



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 281

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 281 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Administration of Psychotropic Medications  
5 to Children Act is amended by changing Section 5 and by adding  
6 Section 7 as follows:

7 (20 ILCS 535/5)

8 Sec. 5. Administration of psychotropic medications. On or  
9 before October 1, 2011, the Department of Children and Family  
10 Services shall promulgate final rules, amending its current  
11 rules establishing and maintaining standards and procedures to  
12 govern the administration of psychotropic medications. Such  
13 amendments to its rules shall include, but are not limited to,  
14 the following:

15 (a) The role of the Department in the administration of  
16 psychotropic medications to youth for whom it is legally

1 responsible and who are in facilities operated by the Illinois  
2 Department of Corrections or the Illinois Department of  
3 Juvenile Justice.

4 (b) Provisions regarding the administration of  
5 psychotropic medications for youth for whom the Department is  
6 legally responsible and who are in residential facilities,  
7 group homes, transitional living programs, or foster homes  
8 where the youth is under the age of 18 or where the youth is 18  
9 or older and has provided the Department with appropriate  
10 consent.

11 (b-5) Provisions requiring the Department to distribute  
12 treatment guidelines on an annual basis to all persons licensed  
13 under the Medical Practice Act of 1987 to practice medicine in  
14 all of its branches who prescribe psychotropic medications to  
15 youth for whom the Department is legally responsible.

16 (c) Provisions regarding the administration of  
17 psychotropic medications for youth for whom the Department is  
18 legally responsible and who are in psychiatric hospitals.

19 (d) Provisions concerning the emergency use of  
20 psychotropic medications, including appropriate and timely  
21 reporting.

22 (e) Provisions prohibiting the administration of  
23 psychotropic medications to persons for whom the Department is  
24 legally responsible as punishment for bad behavior, for the  
25 convenience of staff or caregivers, or as a substitute for  
26 adequate mental health care or other services.

1           (f) The creation of a committee to develop, post on a  
2 website, and periodically review materials listing which  
3 psychotropic medications are approved for use with youth for  
4 whom the Department has legal responsibility. The materials  
5 shall include guidelines for the use of psychotropic  
6 medications and may include the acceptable range of dosages,  
7 contraindications, and time limits, if any, and such other  
8 topics necessary to ensure the safe and appropriate use of  
9 psychotropic medications.

10           (g) Provisions regarding the appointment, qualifications,  
11 and training of employees of the Department who are authorized  
12 to consent to the administration of psychotropic medications to  
13 youth for whom the Department has legal responsibility,  
14 including the scope of the authority of such persons.

15           (h) Provisions regarding training and materials for  
16 parents, foster parents, and relative caretakers concerning  
17 the rules governing the use of psychotropic medications with  
18 youth for whom the Department has legal responsibility.

19           (i) With respect to any youth under the age of 18 for whom  
20 the Department has legal responsibility and who does not assent  
21 to the administration of recommended psychotropic medication,  
22 provisions providing standards and procedures for reviewing  
23 the youth's concerns. With respect to any youth over the age of  
24 18 for whom the Department has legal responsibility and who  
25 does not consent to the administration of recommended  
26 psychotropic medication, provisions providing standards and

1 procedures for reviewing the youth's concerns upon the youth's  
2 request and with the youth's consent. Standards and procedures  
3 developed under this subsection shall not be inconsistent with  
4 the Mental Health and Developmental Disabilities Code.

5 (j) Provisions ensuring that, subject to all relevant  
6 confidentiality laws, service plans for youth for whom the  
7 Department has legal responsibility include the following  
8 information:

9 (1) Identification by name and dosage of the  
10 psychotropic medication known by the Department to have  
11 been administered to the youth since the last service plan.

12 (2) The benefits of the psychotropic medication.

13 (3) The negative side effects of the psychotropic  
14 medication.

15 (Source: P.A. 97-245, eff. 8-4-11.)

16 (20 ILCS 535/7 new)

17 Sec. 7. Annual reports on prescribing patterns.

18 (a) No later than December 31, 2018, and December 31 of  
19 each year thereafter, the Department shall prepare and submit  
20 an annual report, covering the previous fiscal year, to the  
21 General Assembly concerning the administration of psychotropic  
22 medication to youth for whom it is legally responsible. This  
23 report shall include, but is not limited to, pharmacy claims  
24 data for youth for whom the Department is legally responsible  
25 for each of the following:

1           (1) The total number of youths with approved requests  
2           for psychotropic medication during the reporting period.

