

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 Sections 4.30 and 4.33 as follows:

6 (5 ILCS 80/4.30)

7 Sec. 4.30. Acts repealed on January 1, 2020. The following
8 Acts are repealed on January 1, 2020:

9 The Community Association Manager Licensing and
10 Disciplinary Act.

11 The Illinois Landscape Architecture Act of 1989.

12 ~~The Pharmacy Practice Act.~~

13 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
14 100-863, eff. 8-14-18; 101-269, eff. 8-9-19; 101-310, eff.
15 8-9-19; 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313,
16 eff. 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19;
17 101-357, eff. 8-9-19; revised 9-27-19.)

18 (5 ILCS 80/4.33)

19 Sec. 4.33. Acts repealed on January 1, 2023. The following
20 Acts are repealed on January 1, 2023:

21 The Dietitian Nutritionist Practice Act.

22 The Elevator Safety and Regulation Act.

1 The Fire Equipment Distributor and Employee Regulation Act
2 of 2011.

3 The Funeral Directors and Embalmers Licensing Code.

4 The Naprapathic Practice Act.

5 The Pharmacy Practice Act.

6 The Professional Counselor and Clinical Professional
7 Counselor Licensing and Practice Act.

8 The Wholesale Drug Distribution Licensing Act.

9 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;
10 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.
11 8-22-12; 97-1130, eff. 8-28-12; 97-1141, eff. 12-28-12.)

12 Section 10. The Pharmacy Practice Act is amended by
13 changing Sections 4.5, 9, 9.5, 17.1, 30, 33, 35.3, 35.5, 35.9,
14 35.10, and 35.21 and by adding Sections 15.1 and 22c as
15 follows:

16 (225 ILCS 85/4.5)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 4.5. The Collaborative Pharmaceutical Task Force. In
19 order to protect the public and provide quality pharmaceutical
20 care, the Collaborative Pharmaceutical Task Force is
21 established. The Task Force shall discuss how to further
22 advance the practice of pharmacy in a manner that recognizes
23 the needs of the healthcare system, patients, pharmacies,
24 pharmacists, and pharmacy technicians. As a part of its

1 discussions, the Task Force shall consider, at a minimum, the
2 following:

3 (1) the extent to which providing whistleblower
4 protections for pharmacists and pharmacy technicians
5 reporting violation of worker policies and requiring
6 pharmacies to have at least one pharmacy technician on duty
7 whenever the practice of pharmacy is conducted, to set a
8 prescription filling limit of not more than 10
9 prescriptions filled per hour, to mandate at least 10
10 pharmacy technician hours per 100 prescriptions filled, to
11 place a general prohibition on activities that distract
12 pharmacists, to provide a pharmacist a minimum of 2
13 15-minute paid rest breaks and one 30-minute meal period in
14 each workday on which the pharmacist works at least 7
15 hours, to not require a pharmacist to work during a break
16 period, to pay to the pharmacist 3 times the pharmacist's
17 regular hourly rate of pay for each workday during which
18 the required breaks were not provided, to make available at
19 all times a room on the pharmacy's premises with adequate
20 seating and tables for the purpose of allowing a pharmacist
21 to enjoy break periods in a clean and comfortable
22 environment, to keep a complete and accurate record of the
23 break periods of its pharmacists, to limit a pharmacist
24 from working more than 8 hours a workday, and to retain
25 records of any errors in the receiving, filling, or
26 dispensing of prescriptions of any kind could be integrated

1 into the Pharmacy Practice Act; and

2 (2) the extent to which requiring the Department to
3 adopt rules requiring pharmacy prescription systems
4 contain mechanisms to require prescription discontinuation
5 orders to be forwarded to a pharmacy, to require patient
6 verification features for pharmacy automated prescription
7 refills, and to require that automated prescription
8 refills notices clearly communicate to patients the
9 medication name, dosage strength, and any other
10 information required by the Department governing the use of
11 automated dispensing and storage systems to ensure that
12 discontinued medications are not dispensed to a patient by
13 a pharmacist or by any automatic refill dispensing systems
14 whether prescribed through electronic prescriptions or
15 paper prescriptions may be integrated into the Pharmacy
16 Practice Act to better protect the public.

17 In developing standards related to its discussions, the
18 Collaborative Pharmaceutical Task Force shall consider the
19 extent to which Public Act 99-473 (enhancing continuing
20 education requirements for pharmacy technicians) and Public
21 Act 99-863 (enhancing reporting requirements to the Department
22 of pharmacy employee terminations) may be relevant to the
23 issues listed in paragraphs (1) and (2).

24 The voting members of the Collaborative Pharmaceutical
25 Task Force shall be appointed as follows:

26 (1) the Speaker of the House of Representatives, or his

1 or her designee, shall appoint: a representative of a
2 statewide organization exclusively representing retailers,
3 including pharmacies; and a retired licensed pharmacist
4 who has previously served on the Board of Pharmacy and on
5 the executive committee of a national association
6 representing pharmacists and who shall serve as the
7 chairperson of the Collaborative Pharmaceutical Task
8 Force;

9 (2) the President of the Senate, or his or her
10 designee, shall appoint: a representative of a statewide
11 organization representing pharmacists; and a
12 representative of a statewide organization representing
13 unionized pharmacy employees;

14 (3) the Minority Leader of the House of
15 Representatives, or his or her designee, shall appoint: a
16 representative of a statewide organization representing
17 physicians licensed to practice medicine in all its
18 branches in Illinois; and a representative of a statewide
19 professional association representing pharmacists,
20 pharmacy technicians, pharmacy students, and others
21 working in or with an interest in hospital and
22 health-system pharmacy; and

23 (4) the Minority Leader of the Senate, or his or her
24 designee, shall appoint: a representative of a statewide
25 organization representing hospitals; and a representative
26 of a statewide association exclusively representing

1 long-term care pharmacists.

