written
9 request made by the Department by certified mail.

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

13 (8) Unlawful sale or distribution of any drug,
14 narcotic, or prescription device, or unlawful conversion
15 of any drug, narcotic or prescription device.

16 (9) Habitual or excessive use or addiction to
17 alcohol, narcotics, stimulants, or any other chemical
18 agent or drug which results in a licensee's inability to
19 practice with reasonable judgment, skill or safety.

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

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

27 (12) Being named as a perpetrator in an indicated
28 report by the Department of Children and Family Services
29 and under the Abused and Neglected Child Reporting Act,
30 and upon proof by clear and convincing evidence that the
31 licensee has caused a child to be an abused child or
32 neglected child as defined in the Abused and Neglected
33 Child Reporting Act.

34 (13) Willful omission to file or record, or

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

6 (14) Gross negligence in the practice of nursing.

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

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

13 (17) Allowing another person or organization to use
14 the licensees' license to deceive the public.

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

20 (19) Attempting to subvert or cheat on a nurse
21 licensing examination administered under this Act.

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

25 (21) Willfully or negligently violating the
26 confidentiality between nurse and patient except as
27 required by law.

28 (22) Practicing under a false or assumed name,
29 except as provided by law.

30 (23) The use of any false, fraudulent, or deceptive
31 statement in any document connected with the licensee's
32 practice.

33 (24) Directly or indirectly giving to or receiving
34 from a person, firm, corporation, partnership, or

1 association a fee, commission, rebate, or other form of
2 compensation for professional services not actually or
3 personally rendered.

4 (25) Failure of a licensee to report to the
5 Department any adverse final action taken against such
6 licensee by another licensing jurisdiction (any other
7 jurisdiction of the United States or any foreign state or
8 country), by any peer review body, by any health care
9 institution, by any professional or nursing society or
10 association, by any governmental agency, by any law
11 enforcement agency, or by any court or a nursing
12 liability claim related to acts or conduct similar to
13 acts or conduct that would constitute grounds for action
14 as defined in this Section.

15 (26) Failure of a licensee to report to the
16 Department surrender by the licensee of a license or
17 authorization to practice nursing in another state or
18 jurisdiction, or current surrender by the licensee of
19 membership on any nursing staff or in any nursing or
20 professional association or society while under
21 disciplinary investigation by any of those authorities or
22 bodies for acts or conduct similar to acts or conduct
23 that would constitute grounds for action as defined by
24 this Section.

25 (27) A violation of the Health Care Worker
26 Self-Referral Act.

27 (28) Physical illness, including but not limited to
28 deterioration through the aging process or loss of motor
29 skill, mental illness, or disability that results in the
30 inability to practice the profession with reasonable
31 judgment, skill, or safety.

32 (29) Failure to comply with the terms and
33 conditions of an agreement with the Impaired
34 Professionals Assistance System or other such approved

1 treatment program.

2 (c) 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, as amended, operates as an automatic suspension. The
6 suspension will end only upon a finding by a court that the
7 patient is no longer subject to involuntary admission or
8 judicial admission and issues an order so finding and
9 discharging the patient; and upon the recommendation of the
10 Board to the Director that the licensee be allowed to resume
11 his or her practice.

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

19 (e) In enforcing this Section, the Department or Board
20 upon a showing of a possible violation may compel an
21 individual licensed to practice under this Act, or who has
22 applied for licensure under this Act, to submit to a mental
23 or physical examination, or both, as required by and at the
24 expense of the Department. The Department or Board may order
25 the examining physician to present testimony concerning the
26 mental or physical examination of the licensee or applicant.
27 No information shall be excluded by reason of any common law
28 or statutory privilege relating to communications between the
29 licensee or applicant and the examining physician. The
30 examining physicians shall be specifically designated by the
31 Board or Department. The individual to be examined may have,
32 at his or her own expense, another physician of his or her
33 choice present during all aspects of this examination.
34 Failure of an individual to submit to a mental or physical

1 examination, when directed, shall be grounds for suspension
 2 of his or her license until the individual submits to the
 3 examination if the Department finds, after notice and
 4 hearing, that the refusal to submit to the examination was
 5 without reasonable cause.

6 If the Department determines that an applicant or
 7 licensee is unable to practice because of the reasons set
 8 forth in this Section, the Department may discipline the
 9 licensee or require the applicant or licensee to enter into
 10 an agreement of care, counseling, and treatment with the
 11 Department to enroll and participate in an approved treatment
 12 program in accordance with the Impaired Professionals
 13 Assistance System, subject to terms and conditions the
 14 Department deems appropriate.

15 ~~If the Department or Board finds an individual unable to~~
 16 ~~practice because of the reasons set forth in this Section,~~
 17 ~~the Department or Board may require that individual to submit~~
 18 ~~to care, counseling, or treatment by physicians approved or~~
 19 ~~designated by the Department or Board, as a condition, term,~~
 20 ~~or restriction for continued, reinstated, or renewed~~
 21 ~~licensure to practice; or, in lieu of care, counseling, or~~
 22 ~~treatment, the Department may file, or the Board may~~
 23 ~~recommend to the Department to file, a complaint to~~
 24 ~~immediately suspend, revoke, or otherwise discipline the~~
 25 ~~license of the individual. An individual whose license was~~
 26 ~~granted, continued, reinstated, renewed, disciplined or~~
 27 ~~supervised subject to such terms, conditions, or~~
 28 ~~restrictions, and who fails to comply with such terms,~~
 29 ~~conditions, or restrictions, shall be referred to the~~
 30 ~~Director for a determination as to whether the individual~~
 31 ~~shall have his or her license suspended immediately, pending~~
 32 ~~a hearing by the Department.~~

33 In instances in which the Director immediately suspends a
 34 person's license under this Section, a hearing on that

1 person's license must be convened by the Department within 15
2 days after the suspension and completed without appreciable
3 delay. The Department and Board shall have the authority to
4 review the subject individual's record of treatment and
5 counseling regarding the impairment to the extent permitted
6 by applicable federal statutes and regulations safeguarding
7 the confidentiality of medical records.

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

13 (Source: P.A. 90-742, eff. 8-13-98.)

14 (225 ILCS 65/10-50)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 10-50. Intoxication and drug abuse.

17 (a) The Department shall, by rule, provide for the
18 reporting by all employers to the Impaired Professionals
19 Assistance System of all instances in which a person licensed
20 under this Act who is impaired by reason of age, drug or
21 alcohol abuse, or physical or mental impairment, is under
22 supervision and, where appropriate, is in a program of
23 rehabilitation. Reports shall be strictly confidential and
24 may be reviewed and considered only by authorized Department
25 staff as provided by rule. Provisions shall be made for the
26 periodic report of the status of any such licensee not less
27 than twice annually so that the Department shall have current
28 information upon which to determine the status of any such
29 licensee. Initial and periodic reports of impaired licensees
30 shall not be considered records within the meaning of the
31 State Records Act and shall be disposed of, following a
32 determination by the Department that such reports are no
33 longer required, in a manner and at such time as the

1 Department shall determine by rule. A professional assistance
2 program for nurses shall be established by January 1, 1999.

3 (b) Blank). The Director shall appoint a task force to
4 advise in the creation of the assistance program. The task
5 force shall include members of the Department and
6 professional nurses, and shall report its findings and
7 recommendations to the Committee on Nursing.

8 (c) Any registered professional nurse who is an
9 administrator or officer in any hospital, nursing home, other
10 health care agency or facility, or nurse agency and has
11 knowledge of any action or condition which reasonably
12 indicates to her or him that a registered professional nurse
13 or licensed practical nurse employed by or practicing nursing
14 in such hospital, nursing home, other health care agency or
15 facility, or nurse agency is habitually intoxicated or
16 addicted to the use of habit-forming drugs to the extent that
17 such intoxication or addiction adversely affects such nurse's
18 professional performance, or unlawfully possesses, uses,
19 distributes or converts habit-forming drugs belonging to the
20 hospital, nursing home or other health care agency or
21 facility for such nurse's own use, shall promptly file a
22 written report thereof to the Department; provided however,
23 an administrator or officer need not file the report if the
24 nurse participates in a course of remedial professional
25 counseling or medical treatment for substance abuse, as long
26 as such nurse actively pursues such treatment under
27 monitoring through the Impaired Professional Assistance
28 Program by the administrator or officer or by the hospital,
29 nursing home, health care agency or facility, or nurse agency
30 and the nurse continues to be employed by such hospital,
31 nursing home, health care agency or facility, or nurse
32 agency. The Department shall review all reports received by
33 it in a timely manner. Its initial review shall be completed
34 no later than 60 days after receipt of the report. Within

1 this 60 day period, the Department shall, in writing, make a
2 determination as to whether there are sufficient facts to
3 warrant further investigation or action.

4 Should the Department find insufficient facts to warrant
5 further investigation, or action, the report shall be
6 accepted for filing and the matter shall be deemed closed and
7 so reported.

8 Should the Department find sufficient facts to warrant
9 further investigation, such investigation shall be completed
10 within 60 days of the date of the determination of sufficient
11 facts to warrant further investigation or action. Final
12 action shall be determined no later than 30 days after the
13 completion of the investigation. If there is a finding which
14 verifies habitual intoxication or drug addiction which
15 adversely affects professional performance or the unlawful
16 possession, use, distribution or conversion of habit-forming
17 drugs by the reported nurse, the Department may refuse to
18 issue or renew or may suspend or revoke that nurse's license
19 as a registered professional nurse or a licensed practical
20 nurse.

21 Any of the aforementioned actions or a determination that
22 there are insufficient facts to warrant further investigation
23 or action shall be considered a final action. The nurse
24 administrator or officer who filed the original report or
25 complaint, and the nurse who is the subject of the report,
26 shall be notified in writing by the Department within 15 days
27 of any final action taken by the Department.

28 Each year on March 1, commencing with the effective date
29 of this Act, the Department shall submit a report to the
30 General Assembly. The report shall include the number of
31 reports made under this Section to the Department during the
32 previous year, the number of reports reviewed and found
33 insufficient to warrant further investigation, the number of
34 reports not completed and the reasons for incompleteness. This

1 report shall be made available also to nurses requesting the
2 report.

3 Any person making a report under this Section or in good
4 faith assisting another person in making such a report shall
5 have immunity from any liability, either criminal or civil,
6 that might result by reason of such action. For the purpose
7 of any legal proceeding, criminal or civil, there shall be a
8 rebuttable presumption that any person making a report under
9 this Section or assisting another person in making such
10 report was acting in good faith. All such reports and any
11 information disclosed to or collected by the Department
12 pursuant to this Section shall remain confidential records of
13 the Department and shall not be disclosed nor be subject to
14 any law or regulation of this State relating to freedom of
15 information or public disclosure of records.

16 (Source: P.A. 90-742, eff. 8-13-98.)

17 (225 ILCS 65/15-5)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 15-5. Definitions. As used in this Title:

20 "APN Board" means the Advanced Practice Nursing Board.

21 "Advanced practice nurse" or "APN" means a person who:
22 (1) is licensed as a registered professional nurse under
23 this Act; (2) meets the requirements for licensure as an
24 advanced practice nurse under Section 15-10; (3) except as
25 provided in Section 15-25, has a written collaborative
26 agreement with a collaborating physician in the diagnosis of
27 illness and management of wellness and other conditions as
28 appropriate to the level and area of his or her practice in
29 accordance with Section 15-15; and (4) cares for patients (A)
30 by using advanced diagnostic skills, the results of
31 diagnostic tests and procedures ordered by the advanced
32 practice nurse, a physician assistant, a dentist, a
33 podiatrist, or a physician, and professional judgment to

1 initiate and coordinate the care of patients; (B) by ordering
2 diagnostic tests, prescribing medications and drugs in
3 accordance with Section 15-20, and administering medications
4 and drugs; and (C) by using medical, therapeutic, and
5 corrective measures to treat illness and improve health
6 status. Categories include certified nurse midwife (CNM),
7 certified nurse practitioner (CNP), certified registered
8 nurse anesthetist (CRNA), or certified clinical nurse
9 specialist (CNS).

10 "Collaborating physician" means a physician who works
11 with an advanced practice nurse and provides medical
12 direction as documented in a written collaborative agreement
13 required under Section 15-15.

14 "Impaired" means the inability to practice with
15 reasonable skill and safety due to physical or mental
16 disabilities as evidenced by a written determination or
17 written consent based on clinical evidence, including
18 deterioration through the aging process or loss of motor
19 skill, abuse of drugs or alcohol, or a psychiatric disorder,
20 of sufficient degree to diminish the person's ability to
21 deliver competent patient care.

22 "Impaired Professionals Assistance System" means the
23 program established by Section 16 of the Department of
24 Professional Regulation Law (20 ILCS 2105/2105-16).

25 "Licensed hospital" means a hospital licensed under the
26 Hospital Licensing Act or organized under the University of
27 Illinois Hospital Act.

28 "Physician" means a person licensed to practice medicine
29 in all its branches under the Medical Practice Act of 1987.

30 "Program of care, counseling, or treatment" means a
31 written agreement between the Department and an applicant or
32 licensee requiring that the applicant or licensee enroll and
33 participate in a treatment program approved by the
34 Department. The agreement may also specify terms and

1 conditions deemed appropriate by the Board.

2 (Source: P.A. 90-742, eff. 8-13-98; 91-414, eff. 8-6-99.)

3 (225 ILCS 65/15-50)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 15-50. Grounds for disciplinary action.

