

# SB3922



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3922

Introduced 5/25/2012, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Naturopathic Medical Practice Act. Provides for the regulation of naturopathic physicians through licensure by the Department of Financial and Professional Regulation. Establishes the Board of Naturopathic Medicine. Sets forth provisions concerning licensure, scope of practice, duties of the Department, and administrative procedure.

LRB097 21591 CEL 69800 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 1. Short Title. This Act may be cited as the  
5 Naturopathic Medical Practice Act.

6 Section 5. Purpose. The practice of naturopathic medicine  
7 in the State of Illinois is declared to affect the public  
8 health, safety, and welfare and to be subject to regulation and  
9 control in the public interest. It is further declared to be a  
10 matter of public interest and concern that naturopathic  
11 physicians and the practice of naturopathic medicine, as  
12 defined in this Act, merit and receive the confidence of the  
13 public, that only qualified persons be authorized to practice  
14 naturopathic medicine in the State of Illinois, and that no  
15 person shall practice naturopathic medicine without a valid  
16 existing license to do so. The General Assembly recognizes that  
17 naturopathic physicians are a distinct health care profession  
18 that affects the public health, safety, and welfare and  
19 increases freedom of choice in health care. This Act shall be  
20 liberally construed to best carry out these subjects and  
21 purposes.

22 Section 10. Definitions. In this Act:

1 "Approved naturopathic medical program" means any of the  
2 following:

3 (1) a naturopathic medical education program in the  
4 United States accredited by the Council on Naturopathic  
5 Medical Education, or an equivalent federally recognized  
6 accrediting body for the naturopathic medical profession  
7 recognized by the Board, that offers graduate-level  
8 full-time didactic and supervised clinical training  
9 leading to the degree of Doctor of Naturopathy or Doctor of  
10 Naturopathic Medicine and is part of an institution of  
11 higher education that is either accredited or is a  
12 candidate for accreditation by a regional institutional  
13 accrediting agency recognized by the United States  
14 Secretary of Education;

15 (2) a full-time structured curriculum, having been not  
16 less than 132 weeks in duration, requiring completion  
17 within a period of not less than 35 months, and offered  
18 prior to the existence of the CNME, in basic sciences and  
19 supervised patient care comprising a doctoral naturopathic  
20 medical education offered by a degree-granting college or  
21 university that is reputable and in good standing in the  
22 judgment of the Board; or

23 (3) a full-time structured curriculum, having been not  
24 less than 132 weeks in duration and requiring completion  
25 within a period of not less than 35 months, in basic  
26 sciences and supervised patient care comprising a doctoral

1 naturopathic medical education offered by a degree or  
2 diploma-granting college or university in Canada that is  
3 reputable and in good standing in the judgment of the Board  
4 and has provincial approval for participation in  
5 government funded student aid programs; such course, as a  
6 prerequisite to graduation therefrom.

7 "Board" means the Board of Naturopathic Medicine appointed  
8 by the Secretary.

9 "CNME" means the Council on Naturopathic Medical  
10 Education.

11 "Department" means the Department of Financial and  
12 Professional Regulation.

13 "Naturopathic formulary" means the list of natural  
14 medicines and nonprescription medicines that naturopathic  
15 physicians use in the practice of the profession. This includes  
16 dietary supplements, herbal products, homeopathic medicines  
17 manufactured according to the Homeopathic Pharmacopoeia of the  
18 United States, and topical agents of natural origin.

19 "Naturopathic medicine" means a system of primary health  
20 care for the prevention, diagnosis, and treatment of human  
21 health conditions, injury, and disease; the promotion or  
22 restoration of health; and the support and stimulation of a  
23 patient's inherent self-healing processes through patient  
24 education and the use of natural therapies, physical medicine,  
25 and therapeutic substances.