3           (2) The youth categorized by age groups 0 through 6, 7  
4           through 12, or 13 through 17 and further categorized by  
5           gender and the number and type of medication prescribed.

6           (3) The number of physicians who have prescribed  
7           psychotropic medication to youth for whom the Department is  
8           legally responsible with consent of the guardian.

9           (4) The number of physicians who have prescribed  
10           psychotropic medication to youth for whom the Department is  
11           legally responsible without consent of the guardian.

12           Prior to the release of this data, personal identifiers,  
13           such as name, date of birth, address, and Social Security  
14           number, shall be removed and a unique identifier shall be  
15           submitted.

16           (b) For each youth who falls into one of the categories  
17           described in subsection (a), the Department shall maintain a  
18           record of the following information:

19           (1) a list of the psychotropic medications prescribed;

20           (2) the consent date for each psychotropic medication  
21           prescribed;

22           (3) the prescriber's name and contact information;

23           (4) the youth's year of birth;

24           (5) the diagnoses received on each youth; and

25           (6) the youth's weight.

26           (c) The Department may contract for consulting services

1 from, if available, a psychiatrist who has expertise and  
2 specializes in pediatric care for the purpose of reviewing the  
3 data provided to the General Assembly in subsection (a).

4 (d) Using information gathered from subsection (a), the  
5 Department shall analyze prescribing patterns by population  
6 for youth for whom it is legally responsible.

7  
8 Section 10. The Medical Practice Act of 1987 is amended by  
9 changing Section 22 as follows:

10 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

11 (Section scheduled to be repealed on December 31, 2017)

12 Sec. 22. Disciplinary action.

13 (A) The Department may revoke, suspend, place on probation,  
14 reprimand, refuse to issue or renew, or take any other  
15 disciplinary or non-disciplinary action as the Department may  
16 deem proper with regard to the license or permit of any person  
17 issued under this Act, including imposing fines not to exceed  
18 \$10,000 for each violation, upon any of the following grounds:

19 (1) Performance of an elective abortion in any place,  
20 locale, facility, or institution other than:

21 (a) a facility licensed pursuant to the Ambulatory  
22 Surgical Treatment Center Act;

23 (b) an institution licensed under the Hospital  
24 Licensing Act;

1 (c) an ambulatory surgical treatment center or  
2 hospitalization or care facility maintained by the  
3 State or any agency thereof, where such department or  
4 agency has authority under law to establish and enforce  
5 standards for the ambulatory surgical treatment  
6 centers, hospitalization, or care facilities under its  
7 management and control;

8 (d) ambulatory surgical treatment centers,  
9 hospitalization or care facilities maintained by the  
10 Federal Government; or

11 (e) ambulatory surgical treatment centers,  
12 hospitalization or care facilities maintained by any  
13 university or college established under the laws of  
14 this State and supported principally by public funds  
15 raised by taxation.

16 (2) Performance of an abortion procedure in a wilful  
17 and wanton manner on a woman who was not pregnant at the  
18 time the abortion procedure was performed.

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

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

26 (5) Engaging in dishonorable, unethical or

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

3 (6) Obtaining any fee by fraud, deceit, or  
4 misrepresentation.

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

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

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

14 (10) Making a false or misleading statement regarding  
15 their skill or the efficacy or value of the medicine,  
16 treatment, or remedy prescribed by them at their direction  
17 in the treatment of any disease or other condition of the  
18 body or mind.

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

21 (12) Adverse action taken by another state or  
22 jurisdiction against a license or other authorization to  
23 practice as a medical doctor, doctor of osteopathy, doctor  
24 of osteopathic medicine or doctor of chiropractic, a  
25 certified copy of the record of the action taken by the  
26 other state or jurisdiction being prima facie evidence



1           thereof. This includes any adverse action taken by a State  
2           or federal agency that prohibits a medical doctor, doctor  
3           of osteopathy, doctor of osteopathic medicine, or doctor of  
4           chiropractic from providing services to the agency's  
5           participants.

6           (13) Violation of any provision of this Act or of the  
7           Medical Practice Act prior to the repeal of that Act, or  
8           violation of the rules, or a final administrative action of  
9           the Secretary, after consideration of the recommendation  
10          of the Disciplinary Board.

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

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

18          (16) Abandonment of a patient.

19          (17)        Prescribing,        selling,        administering,  
20          distributing, giving or self-administering any drug  
21          classified as a controlled substance (designated product)  
22          or narcotic for other than medically accepted therapeutic  
23          purposes.

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

1 physician.