2 The Secretary, or his or her designee, shall appoint the
3 following non-voting members of the Task Force: a
4 representative of the University of Illinois at Chicago College
5 of Pharmacy; a clinical pharmacist who has done extensive study
6 in pharmacy e-prescribing and e-discontinuation; and a
7 representative of the Department.

8 The Department shall provide administrative support to the
9 Collaborative Pharmaceutical Task Force. The Collaborative
10 Pharmaceutical Task Force shall meet at least monthly at the
11 call of the chairperson.

12 No later than September 1, 2019, the voting members of the
13 Collaborative Pharmaceutical Task Force shall vote on
14 recommendations concerning the standards in paragraphs (1) and
15 (2) of this Section.

16 No later than November 1, 2019, the Department, in direct
17 consultation with the Collaborative Pharmaceutical Task Force,
18 shall propose rules for adoption that are consistent with the
19 Collaborative Pharmaceutical Task Force's recommendations, or
20 recommend legislation to the General Assembly, concerning the
21 standards in paragraphs (1) and (2) of this Section.

22 For the purposes of continuing dialogue on best practices
23 for pharmacy in the State of Illinois, the Task Force shall be
24 reconvened beginning January 1, 2020. Members who served on the
25 Task Force before January 1, 2020 shall continue to serve. The
26 following additional voting members shall be appointed to the

1 Task Force as follows:

2 (A) one representative of a statewide organization
3 exclusively representing retailers, including pharmacies,
4 who shall be appointed by the Governor;

5 (B) one representative of a statewide organization
6 representing unionized pharmacy employees who shall be
7 appointed by the Governor;

8 (C) one member of the General Assembly who shall be
9 appointed by the Speaker of the House of Representatives;

10 (D) one member of the General Assembly who shall be
11 appointed by the Minority Leader of the House of
12 Representatives;

13 (E) one member of the General Assembly who shall be
14 appointed by the President of the Senate; and

15 (F) one member of the General Assembly who shall be
16 appointed by the Minority Leader of the Senate.

17 All provisions relating to the operation and meeting of the
18 Task Force shall continue to apply during the extended period
19 beginning January 1, 2020.

20 No later than October 1, 2020, the voting members of the
21 Task Force shall vote on recommendations that are in addition
22 to those voted on on or before September 1, 2019.

23 No later than November 1, 2020, the Department, in direct
24 consultation with the Task Force, shall propose rules for
25 adoption that are consistent with the Task Force's
26 recommendations, or recommend legislation to the General

1 Assembly, concerning the items considered by the Task Force.

2 This Section is repealed on November 1, 2021 ~~2020~~.

3 (Source: P.A. 100-497, eff. 9-8-17.)

4 (225 ILCS 85/9) (from Ch. 111, par. 4129)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 9. Licensure as registered pharmacy technician.

7 (a) Any person shall be entitled to licensure as a
8 registered pharmacy technician who is of the age of 16 or over,
9 has not engaged in conduct or behavior determined to be grounds
10 for discipline under this Act, is attending or has graduated
11 from an accredited high school or comparable school or
12 educational institution or received a high school equivalency
13 certificate, and has filed a written or electronic application
14 for licensure on a form to be prescribed and furnished by the
15 Department for that purpose. The Department shall issue a
16 license as a registered pharmacy technician to any applicant
17 who has qualified as aforesaid, and such license shall be the
18 sole authority required to assist licensed pharmacists in the
19 practice of pharmacy, under the supervision of a licensed
20 pharmacist. ~~A registered pharmacy technician may, under the~~
21 ~~supervision of a pharmacist, assist in the practice of pharmacy~~
22 ~~and perform such functions as assisting in the dispensing~~
23 ~~process, offering counseling, receiving new verbal~~
24 ~~prescription orders, and having prescriber contact concerning~~
25 ~~prescription drug order clarification.~~ A registered pharmacy

1 technician may be delegated to perform any task within the
2 practice of pharmacy if specifically trained for that task,
3 except for ~~not engage in~~ patient counseling, drug regimen
4 review, or clinical conflict resolution.

5 (b) Beginning on January 1, 2017, within 2 years after
6 initial licensure as a registered pharmacy technician, the
7 licensee must meet the requirements described in Section 9.5 of
8 this Act and become licensed as a registered certified pharmacy
9 technician. If the licensee has not yet attained the age of 18,
10 then upon the next renewal as a registered pharmacy technician,
11 the licensee must meet the requirements described in Section
12 9.5 of this Act and become licensed as a registered certified
13 pharmacy technician. This requirement does not apply to
14 pharmacy technicians registered prior to January 1, 2008.