6 (a) The Department may, upon the recommendation of the
7 APN Board, refuse to issue or to renew, or may revoke,
8 suspend, place on probation, censure or reprimand, or take
9 other disciplinary action as the Department may deem
10 appropriate with regard to a license issued under this Title,
11 including the issuance of fines not to exceed \$5,000 for each
12 violation, for any one or combination of the grounds for
13 discipline set forth in Section 10-45 of this Act or for any
14 one or combination of the following causes:

15 (1) Gross negligence in the practice of advanced
16 practice nursing.

17 (2) Exceeding the terms of a collaborative
18 agreement or the prescriptive authority delegated to him
19 or her by his or her collaborating physician or alternate
20 collaborating physician in guidelines established under a
21 written collaborative agreement.

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

26 (4) Prescribing, selling, administering,
27 distributing, giving, or self-administering a drug
28 classified as a controlled substance (designated product)
29 or narcotic for other than medically accepted therapeutic
30 purposes.

31 (5) Promotion of the sale of drugs, devices,
32 appliances, or goods provided for a patient in a manner
33 to exploit the patient for financial gain.

1 (6) Violating State or federal laws or regulations
2 relating to controlled substances.

3 (7) Willfully or negligently violating the
4 confidentiality between advanced practice nurse,
5 collaborating physician, and patient, except as required
6 by law.

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

18 (9) Failure of a licensee to report to the
19 Department surrender by the licensee of a license or
20 authorization to practice nursing or advanced practice
21 nursing in another state or jurisdiction, or current
22 surrender by the licensee of membership on any nursing
23 staff or organized health care professional staff or in
24 any nursing, advanced practice nurse, or professional
25 association or society while under disciplinary
26 investigation by any of those authorities or bodies for
27 acts or conduct similar to acts or conduct that would
28 constitute grounds for action as defined in this Section.

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

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

34 (12) Any violation of any Section of this Title or

1 Act.

2 (13) Failure to comply with the terms and
3 conditions of an agreement with the Impaired
4 Professionals Assistance System or other such approved
5 treatment program.

6 When the Department has received written reports
7 concerning incidents required to be reported in items (8) and
8 (9), the licensee's failure to report the incident to the
9 Department under those items shall not be the sole grounds
10 for disciplinary action.

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

17 (c) In enforcing this Section, the Department or APN
18 Board, upon a showing of a possible violation, may compel an
19 individual licensed to practice under this Title, or who has
20 applied for licensure under this Title, to submit to a mental
21 or physical examination or both, as required by and at the
22 expense of the Department. The Department or APN Board may
23 order the examining physician to present testimony concerning
24 the mental or physical examination of the licensee or
25 applicant. No information shall be excluded by reason of any
26 common law or statutory privilege relating to communications
27 between the licensee or applicant and the examining
28 physician. The examining physician shall be specifically
29 designated by the APN Board or Department. The individual to
30 be examined may have, at his or her own expense, another
31 physician of his or her choice present during all aspects of
32 this examination. Failure of an individual to submit to a
33 mental or physical examination when directed shall be grounds
34 for suspension of his or her license until the individual

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

4 If the Department determines that an applicant or
5 licensee is unable to practice because of the reasons set
6 forth in this Section, the Department may discipline the
7 licensee or require the applicant or licensee to enter into
8 an agreement of care, counseling, and treatment with the
9 Department to enroll and participate in an approved treatment
10 program in accordance with the Impaired Professionals
11 Assistance System, subject to terms and conditions the
12 Department deems appropriate.

13 ~~If the Department or APN Board finds an individual unable~~
14 ~~to practice because of the reasons set forth in this Section,~~
15 ~~the Department or APN Board may require that individual to~~
16 ~~submit to care, counseling, or treatment by physicians~~
17 ~~approved or designated by the Department or APN Board as a~~
18 ~~condition, term, or restriction for continued, reinstated, or~~
19 ~~renewed licensure to practice; or, in lieu of care,~~
20 ~~counseling, or treatment, the Department may file, or the APN~~
21 ~~Board may recommend to the Department to file, a complaint to~~
22 ~~immediately suspend, revoke, or otherwise discipline the~~
23 ~~license of the individual. An individual whose license was~~
24 ~~granted, continued, reinstated, renewed, disciplined or~~
25 ~~supervised subject to terms, conditions, or restrictions, and~~
26 ~~who fails to comply with the terms, conditions, or~~
27 ~~restrictions, shall be referred to the Director for a~~
28 ~~determination as to whether the individual shall have his or~~
29 ~~her license suspended immediately, pending a hearing by the~~
30 ~~Department.~~

31 In instances in which the Director immediately suspends a
32 person's license under this Section, a hearing on that
33 person's license shall be convened by the Department within
34 15 days after the suspension and shall be completed without

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

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

12 The Department shall, by rule, provide for the reporting
13 by all employers to the Impaired Professionals Assistance
14 System of all instances in which a person licensed under this
15 Act who is impaired by reason of age, drug or alcohol abuse,
16 or physical or mental impairment, is under supervision and,
17 where appropriate, is in a program of rehabilitation. Reports
18 shall be strictly confidential and may be reviewed and
19 considered only by authorized Department staff as provided by
20 rule. Provisions shall be made for the periodic report of the
21 status of any such licensee not less than twice annually so
22 that the Department shall have current information upon which
23 to determine the status of any such licensee. Initial and
24 periodic reports of impaired licensees shall not be
25 considered records within the meaning of the State Records
26 Act and shall be disposed of, following a determination by
27 the Department that such reports are no longer required, in a
28 manner and at such time as the Department shall determine by
29 rule.

30 (Source: P.A. 90-742, eff. 8-13-98.)

31 Section 55. The Nursing Home Administrators Licensing
32 and Disciplinary Act is amended by changing Sections 4 and 17
33 and adding Section 17.5 as follows:

1 (225 ILCS 70/4) (from Ch. 111, par. 3654)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 4. Definitions. For purposes of this Act, the
4 following definitions shall have the following meanings,
5 except where the context requires otherwise:

6 (1) "Act" means the Nursing Home Administrators
7 Licensing and Disciplinary Act.

8 (2) "Department" means the Department of
9 Professional Regulation.

10 (3) "Director" means the Director of Professional
11 Regulation.

12 (4) "Board" means the Nursing Home Administrators
13 Licensing and Disciplinary Board appointed by the
14 Governor.

15 (5) "Nursing home administrator" means the
16 individual licensed under this Act and directly
17 responsible for planning, organizing, directing and
18 supervising the operation of a nursing home, or who in
19 fact performs such functions, whether or not such
20 functions are delegated to one or more other persons.

21 (6) "Nursing home" or "facility" means any entity
22 that is required to be licensed by the Department of
23 Public Health under the Nursing Home Care Act, as
24 amended, other than a sheltered care home as defined
25 thereunder, and includes private homes, institutions,
26 buildings, residences, or other places, whether operated
27 for profit or not, irrespective of the names attributed
28 to them, county homes for the infirm and chronically ill
29 operated pursuant to the County Nursing Home Act, as
30 amended, and any similar institutions operated by a
31 political subdivision of the State of Illinois that
32 provide, though their ownership or management,
33 maintenance, personal care, and nursing for 3 or more
34 persons, not related to the owner by blood or marriage,

1 or any similar facilities in which maintenance is
2 provided to 3 or more persons who by reason of illness of
3 physical infirmity require personal care and nursing.

4 (7) "Maintenance" means food, shelter and laundry.

5 (8) "Personal care" means assistance with meals,
6 dressing, movement, bathing, or other personal needs, or
7 general supervision of the physical and mental well-being
8 of an individual who because of age, physical, or mental
9 disability, emotion or behavior disorder, or mental
10 retardation is incapable of managing his or her person,
11 whether or not a guardian has been appointed for such
12 individual. For the purposes of this Act, this definition
13 does not include the professional services of a nurse.

14 (9) "Nursing" means professional nursing or
15 practical nursing, as those terms are defined in the
16 Nursing and Advanced Practice Nursing Act, for sick or
17 infirm persons who are under the care and supervision of
18 licensed physicians or dentists.

19 (10) "Disciplinary action" means revocation,
20 suspension, probation, supervision, reprimand, required
21 education, fines or any other action taken by the
22 Department against a person holding a license.

23 (11) "Impaired" means the inability to practice
24 with reasonable skill and safety due to physical or
25 mental disabilities as evidenced by a written
26 determination or written consent based on clinical
27 evidence including deterioration through the aging
28 process or loss of motor skill, or abuse of drugs or
29 alcohol, or a psychiatric disorder, of sufficient degree
30 to diminish a person's ability to administer a nursing
31 home.

32 (12) "Impaired Professionals Assistance System"
33 means the program established by Section 16 of the
34 Department of Professional Regulation Law (20 ILCS

1 2105/2105-16).

2 (13) "Program of care, counseling, or treatment"
3 means a written agreement between the Department and an
4 applicant or licensee requiring that the applicant or
5 licensee enroll and participate in a treatment program
6 approved by the Department. The agreement may also
7 specify terms and conditions deemed appropriate by the
8 Board.

9 (Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

10 (225 ILCS 70/17) (from Ch. 111, par. 3667)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 17. Grounds for disciplinary action.

13 (a) The Department may impose fines not to exceed
14 \$1,000, or may refuse to issue or to renew, or may revoke,
15 suspend, place on probation, censure, reprimand or take other
16 disciplinary action with regard to the license of any person,
17 for any one or combination of the following causes:

18 (1) Intentional material misstatement in furnishing
19 information to the Department.

20 (2) Conviction of any crime under the laws of the
21 United States or any state or territory thereof that is a
22 felony or a misdemeanor of which an essential element is
23 dishonesty, or of any crime that is directly related to
24 the practice of the profession of nursing home
25 administration.

26 (3) Making any misrepresentation for the purpose of
27 obtaining a license, or violating any provision of this
28 Act.

29 (4) Immoral conduct in the commission of any act,
30 such as sexual abuse or sexual misconduct, related to the
31 licensee's practice.

32 (5) Failing to respond within 60 days, to a written
33 request made by the Department for information.

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

4 (7) Habitual use or addiction to alcohol,
5 narcotics, stimulants, or any other chemical agent or
6 drug which results in the inability to practice with
7 reasonable judgment, skill or safety.

8 (8) Discipline by another U.S. jurisdiction if at
9 least one of the grounds for the discipline is the same
10 or substantially equivalent to those set forth herein.

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

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

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

22 (12) Disregard or violation of this Act or of any
23 rule issued pursuant to this Act.

24 (13) Aiding or abetting another in the violation of
25 this Act or any rule or regulation issued pursuant to
26 this Act.

27 (14) Allowing one's license to be used by an
28 unlicensed person.

29 (15) Conviction of any crime an essential element
30 of which is misstatement, fraud or dishonesty, or
31 conviction in this State or another state of any crime
32 that is a felony under the laws of this State or
33 conviction of a felony in a federal court.

34 (16) Professional incompetence in the practice of

1 nursing home administration.

2 (17) Conviction of a violation of Section 12-19 of
3 the Criminal Code of 1961 for the abuse and gross neglect
4 of a long term care facility resident.

5 (18) Violation of the Nursing Home Care Act or of
6 any rule issued under the Nursing Home Care Act.

7 (19) Failure to comply with the terms and
8 conditions of an agreement with the Impaired
9 Professionals Assistance System or other such approved
10 treatment program.

11 All proceedings to suspend, revoke, place on probationary
12 status, or take any other disciplinary action as the
13 Department may deem proper, with regard to a license on any
14 of the foregoing grounds, must be commenced within 3 years
15 next after receipt by the Department of (i) a complaint
16 alleging the commission of or notice of the conviction order
17 for any of the acts described herein or (ii) a referral for
18 investigation under Section 3-108 of the Nursing Home Care
19 Act.

20 The entry of an order or judgment by any circuit court
21 establishing that any person holding a license under this Act
22 is a person in need of mental treatment operates as a
23 suspension of that license. That person may resume their
24 practice only upon the entry of a Department order based upon
25 a finding by the Board that they have been determined to be
26 recovered from mental illness by the court and upon the
27 Board's recommendation that they be permitted to resume their
28 practice.

29 The Department, upon the recommendation of the Board,
30 shall adopt rules which set forth standards to be used in
31 determining what constitutes:

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

34 (b) dishonorable, unethical or unprofessional

1 conduct of a character likely to deceive, defraud, or
2 harm the public;

3 (c) immoral conduct in the commission of any act
4 related to the licensee's practice; and

5 (d) professional incompetence in the practice of
6 nursing home administration.

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

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

32 If the Department or Board determines that an applicant
33 or licensee is unable to practice because of the reasons set
34 forth in this Section, the Department or Board may discipline

1 the licensee or require the applicant or licensee to enter
2 into an agreement of care, counseling, and treatment with the
3 Department to enroll and participate in an approved treatment
4 program in accordance with the Impaired Professionals
5 Assistance System, subject to terms and conditions the
6 Department or Board deems appropriate.

