

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following  
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 The Acupuncture Practice Act.

12 The Illinois Speech-Language Pathology and Audiology  
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Pharmacy Practice Act.

18 ~~The Home Medical Equipment and Services Provider License~~  
19 ~~Act.~~

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary  
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;  
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.  
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,  
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;  
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following  
8 Act is repealed on January 1, 2028:

9 The Home Medical Equipment and Services Provider License  
10 Act.

11 Section 10. The Home Medical Equipment and Services  
12 Provider License Act is amended by changing Sections 10, 15,  
13 20, 25, 30, 75, 95, 100, 110, 115, 125, 135, 150, and 165 and by  
14 adding Sections 13 and 185 as follows:

15 (225 ILCS 51/10)

16 (Section scheduled to be repealed on January 1, 2018)

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

18 (1) "Department" means the Department of Financial and  
19 Professional Regulation.

20 (2) "Secretary" means the Secretary of Financial and  
21 Professional Regulation.

22 (3) "Board" means the Home Medical Equipment and  
23 Services Board.

1           (4) "Home medical equipment and services provider" or  
2           "provider" means a legal entity, as defined by State law,  
3           engaged in the business of providing home medical equipment  
4           and services, whether directly or through a contractual  
5           arrangement, to an unrelated sick individual or an  
6           unrelated individual with a disability where that  
7           individual resides.

8           (5) "Home medical equipment and services" means the  
9           delivery, installation, maintenance, replacement, or  
10          instruction in the use of medical equipment used by a sick  
11          individual or an individual with a disability to allow the  
12          individual to be maintained in his or her residence.

13          (6) "Home medical equipment" means technologically  
14          sophisticated medical devices, apparatuses, machines, or  
15          other similar articles bearing a label that states  
16          "Caution: federal law requires dispensing by or on the  
17          order of a physician.", which are usable in a home care  
18          setting, including but not limited to:

19                (A) oxygen and oxygen delivery systems;

20                (B) ventilators;

21                (C) respiratory disease management devices,  
22          excluding compressor driven nebulizers;

23                (D) wheelchair seating systems;

24                (E) apnea monitors;

25                (F) transcutaneous electrical nerve stimulator  
26          (TENS) units;

1 (G) low air-loss cutaneous pressure management  
2 devices;

3 (H) sequential compression devices;

4 (I) neonatal home phototherapy devices;

5 (J) enteral feeding pumps; and

6 (K) other similar equipment as defined by the  
7 Board.

8 "Home medical equipment" also includes hospital beds  
9 and electronic and computer-driven wheelchairs, excluding  
10 scooters.

11 (7) "Address of record" means the designated address  
12 recorded by the Department in the applicant's or licensee's  
13 application file or license file maintained by the  
14 Department's licensure maintenance unit. ~~It is the duty of~~  
15 ~~the applicant or licensee to inform the Department of any~~  
16 ~~change of address, and such changes must be made either~~  
17 ~~through the Department's website or by contacting the~~  
18 ~~Department's licensure maintenance unit.~~

19 (8) "Email address of record" means the designated  
20 email address recorded by the Department in the applicant's  
21 application file or the licensee's license file, as  
22 maintained by the Department's licensure maintenance unit.

23 (Source: P.A. 99-143, eff. 7-27-15.)

24 (225 ILCS 51/13 new)

25 Sec. 13. Address of record; email address of record. All

1 applicants and licensees shall:

2 (1) provide a valid address and email address to the  
3 Department, which shall serve as the address of record and  
4 email address of record, respectively, at the time of  
5 application for licensure or renewal of a license; and

6 (2) inform the Department of any change of address of  
7 record or email address of record within 14 days after such  
8 change either through the Department's website or by  
9 contacting the Department's licensure maintenance unit.

10 (225 ILCS 51/15)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 15. Licensure requirement; exempt activities.

13 (a) No entity shall provide or hold itself out as providing  
14 home medical equipment and services, or use the title "home  
15 medical equipment and services provider" in connection with his  
16 or her profession or business, without a license issued by the  
17 Department under this Act.