15 (c) Any person registered as a pharmacy technician who is
16 also enrolled in a first professional degree program in
17 pharmacy in a school or college of pharmacy or a department of
18 pharmacy of a university approved by the Department or has
19 graduated from such a program within the last 18 months, shall
20 be considered a "student pharmacist" and entitled to use the
21 title "student pharmacist". A student pharmacist must meet all
22 of the requirements for licensure as a registered pharmacy
23 technician set forth in this Section excluding the requirement
24 of certification prior to the second license renewal and pay
25 the required registered pharmacy technician license fees. A
26 student pharmacist may, under the supervision of a pharmacist,

1 assist in the practice of pharmacy and perform any and all
2 functions delegated to him or her by the pharmacist.

3 (d) Any person seeking licensure as a pharmacist who has
4 graduated from a pharmacy program outside the United States
5 must register as a pharmacy technician and shall be considered
6 a "student pharmacist" and be entitled to use the title
7 "student pharmacist" while completing the 1,200 clinical hours
8 of training approved by the Board of Pharmacy described and for
9 no more than 18 months after completion of these hours. These
10 individuals are not required to become registered certified
11 pharmacy technicians while completing their Board approved
12 clinical training, but must become licensed as a pharmacist or
13 become licensed as a registered certified pharmacy technician
14 before the second pharmacy technician license renewal
15 following completion of the Board approved clinical training.

16 (e) The Department shall not renew the registered pharmacy
17 technician license of any person who has been licensed as a
18 registered pharmacy technician with the designation "student
19 pharmacist" who: (1) has dropped out of or been expelled from
20 an ACPE accredited college of pharmacy; (2) has failed to
21 complete his or her 1,200 hours of Board approved clinical
22 training within 24 months; or (3) has failed the pharmacist
23 licensure examination 3 times. The Department shall require
24 these individuals to meet the requirements of and become
25 licensed as a registered certified pharmacy technician.

26 (f) The Department may take any action set forth in Section

1 30 of this Act with regard to a license pursuant to this
2 Section.

3 (g) Any person who is enrolled in a non-traditional
4 Pharm.D. program at an ACPE accredited college of pharmacy and
5 is licensed as a registered pharmacist under the laws of
6 another United States jurisdiction shall be permitted to engage
7 in the program of practice experience required in the academic
8 program by virtue of such license. Such person shall be exempt
9 from the requirement of licensure as a registered pharmacy
10 technician or registered certified pharmacy technician while
11 engaged in the program of practice experience required in the
12 academic program.

13 An applicant for licensure as a registered pharmacy
14 technician may assist a pharmacist in the practice of pharmacy
15 for a period of up to 60 days prior to the issuance of a license
16 if the applicant has submitted the required fee and an
17 application for licensure to the Department. The applicant
18 shall keep a copy of the submitted application on the premises
19 where the applicant is assisting in the practice of pharmacy.
20 The Department shall forward confirmation of receipt of the
21 application with start and expiration dates of practice pending
22 licensure.

23 (Source: P.A. 99-473, eff. 1-1-17; 100-497, eff. 9-8-17.)

24 (225 ILCS 85/9.5)

25 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 9.5. Registered certified pharmacy technician.

2 (a) An individual licensed as a registered pharmacy
3 technician under this Act may be licensed as a registered
4 certified pharmacy technician, if he or she meets all of the
5 following requirements:

6 (1) He or she has submitted a written application in
7 the form and manner prescribed by the Department.

8 (2) He or she has attained the age of 18.

9 (3) He or she is of good moral character, as determined
10 by the Department.

11 (4) Beginning on January 1, 2022, a new pharmacy
12 technician is required to have ~~He or she has~~ (i) graduated
13 from a pharmacy technician training program that meets
14 ~~meeting~~ the requirements set forth in subsection (a) of
15 Section 17.1 of this Act or (ii) obtained documentation
16 from the pharmacist-in-charge of the pharmacy where the
17 applicant is employed verifying that he or she has
18 successfully completed a standardized nationally
19 accredited education and training program, and has
20 successfully completed an objective assessment mechanism
21 prepared in accordance with rules established by the
22 Department.

23 (5) He or she has successfully passed an examination
24 accredited by the National Commission for Certifying
25 Agencies, as approved and required by the Board or by rule.

26 (6) He or she has paid the required licensure fees.

1 (b) No pharmacist whose license has been denied, revoked,
2 suspended, or restricted for disciplinary purposes may be
3 eligible to be registered as a certified pharmacy technician
4 unless authorized by order of the Department as a condition of
5 restoration from revocation, suspension, or restriction.

6 (c) The Department may, by rule, establish any additional
7 requirements for licensure under this Section.

8 (d) A person who is not a licensed registered pharmacy
9 technician and meets the requirements of this Section may be
10 licensed as a registered certified pharmacy technician without
11 first being licensed as a registered pharmacy technician.

12 (e) As a condition for the renewal of a license as a
13 registered certified pharmacy technician, the licensee shall
14 provide evidence to the Department of completion of a total of
15 20 hours of continuing pharmacy education during the 24 months
16 preceding the expiration date of the certificate as established
17 by rule. One hour of continuing pharmacy education must be in
18 the subject of pharmacy law. One hour of continuing pharmacy
19 education must be in the subject of patient safety. The
20 continuing education shall be approved by the Accreditation
21 Council on Pharmacy Education.

22 The Department may establish by rule a means for the
23 verification of completion of the continuing education
24 required by this subsection (e). This verification may be
25 accomplished through audits of records maintained by
26 licensees, by requiring the filing of continuing education

1 certificates with the Department or a qualified organization
2 selected by the Department to maintain such records, or by
3 other means established by the Department.