26 "Naturopathic physician" means a practitioner of

1 naturopathic medicine who has been properly licensed for that  
2 purpose by the Department under this Act. "Naturopathic  
3 physician" includes all titles and designations associated  
4 with the practice of naturopathic medicine, including, "doctor  
5 of naturopathic medicine", "doctor of naturopathy",  
6 "naturopathic doctor", "naturopath", "doctor of naturopathic  
7 medicine", "doctor of naturopathy", "naturopathic medical  
8 doctor", "N.D.", "ND", "N.M.D", and "NMD".

9 "Naturopathic residency" means a post-graduate medical  
10 education program approved by the Council on Naturopathic  
11 Medical Education, a subcommittee thereof, or an equivalent  
12 agency, as recognized by the Board, that provides a structured  
13 curriculum with diagnosis and management of patients under  
14 appropriate levels of supervision for graduates of an approved  
15 naturopathic medical program.

16 "Secretary" means the Secretary of Financial and  
17 Professional Regulation.

18 Section 15. Exemption from civil liability. Exemption from  
19 civil liability for emergency care is as provided in the Good  
20 Samaritan Act.

21 While serving upon any professional utilization committee,  
22 professional review organization, peer review committee,  
23 mediation committee, board of Secretaries considering matters  
24 of peer review, or review committee sanctioned by the  
25 profession, a person shall not be liable for civil damages as a

1 result of his or her acts, omissions, or decisions in  
2 connection with his or her duties on such committees or boards,  
3 except in cases involving willful or wanton misconduct.

4 Section 20. Exceptions.

5 (a) This Act does not prohibit or restrict any of the  
6 following:

7 (1) Any person licensed to practice medicine in all of  
8 its branches under the Medical Practice Act of 1987 who  
9 engages in the practice for which he or she is licensed.

10 (2) The practice of a profession by individuals who are  
11 licensed, certified, or registered under the laws of this  
12 State who are performing services within their authorized  
13 scope of practice.

14 (3) The practice of naturopathic medicine by an  
15 individual employed by the government of the United States  
16 while the individual is engaged in the performance of  
17 duties prescribed by the laws and regulations of the United  
18 States.

19 (4) The practice of naturopathic medicine by students  
20 enrolled in an approved naturopathic medical college. The  
21 performance of services shall be pursuant to a course of  
22 instruction or assignments from an instructor and under the  
23 supervision of the instructor, who shall be a naturopathic  
24 physician licensed under this Act or a duly licensed  
25 professional in the instructed field.

1           (5) Any person treating himself or herself or his or  
2 her family members based on religious or health beliefs.

3           (6) Any person who sells vitamins and herbs who  
4 provides information about such products.

5           (7) Any person or practitioner who recommends any  
6 therapy that is within the scope of practice of  
7 naturopathic physicians and that is within that  
8 individual's legal rights or scope of practice granted by  
9 the existing laws of this State.

10          (b) This Act shall not be construed to prohibit the  
11 practice of naturopathic medicine by persons who are licensed  
12 to practice naturopathic medicine in any other state or  
13 district in the United States who enter this State to consult  
14 with a naturopathic physician licensed under this Act;  
15 provided, however, that the consultation is limited to  
16 examination, recommendation, or testimony in litigation.

17          Section 25. Title and designation.

18          (a) Licensees shall use the title "naturopathic physician"  
19 and the recognized abbreviation "N.D.".

20          (b) Naturopathic physicians shall have the exclusive right  
21 to use the terms: "naturopathic physician", "naturopathic  
22 doctor", "naturopath", "doctor of naturopathic medicine",  
23 "doctor of naturopathy", "naturopathic medical doctor",  
24 "naturopathic medicine", "naturopathic health care",  
25 "naturopathy", "N.D.", "ND", "N.M.D." and "NMD".

1           (c) No person shall represent himself or herself to the  
2 public as a naturopathic physician, a doctor of naturopathic  
3 medicine, a doctor of naturopathy, or as being otherwise  
4 authorized to practice naturopathic medicine in this State  
5 without first obtaining from the Department a license to  
6 practice naturopathic medicine under this Act.