18 (b) Nothing in this Act shall be construed as preventing or  
19 restricting the practices, services, or activities of the  
20 following, unless those practices, services, or activities  
21 include providing home medical equipment and services through a  
22 separate legal entity:

23 (1) a person licensed or registered in this State by  
24 any other law engaging in the profession or occupation for  
25 which he or she is licensed or registered;

1           (2) a home medical services provider entity that is  
2           accredited under home care standards by a recognized  
3           accrediting body;

4           (3) home health agencies that do not have a Part B  
5           Medicare supplier number or that do not engage in the  
6           provision of home medical equipment and services;

7           (4) hospitals, excluding hospital-owned and  
8           hospital-related providers of home medical equipment and  
9           services;

10          (5) manufacturers and wholesale distributors of home  
11          medical equipment who do not sell directly to a patient;

12          (6) health care practitioners who lawfully prescribe  
13          or order home medical equipment and services, or who use  
14          home medical equipment and services to treat their  
15          patients, including but not limited to physicians, nurses,  
16          physical therapists, respiratory therapists, occupational  
17          therapists, speech-language pathologists, optometrists,  
18          chiropractors, and podiatric physicians;

19          (7) pharmacists, pharmacies, and home infusion  
20          pharmacies that are not engaged in the sale or rental of  
21          home medical equipment and services;

22          (8) hospice programs that do not involve the sale or  
23          rental of home medical equipment and services;

24          (9) nursing homes;

25          (10) veterinarians;

26          (11) dentists; and

1 (12) emergency medical service providers.

2 (Source: P.A. 98-214, eff. 8-9-13.)

3 (225 ILCS 51/20)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 20. Powers and duties of the Department.

6 (a) The Department shall exercise the powers and duties  
7 prescribed by the Civil Administrative Code of Illinois for the  
8 administration of licensure Acts and shall exercise other  
9 powers and duties necessary for effectuating the purposes of  
10 this Act.

11 (b) The Department may adopt rules to administer and  
12 enforce this Act, including but not limited to fees for  
13 original licensure and renewal and restoration of licenses, and  
14 may prescribe forms to be issued to implement this Act. At a  
15 minimum, the rules adopted by the Department shall include  
16 standards and criteria for licensure and for professional  
17 conduct and discipline. The Department may ~~shall~~ consult with  
18 the Board in adopting rules. ~~Notice of proposed rulemaking~~  
19 ~~shall be transmitted to the Board, and the Department shall~~  
20 ~~review the Board's response and any recommendations made in the~~  
21 ~~response. The Department shall notify the Board in writing with~~  
22 ~~proper explanation of deviations from the Board's~~  
23 ~~recommendations and response.~~

24 (c) The Department may at any time seek the advice and  
25 expert knowledge of the Board on any matter relating to the

1 administration of this Act.

2 (d) (Blank).

3 (Source: P.A. 95-703, eff. 12-31-07.)

4 (225 ILCS 51/25)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 25. Home Medical Equipment and Services Board. The  
7 Secretary shall appoint a Home Medical Equipment and Services  
8 Board, in consultation with a state association representing  
9 the home medical equipment and services industry, to serve in  
10 an advisory capacity to the Secretary. The Board shall consist  
11 of 7 members. Four members shall be home medical equipment and  
12 services provider representatives, at least one of whom shall  
13 be a pharmacy-based provider. The 3 remaining members shall  
14 include one home care clinical specialist, one respiratory care  
15 practitioner, and one public member. The public member shall  
16 not be engaged in any way, directly or indirectly, as a  
17 provider of health care.

18 Members shall serve 4-year ~~4-year~~ terms and until their  
19 successors are appointed and qualified. No member shall be  
20 reappointed to the Board for a term that would cause continuous  
21 service on the Board to exceed 8 years. Appointments to fill  
22 vacancies shall be made in the same manner as original  
23 appointments, for the unexpired portion of the vacated term.

24 The home medical equipment and services provider  
25 representatives appointed to the Board shall have engaged in



1 the provision of home medical equipment and services or related  
2 home care services for at least 3 years prior to their  
3 appointment, shall be currently engaged in providing home  
4 medical equipment and services in the State of Illinois, and  
5 must have no record of convictions related to fraud or abuse  
6 under either State or federal law.

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

9 The Board shall annually elect one of its members as  
10 chairperson and vice chairperson.

11 Each Board member shall be paid his or her necessary  
12 expenses while engaged in the performance of his or her duties.  
13 ~~Members of the Board shall receive as compensation a reasonable~~  
14 ~~sum as determined by the Secretary for each day actually~~  
15 ~~engaged in the duties of the office, and shall be reimbursed~~  
16 ~~for authorized expenses incurred in performing the duties of~~  
17 ~~the office.~~

18 The Secretary may terminate the appointment of any member  
19 for cause which in the opinion of the Secretary reasonably  
20 justifies the termination. The Secretary shall be the sole  
21 arbiter of whether the cause reasonably justifies termination.