4 Rules developed under this subsection (e) may provide for a
5 reasonable annual fee, not to exceed \$20, to fund the cost of
6 such recordkeeping. The Department may, by rule, further
7 provide an orderly process for the restoration of a license
8 that has not been renewed due to the failure to meet the
9 continuing pharmacy education requirements of this subsection
10 (e). The Department may waive the requirements of continuing
11 pharmacy education, in whole or in part, in cases of extreme
12 hardship as defined by rule of the Department. The waivers may
13 be granted for not more than one of any 2 ~~3~~ consecutive renewal
14 periods.

15 (Source: P.A. 99-473, eff. 1-1-17; 100-497, eff. 9-8-17.)

16 (225 ILCS 85/15.1 new)

17 Sec. 15.1. Pharmacy working conditions.

18 (a) A pharmacy licensed under this Act shall not require a
19 pharmacist, student pharmacist, or pharmacy technician to work
20 longer than 12 continuous hours per day, inclusive of the
21 breaks required under subsection (b).

22 (b) A pharmacist who works 6 continuous hours or longer per
23 day shall be allowed to take, at a minimum, one 30-minute
24 uninterrupted meal break and one 15-minute break during that
25 6-hour period. If such pharmacist is required to work 12

1 continuous hours per day, at a minimum, he or she qualifies for
2 an additional 15-minute break. A pharmacist who is entitled to
3 take such breaks shall not be required to work more than 5
4 continuous hours, excluding a 15-minute break, before being
5 given the opportunity to take a 30-minute uninterrupted meal
6 break. If the pharmacy has a private break room available, or
7 if there is a private break room in the establishment or
8 business in which the pharmacy is located, a pharmacist who is
9 entitled to breaks must be given access to that private break
10 room and allowed to spend his or her break time in that room.

11 (c) A pharmacy may, but is not required to, close when a
12 pharmacist is allowed to take a break under subsection (b). If
13 the pharmacy does not close, the pharmacist shall either remain
14 within the licensed pharmacy or within the establishment in
15 which the licensed pharmacy is located in order to be available
16 for emergencies. In addition, the following applies:

17 (1) pharmacy technicians, student pharmacists, and
18 other supportive staff authorized by the pharmacist on duty
19 may continue to perform duties as allowed under this Act;

20 (2) no duties reserved to pharmacists and student
21 pharmacists under this Act, or that require the
22 professional judgment of a pharmacist, may be performed by
23 pharmacy technicians or other supportive staff; and

24 (3) only prescriptions that have received final
25 verification by a pharmacist may be dispensed while the
26 pharmacist is on break, except those prescriptions that

1 require counseling by a pharmacist, including all new
2 prescriptions and those refill prescriptions for which a
3 pharmacist has determined that counseling is necessary,
4 may be dispensed only if the following conditions are met:

5 (i) the patient or other individual who is picking
6 up the prescription on behalf of the patient is told
7 that the pharmacist is on a break and is offered the
8 chance to wait until the pharmacist returns from break
9 in order to receive counseling;

10 (ii) if the patient or other individual who is
11 picking up the prescription on behalf of the patient
12 declines to wait, a telephone number at which the
13 patient or other individual who is picking up the
14 prescription on behalf of the patient can be reached is
15 obtained;

16 (iii) after returning from the break, the
17 pharmacist makes a reasonable effort to contact the
18 patient or other individual who is picking up the
19 prescription on behalf of the patient and provide
20 counseling; and

21 (iv) the pharmacist documents the counseling that
22 was provided or documents why counseling was not
23 provided after a minimum of 2 attempts, including a
24 description of the efforts made to contact the patient
25 or other individual who is picking up the prescription
26 on behalf of the patient; the documentation shall be

1 retained by the pharmacy and made available for
2 inspection by the Board or its authorized
3 representatives for at least 2 years.

4 (d) In a pharmacy staffed by 2 or more pharmacists, the
5 pharmacists shall stagger breaks so that at least one
6 pharmacist remains on duty during all times that the pharmacy
7 remains open for the transaction of business.

8 (e) A pharmacy shall keep and maintain a complete and
9 accurate record showing its pharmacists' daily break periods.

10 (f) Subsections (a) and (b) shall not apply when an
11 emergency, as deemed by the professional judgment of the
12 pharmacist, necessitates that a pharmacist, student
13 pharmacist, or pharmacy technician work longer than 12
14 continuous hours, work without taking required meal breaks, or
15 have a break interrupted in order to minimize immediate health
16 risks for patients.

17 (225 ILCS 85/17.1)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 17.1. Registered pharmacy technician training.

20 (a) It ~~Beginning January 1, 2004, it~~ shall be the joint
21 responsibility of a pharmacy and its pharmacist in charge to
22 have trained all of its registered pharmacy technicians or
23 obtain proof of prior training in all of the following practice
24 areas as they apply to Illinois law and ~~topics as they~~ relate
25 to the specific practice site and job responsibilities:

1 (1) The duties and responsibilities of the technicians
2 and pharmacists.

3 (2) Tasks and technical skills, policies, and
4 procedures.

5 (3) Compounding, packaging, labeling, and storage.

6 (4) Pharmaceutical and medical terminology.

7 (5) Record keeping requirements.

8 (6) The ability to perform and apply arithmetic
9 calculations.