2 (19) Offering, undertaking or agreeing to cure or treat  
3 disease by a secret method, procedure, treatment or  
4 medicine, or the treating, operating or prescribing for any  
5 human condition by a method, means or procedure which the  
6 licensee refuses to divulge upon demand of the Department.

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

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

16 (22) Wilful omission to file or record, or wilfully  
17 impeding the filing or recording, or inducing another  
18 person to omit to file or record, medical reports as  
19 required by law, or wilfully failing to report an instance  
20 of suspected abuse or neglect as required by law.

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

1 Child Reporting Act.

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

5 (25) Gross and wilful and continued overcharging for  
6 professional services, including filing false statements  
7 for collection of fees for which services are not rendered,  
8 including, but not limited to, filing such false statements  
9 for collection of monies for services not rendered from the  
10 medical assistance program of the Department of Healthcare  
11 and Family Services (formerly Department of Public Aid)  
12 under the Illinois Public Aid Code.

13 (26) A pattern of practice or other behavior which  
14 demonstrates incapacity or incompetence to practice under  
15 this Act.

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

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

23 (29) Cheating on or attempt to subvert the licensing  
24 examinations administered under this Act.

25 (30) Wilfully or negligently violating the  
26 confidentiality between physician and patient except as

1 required by law.

2 (31) The use of any false, fraudulent, or deceptive  
3 statement in any document connected with practice under  
4 this Act.

5 (32) Aiding and abetting an individual not licensed  
6 under this Act in the practice of a profession licensed  
7 under this Act.

8 (33) Violating state or federal laws or regulations  
9 relating to controlled substances, legend drugs, or  
10 ephedra as defined in the Ephedra Prohibition Act.

11 (34) Failure to report to the Department any adverse  
12 final action taken against them by another licensing  
13 jurisdiction (any other state or any territory of the  
14 United States or any foreign state or country), by any peer  
15 review body, by any health care institution, by any  
16 professional society or association related to practice  
17 under this Act, by any governmental agency, by any law  
18 enforcement agency, or by any court for acts or conduct  
19 similar to acts or conduct which would constitute grounds  
20 for action as defined in this Section.

21 (35) Failure to report to the Department surrender of a  
22 license or authorization to practice as a medical doctor, a  
23 doctor of osteopathy, a doctor of osteopathic medicine, or  
24 doctor of chiropractic in another state or jurisdiction, or  
25 surrender of membership on any medical staff or in any  
26 medical or professional association or society, while

1 under disciplinary investigation by any of those  
2 authorities or bodies, for acts or conduct similar to acts  
3 or conduct which would constitute grounds for action as  
4 defined in this Section.

5 (36) Failure to report to the Department any adverse  
6 judgment, settlement, or award arising from a liability  
7 claim related to acts or conduct similar to acts or conduct  
8 which would constitute grounds for action as defined in  
9 this Section.

10 (37) Failure to provide copies of medical records as  
11 required by law.

12 (38) Failure to furnish the Department, its  
13 investigators or representatives, relevant information,  
14 legally requested by the Department after consultation  
15 with the Chief Medical Coordinator or the Deputy Medical  
16 Coordinator.

17 (39) Violating the Health Care Worker Self-Referral  
18 Act.

19 (40) Willful failure to provide notice when notice is  
20 required under the Parental Notice of Abortion Act of 1995.

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

23 (42) Entering into an excessive number of written  
24 collaborative agreements with licensed advanced practice  
25 nurses resulting in an inability to adequately  
26 collaborate.

1           (43) Repeated failure to adequately collaborate with a  
2 licensed advanced practice nurse.

3           (44) Violating the Compassionate Use of Medical  
4 Cannabis Pilot Program Act.

5           (45) Entering into an excessive number of written  
6 collaborative agreements with licensed prescribing  
7 psychologists resulting in an inability to adequately  
8 collaborate.

9           (46) Repeated failure to adequately collaborate with a  
10 licensed prescribing psychologist.

11           (47) Repeated acts of clearly excessive prescribing,  
12 furnishing, or administering psychotropic medications to a  
13 minor without a good faith prior examination of the patient  
14 and medical reason therefor.

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

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

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

1           The Department may refuse to issue or take disciplinary  
2 action concerning the license of any person who fails to file a  
3 return, or to pay the tax, penalty or interest shown in a filed  
4 return, or to pay any final assessment of tax, penalty or  
5 interest, as required by any tax Act administered by the  
6 Illinois Department of Revenue, until such time as the  
7 requirements of any such tax Act are satisfied as determined by  
8 the Illinois Department of Revenue.