22 Members of the Board shall be immune from suit in an action  
23 based upon any disciplinary proceedings or other activities  
24 performed in good faith as members of the Board.

25 A majority of Board members currently appointed shall  
26 constitute a quorum. A vacancy in the membership of the Board

1 shall not impair the rights of a quorum to exercise the rights  
2 and perform all of the duties of the Board.

3 (Source: P.A. 95-703, eff. 12-31-07.)

4 (225 ILCS 51/30)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 30. Application for original licensure. Applications  
7 for original licensure shall be made to the Department in  
8 writing or electronically and signed by the applicant on forms  
9 prescribed by the Department or by electronic form and shall be  
10 accompanied by a nonrefundable fee set by rule of the  
11 Department. The Department may require from an applicant  
12 information that, in its judgment, will enable the Department  
13 to pass on the qualifications of the applicant for licensure.

14 An applicant has 3 years from the date of application to  
15 complete the application process. If the process has not been  
16 completed in 3 years, the application shall be denied, the fee  
17 shall be forfeited, and the applicant must reapply and meet the  
18 requirements in effect at the time of reapplication.

19 (Source: P.A. 90-532, eff. 11-14-97.)

20 (225 ILCS 51/75)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 75. Refused issuance, suspension, ~~or~~ revocation, or  
23 other discipline of license.

24 (a) The Department may refuse to issue, renew, or restore a

1 license, or may revoke, suspend, place on probation, reprimand,  
2 impose a fine not to exceed \$10,000 for each violation, or take  
3 other disciplinary or non-disciplinary action as the  
4 Department may deem proper with regard to a licensee for any  
5 one or combination of the following reasons:

6 (1) Making a material misstatement in furnishing  
7 information to the Department.

8 (2) Violation of this Act or its rules.

9 (3) Conviction of the licensee or any owner or officer  
10 of the licensee by plea of guilty or nolo contendere,  
11 finding of guilt, jury verdict, or entry of judgment or by  
12 sentencing for any crime, including, but not limited to,  
13 convictions, preceding sentences of supervision,  
14 conditional discharge, or first offender probation, under  
15 the laws of any jurisdiction of the United States that (i)  
16 is a felony under the laws of this State or (ii) is a  
17 misdemeanor, an essential element of which is dishonesty,  
18 or that is directly related to the home medical and  
19 equipment services. ~~Conviction of or entry of a plea of~~  
20 ~~guilty or nolo contendere to any crime that is a felony~~  
21 ~~under the laws of the United States or any state or~~  
22 ~~territory thereof or a misdemeanor, an essential element of~~  
23 ~~which is dishonesty or that is directly related to the~~  
24 ~~practice of the profession.~~

25 (4) Making a misrepresentation to obtain licensure or  
26 to violate a provision of this Act.

1 (5) Gross negligence in practice under this Act.

2 (6) Engaging in a pattern of practice or other behavior  
3 that demonstrates incapacity or incompetence to practice  
4 under this Act.

5 (7) Aiding, assisting, or willingly permitting another  
6 person in violating any provision of this Act or its rules.

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

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

12 (10) Adverse action taken ~~Discipline~~ by another state,  
13 District of Columbia, territory, or foreign nation, if at  
14 least one of the grounds for the discipline is the same or  
15 substantially equivalent to one set forth in this Act.

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

20 (12) A finding that the licensee, after having its  
21 license placed on probationary status, has violated the  
22 terms of probation.

23 (13) Willfully making or filing false records or  
24 reports in the course of providing home medical equipment  
25 and services, including but not limited to false records or  
26 reports filed with State agencies or departments.

1           (14) Solicitation of business services, other than  
2 according to permitted advertising.

3           (15) The use of any words, abbreviations, figures, or  
4 letters with the intention of indicating practice as a home  
5 medical equipment and services provider without a license  
6 issued under this Act.

7           (16) Failure to file a return, or to pay the tax,  
8 penalty, or interest shown in a filed return, or to pay any  
9 final assessment of tax, penalty, or interest, as required  
10 by any tax Act administered by the Department of Revenue,  
11 until such time as the requirements of any such tax Act are  
12 satisfied.

13           (17) Failure to comply with federal or State laws and  
14 regulations concerning home medical equipment and services  
15 providers.

16           (18) Solicitation of professional services using false  
17 or misleading advertising.

18           (19) Failure to display a license in accordance with  
19 Section 45.