10 Beginning January 1, 2022, it shall also be the joint
11 responsibility of a pharmacy and its pharmacist in charge to
12 ensure that all new pharmacy technicians are educated and
13 trained using a standard nationally accredited education and
14 training program, such as those accredited by the Accreditation
15 Council for Pharmacy Education (ACPE)/the American Society of
16 Health-System Pharmacists (ASHP) or other board approved
17 education and training programs. The pharmacist in charge is
18 not required to provide the required education to the pharmacy
19 technician, but the pharmacist in charge must ensure that the
20 pharmacy technician has presented proof that he or she
21 completed a standard nationally accredited or board approved
22 education and training program.

23 (b) Within 2 years of initial licensure as a pharmacy
24 technician and within 6 months before beginning any new ~~after~~
25 ~~initial employment or changing the~~ duties and responsibilities
26 of a registered pharmacy technician, it shall be the joint

1 responsibility of the pharmacy and the pharmacist in charge to
2 train the registered pharmacy technician or obtain proof of
3 prior training in the areas listed in subsection (a) of this
4 Section as they relate to the practice site or to document that
5 the pharmacy technician is making appropriate progress.

6 (c) All pharmacies shall maintain an up-to-date training
7 program policies and procedures manual describing the duties
8 and responsibilities of a registered pharmacy technician and
9 registered certified pharmacy technician.

10 (d) All pharmacies shall create and maintain retrievable
11 records of training or proof of training as required in this
12 Section.

13 (Source: P.A. 100-497, eff. 9-8-17.)

14 (225 ILCS 85/22c new)

15 Sec. 22c. Automated prescription refills.

16 (a) Before a prescription that has a refill on file from a
17 prescribing practitioner may be included in an auto-refill
18 program, a patient or patient's agent must enroll each
19 prescription medication in an auto-refill program.
20 Prescriptions without a refill on file are not eligible for
21 auto-refill.

22 (b) Beginning January 1, 2021, a pharmacy using the
23 National Council for Prescription Drug Programs's SCRIPT
24 standard for receiving electronic prescriptions must enable,
25 activate, and maintain the ability to receive transmissions of

1 electronic prescription cancellation and to transmit
2 cancellation response transactions.

3 (c) Within 2 business days of receipt of a prescription
4 cancellation transaction, pharmacy staff must either review
5 the cancellation transaction for deactivation or provide that
6 deactivation occurs automatically.

7 (d) The Department shall adopt rules to implement this
8 Section. The rules shall ensure that discontinued medications
9 are not dispensed to a patient by a pharmacist or by any
10 automatic refill dispensing systems, whether prescribed
11 through electronic prescriptions or paper prescriptions.

12 (225 ILCS 85/30) (from Ch. 111, par. 4150)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 30. Refusal, revocation, suspension, or other
15 discipline.

16 (a) The Department may refuse to issue or renew, or may
17 revoke a license, or may suspend, place on probation, fine, or
18 take any disciplinary or non-disciplinary action as the
19 Department may deem proper, including fines not to exceed
20 \$10,000 for each violation, with regard to any licensee for any
21 one or combination of the following causes:

22 1. Material misstatement in furnishing information to
23 the Department.

24 2. Violations of this Act, or the rules promulgated
25 hereunder.

1 3. Making any misrepresentation for the purpose of
2 obtaining licenses.

3 4. A pattern of conduct which demonstrates
4 incompetence or unfitness to practice.

5 5. Aiding or assisting another person in violating any
6 provision of this Act or rules.

7 6. Failing, within 60 days, to respond to a written
8 request made by the Department for information.

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

12 8. Adverse action taken by another state or
13 jurisdiction against a license or other authorization to
14 practice as a pharmacy, pharmacist, registered certified
15 pharmacy technician, or registered pharmacy technician
16 that is the same or substantially equivalent to those set
17 forth in this Section, a certified copy of the record of
18 the action taken by the other state or jurisdiction being
19 prima facie evidence thereof.

20 9. Directly or indirectly giving to or receiving from
21 any person, firm, corporation, partnership, or association
22 any fee, commission, rebate or other form of compensation
23 for any professional services not actually or personally
24 rendered. Nothing in this item 9 affects any bona fide
25 independent contractor or employment arrangements among
26 health care professionals, health facilities, health care

1 providers, or other entities, except as otherwise
2 prohibited by law. Any employment arrangements may include
3 provisions for compensation, health insurance, pension, or
4 other employment benefits for the provision of services
5 within the scope of the licensee's practice under this Act.
6 Nothing in this item 9 shall be construed to require an
7 employment arrangement to receive professional fees for
8 services rendered.

9 10. A finding by the Department that the licensee,
10 after having his license placed on probationary status has
11 violated the terms of probation.

12 11. Selling or engaging in the sale of drug samples
13 provided at no cost by drug manufacturers.

14 12. Physical illness, including but not limited to,
15 deterioration through the aging process, or loss of motor
16 skill which results in the inability to practice the
17 profession with reasonable judgment, skill or safety.

18 13. A finding that licensure or registration has been
19 applied for or obtained by fraudulent means.

20 14. Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or
22 sentencing, including, but not limited to, convictions,
23 preceding sentences of supervision, conditional discharge,
24 or first offender probation, under the laws of any
25 jurisdiction of the United States that is (i) a felony or
26 (ii) a misdemeanor, an essential element of which is

1 dishonesty, or that is directly related to the practice of
2 pharmacy.