7           (d) The titles and designations set forth in this Section  
8 identify naturopathic physicians and are restricted to  
9 describing and identifying licensed practitioners.

10           Section 30. Powers and duties of the Department and the  
11 Secretary.

12           (a) The Department shall exercise the powers and duties  
13 prescribed by the Civil Administrative Code of Illinois for the  
14 administration of licensing acts and shall exercise such other  
15 powers and duties conferred by this Act.

16           (b) The Department may adopt rules consistent with the  
17 provisions of this Act, for the administration and enforcement  
18 thereof and may prescribe forms that shall be issued in  
19 connection therewith.

20           (c) The Department shall adopt the competency-based  
21 national examination approved by the Board as the naturopathic  
22 licensing examination.

23           (d) The Secretary shall consider the recommendations of the  
24 Board on questions involving standards of professional  
25 conduct, discipline, and qualifications of candidates and



1 licensees under this Act.

2 (e) The Department may, at any time, seek the expert advice  
3 and knowledge of the Board on any matter relating to the  
4 administration or enforcement of this Act. Notice of proposed  
5 rulemaking shall be transmitted to the Board and the Department  
6 shall review the response of the Board and any recommendations  
7 made in response.

8 (f) The Secretary shall issue licenses, and renewals  
9 thereof, to all persons who meet the qualifications for  
10 licensure as determined by the Board.

11 (g) The Department shall establish rules for continuing  
12 education as recommended by the Board.

13 (h) The Secretary shall consult the Board on matters  
14 involving all of the following:

15 (1) The qualifications of candidates who apply for  
16 licensure to practice naturopathic medicine in Illinois.

17 (2) The content of any clinical, practical, or  
18 residency requirement.

19 (3) The content of rules and proposed rules governing  
20 the practice of naturopathic medicine in Illinois.

21 (4) The investigation of complaints from naturopathic  
22 physicians and the public and the technical aspects of the  
23 complaint.

24 (5) The requirements for issuance and renewal of  
25 naturopathic medical licenses.

1 Section 35. Naturopathic Medical Licensing Board.

2 (a) There is hereby created the Naturopathic Medical  
3 Licensing Board, which shall consist of 7 members appointed by  
4 the Secretary, 5 of whom shall be licensed naturopathic  
5 physicians who are in good standing in this State, are  
6 residents of this State, and have been engaged in the practice  
7 or instruction of naturopathic medicine for at least 3 years  
8 and 2 of whom shall be residents of this State who are not, and  
9 never have been, licensed health care practitioners and hold no  
10 interest in naturopathic education, naturopathic business, or  
11 naturopathic practice.

12 (b) The Secretary shall take into consideration  
13 recommendations from the Illinois Association of Naturopathic  
14 Physicians in determining the names of naturopathic physicians  
15 eligible to serve on the Board.

16 (c) Members shall serve for terms of 4 years and shall  
17 serve until a successor is appointed, except that, for the  
18 purpose of staggering terms, the Secretary shall initially  
19 appoint to the Board 3 members for terms of 4 years each, 2  
20 members for terms of 3 years each, and 2 members for terms of 2  
21 years each.

22 (d) Appointments to fill vacancies shall be made in the  
23 same manner as original appointments, for the unexpired portion  
24 of the vacated term.

25 (e) The Secretary may remove any member of the Board for  
26 cause prior to the expiration of the member's term.

1 (f) The Board, within 30 days after its appointment, and at  
2 least annually thereafter, shall hold a meeting and elect a  
3 chairperson and vice-chairperson. The Board may hold  
4 additional meetings at the call of the chair or at the written  
5 request of any 2 members of the Board. The Board may appoint  
6 committees as it deems necessary to carry out its duties.

7 (g) A majority of the Board shall constitute a quorum. A  
8 vacancy in the membership of the Board shall not impair the  
9 right of the quorum to exercise the rights and perform all of  
10 the duties of the Board.