7 If--the-Department-or-Board-finds-an-individual-unable-to
8 practice-because-of-the-reasons-set-forth--in--this--Section,
9 the--Department--or--Board--shall--require-such-individual-to
10 submit--to--care,
11 counseling,
12 or--treatment--by--physicians
13 approved-or-designated-by--the--Department--or--Board,
14 as--a
15 condition,
16 term,
17 or-restriction-for-continued,
18 reinstated,
19 or
20 renewed---licensure---to---practice;
21 or--in--lieu--of--care,
22 counseling,
23 or-treatment,
24 the-Department--may--file,
25 or--the
26 Board-may-recommend-to-the-Department-to-file,
27 a-complaint-to
28 immediately--suspend,
29 revoke,
30 or--otherwise--discipline-the
31 license-of-the-individual. Any individual whose license was
32 granted pursuant to this Act or continued, reinstated,
33 renewed, disciplined or supervised, subject to such terms,
34 conditions or restrictions who shall fail to comply with such
terms, conditions or restrictions shall be referred to the
Director for a determination as to whether the licensee shall
have his or her license suspended immediately, pending a
hearing by the Department. In instances in which the Director
immediately suspends a license under this Section, a hearing
upon such person's license must be convened by the Board
within 15 days after such suspension and completed without
appreciable delay. The Department and Board shall have the
authority to review the subject administrator's record of
treatment and counseling regarding the impairment, to the
extent permitted by applicable federal statutes and
regulations safeguarding the confidentiality of medical
records.

34 An individual licensed under this Act, affected under

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

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

13 (c) Members of the Board, and persons retained under
14 contract to assist and advise in an investigation, shall be
15 indemnified by the State for any actions occurring within the
16 scope of services on or for the Board, done in good faith and
17 not wilful and wanton in nature. The Attorney General shall
18 defend all such actions unless he or she determines either
19 that there would be a conflict of interest in such
20 representation or that the actions complained of were not in
21 good faith or were wilful and wanton.

22 Should the Attorney General decline representation, a
23 person entitled to indemnification under this Section shall
24 have the right to employ counsel of his or her choice, whose
25 fees shall be provided by the State, after approval by the
26 Attorney General, unless there is a determination by a court
27 that the member's actions were not in good faith or were
28 wilful and wanton.

29 A person entitled to indemnification under this Section
30 must notify the Attorney General within 7 days of receipt of
31 notice of the initiation of any action involving services of
32 the Board. Failure to so notify the Attorney General shall
33 constitute an absolute waiver of the right to a defense and
34 indemnification.

1 The Attorney General shall determine within 7 days after
2 receiving such notice, whether he or she will undertake to
3 represent a person entitled to indemnification under this
4 Section.

5 (d) 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, as amended, operates as an automatic suspension. Such
9 suspension will end only upon a finding by a court that the
10 patient is no longer subject to involuntary admission or
11 judicial admission and issues an order so finding and
12 discharging the patient; and upon the recommendation of the
13 Board to the Director that the licensee be allowed to resume
14 his or her practice.

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

22 (f) The Department of Public Health shall transmit to
23 the Department a list of those facilities which receive an
24 "A" violation as defined in Section 1-129 of the Nursing Home
25 Care Act.

26 (Source: P.A. 89-197, eff. 7-21-95; 90-61, eff. 12-30-97.)

27 (225 ILCS 70/17.5 new)

28 (Section scheduled to be repealed on January 1, 2008)

29 Sec. 17.5. Reporting requirements. The Department shall,
30 by rule, provide for the reporting by all employers to the
31 Impaired Professionals Assistance System of all instances in
32 which a person licensed under this Act who is impaired by
33 reason of age, drug or alcohol abuse, or physical or mental

1 impairment, is under supervision and, where appropriate, is
2 in a program of rehabilitation. Reports shall be strictly
3 confidential and may be reviewed and considered only by
4 authorized Department staff as provided by rule. Provisions
5 shall be made for the periodic report of the status of any
6 such licensee not less than twice annually so that the
7 Department shall have current information upon which to
8 determine the status of any such licensee. Initial and
9 periodic reports of impaired licensees shall not be
10 considered records within the meaning of the State Records
11 Act and shall be disposed of, following a determination by
12 the Department that such reports are no longer required, in a
13 manner and at such time as the Department shall determine by
14 rule.

15 Section 60. The Illinois Occupational Therapy Practice
16 Act is amended by changing Sections 2 and 19 and adding
17 Section 19.17 as follows:

18 (225 ILCS 75/2) (from Ch. 111, par. 3702)

19 (Section scheduled to be repealed on December 31, 2003)

20 Sec. 2. Definitions. In this Act:

21 (1) "Department" means the Department of Professional
22 Regulation.

23 (2) "Director" means the Director of Professional
24 Regulation.

25 (3) "Board" means the Illinois Occupational Therapy
26 Board appointed by the Director.

27 (4) "Registered occupational therapist" means a person
28 licensed to practice occupational therapy as defined in this
29 Act, and whose license is in good standing.

30 (5) "Certified occupational therapy assistant" means a
31 person licensed to assist in the practice of occupational
32 therapy under the supervision of a registered occupational

1 therapist, and to implement the occupational therapy
2 treatment program as established by the registered
3 occupational therapist. Such program may include training in
4 activities of daily living, the use of therapeutic activity
5 including task oriented activity to enhance functional
6 performance, and guidance in the selection and use of
7 adaptive equipment.

8 (6) "Occupational therapy" means the therapeutic use of
9 purposeful and meaningful occupations or goal-directed
10 activities to evaluate and provide interventions for
11 individuals and populations who have a disease or disorder,
12 an impairment, an activity limitation, or a participation
13 restriction that interferes with their ability to function
14 independently in their daily life roles and to promote health
15 and wellness. Occupational therapy intervention may include
16 any of the following:

17 (a) remediation or restoration of performance
18 abilities that are limited due to impairment in
19 biological, physiological, psychological, or neurological
20 processes;

21 (b) adaptation of task, process, or the environment
22 or the teaching of compensatory techniques in order to
23 enhance performance;

24 (c) disability prevention methods and techniques
25 that facilitate the development or safe application of
26 performance skills; and

27 (d) health promotion strategies and practices that
28 enhance performance abilities.

29 The registered occupational therapist or certified
30 occupational therapy assistant may assume a variety of roles
31 in his or her career including, but not limited to,
32 practitioner, supervisor of professional students and
33 volunteers, researcher, scholar, consultant, administrator,
34 faculty, clinical instructor, and educator of consumers,

1 peers, and family.

2 (7) "Occupational therapy services" means services that
3 may be provided to individuals and populations including,
4 without limitation, the following:

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

9 (b) evaluating, developing, improving, or restoring
10 sensory motor, cognitive, or psychosocial components of
11 performance;

12 (c) designing, fabricating, applying, or training
13 in the use of assistive technology or temporary, orthoses
14 and training in the use of orthoses and prostheses;

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

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

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

26 (g) educating the client, family, caregiver, or
27 others in carrying out appropriate nonskilled
28 interventions; and

29 (h) consulting with groups, programs,
30 organizations, or communities to provide population-based
31 services.

32 (8) "An aide in occupational therapy" means an
33 individual who provides supportive services to occupational
34 therapy practitioners but who is not certified by a

1 nationally recognized occupational therapy certifying or
2 licensing body. ~~er-optometrist-optometrist,~~

3 (9) "Impaired" means the inability to practice with
4 reasonable skill and safety due to physical or mental
5 disabilities as evidenced by a written determination or
6 written consent based on clinical evidence, including
7 deterioration through the aging process or loss of motor
8 skill, abuse of drugs or alcohol, or a psychiatric disorder,
9 of sufficient degree to diminish the person's ability to
10 deliver competent patient care.

11 (10) "Impaired Professionals Assistance System" means
12 the program established by Section 16 of the Department of
13 Professional Regulation Law (20 ILCS 2105/2105-16).

14 (11) "Program of care, counseling, or treatment" means a
15 written agreement between the Department and an applicant or
16 licensee requiring that the applicant or licensee enroll and
17 participate in a treatment program approved by the
18 Department. The agreement may also specify terms and
19 conditions deemed appropriate by the Board.

20 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02;
21 revised 10-12-01.)

22 (225 ILCS 75/19) (from Ch. 111, par. 3719)

23 (Section scheduled to be repealed on December 31, 2003)

24 Sec. 19. (a) The Department may refuse to issue or
25 renew, or may revoke, suspend, place on probation, reprimand
26 or take other disciplinary action as the Department may deem
27 proper, including fines not to exceed \$2,500 for each
28 violation, with regard to any license for any one or
29 combination of the following:

30 (1) Material misstatement in furnishing information
31 to the Department;

32 (2) Wilfully violating this Act, or of the rules
33 promulgated thereunder;

1 (3) Conviction of any crime under the laws of the
2 United States or any state or territory thereof which is
3 a felony or which is a misdemeanor, an essential element
4 of which is dishonesty, or of any crime which is directly
5 related to the practice of occupational therapy;

6 (4) Making any misrepresentation for the purpose of
7 obtaining certification, or violating any provision of
8 this Act or the rules promulgated thereunder pertaining
9 to advertising;

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

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

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

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

22 (9) Habitual intoxication or addiction to the use
23 of drugs;

24 (10) Discipline by another state, the District of
25 Columbia, a territory, or foreign nation, if at least one
26 of the grounds for the discipline is the same or
27 substantially equivalent to those set forth herein;

28 (11) Directly or indirectly giving to or receiving
29 from any person, firm, corporation, partnership or
30 association any fee, commission, rebate or other form of
31 compensation for professional services not actually or
32 personally rendered;

33 (12) A finding by the Department that the license
34 holder, after having his license disciplined, has

1 violated the terms of the discipline;

2 (13) Wilfully making or filing false records or
3 reports in the practice of occupational therapy,
4 including but not limited to false records filed with the
5 State agencies or departments;

6 (14) Physical illness, including but not limited
7 to, deterioration through the aging process, or loss of
8 motor skill which results in the inability to practice
9 the profession with reasonable judgment, skill or safety;

10 (15) Solicitation of professional services other
11 than by permitted advertising;

12 (16) Wilfully exceeding the scope of practice
13 customarily undertaken by persons licensed under this
14 Act, which conduct results in, or may result in, harm to
15 the public;

16 (17) Holding one's self out to practice
17 occupational therapy under any name other than his own or
18 impersonation of any other occupational therapy licensee;

19 (18) Gross negligence;

20 (19) Malpractice;

21 (20) Obtaining a fee in money or gift in kind of
22 any other items of value or in the form of financial
23 profit or benefit as personal compensation, or as
24 compensation, or charge, profit or gain for an employer
25 or for any other person or persons, on the fraudulent
26 misrepresentation that a manifestly incurable condition
27 of sickness, disease or injury to any person can be
28 cured;

29 (21) Accepting commissions or rebates or other
30 forms of remuneration for referring persons to other
31 professionals;

32 (22) Failure to file a return, or to pay the tax,
33 penalty or interest shown in a filed return, or to pay
34 any final assessment of tax, penalty or interest, as

1 required by any tax Act administered by the Illinois
2 Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied;

4 (23) Violating the Health Care Worker Self-Referral
5 Act; and

6 (24) Having treated patients other than by the
7 practice of occupational therapy as defined in this Act,
8 or having treated patients as a licensed occupational
9 therapist independent of a referral from a physician, or
10 having failed to notify the physician who established a
11 diagnosis that the patient is receiving occupational
12 therapy pursuant to that diagnosis.

13 (25) Failure to comply with the terms and
14 conditions of an agreement with the Impaired
15 Professionals Assistance System or other such approved
16 treatment program.

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

27 In enforcing this Section, the Department upon a showing
28 of a possible violation may compel an individual licensed to
29 practice under this Act or who has applied for licensure
30 pursuant to this Act to submit to a mental or physical
31 examination, or both, as required by and at the expense of
32 the Department. The examining physicians or clinical
33 psychologists shall be those specifically designated by the
34 Department. The individual to be examined may have, at his or

1 her own expense, another physician or clinical psychologist
2 of his or her choice present during all aspects of this
3 examination. Failure of any individual to submit to a mental
4 or physical examination when directed shall be grounds for
5 suspension of his or her license until the individual submits
6 to the examination if the Department finds, after notice and
7 hearing, that the refusal to submit to the examination was
8 without reasonable cause.

9 If the Department determines that an applicant or
10 licensee is unable to practice because of the reasons set
11 forth in this Section, the Department may discipline the
12 licensee or require the applicant or licensee to enter into
13 an agreement of care, counseling, and treatment with the
14 Department to enroll and participate in an approved treatment
15 program in accordance with the Impaired Professionals
16 Assistance System, subject to terms and conditions the
17 Department deems appropriate.

18 An individual whose license was granted, continued,
19 reinstated, renewed, disciplined, or supervised subject to
20 such terms, conditions, or restrictions and who fails to
21 comply with such terms, conditions, or restrictions shall be
22 referred to the Director for a determination as to whether
23 the individual shall have his or her license suspended
24 immediately, pending a hearing by the Department.

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

26 (225 ILCS 75/19.17 new)

27 (Section scheduled to be repealed on December 31, 2003)

28 Sec. 19.17. Reporting requirements. The Department
29 shall, by rule, provide for the reporting by all employers to
30 the Impaired Professionals Assistance System of all instances
31 in which a person licensed under this Act who is impaired by
32 reason of age, drug or alcohol abuse, or physical or mental
33 impairment, is under supervision and, where appropriate, is

1 in a program of rehabilitation. Reports shall be strictly
2 confidential and may be reviewed and considered only by
3 authorized Department staff as provided by rule. Provisions
4 shall be made for the periodic report of the status of any
5 such licensee not less than twice annually so that the
6 Department shall have current information upon which to
7 determine the status of any such licensee. Initial and
8 periodic reports of impaired licensees shall not be
9 considered records within the meaning of the State Records
10 Act and shall be disposed of, following a determination by
11 the Department that such reports are no longer required, in a
12 manner and at such time as the Department shall determine by
13 rule.