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

7 16. Willfully making or filing false records or reports
8 in the practice of pharmacy, including, but not limited to
9 false records to support claims against the medical
10 assistance program of the Department of Healthcare and
11 Family Services (formerly Department of Public Aid) under
12 the Public Aid Code.

13 17. Gross and willful overcharging for professional
14 services including filing false statements for collection
15 of fees for which services are not rendered, including, but
16 not limited to, filing false statements for collection of
17 monies for services not rendered from the medical
18 assistance program of the Department of Healthcare and
19 Family Services (formerly Department of Public Aid) under
20 the Public Aid Code.

21 18. Dispensing prescription drugs without receiving a
22 written or oral prescription in violation of law.

23 19. Upon a finding of a substantial discrepancy in a
24 Department audit of a prescription drug, including
25 controlled substances, as that term is defined in this Act
26 or in the Illinois Controlled Substances Act.

1 20. Physical or mental illness or any other impairment
2 or disability, including, without limitation: (A)
3 deterioration through the aging process or loss of motor
4 skills that results in the inability to practice with
5 reasonable judgment, skill or safety; or (B) mental
6 incompetence, as declared by a court of competent
7 jurisdiction.

8 21. Violation of the Health Care Worker Self-Referral
9 Act.

10 22. Failing to sell or dispense any drug, medicine, or
11 poison in good faith. "Good faith", for the purposes of
12 this Section, has the meaning ascribed to it in subsection
13 (u) of Section 102 of the Illinois Controlled Substances
14 Act. "Good faith", as used in this item (22), shall not be
15 limited to the sale or dispensing of controlled substances,
16 but shall apply to all prescription drugs.

17 23. Interfering with the professional judgment of a
18 pharmacist by any licensee under this Act, or the
19 licensee's agents or employees.

20 24. Failing to report within 60 days to the Department
21 any adverse final action taken against a pharmacy,
22 pharmacist, registered pharmacy technician, or registered
23 certified pharmacy technician by another licensing
24 jurisdiction in any other state or any territory of the
25 United States or any foreign jurisdiction, any
26 governmental agency, any law enforcement agency, or any

1 court for acts or conduct similar to acts or conduct that
2 would constitute grounds for discipline as defined in this
3 Section.

4 25. Failing to comply with a subpoena issued in
5 accordance with Section 35.5 of this Act.

6 26. Disclosing protected health information in
7 violation of any State or federal law.

8 27. Willfully failing to report an instance of
9 suspected abuse, neglect, financial exploitation, or
10 self-neglect of an eligible adult as defined in and
11 required by the Adult Protective Services Act.

12 28. Being named as an abuser in a verified report by
13 the Department on Aging under the Adult Protective Services
14 Act, and upon proof by clear and convincing evidence that
15 the licensee abused, neglected, or financially exploited
16 an eligible adult as defined in the Adult Protective
17 Services Act.

18 29. Using advertisements or making solicitations that
19 may jeopardize the health, safety, or welfare of patients,
20 including, but not be limited to, the use of advertisements
21 or solicitations that:

22 (A) are false, fraudulent, deceptive, or
23 misleading; or

24 (B) include any claim regarding a professional
25 service or product or the cost or price thereof that
26 cannot be substantiated by the licensee.

1 30. Requiring a pharmacist to participate in the use or
2 distribution of advertisements or in making solicitations
3 that may jeopardize the health, safety, or welfare of
4 patients.

5 31. Failing to provide a working environment for all
6 pharmacy personnel that protects the health, safety, and
7 welfare of a patient, which includes, but is not limited
8 to, failing to:

9 (A) employ sufficient personnel to prevent
10 fatigue, distraction, or other conditions that
11 interfere with a pharmacist's ability to practice with
12 competency and safety or creates an environment that
13 jeopardizes patient care;

14 (B) provide appropriate opportunities for
15 uninterrupted rest periods and meal breaks;

16 (C) provide adequate time for a pharmacist to
17 complete professional duties and responsibilities,
18 including, but not limited to:

19 (i) drug utilization review;

20 (ii) immunization;

21 (iii) counseling;

22 (iv) verification of the accuracy of a
23 prescription; and

24 (v) all other duties and responsibilities of a
25 pharmacist as listed in the rules of the
26 Department.

1 32. Introducing or enforcing external factors, such as
2 productivity or production quotas or other programs
3 against pharmacists, student pharmacists or pharmacy
4 technicians, to the extent that they interfere with the
5 ability of those individuals to provide appropriate
6 professional services to the public.

7 33. Providing an incentive for or inducing the transfer
8 of a prescription for a patient absent a professional
9 rationale.

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

17 (c) The Department shall revoke any license issued under
18 the provisions of this Act or any prior Act of this State of
19 any person who has been convicted a second time of committing
20 any felony under the Illinois Controlled Substances Act, or who
21 has been convicted a second time of committing a Class 1 felony
22 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
23 person whose license issued under the provisions of this Act or
24 any prior Act of this State is revoked under this subsection
25 (c) shall be prohibited from engaging in the practice of
26 pharmacy in this State.

1 (d) Fines may be imposed in conjunction with other forms of
2 disciplinary action, but shall not be the exclusive disposition
3 of any disciplinary action arising out of conduct resulting in
4 death or injury to a patient. Fines shall be paid within 60
5 days or as otherwise agreed to by the Department. Any funds
6 collected from such fines shall be deposited in the Illinois
7 State Pharmacy Disciplinary Fund.