11 (h) Members of the Board shall be immune from suit in any  
12 action based upon any disciplinary proceedings or other  
13 activities performed in good faith as members of the Board.

14 (i) The members of the Board shall each receive as  
15 compensation a reasonable sum as determined by the Secretary  
16 for each day actually engaged in the duties of office and all  
17 legitimate and necessary expenses incurred in attending the  
18 meetings of the Board.

19 Section 40. Duties of the Board.

20 (a) The Board may recommend such rules as are necessary to  
21 carry out the purposes of this Act and recommend disciplinary  
22 action as provided for under this Act.

23 (b) The Board shall determine the qualifications of persons  
24 applying for licensure and define, by rule, the appropriate  
25 scope of naturopathic medicine in this State, provided however,

1 that the scope of practice may not exceed that defined in this  
2 Act.

3 (c) The Board shall review the content of rules and  
4 proposed rules governing the practice of naturopathic medicine  
5 in Illinois.

6 (d) The Board shall evaluate the content of any clinical,  
7 practical, or residency requirement.

8 (e) The Board shall establish, by rule, examination  
9 standards, dates, and locations.

10 (f) The Board shall recommend the minimum amount and type  
11 of continuing education to be required for each naturopathic  
12 physician seeking licensure renewal.

13 Section 45. Formulary. The naturopathic formulary may not  
14 go beyond the scope of natural medicines, devices covered by  
15 approved naturopathic education and training, and existing  
16 naturopathic formularies or continuing education approved by  
17 the Board.

18 The naturopathic formulary shall not include medicines and  
19 devices that are inconsistent with the training provided by  
20 approved naturopathic medical programs.

21 Nothing in this Act shall allow a naturopathic physician to  
22 dispense, administer, or prescribe any legend drug or device as  
23 defined in the Illinois Controlled Substance Act.

24 Section 55. Qualifications for licensure. Applicants for a

1 license to practice naturopathic medicine under this Act must  
2 submit the following to the Board:

3 (1) an application for licensure designed and approved  
4 by the Department;

5 (2) an application fee established by the Department;

6 (3) documentation attesting to the applicant's good,  
7 ethical, and professional reputation;

8 (4) evidence that the applicant is a graduate of an  
9 approved naturopathic medical program, in accordance with  
10 the requirements of this Act, and that he or she has  
11 successfully passed a competency-based national  
12 naturopathic licensing examination administered by the  
13 North American Board of Naturopathic Examiners or an  
14 equivalent agency, as recognized by the Board; and

15 (5) in the case of graduates of degree-granting  
16 approved naturopathic medical programs, evidence of  
17 successful passage of a State competency examination  
18 approved by the Board or a Canadian provincial examination.

19 Section 60. Scope of practice.

20 (a) A naturopathic physician may order and perform physical  
21 and laboratory examinations consistent with naturopathic  
22 education and training, for diagnostic purposes, including,  
23 but not limited to, phlebotomy, clinical laboratory tests,  
24 orificial examinations, and physiological function tests.

25 (b) A naturopathic physician may order diagnostic imaging

1 studies consistent with naturopathic training.

2 (c) A naturopathic physician may dispense, administer,  
3 order, and prescribe or perform any of the following:

4 (1) Food, extracts of food, nutraceuticals, vitamins,  
5 amino acids, minerals, enzymes, botanicals and their  
6 extracts, botanical medicines, homeopathic medicines, all  
7 dietary supplements, and nonprescription drugs, as defined  
8 by the federal Food, Drug, and Cosmetic Act.

9 (2) Hot or cold hydrotherapy, naturopathic physical  
10 medicine, electromagnetic energy, colon hydrotherapy, and  
11 therapeutic exercise.

12 (3) Devices, including, but not limited to,  
13 therapeutic devices, barrier contraception, and durable  
14 medical equipment.

15 (4) Health education and health counseling.