14 Section 65. The Illinois Optometric Practice Act of 1987
15 is amended by changing Sections 9 and 24 and adding Section
16 24.5 as follows:

17 (225 ILCS 80/9) (from Ch. 111, par. 3909)

18 (Section scheduled to be repealed on January 1, 2007)

19 Sec. 9. Definitions. In this Act:

20 (1) "Department" means the Department of
21 Professional Regulation.

22 (2) "Director" means the Director of Professional
23 Regulation.

24 (3) "Board" means the Illinois Optometric Licensing
25 and Disciplinary Board appointed by the Director.

26 (4) "License" means the document issued by the
27 Department authorizing the person named thereon to
28 practice optometry.

29 (5) "Certificate" means the document issued by the
30 Department authorizing the person named thereon as a
31 certified optometrist qualified to use diagnostic topical
32 ocular pharmaceutical agents or therapeutic ocular

1 pharmaceutical agents.

2 (6) "Direct supervision" means supervision of any
3 person assisting an optometrist, requiring that the
4 optometrist authorize the procedure, remain in the
5 facility while the procedure is performed, approve the
6 work performed by the person assisting before dismissal
7 of the patient, but does not mean that the optometrist
8 must be present with the patient, during the procedure.

9 (7) "Impaired" means the inability to practice with
10 reasonable skill and safety due to physical or mental
11 disabilities as evidenced by a written determination or
12 written consent based on clinical evidence, including
13 deterioration through the aging process or loss of motor
14 skill, abuse of drugs or alcohol, or a psychiatric
15 disorder, of sufficient degree to diminish the person's
16 ability to deliver competent patient care.

17 (8) "Impaired Professionals Assistance System"
18 means the program established by Section 16 of the
19 Department of Professional Regulation Law (20 ILCS
20 2105/2105-16).

21 (9) "Program of care, counseling, or treatment"
22 means a written agreement between the Department and an
23 applicant or licensee requiring that the applicant or
24 licensee enroll and participate in a treatment program
25 approved by the Department. The agreement may also
26 specify terms and conditions deemed appropriate by the
27 Board.

28 (Source: P.A. 89-140, eff. 1-1-96; 89-702, eff. 7-1-97.)

29 (225 ILCS 80/24) (from Ch. 111, par. 3924)

30 (Section scheduled to be repealed on January 1, 2007)

31 Sec. 24. Grounds for disciplinary action.

32 (a) The Department may refuse to issue or to renew, or
33 may revoke, suspend, place on probation, reprimand or take

1 other disciplinary action as the Department may deem proper,
2 including fines not to exceed \$5,000 for each violation, with
3 regard to any license or certificate for any one or
4 combination of the following causes:

5 (1) Violations of this Act, or of the rules
6 promulgated hereunder.

7 (2) Conviction of any crime under the laws of any
8 U.S. jurisdiction thereof that is a felony or that is a
9 misdemeanor of which an essential element is dishonesty,
10 or of any crime that is directly related to the practice
11 of the profession.

12 (3) Making any misrepresentation for the purpose of
13 obtaining a license or certificate.

14 (4) Professional incompetence or gross negligence
15 in the practice of optometry.

16 (5) Gross malpractice, prima facie evidence of
17 which may be a conviction or judgment of malpractice in
18 any court of competent jurisdiction.

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

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

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

28 (9) Habitual or excessive use or addiction to
29 alcohol, narcotics, stimulants or any other chemical
30 agent or drug that results in the inability to practice
31 with reasonable judgment, skill, or safety.

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

1 those set forth herein.

2 (11) Directly or indirectly giving to or receiving
3 from any person, firm, corporation, partnership, or
4 association any fee, commission, rebate, or other form of
5 compensation for any professional services not actually
6 or personally rendered. This shall not be deemed to
7 include (i) rent or other remunerations paid to an
8 individual, partnership, or corporation by an optometrist
9 for the lease, rental, or use of space, owned or
10 controlled, by the individual, partnership, corporation
11 or association, and (ii) the division of fees between an
12 optometrist and related professional service providers
13 with whom the optometrist practices in a professional
14 corporation organized under Section 3.6 of the
15 Professional Service Corporation Act.

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

19 (13) Abandonment of a patient.

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

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

27 (16) Physical illness, including but not limited
28 to, deterioration through the aging process, or loss of
29 motor skill, mental illness, or disability that results
30 in the inability to practice the profession with
31 reasonable judgment, skill, or safety.

32 (17) Solicitation of professional services other
33 than permitted advertising.

34 (18) Failure to provide a patient with a copy of

1 his or her record or prescription upon the written
2 request of the patient.

3 (19) Conviction by any court of competent
4 jurisdiction, either within or without this State, of any
5 violation of any law governing the practice of optometry,
6 conviction in this or another State of any crime that is
7 a felony under the laws of this State or conviction of a
8 felony in a federal court, if the Department determines,
9 after investigation, that such person has not been
10 sufficiently rehabilitated to warrant the public trust.

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

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

15 (22) 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 a
20 neglected child as defined in the Abused and Neglected
21 Child Reporting Act.

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

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

28 (25) Maintaining a professional relationship with
29 any person, firm, or corporation when the optometrist
30 knows, or should know, that such person, firm, or
31 corporation is violating this Act.

32 (26) Promotion of the sale of drugs, devices,
33 appliances or goods provided for a client or patient in
34 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
4 with 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 (29) Continuance of an optometrist in the employ of
10 any person, firm or corporation, or as an assistant to
11 any optometrist or optometrists, directly or indirectly,
12 after his or her employer or superior has been found
13 guilty of violating or has been enjoined from violating
14 the laws of the State of Illinois relating to the
15 practice of optometry, when the employer or superior
16 persists in that violation.

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

23 (31) Failure to provide satisfactory proof of
24 having participated in approved continuing education
25 programs as determined by the Board and approved by the
26 Director. Exceptions for extreme hardships are to be
27 defined by the rules of the Department.

28 (32) Willfully making or filing false records or
29 reports in the practice of optometry, including, but not
30 limited to false records to support claims against the
31 medical assistance program of the Department of Public
32 Aid under the Illinois Public Aid Code.

33 (33) Gross and willful overcharging for
34 professional services including filing false statements

1 for collection of fees for which services are not
2 rendered, including, but not limited to filing false
3 statements for collection of monies for services not
4 rendered from the medical assistance program of the
5 Department of Public Aid under the Illinois Public Aid
6 Code.

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

10 (35) Violation of the Health Care Worker
11 Self-Referral Act.

12 (36) Failure to comply with the terms and
13 conditions of an agreement with the Impaired
14 Professionals Assistance System or other such approved
15 treatment program.

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

23 (a-5) In enforcing this Section, the Board upon a
24 showing of a possible violation, may compel any individual
25 licensed to practice under this Act, or who has applied for
26 licensure or certification pursuant to this Act, to submit to
27 a mental or physical examination, or both, as required by and
28 at the expense of the Department. The examining physicians
29 or clinical psychologists shall be those specifically
30 designated by the Board. The Board or the Department may
31 order the examining physician or clinical psychologist to
32 present testimony concerning this mental or physical
33 examination of the licensee or applicant. No information
34 shall be excluded by reason of any common law or statutory

1 privilege relating to communications between the licensee or
 2 applicant and the examining physician or clinical
 3 psychologist. Eye examinations may be provided by a licensed
 4 and certified therapeutic optometrist. The individual to be
 5 examined may have, at his or her own expense, another
 6 physician of his or her choice present during all aspects of
 7 the examination. Failure of any individual to submit to a
 8 mental or physical examination, when directed, shall be
 9 grounds for suspension of a license until such time as the
 10 individual submits to the examination if the Board finds,
 11 after notice and hearing, that the refusal to submit to the
 12 examination was without reasonable cause.

13 If the Board determines that an applicant or licensee is
 14 unable to practice because of the reasons set forth in this
 15 Section, the Board may discipline the licensee or require the
 16 applicant or licensee to enter into an agreement of care,
 17 counseling, and treatment with the Department to enroll and
 18 participate in an approved treatment program in accordance
 19 with the Impaired Professionals Assistance System, subject to
 20 terms and conditions the Board deems appropriate.

21 ~~If the Board finds an individual unable to practice~~
 22 ~~because of the reasons set forth in this Section, the Board~~
 23 ~~shall require such individual to submit to care, counseling,~~
 24 ~~or treatment by physicians or clinical psychologists approved~~
 25 ~~or designated by the Board, as a condition, term, or~~
 26 ~~restriction for continued, reinstated, or renewed licensure~~
 27 ~~to practice, or in lieu of care, counseling, or treatment,~~
 28 ~~the Board may recommend to the Department to file a complaint~~
 29 ~~to immediately suspend, revoke, or otherwise discipline the~~
 30 ~~license of the individual, or the Board may recommend to the~~
 31 ~~Department to file a complaint to suspend, revoke, or~~
 32 ~~otherwise discipline the license of the individual. Any~~
 33 individual whose license was granted pursuant to this Act, or
 34 continued, reinstated, renewed, disciplined, or supervised,

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

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

16 (Source: P.A. 89-702, eff. 7-1-97; 90-230, eff. 1-1-98;
17 90-655, eff. 7-30-98.)

18 (225 ILCS 80/24.5 new)

19 (Section scheduled to be repealed on January 1, 2007)

20 Sec. 24.5. Reporting requirements. The Department shall,
21 by rule, provide for the reporting by all employers to the
22 Impaired Professionals Assistance System of all instances in
23 which a person licensed under this Act who is impaired by
24 reason of age, drug or alcohol abuse, or physical or mental
25 impairment, is under supervision and, where appropriate, is
26 in a program of rehabilitation. Reports shall be strictly
27 confidential and may be reviewed and considered only by
28 authorized Department staff as provided by rule. Provisions
29 shall be made for the periodic report of the status of any
30 such licensee not less than twice annually so that the
31 Department shall have current information upon which to
32 determine the status of any such licensee. Initial and
33 periodic reports of impaired licensees shall not be

1 considered records within the meaning of the State Records
 2 Act and shall be disposed of, following a determination by
 3 the Department that such reports are no longer required, in a
 4 manner and at such time as the Department shall determine by
 5 rule.

6 Section 70. The Orthotics, Prosthetics, and Pedorthics
 7 Practice Act is amended by changing Sections 10 and 90 and
 8 adding Section 92 as follows:

9 (225 ILCS 84/10)

10 (Section scheduled to be repealed on January 1, 2010)

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

12 "Assistant" means a person who assists an orthotist,
 13 prosthetist, or prosthetist/orthotist with patient care
 14 services and fabrication of orthoses or prostheses under the
 15 supervision of a licensed orthotist or prosthetist.

16 "Board" means the Board of Orthotics, Prosthetics, and
 17 Pedorthics.

18 "Custom" means that an orthosis, prosthesis, or pedorthic
 19 device is designed, fabricated, and aligned specifically for
 20 one person in accordance with sound biomechanical principles.

21 "Custom fitted" means that a prefabricated orthosis,
 22 prosthesis, or pedorthic device is modified and aligned
 23 specifically for one person in accordance with sound
 24 biomechanical principles.

25 "Department" means the Department of Professional
 26 Regulation.

27 "Director" means the Director of Professional Regulation.

28 "Facility" means the business location where orthotic,
 29 prosthetic, or pedorthic care is provided and, in the case of
 30 an orthotic/prosthetic facility, has the appropriate clinical
 31 and laboratory space and equipment to provide comprehensive
 32 orthotic or prosthetic care and, in the case of a pedorthic

1 facility, has the appropriate clinical space and equipment to
2 provide pedorthic care. Licensed orthotists, prosthetists,
3 and pedorthists must be available to either provide care or
4 supervise the provision of care by registered staff.

5 "Impaired" means the inability to practice with
6 reasonable skill and safety due to physical or mental
7 disabilities as evidenced by a written determination or
8 written consent based on clinical evidence, including
9 deterioration through the aging process or loss of motor
10 skill, abuse of drugs or alcohol, or a psychiatric disorder,
11 of sufficient degree to diminish the person's ability to
12 deliver competent patient care.

13 "Impaired Professionals Assistance System" means the
14 program established by Section 16 of the Department of
15 Professional Regulation Law (20 ILCS 2105/2105-16).

16 "Licensed orthotist" means a person licensed under this
17 Act to practice orthotics and who represents himself or
18 herself to the public by title or description of services
19 that includes the term "orthotic", "orthotist", "brace", or a
20 similar title or description of services.

21 "Licensed pedorthist" means a person licensed under this
22 Act to practice pedorthics and who represents himself or
23 herself to the public by the title or description of services
24 that include the term "pedorthic", "pedorthist", or a similar
25 title or description of services.

26 "Licensed physician" means a person licensed under the
27 Medical Practice Act of 1987.

28 "Licensed podiatrist" means a person licensed under the
29 Podiatric Medical Practice Act of 1987.

30 "Licensed prosthetist" means a person licensed under this
31 Act to practice prosthetics and who represents himself or
32 herself to the public by title or description of services
33 that includes the term "prosthetic", "prosthetist",
34 "artificial limb", or a similar title or description of

1 services.

2 "Orthosis" means a custom-fabricated or custom-fitted
3 brace or support designed to provide for alignment,
4 correction, or prevention of neuromuscular or musculoskeletal
5 dysfunction, disease, injury, or deformity. "Orthosis" does
6 not include fabric or elastic supports, corsets, arch
7 supports, low-temperature plastic splints, trusses, elastic
8 hoses, canes, crutches, soft cervical collars, dental
9 appliances, or other similar devices carried in stock and
10 sold as "over-the-counter" items by a drug store, department
11 store, corset shop, or surgical supply facility.