8 (e) The entry of an order or judgment by any circuit court
9 establishing that any person holding a license or certificate
10 under this Act is a person in need of mental treatment operates
11 as a suspension of that license. A licensee may resume his or
12 her practice only upon the entry of an order of the Department
13 based upon a finding by the Board that he or she has been
14 determined to be recovered from mental illness by the court and
15 upon the Board's recommendation that the licensee be permitted
16 to resume his or her practice.

17 (f) The Department shall issue quarterly to the Board a
18 status of all complaints related to the profession received by
19 the Department.

20 (g) In enforcing this Section, the Board or the Department,
21 upon a showing of a possible violation, may compel any licensee
22 or applicant for licensure under this Act to submit to a mental
23 or physical examination or both, as required by and at the
24 expense of the Department. The examining physician, or
25 multidisciplinary team involved in providing physical and
26 mental examinations led by a physician consisting of one or a

1 combination of licensed physicians, licensed clinical
2 psychologists, licensed clinical social workers, licensed
3 clinical professional counselors, and other professional and
4 administrative staff, shall be those specifically designated
5 by the Department. The Board or the Department may order the
6 examining physician or any member of the multidisciplinary team
7 to present testimony concerning this mental or physical
8 examination of the licensee or applicant. No information,
9 report, or other documents in any way related to the
10 examination shall be excluded by reason of any common law or
11 statutory privilege relating to communication between the
12 licensee or applicant and the examining physician or any member
13 of the multidisciplinary team. The individual to be examined
14 may have, at his or her own expense, another physician of his
15 or her choice present during all aspects of the examination.
16 Failure of any individual to submit to a mental or physical
17 examination when directed shall result in the automatic
18 suspension of his or her license until such time as the
19 individual submits to the examination. If the Board or
20 Department finds a pharmacist, registered certified pharmacy
21 technician, or registered pharmacy technician unable to
22 practice because of the reasons set forth in this Section, the
23 Board or Department shall require such pharmacist, registered
24 certified pharmacy technician, or registered pharmacy
25 technician to submit to care, counseling, or treatment by
26 physicians or other appropriate health care providers approved

1 or designated by the Department as a condition for continued,
2 restored ~~reinstated~~, or renewed licensure to practice. Any
3 pharmacist, registered certified pharmacy technician, or
4 registered pharmacy technician whose license was granted,
5 continued, restored ~~reinstated~~, renewed, disciplined, or
6 supervised, subject to such terms, conditions, or
7 restrictions, and who fails to comply with such terms,
8 conditions, or restrictions or to complete a required program
9 of care, counseling, or treatment, as determined by the chief
10 pharmacy coordinator, shall be referred to the Secretary for a
11 determination as to whether the licensee shall have his or her
12 license suspended immediately, pending a hearing by the Board.
13 In instances in which the Secretary immediately suspends a
14 license under this subsection (g), a hearing upon such person's
15 license must be convened by the Board within 15 days after such
16 suspension and completed without appreciable delay. The
17 Department and Board shall have the authority to review the
18 subject pharmacist's, registered certified pharmacy
19 technician's, or registered pharmacy technician's record of
20 treatment and counseling regarding the impairment.

21 (h) An individual or organization acting in good faith, and
22 not in a willful and wanton manner, in complying with this
23 Section by providing a report or other information to the
24 Board, by assisting in the investigation or preparation of a
25 report or information, by participating in proceedings of the
26 Board, or by serving as a member of the Board shall not, as a

1 result of such actions, be subject to criminal prosecution or
2 civil damages. Any person who reports a violation of this
3 Section to the Department is protected under subsection (b) of
4 Section 15 of the Whistleblower Act.

5 (i) Members of the Board shall have no liability in any
6 action based upon any disciplinary proceedings or other
7 activity performed in good faith as a member of the Board ~~be~~
8 ~~indemnified by the State for any actions occurring within the~~
9 ~~scope of services on the Board, done in good faith, and not~~
10 ~~willful and wanton in nature.~~ The Attorney General shall defend
11 all such actions unless he or she determines either that there
12 would be a conflict of interest in such representation or that
13 the actions complained of were not in good faith or were
14 willful and wanton.

15 If the Attorney General declines representation, the
16 member shall have the right to employ counsel of his or her
17 choice, whose fees shall be provided by the State, after
18 approval by the Attorney General, unless there is a
19 determination by a court that the member's actions were not in
20 good faith or were willful and wanton.

21 The member must notify the Attorney General within 7 days
22 of receipt of notice of the initiation of any action involving
23 services of the Board. Failure to so notify the Attorney
24 General shall constitute an absolute waiver of the right to a
25 defense and indemnification.

26 The Attorney General shall determine, within 7 days after

1 receiving such notice, whether he or she will undertake to
2 represent the member.

3 (Source: P.A. 100-497, eff. 9-8-17.)