9           The Department, upon the recommendation of the  
10 Disciplinary Board, shall adopt rules which set forth standards  
11 to be used in determining:

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

14           (b) what constitutes dishonorable, unethical or  
15 unprofessional conduct of a character likely to deceive,  
16 defraud, or harm the public;

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

21           (d) what constitutes gross negligence in the practice  
22 of medicine.

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

26           In enforcing this Section, the Disciplinary Board or the



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

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

1 another physician of his or her choice present during all  
2 aspects of the examination. Failure of any individual to submit  
3 to mental or physical examination and evaluation, or both, when  
4 directed, shall result in an automatic suspension, without  
5 hearing, until such time as the individual submits to the  
6 examination. If the Disciplinary Board or Licensing Board finds  
7 a physician unable to practice following an examination and  
8 evaluation because of the reasons set forth in this Section,  
9 the Disciplinary Board or Licensing Board shall require such  
10 physician to submit to care, counseling, or treatment by  
11 physicians, or other health care professionals, approved or  
12 designated by the Disciplinary Board, as a condition for  
13 issued, continued, reinstated, or renewed licensure to  
14 practice. Any physician, whose license was granted pursuant to  
15 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
16 renewed, disciplined or supervised, subject to such terms,  
17 conditions or restrictions who shall fail to comply with such  
18 terms, conditions or restrictions, or to complete a required  
19 program of care, counseling, or treatment, as determined by the  
20 Chief Medical Coordinator or Deputy Medical Coordinators,  
21 shall be referred to the Secretary for a determination as to  
22 whether the licensee shall have their license suspended  
23 immediately, pending a hearing by the Disciplinary Board. In  
24 instances in which the Secretary immediately suspends a license  
25 under this Section, a hearing upon such person's license must  
26 be convened by the Disciplinary Board within 15 days after such

1 suspension and completed without appreciable delay. The  
2 Disciplinary Board shall have the authority to review the  
3 subject physician's record of treatment and counseling  
4 regarding the impairment, to the extent permitted by applicable  
5 federal statutes and regulations safeguarding the  
6 confidentiality of medical records.

7 An individual licensed under this Act, affected under this  
8 Section, shall be afforded an opportunity to demonstrate to the  
9 Disciplinary Board that they can resume practice in compliance  
10 with acceptable and prevailing standards under the provisions  
11 of their license.

12 The Department may promulgate rules for the imposition of  
13 fines in disciplinary cases, not to exceed \$10,000 for each  
14 violation of this Act. Fines may be imposed in conjunction with  
15 other forms of disciplinary action, but shall not be the  
16 exclusive disposition of any disciplinary action arising out of  
17 conduct resulting in death or injury to a patient. Any funds  
18 collected from such fines shall be deposited in the Illinois  
19 State Medical Disciplinary Fund.

20 All fines imposed under this Section shall be paid within  
21 60 days after the effective date of the order imposing the fine  
22 or in accordance with the terms set forth in the order imposing  
23 the fine.

24 (B) The Department shall revoke the license or permit  
25 issued under this Act to practice medicine or a chiropractic  
26 physician who has been convicted a second time of committing

1 any felony under the Illinois Controlled Substances Act or the  
2 Methamphetamine Control and Community Protection Act, or who  
3 has been convicted a second time of committing a Class 1 felony  
4 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
5 person whose license or permit is revoked under this subsection  
6 B shall be prohibited from practicing medicine or treating  
7 human ailments without the use of drugs and without operative  
8 surgery.

9 (C) The Department shall not revoke, suspend, place on  
10 probation, reprimand, refuse to issue or renew, or take any  
11 other disciplinary or non-disciplinary action against the  
12 license or permit issued under this Act to practice medicine to  
13 a physician based solely upon the recommendation of the  
14 physician to an eligible patient regarding, or prescription  
15 for, or treatment with, an investigational drug, biological  
16 product, or device.

17 (D) The Disciplinary Board shall recommend to the  
18 Department civil penalties and any other appropriate  
19 discipline in disciplinary cases when the Board finds that a  
20 physician willfully performed an abortion with actual  
21 knowledge that the person upon whom the abortion has been  
22 performed is a minor or an incompetent person without notice as  
23 required under the Parental Notice of Abortion Act of 1995.  
24 Upon the Board's recommendation, the Department shall impose,  
25 for the first violation, a civil penalty of \$1,000 and for a  
26 second or subsequent violation, a civil penalty of \$5,000.

1 (Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14;  
2 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16; 99-933, eff.  
3 1-27-17.)".