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

25           (21) Physical illness, mental illness, or disability,  
26 including without limitation deterioration through the

1 aging process and loss of motor skill, that results in the  
2 inability to practice the profession with reasonable  
3 judgment, skill, or safety by an owner or officer of the  
4 licensee.

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

9 (Source: P.A. 95-703, eff. 12-31-07.)

10 (225 ILCS 51/95)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 95. Investigations; notice and hearing.

13 (a) The Department may investigate the actions of an  
14 applicant or of an entity holding or claiming to hold a  
15 license.

16 (b) The Department shall, before refusing to issue or renew  
17 a license or disciplining a licensee, at least 30 days prior to  
18 the date set for the hearing, notify in writing the applicant  
19 or licensee of the nature of the charges and that a hearing  
20 will be held on the date designated. The Department shall  
21 direct the applicant or licensee to file a written answer to  
22 the Board under oath within 20 days after the service of the  
23 notice and inform the applicant or licensee that failure to  
24 file an answer will result in default being taken against the  
25 applicant or licensee and that the license may be suspended,

1 revoked, placed on probationary status, or other disciplinary  
2 action may be taken, including limiting the scope, nature, or  
3 extent of business, as the Secretary may deem proper. Written  
4 notice may be served by personal delivery, ~~or certified or~~  
5 ~~registered~~ mail to the applicant or licensee at his or her  
6 address of record, or email to the applicant or licensee's  
7 email address of record. If the entity fails to file an answer  
8 after receiving notice, the entity's license may, in the  
9 discretion of the Department, be suspended, revoked, or placed  
10 on probationary status, or the Department may take whatever  
11 disciplinary or non-disciplinary action it deems proper,  
12 including limiting the scope, nature, or extent of the entity's  
13 business, or imposing a fine, without a hearing, if the act or  
14 acts charged constitute sufficient grounds for such action  
15 under this Act. At the time and place fixed in the notice, the  
16 Board shall proceed to hear the charges, and the parties or  
17 their counsel shall be accorded ample opportunity to present  
18 such statements, testimony, evidence, and argument as may be  
19 pertinent to the charges or to their defense. The Board may  
20 continue a hearing from time to time.

21 (c) An individual or organization acting in good faith, and  
22 not in a willful and wanton manner, by participating in  
23 proceedings of the Board, or by serving as a member of the  
24 Board, shall not, as a result of such actions, be subject to  
25 criminal prosecution or civil damages.

26 (d) Members of the Board shall be indemnified by the State

1 for any actions occurring within the scope of services on the  
2 Board, done in good faith and not willful and wanton in nature.  
3 The Attorney General shall defend all such actions unless he or  
4 she determines either that there would be a conflict of  
5 interest in such representation or that the actions complained  
6 of were not in good faith or were willful and wanton.

7 If the Attorney General declines representation, the  
8 member has the right to employ counsel of his or her choice,  
9 whose fees shall be provided by the State, after approval by  
10 the Attorney General, unless there is a determination by a  
11 court that the member's actions were not in good faith or were  
12 willful and wanton.

13 The member must notify the Attorney General within 7 days  
14 after receipt of notice of the initiation of any action  
15 involving services of the Board. Failure to so notify the  
16 Attorney General shall constitute an absolute waiver of the  
17 right to a defense and indemnification.

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

21 (Source: P.A. 95-703, eff. 12-31-07.)

22 (225 ILCS 51/100)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 100. Shorthand reporter ~~Stenographer~~; transcript. The  
25 Department, at its expense, shall provide a shorthand reporter



1 to take down the testimony and preserve a record of all  
2 proceedings at the formal hearing of any case involving the  
3 refusal to issue or renew a license or the discipline of a  
4 licensee. The notice of hearing, complaint, and all other  
5 documents in the nature of pleadings, written motions filed in  
6 the proceedings, the transcript of testimony, the report of the  
7 Board, and the order of the Department shall be the record of  
8 the proceeding.

9 (Source: P.A. 90-532, eff. 11-14-97.)

10 (225 ILCS 51/110)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 110. Findings and recommendations. At the conclusion  
13 of the hearing the Board shall present to the Secretary a  
14 written report of its findings and recommendations. The report  
15 shall contain a finding of whether or not the accused entity  
16 violated this Act or failed to comply with the conditions  
17 required in this Act. The Board shall specify the nature of the  
18 violation or failure to comply, and shall make its  
19 recommendations to the Secretary.