12 "Orthotic and Prosthetic Education Program" means a
13 course of instruction accredited by the Commission on
14 Accreditation of Allied Health Education Programs, consisting
15 of (i) a basic curriculum of college level instruction in
16 math, physics, biology, chemistry, and psychology and (ii) a
17 specific curriculum in orthotic or prosthetic courses,
18 including: (A) lectures covering pertinent anatomy,
19 biomechanics, pathomechanics, prosthetic-orthotic components
20 and materials, training and functional capabilities,
21 prosthetic or orthotic performance evaluation, prescription
22 considerations, etiology of amputations and disease processes
23 necessitating prosthetic or orthotic use, and medical
24 management; (B) subject matter related to pediatric and
25 geriatric problems; (C) instruction in acute care
26 techniques, such as immediate and early post-surgical
27 prosthetics and fracture bracing techniques; and (D)
28 lectures, demonstrations, and laboratory experiences related
29 to the entire process of measuring, casting, fitting,
30 fabricating, aligning, and completing prostheses or orthoses.

31 "Orthotic and prosthetic scope of practice" means a list
32 of tasks, with relative weight given to such factors as
33 importance, criticality, and frequency, based on
34 internationally accepted standards of orthotic and prosthetic

1 care as outlined by the International Society of Prosthetics
2 and Orthotics' professional profile for Category I and
3 Category III orthotic and prosthetic personnel.

4 "Orthotics" means the science and practice of evaluating,
5 measuring, designing, fabricating, assembling, fitting,
6 adjusting, or servicing an orthosis under an order from a
7 licensed physician or podiatrist for the correction or
8 alleviation of neuromuscular or musculoskeletal dysfunction,
9 disease, injury, or deformity.

10 "Orthotist" means a person who measures, designs,
11 fabricates, fits, or services orthoses and assists in the
12 formulation of the order of orthoses as ordered by a licensed
13 physician for the support or correction of disabilities
14 caused by neuro-musculoskeletal diseases, injuries, or
15 deformities.

16 "Over-the-counter" means a prefabricated, mass-produced
17 device that is prepackaged and requires no professional
18 advice or judgement in either size selection or use,
19 including fabric or elastic supports, corsets, generic arch
20 supports, elastic hoses.

21 "Pedorthic device" means therapeutic footwear, foot
22 orthoses for use at the ankle or below, and modified footwear
23 made for therapeutic purposes. "Pedorthic device" does not
24 include non-therapeutic accommodative inlays or
25 non-therapeutic accommodative footwear, regardless of method
26 of manufacture, shoe modifications made for non-therapeutic
27 purposes, unmodified, over-the-counter shoes, or
28 prefabricated foot care products.

29 "Pedorthic education program" means a course of
30 instruction accredited by the Board for Certification in
31 Pedorthics consisting of (i) a basic curriculum of
32 instruction in foot-related pathology of diseases, anatomy,
33 and biomechanics and (ii) a specific curriculum in pedorthic
34 courses, including lectures covering shoes, foot orthoses,

1 and shoe modifications, pedorthic components and materials,
2 training and functional capabilities, pedorthic performance
3 evaluation, prescription considerations, etiology of disease
4 processes necessitating use of pedorthic devices, medical
5 management, subject matter related to pediatric and geriatric
6 problems, and lectures, demonstrations, and laboratory
7 experiences related to the entire process of measuring and
8 casting, fitting, fabricating, aligning, and completing
9 pedorthic devices.

10 "Pedorthic scope of practice" means a list of tasks with
11 relative weight given to such factors as importance,
12 criticality, and frequency based on nationally accepted
13 standards of pedorthic care as outlined by the Board for
14 Certification in Pedorthics' comprehensive analysis with an
15 empirical validation study of the profession performed by an
16 independent testing company.

17 "Pedorthics" means the science and practice of
18 evaluating, measuring, designing, fabricating, assembling,
19 fitting, adjusting, or servicing a pedorthic device under an
20 order from a licensed physician or podiatrist for the
21 correction or alleviation of neuromuscular or musculoskeletal
22 dysfunction, disease, injury, or deformity.

23 "Pedorthist" means a person who measures, designs,
24 fabricates, fits, or services pedorthic devices and assists
25 in the formulation of the order of pedorthic devices as
26 ordered by a licensed physician for the support or correction
27 of disabilities caused by neuro-musculoskeletal diseases,
28 injuries, or deformities.

29 "Person" means a natural person.

30 "Program of care, counseling, or treatment" means a
31 written agreement between the Department and an applicant or
32 licensee requiring that the applicant or licensee enroll and
33 participate in a treatment program approved by the
34 Department. The agreement may also specify terms and

1 conditions deemed appropriate by the Board.

2 "Prosthesis" means an artificial medical device that is
3 not surgically implanted and that is used to replace a
4 missing limb, appendage, or any other external human body
5 part including an artificial limb, hand, or foot.

6 "Prosthesis" does not include artificial eyes, ears, fingers,
7 or toes, dental appliances, cosmetic devices such as
8 artificial breasts, eyelashes, or wigs, or other devices that
9 do not have a significant impact on the musculoskeletal
10 functions of the body.

11 "Prosthetics" means the science and practice of
12 evaluating, measuring, designing, fabricating, assembling,
13 fitting, adjusting, or servicing a prosthesis under an order
14 from a licensed physician.

15 "Prosthetist" means a person who measures, designs,
16 fabricates, fits, or services prostheses and assists in the
17 formulation of the order of prostheses as ordered by a
18 licensed physician for the replacement of external parts of
19 the human body lost due to amputation or congenital
20 deformities or absences.

21 "Prosthetist/orthotist" means a person who practices both
22 disciplines of prosthetics and orthotics and who represents
23 himself or herself to the public by title or by description
24 of services.

25 "Resident" means a person who has completed an education
26 program in either orthotics or prosthetics and is continuing
27 his or her clinical education in a residency accredited by
28 the National Commission on Orthotic and Prosthetic Education.

29 "Technician" means a person who assists an orthotist,
30 prosthetist, prosthetist/orthotist, or pedorthist with
31 fabrication of orthoses, prostheses, or pedorthic devices but
32 does not provide direct patient care.

33 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/90)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 90. Grounds for discipline.

4 (a) The Department may refuse to issue or renew a
5 license, may revoke or suspend a license, or may suspend,
6 place on probation, censure, or reprimand a licensee for one
7 or any combination of the following:

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

10 (2) Violations of or negligent or intentional
11 disregard of this Act or its rules.

12 (3) Conviction of any crime that under the laws of
13 the United States or of a state or territory of the
14 United States is a felony or a misdemeanor, an essential
15 element of which is dishonesty, or of a crime that is
16 directly related to the practice of the profession.

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

19 (5) A pattern of practice or other behavior that
20 demonstrates incapacity or incompetence to practice under
21 this Act.

22 (6) Gross negligence under this Act.

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

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

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

30 (10) Habitual intoxication or addiction to the use
31 of drugs.

32 (11) Discipline by another state or territory of
33 the United States, the federal government, or foreign
34 nation, if at least one of the grounds for the discipline

1 is the same or substantially equivalent to one set forth
2 in this Section.

3 (12) Directly or indirectly giving to or receiving
4 from a person, firm, corporation, partnership, or
5 association a fee, commission, rebate, or other form of
6 compensation for professional services not actually or
7 personally rendered.

8 (13) A finding by the Board that the licensee or
9 registrant, after having his or her license placed on
10 probationary status, has violated the terms of probation.

11 (14) Abandonment of a patient or client.

12 (15) Wilfully making or filing false records or
13 reports in his or her practice including, but not limited
14 to, false records filed with State agencies or
15 departments.

16 (16) Wilfully failing to report an instance of
17 suspected child abuse or neglect as required by the
18 Abused and Neglected Child Reporting Act.

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

23 (18) Solicitation of professional services using
24 false or misleading advertising.

25 (19) Failure to comply with the terms and
26 conditions of an agreement with the Impaired
27 Professionals Assistance System or other such approved
28 treatment program.

29 (b) The determination by a circuit court that a licensee
30 or registrant is subject to involuntary admission or judicial
31 admission, as provided in the Mental Health and Developmental
32 Disabilities Code, operates as an automatic suspension. The
33 suspension will end only upon (i) a finding by a court that
34 the patient is no longer subject to involuntary admission or

1 judicial admission and the issuance of a court order so
2 finding and discharging the patient and (ii) the
3 recommendation of the Board to the Director that the licensee
4 or registrant be allowed to resume his or her practice.

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

28 If the Department determines that an applicant or
29 licensee is unable to practice because of the reasons set
30 forth in this Section, the Department may discipline the
31 licensee or require the applicant or licensee to enter into
32 an agreement of care, counseling, and treatment with the
33 Department to enroll and participate in an approved treatment
34 program in accordance with the Impaired Professionals

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

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

29 An individual licensed under this Act and affected under
30 this Section shall be afforded an opportunity to demonstrate
31 to the Department or Board that he or she can resume practice
32 in compliance with acceptable and prevailing standards under
33 the provisions of his or her license.

34 (Source: P.A. 91-590, eff. 1-1-00.)

(225 ILCS 84/92 new)

(Section scheduled to be repealed on January 1, 2010)

Sec. 92. Reporting requirements. The Department shall, by rule, provide for the reporting by all employers to the Impaired Professionals Assistance System of all instances in which a person licensed under this Act who is impaired by reason of age, drug or alcohol abuse, or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Reports shall be strictly confidential and may be reviewed and considered only by authorized Department staff as provided by rule. Provisions shall be made for the periodic report of the status of any such licensee not less than twice annually so that the Department shall have current information upon which to determine the status of any such licensee. Initial and periodic reports of impaired licensees shall not be considered records within the meaning of the State Records Act and shall be disposed of, following a determination by the Department that such reports are no longer required, in a manner and at such time as the Department shall determine by rule.

Section 75. The Physician Assistant Practice Act of 1987 is amended by changing Sections 4 and 21 and adding Section 21.1 as follows:

(225 ILCS 95/4) (from Ch. 111, par. 4604)

(Section scheduled to be repealed on January 1, 2008)

Sec. 4. In this Act:

1- "Department" means the Department of Professional Regulation.

2- "Director" means the Director of Professional Regulation.

3- "Physician assistant" means any person not a

1 physician who has been certified as a physician assistant by
2 the National Commission on the Certification of Physician
3 Assistants or equivalent successor agency and performs
4 procedures under the supervision of a physician as defined in
5 this Act. A physician assistant may perform such procedures
6 within the specialty of the supervising physician, except
7 that such physician shall exercise such direction,
8 supervision and control over such physician assistants as
9 will assure that patients shall receive quality medical care.
10 Physician assistants shall be capable of performing a variety
11 of tasks within the specialty of medical care under the
12 supervision of a physician. Supervision of the physician
13 assistant shall not be construed to necessarily require the
14 personal presence of the supervising physician at all times
15 at the place where services are rendered, as long as there is
16 communication available for consultation by radio, telephone
17 or telecommunications within established guidelines as
18 determined by the physician/physician assistant team. The
19 supervising physician may delegate tasks and duties to the
20 physician assistant. Delegated tasks or duties shall be
21 consistent with physician assistant education, training, and
22 experience. The delegated tasks or duties shall be specific
23 to the practice setting and shall be implemented and reviewed
24 under guidelines established by the physician or
25 physician/physician assistant team. A physician assistant,
26 acting as an agent of the physician, shall be permitted to
27 transmit the supervising physician's orders as determined by
28 the institution's by-laws, policies, procedures, or job
29 description within which the physician/physician assistant
30 team practices. Physician assistants shall practice only
31 within the established guidelines.

32 4- "Board" means the Medical Licensing Board constituted
33 under the Medical Practice Act of 1987.

34 5- "Disciplinary Board" means the Medical Disciplinary

1 Board constituted under the Medical Practice Act of 1987.

2 6- "Physician" means, for purposes of this Act, a person
3 licensed to practice medicine in all its branches under the
4 Medical Practice Act of 1987.

5 7- "Supervising Physician" means, for the purposes of
6 this Act, the primary supervising physician of a physician
7 assistant, who, within his specialty and expertise may
8 delegate a variety of tasks and procedures to the physician
9 assistant. Such tasks and procedures shall be delegated
10 within established guidelines. The supervising physician
11 maintains the final responsibility for the care of the
12 patient and the performance of the physician assistant.

13 8- "Alternate supervising physician" means, for the
14 purpose of this Act any physician designated by the
15 supervising physician to provide supervision in the event
16 that he is unable to provide that supervision for a period
17 not to exceed 30 days unless the Department is notified in
18 writing. The alternate supervising physicians shall maintain
19 all the same responsibilities as the supervising physician.
20 Nothing in this Act shall be construed as relieving any
21 physician of the professional or legal responsibility for the
22 care and treatment of persons attended by him or by physician
23 assistants under his supervision. Nothing in this Act shall
24 be construed as to limit the reasonable number of alternate
25 supervising physicians, provided they are designated by the
26 supervising physician.

27 "Impaired" means the inability to practice with
28 reasonable skill and safety due to physical or mental
29 disabilities as evidenced by a written determination or
30 written consent based on clinical evidence, including
31 deterioration through the aging process or loss of motor
32 skill, abuse of drugs or alcohol, or a psychiatric disorder,
33 of sufficient degree to diminish the person's ability to
34 deliver competent patient care.

