

AN ACT concerning professional regulation.

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

Section 5. The Regulatory Sunset Act is amended by
changing Sections 4.14 and 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed.

(a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private
Security Act of 1993.

~~The Illinois Occupational Therapy Practice Act.~~

(b) The following Acts are repealed January 1, 2004:

The Illinois Certified Shorthand Reporters Act of
1984.

The Veterinary Medicine and Surgery Practice Act of
1994.

(Source: P.A. 92-457, eff 8-21-01.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The
following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

(Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 10. The Illinois Occupational Therapy Practice
Act is amended by changing Sections 2, 3, 3.1, 5, 7, 8, 9,
11, 11.1, 15, and 19 as follows:

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

(Section scheduled to be repealed on December 31, 2003)

Sec. 2. Definitions. In this Act:

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

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

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

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

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

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

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

processes;

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

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

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

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

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

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

(b) evaluating, developing, remediating improving, or restoring sensorimotor sensory-motor, cognitive, or psychosocial components of performance;

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

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

(e) for the occupational therapist or occupational therapy assistant therapists possessing advanced

training, skill, and competency as demonstrated through examinations that shall be determined by the Department, applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;

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

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

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

(8) "An aide in occupational therapy" means an individual who provides supportive services to occupational therapists or occupational therapy assistants ~~therapy practitioners~~ but who is not certified by a nationally recognized occupational therapy certifying or licensing body. (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; 92-651, eff. 7-11-02.)

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

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

Sec. 3. After the effective date of this Act, no person shall practice occupational therapy or hold himself out as an occupational therapist or an occupational therapy assistant, or as being able to practice occupational therapy or to render services designated as occupational therapy in this State, unless he is licensed in accordance with the provisions of this Act.

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

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

licensed; or

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

(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if such activities and services constitute a part of a supervised course of study, and if such person is designated by a title which clearly indicates his or her status as a student or trainee; or

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

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

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

(ii) such person meets the requirements for certification as an Occupational Therapist Registered (O.T.R.) or a Certified Occupational Therapy Assistant (C.O.T.A.) established by the National Board for Certification of Occupational Therapy or another nationally recognized credentialing body approved by the Board American-Occupational-Therapy-Association; or

(6) The practice of occupational therapy by one who has applied in writing to the Department for a license, in form and substance satisfactory to the Department, and has complied with all the provisions of either Section 8 or 9 except the passing of the examination to be eligible to receive such license. In no event shall this exemption extend to any person for longer than 6 months, except as follows:

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

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

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

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

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

(Source: P.A. 90-427, eff. 8-15-97.)

(225 ILCS 75/3.1)

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

Sec. 3.1. Referrals. A licensed registered occupational therapist or licensed certified occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy needs. Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a licensed physician, dentist, podiatrist, or optometrist.

An occupational therapist shall refer to a licensed physician, dentist, optometrist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.

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

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

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

Sec. 5. The Director shall appoint an Illinois Occupational Therapy Licensure Board as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Director. One member must be a physician licensed to practice medicine in all of its branches; 3 members must be licensed registered occupational therapists in good standing, and actively engaged in the practice of

occupational therapy in this State; 2 members must be licensed certified occupational therapy assistants in good standing and actively engaged in the practice of occupational therapy in this State; and 1 member must be a public member who is not licensed under this Act, or a similar Act of another jurisdiction, and is not a provider of health care service.

Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be appointed under this or any prior Act to the Board for service which would constitute more than 2 full terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

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

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.

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

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

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

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

Sec. 7. The Department shall authorize examinations at least annually and at such time and place as it may designate. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice occupational therapy.

Applications for examination as occupational therapists

and occupational therapy assistants shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

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

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

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

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

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

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

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

(2) (blank) is-a-citizen-of-the-United-States-or-a lawfully-admitted-alien, in-status, registered--with--the United---States---Department---of---Justice,--Division--of Immigration-and-Naturalization;

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

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

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

(225 ILCS 75/9) (from Ch. 111, par. 3709)

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

Sec. 9. A person shall be qualified for licensure as an occupational therapy assistant if that person:

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

(2) (blank) ~~is a citizen of the United States or a lawfully admitted alien, in status, registered with the United States Department of Justice, Division of Immigration and Naturalization;~~

(3) has completed an occupational therapy program of at least 2 years in length leading to an associate degree, or its equivalent, approved by the Department; and

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

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

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

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

Sec. 11. The expiration date and renewal period for each certificate issued under this Act shall be set by rule.

Any occupational therapist or occupational therapy assistant who has permitted his license to expire or who has had his license on inactive status may have his license restored by making application to the Department and filing

proof acceptable to the Department of his fitness to have his license restored. The Department may consider a certificate expired less than 5 years as prima facie evidence that the applicant is fit. If the applicant's license has expired or been placed on inactive status, proof of fitness may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

If the occupational therapist or occupational therapy assistant has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his fitness to resume active status and may require the occupational therapist or occupational therapy therapist assistant to successfully complete a practice examination.

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

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

(225 ILCS 75/11.1)

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

Sec. 11.1. Continuing education requirement. All renewal applicants shall provide proof of having met the

continuing competency requirements set forth in the rules of the Department. ~~At a minimum, the rules shall require a renewal applicant to provide proof of completing at least 12 units of continuing competency activities during the 2-year licensing cycle for which he or she is currently licensed.~~ The Department shall provide by rule for an orderly process for the reinstatement of licenses that have not been renewed for failure to meet the continuing competency requirements. The continuing competency requirements may be waived in cases of extreme hardship as defined by rule.

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

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

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

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

Sec. 15. Any person who is issued a license as an occupational therapist registered under the terms of this Act may use the words "occupational therapist" or "licensed occupational therapist registered", or he may use the letters "O.T" or "O.T.R.", in connection with his or her name or place of business to denote his or her licensure under this Act.

Any person who is issued a license as a certified occupational therapy assistant under the terms of this Act may use the words, "occupational therapy assistant" or "licensed certified occupational therapy assistant", or he or she may use the letters, "O.T.A." or "C.O.T.A.", in connection with his or her name, or place of business to

denote his or her licensure under this Act hereunder.

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

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

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

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

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

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

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

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

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

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

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

(8) Engaging in dishonorable, unethical or

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

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

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

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

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

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

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

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

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

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

(18) Gross negligence;

(19) Malpractice;

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

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

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

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

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

(b) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to

involuntary admission or judicial admission, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his practice.

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

(d) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to

submit to the examination was with reasonable cause.

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

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

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

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