20 The report of findings of fact, conclusions of law, and  
21 recommendation of the Board shall be the basis for the  
22 Department's order for refusing to issue, restore, or renew a  
23 license, or otherwise disciplining a licensee, or for the  
24 granting of a license. If the Secretary disagrees with the  
25 report, findings of fact, conclusions of law, and

1 recommendations of the Board, the Secretary may issue an order  
2 in contravention of the Board's recommendations. ~~The report of~~  
3 ~~findings and recommendations of the Board may be the basis for~~  
4 ~~the Department's order of refusal or for the granting of~~  
5 ~~licensure unless the Secretary shall determine that the Board's~~  
6 ~~report is contrary to the manifest weight of the evidence, in~~  
7 ~~which case the Secretary may issue an order in contravention of~~  
8 ~~the Board's report.~~ The finding is not admissible in evidence  
9 against the entity in a criminal prosecution brought for the  
10 violation of this Act, but the hearing and finding are not a  
11 bar to a criminal prosecution brought for the violation of this  
12 Act.

13 (Source: P.A. 95-703, eff. 12-31-07.)

14 (225 ILCS 51/115)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 115. Rehearing on motion. In a case involving the  
17 refusal to issue or renew a license or the discipline of a  
18 licensee, a copy of the Board's report shall be served upon the  
19 respondent by the Department, either personally or as provided  
20 in this Act for the service of the notice of hearing. Within 20  
21 days after such service, the respondent may present to the  
22 Department a motion in writing for a rehearing, which shall  
23 specify the particular grounds for the rehearing. If no motion  
24 for rehearing is filed, then upon the expiration of the time  
25 specified for filing the motion, or if a motion for rehearing

1 is denied, then upon such denial the Secretary may enter an  
2 order in accordance with recommendations of the Board except as  
3 provided in Sections 110 and ~~Section~~ 120 of this Act.

4 (Source: P.A. 95-703, eff. 12-31-07.)

5 (225 ILCS 51/125)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 125. Hearing officer. The Secretary has the authority  
8 to appoint an attorney duly licensed to practice law in the  
9 State of Illinois to serve as the hearing officer in an action  
10 for refusal to issue or renew a license, or for the discipline  
11 of a licensee. ~~The Secretary shall notify the Board of an~~  
12 ~~appointment.~~ The hearing officer shall have full authority to  
13 conduct the hearing. The hearing officer shall report his or  
14 her findings and recommendations to the Board and the  
15 Secretary. The Board shall have 60 days from receipt of the  
16 report to review the report of the hearing officer and present  
17 its findings of fact, conclusions of law and recommendation to  
18 the Secretary. If the Board fails to present its report within  
19 the 60-day ~~60-day~~ period, the respondent may request in writing  
20 a direct appeal to the Secretary, in which case the Secretary  
21 ~~may shall, within 7 calendar days after the request, issue an~~  
22 ~~order directing the Board to issue its findings of fact,~~  
23 ~~conclusions of law, and recommendations to the Secretary within~~  
24 ~~30 calendar days after such order. If the Board fails to issue~~  
25 ~~its findings of fact, conclusions of law, and recommendations~~

1 ~~within that time frame to the Secretary after the entry of such~~  
2 ~~order, the Secretary shall, within 30 calendar days thereafter,~~  
3 issue an order based upon the report of the hearing officer and  
4 the record of the proceedings or issue an order remanding the  
5 matter back to the hearing officer for additional proceedings  
6 in accordance with the order. ~~If (i) a direct appeal is~~  
7 ~~requested, (ii) the Board fails to issue its findings of fact,~~  
8 ~~conclusions of law, and recommendations within the 30 day~~  
9 ~~mandate from the Secretary or the Secretary fails to order the~~  
10 ~~Board to do so, and (iii) the Secretary fails to issue an order~~  
11 ~~within 30 calendar days thereafter, then the hearing officer's~~  
12 ~~report is deemed accepted and a final decision of the~~  
13 ~~Secretary.~~ Notwithstanding any other provision of this  
14 Section, if the Secretary, upon review, determines that  
15 substantial justice has not been done in the revocation,  
16 suspension, or refusal to issue or renew a license or other  
17 disciplinary action taken as the result of the entry of the  
18 hearing officer's or Board's report, the Secretary may order a  
19 rehearing by the same or other examiners. If the Secretary  
20 disagrees in any regard with the report of the Board, the  
21 Secretary may issue an order in contravention thereof. ~~If the~~  
22 ~~Secretary determines that the Board's report is contrary to the~~  
23 ~~manifest weight of the evidence, he or she may issue an order~~  
24 ~~in contravention of the Board's report.~~

25 (Source: P.A. 95-703, eff. 12-31-07.)