1 "Impaired Professionals Assistance System" means the
2 program established by Section 16 of the Department of
3 Professional Regulation Law (20 ILCS 2105/2105-16).

4 "Program of care, counseling, or treatment" means a
5 written agreement between the Department and an applicant or
6 licensee requiring that the applicant or licensee enroll and
7 participate in a treatment program approved by the
8 Department. The agreement may also specify terms and
9 conditions deemed appropriate by the Board.

10 (Source: P.A. 89-361, eff. 8-17-95.)

11 (225 ILCS 95/21) (from Ch. 111, par. 4621)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 21. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or to renew, or
15 may revoke, suspend, place on probation, censure or
16 reprimand, or take other disciplinary action with regard to
17 any license issued under this Act as the Department may deem
18 proper, including the issuance of fines not to exceed \$5000
19 for each violation, for any one or combination of the
20 following causes:

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

23 (2) Violations of this Act, or the rules adopted
24 under this Act.

25 (3) Conviction of any crime under the laws of any
26 U.S. jurisdiction that is a felony or that is a
27 misdemeanor, an essential element of which is dishonesty,
28 or of any crime which is directly related to the practice
29 of the profession.

30 (4) Making any misrepresentation for the purpose of
31 obtaining licenses.

32 (5) Professional incompetence.

33 (6) Aiding or assisting another person in violating

1 any provision of this Act or its rules.

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

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

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

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

16 (11) Directly or indirectly giving to or receiving
17 from any person, firm, corporation, partnership, or
18 association any fee, commission, rebate or other form of
19 compensation for any professional services not actually
20 or personally rendered.

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

24 (13) Abandonment of a patient.

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

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

32 (16) Physical illness, including but not limited to
33 deterioration through the aging process, or loss of motor
34 skill, mental illness, or disability that results in the

1 inability to practice the profession with reasonable
2 judgment, skill or safety.

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

10 (18) Conviction in this State or another state of
11 any crime that is a felony under the laws of this State,
12 or conviction of a felony in a federal court.

13 (19) Gross malpractice resulting in permanent
14 injury or death of a patient.

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

18 (21) Exceeding the authority delegated to him or
19 her by his or her supervising physician in guidelines
20 established by the physician/physician assistant team.

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

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

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

28 (25) Making a false or misleading statement
29 regarding his or her skill or the efficacy or value of
30 the medicine, treatment, or remedy prescribed by him or
31 her in the course of treatment.

32 (26) Allowing another person to use his or her
33 license to practice.

34 (27) Prescribing, selling, administering,

1 distributing, giving, or self-administering a drug
2 classified as a controlled substance (designated product)
3 or narcotic for other than medically-accepted therapeutic
4 purposes.

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

8 (29) A pattern of practice or other behavior that
9 demonstrates incapacity or incompetence to practice under
10 this Act.

11 (30) Violating State or federal laws or regulations
12 relating to controlled substances.

13 (31) Exceeding the limited prescriptive authority
14 delegated by the supervising physician or violating the
15 written guidelines delegating that authority.

16 (32) Practicing without providing to the Department
17 a notice of supervision or delegation of prescriptive
18 authority.

19 (33) Failing to comply with the terms and
20 conditions of an agreement with the Impaired
21 Professionals Assistance System or other such approved
22 treatment program.

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

30 (c) 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 will
34 end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and issues an order so finding and discharging the patient,
3 and upon the recommendation of the Disciplinary Board to the
4 Director that the licensee be allowed to resume his or her
5 practice.

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

27 If the Department determines that an applicant or
28 licensee is unable to practice because of the reasons set
29 forth in this Section, the Department may discipline the
30 licensee or require the applicant or licensee to enter into
31 an agreement of care, counseling, and treatment with the
32 Department to enroll and participate in an approved treatment
33 program in accordance with the Impaired Professionals
34 Assistance System, subject to terms and conditions the

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

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

27 An individual licensed under this Act and affected under
28 this Section shall be afforded an opportunity to demonstrate
29 to the Department that he or she can resume practice in
30 compliance with acceptable and prevailing standards under the
31 provisions of his or her license.

32 (Source: P.A. 90-61, eff. 12-30-97; 90-116, eff. 7-14-97;
33 90-655, eff. 7-30-98.)

1 (225 ILCS 95/21.1 new)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 21.1. Reporting requirements. The Department shall,
4 by rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 80. The Podiatric Medical Practice Act of 1987
23 is amended by changing Sections 5 and 24 and adding Section
24 24.1 as follows:

25 (225 ILCS 100/5) (from Ch. 111, par. 4805)

26 (Section scheduled to be repealed on January 1, 2008)

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

28 (A) "Department" means the Department of Professional
29 Regulation.

30 (B) "Director" means the Director of Professional
31 Regulation.

32 (C) "Board" means the Podiatric Medical Licensing Board

1 appointed by the Director.

2 (D) "Podiatric medicine" or "podiatry" means the
3 diagnosis, medical, physical, or surgical treatment of the
4 ailments of the human foot with the exception of
5 administration of general anesthetics and the amputation of
6 the human foot. For the purposes of this Act, the terms
7 podiatric medicine, podiatry and chiropody have the same
8 definition.

9 (E) "Human foot" means the ankle and soft tissue which
10 insert into the foot as well as the foot.

11 (F) "Podiatric physician" means a physician licensed to
12 practice podiatric medicine.

13 (G) "Postgraduate training" means a minimum one year
14 postdoctoral structured and supervised educational experience
15 approved by the Council on Podiatric Medical Education of the
16 American Podiatric Medical Association which includes
17 residencies and preceptorships.

18 (H) "Impaired" means the inability to practice with
19 reasonable skill and safety due to physical or mental
20 disabilities as evidenced by a written determination or
21 written consent based on clinical evidence, including
22 deterioration through the aging process or loss of motor
23 skill, abuse of drugs or alcohol, or a psychiatric disorder,
24 of sufficient degree to diminish the person's ability to
25 deliver competent patient care.

26 (I) "Impaired Professionals Assistance System" means the
27 program established by Section 16 of the Department of
28 Professional Regulation Law (20 ILCS 2105/2105-16).

29 (J) "Program of care, counseling, or treatment" means a
30 written agreement between the Department and an applicant or
31 licensee requiring that the applicant or licensee enroll and
32 participate in a treatment program approved by the
33 Department. The agreement may also specify terms and
34 conditions deemed appropriate by the Board.

1 (Source: P.A. 90-76, eff. 12-30-97.)

2 (225 ILCS 100/24) (from Ch. 111, par. 4824)

3 (Section scheduled to be repealed on January 1, 2008)

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

12 (1) Making a material misstatement in furnishing
13 information to the Department.

14 (2) Violations of this Act, or of the rules or
15 regulations promulgated hereunder.

16 (3) Conviction of any crime under the laws of any United
17 States jurisdiction that is a felony or a misdemeanor, of
18 which an essential element is dishonesty, or of any crime
19 that is directly related to the practice of the profession.

20 (4) Making any misrepresentation for the purpose of
21 obtaining licenses, or violating any provision of this Act or
22 the rules promulgated thereunder pertaining to advertising.

23 (5) Professional incompetence.

24 (6) Gross or repeated malpractice or negligence.

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

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

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

32 (10) Habitual or excessive use of alcohol, narcotics,
33 stimulants or other chemical agent or drug that results in

1 the inability to practice podiatric medicine with reasonable
2 judgment, skill or safety.

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

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

15 (13) A finding by the Podiatric Medical Licensing Board
16 that the licensee, after having his or her license placed on
17 probationary status, has violated the terms of probation.

18 (14) Abandonment of a patient.

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

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

25 (17) Physical illness, including but not limited to,
26 deterioration through the aging process, or loss of motor
27 skill that results in the inability to practice the
28 profession with reasonable judgment, skill or safety.

29 (18) Solicitation of professional services other than
30 permitted advertising.

31 (19) The determination by a circuit court that a
32 licensed podiatric physician is subject to involuntary
33 admission or judicial admission as provided in the Mental
34 Health and Developmental Disabilities Code operates as an

1 automatic suspension. Such suspension will end only upon a
2 finding by a court that the patient is no longer subject to
3 involuntary admission or judicial admission and issues an
4 order so finding and discharging the patient; and upon the
5 recommendation of the Podiatric Medical Licensing Board to
6 the Director that the licensee be allowed to resume his or
7 her practice.

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

11 (21) Revocation or suspension or other action taken with
12 respect to a podiatric medical license in another
13 jurisdiction that would constitute disciplinary action under
14 this Act.

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

18 (23) Gross, willful, and continued overcharging for
19 professional services including filing false statements for
20 collection of fees for those services, including, but not
21 limited to, filing false statement for collection of monies
22 for services not rendered from the medical assistance program
23 of the Department of Public Aid under the Illinois Public Aid
24 Code or other private or public third party payor.

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

31 (25) Willfully making or filing false records or reports
32 in the practice of podiatric medicine, including, but not
33 limited to, false records to support claims against the
34 medical assistance program of the Department of Public Aid

1 under the Illinois Public Aid Code.

2 (26) Mental illness or disability that results in the
3 inability to practice with reasonable judgment, skill or
4 safety.

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

8 (28) Violation of the Health Care Worker Self-Referral
9 Act.

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

20 (30) Failure to comply with the terms and conditions of
21 an agreement with the Impaired Professionals Assistance
22 System or other such approved treatment program.

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

30 Upon receipt of a written communication from the
31 Secretary of Human Services, the Director of Public Aid, or
32 the Director of Public Health that continuation of practice
33 of a person licensed under this Act constitutes an immediate
34 danger to the public, the Director may immediately suspend

1 the license of such person without a hearing. In instances
2 in which the Director immediately suspends a license under
3 this Section, a hearing upon such person's license must be
4 convened by the Board within 15 days after such suspension
5 and completed without appreciable delay, such hearing held to
6 determine whether to recommend to the Director that the
7 person's license be revoked, suspended, placed on
8 probationary status or reinstated, or such person be subject
9 to other disciplinary action. In such hearing, the written
10 communication and any other evidence submitted therewith may
11 be introduced as evidence against such person; provided,
12 however, the person or his counsel shall have the opportunity
13 to discredit or impeach such evidence and submit evidence
14 rebutting the same.

15 All proceedings to suspend, revoke, place on probationary
16 status, or take any other disciplinary action as the
17 Department may deem proper, with regard to a license on any
18 of the foregoing grounds, must be commenced within 3 years
19 after receipt by the Department of a complaint alleging the
20 commission of or notice of the conviction order for any of
21 the acts described in this Section. Except for fraud in
22 procuring a license, no action shall be commenced more than 5
23 years after the date of the incident or act alleged to have
24 been a violation of this Section. In the event of the
25 settlement of any claim or cause of action in favor of the
26 claimant or the reduction to final judgment of any civil
27 action in favor of the plaintiff, such claim, cause of
28 action, or civil action being grounded on the allegation that
29 a person licensed under this Act was negligent in providing
30 care, the Department shall have an additional period of one
31 year from the date of notification to the Department under
32 Section 26 of this Act of such settlement or final judgment
33 in which to investigate and commence formal disciplinary
34 proceedings under Section 24 of this Act, except as otherwise

1 provided by law. The time during which the holder of the
2 license was outside the State of Illinois shall not be
3 included within any period of time limiting the commencement
4 of disciplinary action by the Department.

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

26 If the Department or Board determines that an applicant
27 or licensee is unable to practice because of the reasons set
28 forth in this Section, the Department or Board may discipline
29 the licensee or require the applicant or licensee to enter
30 into an agreement of care, counseling, and treatment with the
31 Department or Board to enroll and participate in an approved
32 treatment program in accordance with the Impaired
33 Professionals Assistance System, subject to terms and
34 conditions the Department or Board deems appropriate.

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

19 In instances in which the Director immediately suspends a
20 person's license under this Section, 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
26 by applicable federal statutes and regulations safeguarding
27 the confidentiality of medical records.

28 An individual licensed under this Act and affected under
29 this Section shall be afforded an opportunity to demonstrate
30 to the Department or Board that he or she can resume practice
31 in compliance with acceptable and prevailing standards under
32 the provisions of his or her license.

33 (Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97.)

1 (225 ILCS 100/24.1 new)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 24.1. Reporting requirements. The Department shall,
4 by rule, provide for the reporting by all employers to the
5 Impaired Professionals Assistance System of all instances in
6 which a person licensed under this Act who is impaired by
7 reason of age, drug or alcohol abuse, or physical or mental
8 impairment, is under supervision and, where appropriate, is
9 in a program of rehabilitation. Reports shall be strictly
10 confidential and may be reviewed and considered only by
11 authorized Department staff as provided by rule. Provisions
12 shall be made for the periodic report of the status of any
13 such licensee not less than twice annually so that the
14 Department shall have current information upon which to
15 determine the status of any such licensee. Initial and
16 periodic reports of impaired licensees shall not be
17 considered records within the meaning of the State Records
18 Act and shall be disposed of, following a determination by
19 the Department that such reports are no longer required, in a
20 manner and at such time as the Department shall determine by
21 rule.

22 Section 85. The Professional Counselor and Clinical
23 Professional Counselor Licensing Act is amended by changing
24 Sections 10 and 80 and adding Section 81 as follows:

25 (225 ILCS 107/10)

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

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

28 "Department" means the Department of Professional
29 Regulation.

30 "Director" means the Director of Professional Regulation.

31 "Board" means the Professional Counselor Licensing and
32 Disciplinary Board as appointed by the Director.