16 (5) Musculoskeletal manipulation consistent with  
17 naturopathic education and training, not to exceed level 4  
18 high velocity manipulation.

19 (d) A naturopathic physician may utilize routes of  
20 administration that include oral, nasal, auricular, ocular,  
21 rectal, vaginal, intramuscular, subcutaneous, and transdermal  
22 and are consistent with the education and training of a  
23 naturopathic physician.

24 Section 65. Prohibitions. A naturopathic physician  
25 licensed under this Act may not do any of the following:

1           (1) Prescribe, dispense, or administer any  
2 prescription or controlled substance or device identified  
3 in the federal Controlled Substance Act, as amended.

4           (2) Perform surgical procedures.

5           (3) Practice or claim to practice as a medical doctor,  
6 osteopath, dentist, podiatrist, optometrist, psychologist,  
7 advanced practice professional nurse, physician assistant,  
8 chiropractor, physical therapist, acupuncturist, or any  
9 other health care professional not authorized under this  
10 Act, unless licensed to do so.

11          (4) Use general or spinal anesthetics.

12          (5) Administer ionizing radioactive substances for  
13 therapeutic purposes.

14          (6) Perform surgical procedures using a laser device.

15          (7) Perform surgical procedures involving the eye,  
16 ear, tendons, nerves, veins, or arteries extending beyond  
17 superficial tissue.

18          (8) Induce or perform abortions.

19          (9) Treat any lesion suspicious of malignancy or  
20 requiring surgical removal. Lesions suspicious of  
21 malignancy or requiring surgical removal shall be referred  
22 to an appropriately licensed health care professional.  
23 Nothing in this Act shall prohibit treatment of a person  
24 with suspicious or malignant lesions in collaboration with  
25 a physician licensed to practice medicine in all of its  
26 branches.

1           (10) Perform acupuncture, unless licensed as an  
2           acupuncturist, as defined in the Acupuncture Practice Act.

3           Section 70. Licensure without examination. The Department  
4           may issue a license without examination to any applicant who  
5           submits an application for licensure, together with the  
6           appropriate fee, and proof acceptable to the Department of  
7           current licensure in good standing in another state, the  
8           District of Columbia, or a territory of the United States whose  
9           standards for licensure are at least equivalent to those of  
10          this State.

11          Any applicant seeking a license without examination under  
12          this Section shall provide proof of licensure in good standing  
13          in all states in which he or she is licensed.

14          Section 75. License expiration; renewal. The expiration  
15          date and renewal period for each license issued under this Act  
16          shall be set by rule. The Department shall adopt rules for  
17          continuing education required for the renewal of licenses.

18          Section 80. Fees. The fees assessed under this Act shall be  
19          determined by rule. All fees and fines collected under this Act  
20          shall be deposited into the General Professions Dedicated Fund.  
21          All moneys in the Fund shall be used by the Department, as  
22          appropriated, for the ordinary and contingent expenses of the  
23          Department.



1 Section 85. Mandated reporting.

2 (a) The following persons shall report to the Department,  
3 in writing and within 30 days after becoming aware of such  
4 information, any information that the person has reason to  
5 believe indicates that a naturopathic physician is or may be  
6 medically or legally incompetent, engaged in the unauthorized  
7 practice of naturopathic medicine, guilty of unprofessional  
8 conduct, or mentally or physically unable to engage safely in  
9 the practice of naturopathic medicine:

10 (1) naturopathic physicians licensed under this Act;

11 (2) licensed health care providers;

12 (3) employees of licensed health care institutions in  
13 the State;

14 (4) State agency employees; and

15 (5) State law enforcement personnel.

16 (b) A naturopathic physician's voluntary resignation from  
17 the staff of a health care institution, voluntary limitation of  
18 staff privileges, or failure to reapply for hospital privileges  
19 at such an institution, shall be promptly reported to the  
20 Department by the health care institution and the licensee, if  
21 such action occurs while the licensee is under investigation by  
22 the institution or a committee thereof for any reason related  
23 to possible medical incompetence, unprofessional conduct, or  
24 mental or physical impairment.