1 (225 ILCS 51/135)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 135. Restoration of license. At any time after the  
4 successful completion of a term of probation, suspension, or  
5 revocation of a license, the Department may restore the license  
6 to the accused entity upon the written recommendation of the  
7 Board unless, after an investigation and a hearing, the Board  
8 determines that restoration is not in the public interest.  
9 Restoration under this Section requires the filing of all  
10 applications and payment of all fees required by the  
11 Department.

12 (Source: P.A. 95-703, eff. 12-31-07.)

13 (225 ILCS 51/150)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 150. Administrative Review Law. All final  
16 administrative decisions of the Department are subject to  
17 judicial review pursuant to the provisions of the  
18 Administrative Review Law, ~~as now or hereafter amended, and all~~  
19 ~~rules adopted pursuant to that Law.~~ The term "administrative  
20 decision" is defined as in Section 3-101 of the Code of Civil  
21 Procedure.

22 Proceedings for judicial review shall be commenced in the  
23 circuit court of the county in which the party applying for  
24 relief resides, but if the party is not a resident of this  
25 State, the venue shall be in Sangamon County.

1       The Department shall not be required to certify any record  
2 to the court or file any answer in court or otherwise appear in  
3 any court in a judicial review proceeding, unless and until the  
4 Department has received from the plaintiff payment of the costs  
5 of furnishing and certifying the record, which costs shall be  
6 determined by the Department. Exhibits shall be certified  
7 without cost. Failure on the part of the plaintiff to file a  
8 receipt in court shall be grounds for dismissal of the action.  
9 During the pendency and hearing of any and all judicial  
10 proceedings incident to a disciplinary action, any sanctions  
11 imposed upon the respondent by the Department because of acts  
12 or omissions related to the delivery of direct patient care as  
13 specified in the Department's final administrative decision  
14 shall, as a matter of public policy, remain in full force and  
15 effect in order to protect the public pending final resolution  
16 of any of the proceedings.

17       (Source: P.A. 90-532, eff. 11-14-97.)

18               (225 ILCS 51/165)

19               (Section scheduled to be repealed on January 1, 2018)

20       Sec. 165. Illinois Administrative Procedure Act. The  
21 Illinois Administrative Procedure Act is hereby expressly  
22 adopted and incorporated in this Act as if all of the  
23 provisions of that Act were included in this Act, except that  
24 the provision of subsection (d) of Section 10-65 of the  
25 Illinois Administrative Procedure Act, which provides that at

1 hearings the license holder has the right to show compliance  
2 with all lawful requirements for retention, continuation, or  
3 renewal of a license, is specifically excluded. For the  
4 purposes of this Act, the notice required under Section 10-25  
5 of the Illinois Administrative Procedure Act is deemed  
6 sufficient when served personally upon, mailed to the ~~last~~  
7 ~~known~~ address of record of, or emailed to the email address of  
8 record of a party.

9 (Source: P.A. 90-532, eff. 11-14-97.)

10 (225 ILCS 51/185 new)

11 Sec. 185. Confidentiality. All information collected by  
12 the Department in the course of an examination or investigation  
13 of a licensee or applicant, including, but not limited to, any  
14 complaint against a licensee filed with the Department and  
15 information collected to investigate any such complaint, shall  
16 be maintained for the confidential use of the Department and  
17 shall not be disclosed. The Department may not disclose the  
18 information to anyone other than law enforcement officials,  
19 other regulatory agencies that have an appropriate regulatory  
20 interest as determined by the Secretary, or to a party  
21 presenting a lawful subpoena to the Department. Information and  
22 documents disclosed to a federal, State, county, or local law  
23 enforcement agency shall not be disclosed by the agency for any  
24 purpose to any other agency or person. A formal complaint filed  
25 against a licensee by the Department or any order issued by the

1 Department against a licensee or applicant shall be a public  
2 record, except as otherwise prohibited by law.

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



1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.28

4 5 ILCS 80/4.38 new

5 225 ILCS 51/10

6 225 ILCS 51/13 new

7 225 ILCS 51/15

8 225 ILCS 51/20

9 225 ILCS 51/25

10 225 ILCS 51/30

11 225 ILCS 51/75

12 225 ILCS 51/95

13 225 ILCS 51/100

14 225 ILCS 51/110

15 225 ILCS 51/115

16 225 ILCS 51/125

17 225 ILCS 51/135

18 225 ILCS 51/150

19 225 ILCS 51/165

20 225 ILCS 51/185 new