1 "Person" means an individual, association, partnership,
2 or corporation.

3 "Professional counseling" means the provision of services
4 to individuals, couples, groups, families, and organizations
5 in any one or more of the fields of professional counseling.
6 Professional counseling includes, but is not limited to:

7 (1) social, emotional, educational, and career
8 testing and evaluation;

9 (2) a professional relationship between a counselor
10 and a client in which the counselor provides assistance
11 in coping with life issues that include relationships,
12 conflicts, problem solving, decision making, and
13 developmental concerns; and

14 (3) research.

15 Professional counseling may also include clinical
16 professional counseling as long as it is not conducted in
17 independent private practice as defined in this Act.

18 "Clinical professional counseling" means the provision of
19 professional counseling and mental health services, which
20 includes, but is not limited to, the application of clinical
21 counseling theory and techniques to prevent and alleviate
22 mental and emotional disorders and psychopathology and to
23 promote optimal mental health, rehabilitation, treatment,
24 testing, assessment, and evaluation. It also includes
25 clinical counseling and psychotherapy in a professional
26 relationship to assist individuals, couples, families,
27 groups, and organizations to alleviate emotional disorders,
28 to understand conscious and unconscious motivation, to
29 resolve emotional, relationship, and attitudinal conflicts,
30 and to modify behaviors that interfere with effective
31 emotional, social, adaptive, and intellectual functioning.

32 "Licensed professional counselor" and "professional
33 counselor" means a person who holds a license authorizing the
34 practice of professional counseling as defined in this Act.

1 "Licensed clinical professional counselor" and "clinical
2 professional counselor" means a person who holds a license
3 authorizing the independent practice of clinical professional
4 counseling in private practice as defined in this Act.

5 "Independent private practice of clinical professional
6 counseling" means the application of clinical professional
7 counseling knowledge and skills by a licensed clinical
8 professional counselor who (i) regulates and is responsible
9 for her or his own practice or treatment procedures and (ii)
10 is self-employed or works in a group practice or setting not
11 qualified under Internal Revenue Service regulations as a
12 not-for-profit business.

13 "Supervision" means review of aspects of counseling and
14 case management in a face-to-face meeting with the person
15 under supervision.

16 "Qualified supervisor" means any person who is a licensed
17 clinical professional counselor, licensed clinical social
18 worker, licensed clinical psychologist, psychiatrist as
19 defined in Section 1-121 of the Mental Health and
20 Developmental Disabilities Code, or other supervisor as
21 defined by rule. A qualified supervisor may be provided at
22 the applicant's place of work, or may be hired by the
23 applicant to provide supervision.

24 "License" means that which is required to practice
25 professional counseling or clinical professional counseling
26 as defined in this Act.

27 "Impaired" means the inability to practice with
28 reasonable skill and safety due to physical or mental
29 disabilities as evidenced by a written determination or
30 written consent based on clinical evidence, including
31 deterioration through the aging process or loss of motor
32 skill, abuse of drugs or alcohol, or a psychiatric disorder,
33 of sufficient degree to diminish the person's ability to
34 deliver competent patient care.

1 "Impaired Professionals Assistance System" means the
2 program established by Section 16 of the Department of
3 Professional Regulation Law (20 ILCS 2105/2105-16).

4 "Program of care, counseling, or treatment" means a
5 written agreement between the Department and an applicant or
6 licensee requiring that the applicant or licensee enroll and
7 participate in a treatment program approved by the
8 Department. The agreement may also specify terms and
9 conditions deemed appropriate by the Board.

10 (Source: P.A. 87-1011; 87-1269.)

11 (225 ILCS 107/80)

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

13 Sec. 80. Grounds for discipline.

14 (a) The Department may refuse to issue, renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary action as the Department deems appropriate,
17 including the issuance of fines not to exceed \$1000 for each
18 violation, with regard to any license for any one or more of
19 the following:

20 (1) Material misstatement in furnishing information
21 to the Department or to any other State agency.

22 (2) Violations or negligent or intentional
23 disregard of this Act, or any of its rules.

24 (3) Conviction of any crime under the laws of the
25 United States or any state or territory thereof that is a
26 felony, or that is a misdemeanor, an essential element of
27 which is dishonesty, or of any crime which is directly
28 related to the practice of the profession.

29 (4) Making any misrepresentation for the purpose of
30 obtaining a license, or violating any provision of this
31 Act or its rules.

32 (5) Professional incompetence or gross negligence
33 in the rendering of professional counseling or clinical

1 professional counseling services.

2 (6) Malpractice.

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

5 (8) Failing to provide information within 60 days
6 in 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 and violating the rules of
10 professional conduct adopted by the Department.

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

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

19 (12) Directly or indirectly giving to or receiving
20 from any person, firm, corporation, partnership or
21 association any fee, commission, rebate or other form of
22 compensation for any professional service not actually
23 rendered.

24 (13) A finding by the Board that the licensee,
25 after having the license placed on probationary status,
26 has violated the terms of probation.

27 (14) Abandonment of a client.

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

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

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

8 (18) Physical or mental disability, including
9 deterioration through the aging process or loss of
10 abilities and skills which results in the inability to
11 practice the profession with reasonable judgment, skill,
12 or safety.

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

15 (20) Failure to file a return, or to pay the tax,
16 penalty or interest shown in a filed return, or to pay
17 any final assessment of tax, penalty or interest, as
18 required by any tax Act administered by the Illinois
19 Department of Revenue or any successor agency or the
20 Internal Revenue Service or any successor agency.

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

23 (22) Practicing or attempting to practice under a
24 name other than the full name as shown on the license or
25 any other legally authorized name.

26 (23) Gross overcharging for professional services
27 including filing statements for collection of fees or
28 monies for which services are not rendered.

29 (24) Failure to comply with the terms and
30 conditions of an agreement with the Impaired
31 Professionals Assistance System or other such approved
32 treatment program.

33 (b) The Department shall deny, without hearing, any
34 application or renewal for a license under this Act to any

1 person who has defaulted on an educational loan guaranteed by
2 the Illinois State Assistance Commission; however, the
3 Department may issue a license or renewal if the person in
4 default has established a satisfactory repayment record as
5 determined by the Illinois Student Assistance Commission.

6 (c) The determination by a court that a licensee is
7 subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code will result in an automatic suspension of his or her
10 license. The suspension will end upon a finding by a court
11 that the licensee is no longer subject to involuntary
12 admission or judicial admission, the issuance of an order so
13 finding and discharging the patient, and the recommendation
14 of the Board to the Director that the licensee be allowed to
15 resume professional practice.

16 (d) In enforcing this Section, the Department upon a
17 showing of a possible violation may compel an individual
18 licensed to practice under this Act or who has applied for
19 licensure pursuant to this Act to submit to a mental or
20 physical examination, or both, as required by and at the
21 expense of the Department. The examining physicians or
22 clinical psychologists shall be those specifically designated
23 by the Department. The individual to be examined may have, at
24 his or her own expense, another physician or clinical
25 psychologist of his or her choice present during all aspects
26 of this examination. Failure of any individual to submit to a
27 mental or physical examination when directed shall be grounds
28 for suspension of his or her license until the individual
29 submits to the examination if the Department finds, after
30 notice and hearing, that the refusal to submit to the
31 examination was without reasonable cause.

32 If the Department determines that an applicant or
33 licensee is unable to practice because of the reasons set
34 forth in this Section, the Department may discipline the

1 licensee or require the applicant or licensee to enter into
2 an agreement of care, counseling, and treatment with the
3 Department to enroll and participate in an approved treatment
4 program in accordance with the Impaired Professionals
5 Assistance System, subject to terms and conditions the
6 Department deems appropriate.

7 An individual whose license was granted, continued,
8 reinstated, renewed, disciplined, or supervised subject to
9 such terms, conditions, or restrictions and who fails to
10 comply with such terms, conditions, or restrictions shall be
11 referred to the Director for a determination as to whether
12 the individual shall have his or her license suspended
13 immediately, pending a hearing by the Department.

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

23 An individual licensed under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate
25 to the Department that he or she can resume practice in
26 compliance with acceptable and prevailing standards under the
27 provisions of his or her license.

28 (Source: P.A. 87-1011; 87-1269.)

29 (225 ILCS 107/81 new)

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

31 Sec. 81. Reporting requirements. The Department shall, by
32 rule, provide for the reporting by all employers to the
33 Impaired Professionals Assistance System of all instances in

1 which a person licensed under this Act who is impaired by
2 reason of age, drug or alcohol abuse, or physical or mental
3 impairment, is under supervision and, where appropriate, is
4 in a program of rehabilitation. Reports shall be strictly
5 confidential and may be reviewed and considered only by
6 authorized Department staff as provided by rule. Provisions
7 shall be made for the periodic report of the status of any
8 such licensee not less than twice annually so that the
9 Department shall have current information upon which to
10 determine the status of any such licensee. Initial and
11 periodic reports of impaired licensees shall not be
12 considered records within the meaning of the State Records
13 Act and shall be disposed of, following a determination by
14 the Department that such reports are no longer required, in a
15 manner and at such time as the Department shall determine by
16 rule.

17 Section 90. The Veterinary Medicine and Surgery Practice
18 Act of 1994 is amended by changing Sections 24.1 and 25 and
19 adding Section 24.2 as follows:

20 (225 ILCS 115/24.1)

21 (Section scheduled to be repealed on January 1, 2004)

22 Sec. 24.1. Impaired veterinarians. "Impaired
23 veterinarian" means a veterinarian who is unable to practice
24 veterinary medicine with reasonable skill and safety because
25 of a physical or mental disability as evidenced by a written
26 determination or written consent based on clinical evidence,
27 including deterioration through the aging process, loss of
28 motor skills, or abuse of drugs or alcohol, or psychiatric
29 disorder of sufficient degree to diminish a person's ability
30 to deliver competent patient care.

31 "Impaired veterinarian technician" means a certified
32 veterinarian technician who is unable to practice veterinary

1 medicine with reasonable skill and safety due to physical or
 2 mental disabilities as evidenced by a written determination
 3 or written consent based on clinical evidence, including
 4 deterioration through the aging process or loss of motor
 5 skill, abuse of drugs or alcohol, or a psychiatric disorder,
 6 of sufficient degree to diminish the person's ability to
 7 deliver competent patient care.

8 The Department shall establish by rule a program of care,
 9 counseling, or treatment for the impaired veterinarian.

10 "Program of care, counseling, or treatment" means a
 11 written agreement between the Department and an applicant or
 12 licensee requiring that the applicant or licensee enroll and
 13 participate in a treatment program approved by the
 14 Department. The agreement may also specify terms and
 15 conditions deemed appropriate by the Board ~~schedule--of~~
 16 ~~organized--treatment,--care,---counseling,---activities,---or~~
 17 ~~education-satisfactory-to-the-Board,--designed-for-the-purpose~~
 18 ~~of--restoring--an--impaired-person-to-a-condition-whereby-the~~
 19 ~~impaired--person--can--practice--veterinary---medicine---with~~
 20 ~~reasonable-skill-and-safety-of-a-sufficient-degree-to-deliver~~
 21 ~~competent-patient-care.~~

22 "Impaired Professionals Assistance System" means the
 23 program established by Section 16 of the Department of
 24 Professional Regulation Law (20 ILCS 2105/2105-16).

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

26 (225 ILCS 115/24.2 new)

27 (Section scheduled to be repealed on January 1, 2004)

28 Sec. 24.2. Reporting requirements. The Department shall,
 29 by rule, provide for the reporting by all employers to the
 30 Impaired Professionals Assistance System of all instances in
 31 which a person licensed under this Act who is impaired by
 32 reason of age, drug or alcohol abuse, or physical or mental
 33 impairment, is under supervision and, where appropriate, is

1 in a program of rehabilitation. Reports shall be strictly
2 confidential and may be reviewed and considered only by
3 authorized Department staff as provided by rule. Provisions
4 shall be made for the periodic report of the status of any
5 such licensee not less than twice annually so that the
6 Department shall have current information upon which to
7 determine the status of any such licensee. Initial and
8 periodic reports of impaired licensees shall not be
9 considered records within the meaning of the State Records
10 Act and shall be disposed of, following a determination by
11 the Department that such reports are no longer required, in a
12 manner and at such time as the Department shall determine by
13 rule.

14 (225 ILCS 115/25) (from Ch. 111, par. 7025)
15 (Section scheduled to be repealed on January 1, 2004)
16 Sec. 25. Disciplinary actions.

17 1. The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary action as the Department may deem appropriate,
20 including fines not to exceed \$1,000 for each violation, with
21 regard to any license or certificate for any one or
22 combination of the following:

23 A. Material misstatement in furnishing information
24 to the Department.

25 B. Violations of this Act, or of the rules
26 promulgated under this Act.

27 C. Conviction of any crime under the laws of the
28 United States or any state or territory of the United
29 States that is a felony or that is a misdemeanor, an
30 essential element of which is dishonesty, or of any
31 crime that is directly related to the practice of the
32 profession.

33 D. Making any misrepresentation for the purpose of

1 obtaining licensure or certification, or violating any
2 provision of this Act or the rules promulgated under this
3 Act pertaining to advertising.

4 E. Professional incompetence.

5 F. Gross malpractice.

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

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

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

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

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

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

26 M. A finding by the Board that the licensee or
27 certificate holder, after having his license or
28 certificate placed on probationary status, has violated
29 the terms of probation.

30 N. Willfully making or filing false records or
31 reports in his practice, including but not limited to
32 false records filed with State agencies or departments.