4 (225 ILCS 85/33) (from Ch. 111, par. 4153)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 33. The Secretary may, upon receipt of a written
7 communication from the Secretary of Human Services, the
8 Director of Healthcare and Family Services (formerly Director
9 of Public Aid), or the Director of Public Health that
10 continuation of practice of a person licensed or registered
11 under this Act constitutes an immediate danger to the public,
12 immediately suspend the license of such person without a
13 hearing. In instances in which the Secretary immediately
14 suspends a license under this Act, a hearing upon such person's
15 license must be convened by the Board within 15 days after such
16 suspension and completed without appreciable delay, such
17 hearing held to determine whether to recommend to the Secretary
18 that the person's license be revoked, suspended, placed on
19 probationary status or restored ~~reinstated~~, or such person be
20 subject to other disciplinary action. In such hearing, the
21 written communication and any other evidence submitted
22 therewith may be introduced as evidence against such person;
23 provided however, the person, or his counsel, shall have the
24 opportunity to discredit or impeach such evidence and submit
25 evidence rebutting same.

1 (Source: P.A. 100-497, eff. 9-8-17.)

2 (225 ILCS 85/35.3) (from Ch. 111, par. 4155.3)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 35.3. The Department, at its expense, shall preserve a
5 record of all proceedings at the formal hearing of any case
6 involving the refusal to issue, renew or discipline of a
7 license. The notice of hearing, complaint and all other
8 documents in the nature of pleadings and written motions filed
9 in the proceedings, the transcript of testimony, the report of
10 the Board or hearing officer, exhibits, and orders of the
11 Department shall be the record of such proceeding.

12 (Source: P.A. 85-796.)

13 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 35.5. The Department shall have power to subpoena and
16 bring before it any person in this State and to take testimony,
17 either orally or by deposition or both, with the same fees and
18 mileage and in the same manner as prescribed by law in judicial
19 proceedings in civil cases in circuit courts of this State. The
20 Department may subpoena and compel the production of documents,
21 papers, files, books, and records in connection with any
22 hearing or investigation.

23 The Secretary, hearing officer, and any member of the
24 Board, shall each have power to administer oaths to witnesses

1 at any hearing which the Department is authorized to conduct
2 under this Act, and any other oaths required or authorized to
3 be administered by the Department hereunder.

4 (Source: P.A. 100-497, eff. 9-8-17.)

5 (225 ILCS 85/35.9) (from Ch. 111, par. 4155.9)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 35.9. Whenever the Secretary ~~Director~~ is satisfied
8 that substantial justice has not been done in the revocation,
9 suspension or refusal to issue or renew a license or
10 registration, the Secretary ~~Director~~ may order a rehearing by
11 the same hearing officer and Board.

12 (Source: P.A. 88-428.)

13 (225 ILCS 85/35.10) (from Ch. 111, par. 4155.10)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 35.10. None of the disciplinary functions, powers and
16 duties enumerated in this Act shall be exercised by the
17 Department except upon the review of the Board.

18 ~~In all instances, under this Act, in which the Board has~~
19 ~~rendered a recommendation to the Director with respect to a~~
20 ~~particular license or certificate, the Director shall, in the~~
21 ~~event that he or she disagrees with or takes action contrary to~~
22 ~~the recommendation of the Board, file with the Board his or her~~
23 ~~specific written reasons of disagreement with the Board.~~

24 (Source: P.A. 95-689, eff. 10-29-07.)

1 (225 ILCS 85/35.21)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 35.21. Citations.

4 (a) The Department may issue ~~shall adopt rules to permit~~
5 ~~the issuance of~~ citations to any licensee for any violation of
6 this Act or the rules. The citation shall be issued to the
7 licensee or other person alleged to have committed one or more
8 violations and shall contain the licensee's or other person's
9 name and address, the licensee's license number, if any, a
10 brief factual statement, the Sections of this Act or the rules
11 allegedly violated, and the penalty imposed, which shall not
12 exceed \$1,000. The citation must clearly state that if the
13 cited person wishes to dispute the citation, he or she may
14 request in writing, within 30 days after the citation is
15 served, a hearing before the Department. If the cited person
16 does not request a hearing within 30 days after the citation is
17 served, then the citation shall become a final,
18 non-disciplinary order and any fine imposed is due and payable.
19 If the cited person requests a hearing within 30 days after the
20 citation is served, the Department shall afford the cited
21 person a hearing conducted in the same manner as a hearing
22 provided in this Act for any violation of this Act and shall
23 determine whether the cited person committed the violation as
24 charged and whether the fine as levied is warranted. If the
25 violation is found, any fine shall constitute discipline and be

1 due and payable within 30 days of the order of the Secretary.
2 Failure to comply with any final order may subject the licensed
3 person to further discipline or other action by the Department
4 or a referral to the State's Attorney.

5 (b) A citation must be issued within 6 months after the
6 reporting of a violation that is the basis for the citation.

7 (c) Service of a citation shall be made in person,
8 electronically, or by mail to the licensee at the licensee's
9 address of record or email address of record.

10 (d) Nothing in this Section shall prohibit or limit the
11 Department from taking further action pursuant to this Act and
12 rules for additional, repeated, or continuing violations.

13 (e) The Department may adopt rules for the issuance of
14 citations in accordance with this Section.

15 (Source: P.A. 100-497, eff. 9-8-17.)

16 (225 ILCS 85/2.5 rep.)

17 (225 ILCS 85/29 rep.)

18 (225 ILCS 85/35.12 rep.)

19 Section 15. The Pharmacy Practice Act is amended by
20 repealing Sections 2.5, 29, and 35.12.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law, except that Sections 10 and 15 take effect
23 January 1, 2020.