33 O. Physical illness, including but not limited to,
34 deterioration through the aging process, or loss of motor

1 skill which results in the inability to practice the
2 profession with reasonable judgement, skill or safety.

3 P. Solicitation of professional services other than
4 permitted advertising.

5 Q. Having professional connection with or lending
6 one's name, directly or indirectly, to any illegal
7 practitioner of veterinary medicine and surgery and the
8 various branches thereof.

9 R. Conviction of or cash compromise of a charge or
10 violation of the Harrison Act or the Illinois Controlled
11 Substances Act, regulating narcotics.

12 S. Fraud or dishonesty in applying, treating, or
13 reporting on tuberculin or other biological tests.

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

16 U. Fraudulent use or misuse of any health
17 certificate, shipping certificate, brand inspection
18 certificate, or other blank forms used in practice that
19 might lead to the dissemination of disease or the
20 transportation of diseased animals dead or alive; or
21 dilatory methods, willful neglect, or misrepresentation
22 in the inspection of milk, meat, poultry, and the
23 by-products thereof.

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

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

27 X. Failure to provide satisfactory proof of having
28 participated in approved continuing education programs.

29 Y. Failure to (i) file a return, (ii) pay the tax,
30 penalty, or interest shown in a filed return, or (iii)
31 pay any final assessment of tax, penalty, or interest, as
32 required by any tax Act administered by the Illinois
33 Department of Revenue, until the requirements of that tax
34 Act are satisfied.

1 Z. Conviction by any court of competent
2 jurisdiction, either within or outside this State, of any
3 violation of any law governing the practice of veterinary
4 medicine, if the Department determines, after
5 investigation, that the person has not been sufficiently
6 rehabilitated to warrant the public trust.

7 AA. Promotion of the sale of drugs, devices,
8 appliances, or goods provided for a patient in any manner
9 to exploit the client for financial gain of the
10 veterinarian.

11 BB. Gross, willful, or continued overcharging for
12 professional services, including filing false statements
13 for collection of fees for which services are not
14 rendered.

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

17 DD. Fraud or misrepresentation in applying for, or
18 procuring, a license under this Act or in connection with
19 applying for renewal of a license under this Act.

20 EE. Cheating on or attempting to subvert the
21 licensing examination administered under this Act.

22 FF. Failure to comply with the terms and conditions
23 of an agreement with the Impaired Professionals
24 Assistance System or other such approved treatment
25 program.

26 2. The determination by a circuit court that a licensee
27 or certificate holder is subject to involuntary admission or
28 judicial admission as provided in the Mental Health and
29 Developmental Disabilities Code operates as an automatic
30 suspension. The suspension will end only upon a finding by
31 a court that the patient is no longer subject to involuntary
32 admission or judicial admission and issues an order so
33 finding and discharging the patient; and upon the
34 recommendation of the Board to the Director that the licensee

1 or certificate holder be allowed to resume his practice.

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

26 In enforcing this Section, the Department upon a showing
27 of a possible violation may compel an individual licensed to
28 practice under this Act or who has applied for licensure
29 pursuant to this Act to submit to a mental or physical
30 examination, or both, as required by and at the expense of
31 the Department. The examining physicians or clinical
32 psychologists shall be those specifically designated by the
33 Department. The individual to be examined may have, at his or
34 her own expense, another physician or clinical psychologist

1 of his or her choice present during all aspects of this
2 examination. Failure of any individual to submit to a mental
3 or physical examination when directed shall be grounds for
4 suspension of his or her license until the individual submits
5 to the examination if the Department finds, after notice and
6 hearing, that the refusal to submit to the examination was
7 without reasonable cause.

8 If the Department determines that an applicant or
9 licensee is unable to practice because of the reasons set
10 forth in this Section, the Department may discipline the
11 licensee or require the applicant or licensee to enter into
12 an agreement of care, counseling, and treatment with the
13 Department to enroll and participate in an approved treatment
14 program in accordance with the Impaired Professionals
15 Assistance System, subject to terms and conditions the
16 Department deems appropriate.

17 An individual whose license was granted, continued,
18 reinstated, renewed, disciplined, or supervised subject to
19 such terms, conditions, or restrictions and who fails to
20 comply with such terms, conditions, or restrictions shall be
21 referred to the Director for a determination as to whether
22 the individual shall have his or her license suspended
23 immediately, pending a hearing by the Department.

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

25 Section 95. The Perfusionist Practice is amended by
26 changing Sections 10 and 105 and adding Section 106 as
27 follows:

28 (225 ILCS 125/10)

29 (Section scheduled to be repealed on January 1, 2010)

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

31 "Board" means the Board of Perfusion.

32 "Department" means the Department of Professional

1 Regulation.

2 "Director" means the Director of Professional Regulation.

3 "Extracorporeal circulation" means the diversion of a
4 patient's blood through a heart-lung machine or a similar
5 device that assumes the functions of the patient's heart,
6 lungs, kidney, liver, or other organs.

7 "Impaired" means the inability to practice with
8 reasonable skill and safety due to physical or mental
9 disabilities as evidenced by a written determination or
10 written consent based on clinical evidence, including
11 deterioration through the aging process or loss of motor
12 skill, abuse of drugs or alcohol, or a psychiatric disorder,
13 of sufficient degree to diminish the person's ability to
14 deliver competent patient care.

15 "Impaired Professionals Assistance System" means the
16 program established by Section 16 of the Department of
17 Professional Regulation Law (20 ILCS 2105/2105-16).

18 "New graduate perfusionist" means a perfusionist
19 practicing within a period of one year since the date of
20 graduation from a Commission on Accreditation of Allied
21 Health Education Programs accredited perfusion education
22 program.

23 "Perfusion" means the functions necessary for the
24 support, treatment, measurement, or supplementation of the
25 cardiovascular systems or other organs, or a combination of
26 those functions, and to ensure the safe management of
27 physiologic functions by monitoring and analyzing the
28 parameters of the systems under an order and under the
29 supervision of a physician licensed to practice medicine in
30 all its branches.

31 "Perfusionist" means a person, qualified by academic and
32 clinical education, to operate the extracorporeal circulation
33 equipment during any medical situation where it is necessary
34 to support or replace a person's cardiopulmonary,

1 circulatory, or respiratory function. A perfusionist is
2 responsible for the selection of appropriate equipment and
3 techniques necessary for support, treatment, measurement, or
4 supplementation of the cardiopulmonary and circulatory system
5 of a patient, including the safe monitoring, analysis, and
6 treatment of physiologic conditions under an order and under
7 the supervision of a physician licensed to practice medicine
8 in all its branches and in coordination with a registered
9 professional nurse.

10 "Perfusion protocols" means perfusion related policies
11 and protocols developed or approved by a licensed health
12 facility or a physician through collaboration with
13 administrators, licensed perfusionists, and other health care
14 professionals.

15 "Physician" or "operating physician" means a person
16 licensed to practice medicine in all of its branches under
17 the Medical Practice Act of 1987.

18 "Program of care, counseling, or treatment" means a
19 written agreement between the Department and an applicant or
20 licensee requiring that the applicant or licensee enroll and
21 participate in a treatment program approved by the
22 Department. The agreement may also specify terms and
23 conditions deemed appropriate by the Board.

24 (Source: P.A. 91-580, eff. 1-1-00.)

25 (225 ILCS 125/105)

26 (Section scheduled to be repealed on January 1, 2010)

27 Sec. 105. Grounds for disciplinary action.

28 (a) The Department may refuse to issue, renew, or
29 restore a license, may revoke or suspend a license, or may
30 place on probation, censure, reprimand, or take other
31 disciplinary action with regard to a person licensed under
32 this Act, including but not limited to the imposition of
33 fines not to exceed \$5,000 for each violation, for any one or

1 combination of the following causes:

2 (1) Making a material misstatement in furnishing
3 information to the Department.

4 (2) Violating a provision of this Act or its rules.

5 (3) Conviction under the laws of a United States
6 jurisdiction of a crime that is a felony or a
7 misdemeanor, an essential element of which is dishonesty,
8 or of a crime that is directly related to the practice as
9 a perfusionist.

10 (4) Making a misrepresentation for the purpose of
11 obtaining, renewing, or restoring a license.

12 (5) Wilfully aiding or assisting another person in
13 violating a provision of this Act or its rules.

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

16 (7) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public, as defined by rule of the
19 Department.

20 (8) Discipline by another United States
21 jurisdiction or foreign nation, if at least one of the
22 grounds for discipline is the same or substantially
23 equivalent to those set forth in this Section.

24 (9) Directly or indirectly giving to or receiving
25 from a person, firm, corporation, partnership, or
26 association a fee, commission, rebate, or other form of
27 compensation for professional services not actually or
28 personally rendered.

29 (10) A finding by the Board that the licensee,
30 after having his or her license placed on probationary
31 status, has violated the terms of probation.

32 (11) Wilfully making or filing false records or
33 reports in his or her practice, including but not limited
34 to false records or reports filed with State agencies.

1 (12) Wilfully making or signing a false statement,
2 certificate, or affidavit to induce payment.

3 (13) Wilfully failing to report an instance of
4 suspected child abuse or neglect as required under the
5 Abused and Neglected Child Reporting Act.

6 (14) 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 (15) Employment of fraud, deception, or any
14 unlawful means in applying for or securing a license as a
15 perfusionist.

16 (16) Allowing another person to use his or her
17 license to practice.

18 (17) Failure to report to the Department (A) any
19 adverse final action taken against the licensee by
20 another licensing jurisdiction, government agency, law
21 enforcement agency, or any court or (B) liability for
22 conduct that would constitute grounds for action as set
23 forth in this Section.

24 (18) Habitual intoxication or addiction to the use
25 of drugs.

26 (19) Physical illness, including but not limited to
27 deterioration through the aging process or loss of motor
28 skills, which results in the inability to practice the
29 profession for which he or she is licensed with
30 reasonable judgment, skill, or safety.

31 (20) Gross malpractice resulting in permanent
32 injury or death of a patient.

33 (21) Immoral conduct in the commission of an act
34 related to the licensee's practice, including but not

1 limited to sexual abuse, sexual misconduct, or sexual
2 exploitation.

3 (22) Violation of the Health Care Worker
4 Self-Referral Act.

5 (23) Failure to comply with the terms and
6 conditions of an agreement with the Impaired
7 Professionals Assistance System or other such approved
8 treatment program.

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

15 (c) The determination by a circuit court that a licensee
16 is subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code operates as an automatic suspension. The suspension will
19 end only upon (1) a finding by a court that the patient is no
20 longer subject to involuntary admission or judicial
21 admission, (2) issuance of an order so finding and
22 discharging the patient, and (3) the recommendation of the
23 Disciplinary Board to the Director that the licensee be
24 allowed to resume his or her practice.

25 In enforcing this Section, the Department upon a showing
26 of a possible violation may compel an individual licensed to
27 practice under this Act or who has applied for licensure
28 pursuant to this Act to submit to a mental or physical
29 examination, or both, as required by and at the expense of
30 the Department. The examining physicians or clinical
31 psychologists shall be those specifically designated by the
32 Department. The individual to be examined may have, at his or
33 her own expense, another physician or clinical psychologist
34 of his or her choice present during all aspects of this

1 examination. Failure of any individual to submit to a mental
2 or physical examination when directed shall be grounds for
3 suspension of his or her license until the individual submits
4 to the examination if the Department finds, after notice and
5 hearing, that the refusal to submit to the examination was
6 without reasonable cause.

7 If the Department determines that an applicant or
8 licensee is unable to practice because of the reasons set
9 forth in this Section, the Department may discipline the
10 licensee or require the applicant or licensee to enter into
11 an agreement of care, counseling, and treatment with the
12 Department to enroll and participate in an approved treatment
13 program in accordance with the Impaired Professionals
14 Assistance System, subject to terms and conditions the
15 Department deems appropriate.

16 An individual whose license was granted, continued,
17 reinstated, renewed, disciplined, or supervised subject to
18 such terms, conditions, or restrictions and who fails to
19 comply with such terms, conditions, or restrictions shall be
20 referred to the Director for a determination as to whether
21 the individual shall have his or her license suspended
22 immediately, pending a hearing by the Department.

23 (Source: P.A. 91-580, eff. 1-1-00.)

24 (225 ILCS 125/106 new)

25 (Section scheduled to be repealed on January 1, 2010)

26 Sec. 106. Reporting requirements. The Department shall,
27 by rule, provide for the reporting by all employers to the
28 Impaired Professionals Assistance System of all instances in
29 which a person licensed under this Act who is impaired by
30 reason of age, drug or alcohol abuse, or physical or mental
31 impairment, is under supervision and, where appropriate, is
32 in a program of rehabilitation. Reports shall be strictly
33 confidential and may be reviewed and considered only by

1 authorized Department staff as provided by rule. Provisions
2 shall be made for the periodic report of the status of any
3 such licensee not less than twice annually so that the
4 Department shall have current information upon which to
5 determine the status of any such licensee. Initial and
6 periodic reports of impaired licensees shall not be
7 considered records within the meaning of the State Records
8 Act and shall be disposed of, following a determination by
9 the Department that such reports are no longer required, in a
10 manner and at such time as the Department shall determine by
11 rule.

12 (225 ILCS 25/5.5 rep.)

13 Section 100. The Illinois Dental Practice Act is amended
14 by repealing Section 5.5.

15 Section 999. Effective date. This Act takes effect upon
16 becoming law.

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- 225 ILCS 5/16 from Ch. 111, par. 7616
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