25 (c) Upon receiving a credible complaint or report

1 concerning a licensee, or on its own motion, the Department may  
2 investigate any evidence of a licensee's medical incompetence,  
3 unprofessional conduct, or inability to engage safely in the  
4 practice of medicine due to mental or physical illness.

5 (d) Any person, institution, agency, or organization  
6 required to report under this Section who does so in good faith  
7 shall not be subject to civil damages or criminal prosecution  
8 for so reporting.

9 (e) Within 10 days after receipt of a report mandated under  
10 this Section, the Secretary shall acknowledge receipt of all  
11 reports and any complaint against a licensee submitted to the  
12 Department. Within 10 days thereafter, the Secretary shall  
13 inform any person or entity whose report or complaint has  
14 resulted in action by the Department, of the final disposition  
15 of the matter.

16 (f) Any person or entity who fails to make a report as  
17 mandated under this Section may be assessed by the Secretary,  
18 in his or her discretion and after consultation with the Board,  
19 a civil penalty. Assessment of a civil penalty pursuant to this  
20 subsection shall be supported by substantial evidence and may  
21 be appealed to the circuit court. On appeal, the circuit court  
22 may receive any relevant evidence supporting or opposing the  
23 assessment and may affirm or reverse the Secretary's decision.

24 Section 90. Refusal of licensure.

25 (a) The Department may refuse to issue or renew a license

1 on any of the following grounds:

2 (1) The conviction of a felony, a criminal conviction  
3 record, or a pending criminal charge relating to an  
4 offense, the circumstances of which substantially relate  
5 to the practice of naturopathic medicine.

6 (2) Impairment related to drugs or alcohol that would  
7 limit an applicant's ability to undertake the practice of  
8 naturopathic medicine in a manner consistent with the  
9 safety of the public.

10 (3) Mental incompetence that impairs an applicant's  
11 ability to undertake the practice of naturopathic medicine  
12 in a manner consistent with the safety of the public, as  
13 determined by a physician.

14 (b) The Department shall not reinstate the license of a  
15 naturopathic physician until such time as the Department is  
16 satisfied that such person has complied with all the terms and  
17 conditions set forth in the final order and that such person is  
18 capable of safely engaging in the practice of naturopathic  
19 medicine.

20 Section 95. Disciplinary action. The following acts  
21 constitute grounds for denial of a license or disciplinary  
22 action:

23 (1) Attempting to obtain, obtaining, or renewing a  
24 license to practice naturopathic medicine by bribery, or by  
25 fraudulent misrepresentation.

1           (2) Having a license to practice naturopathic medicine  
2           revoked, suspended, or otherwise acted against, including  
3           the denial of licensure, by the licensing authority of  
4           another state, territory, or country.

5           (3) Being convicted or found guilty, regardless of  
6           adjudication, of a crime in any jurisdiction which directly  
7           relates to the practice of naturopathic medicine or to the  
8           ability to practice naturopathic medicine. Any plea of nolo  
9           contendere shall be considered a conviction for purposes of  
10          this Act.

11          (4) False, deceptive, or misleading advertising.

12          (5) Advertising, practicing, or attempting to practice  
13          under a name other than one's own.

14          (6) Aiding, assisting, procuring, or advising any  
15          unlicensed person to practice naturopathic medicine  
16          contrary to this Act or a rule of the Department or the  
17          Board.

18          (7) Making or filing a report which the licensee knows  
19          to be false, intentionally or negligently failing to file a  
20          report or record required by State or federal law, or  
21          willfully impeding or obstructing such filing or inducing  
22          another person to do so. Such reports or records shall  
23          include only those which are signed in the capacity as a  
24          licensed naturopathic physician.

25          (8) Paying or receiving any commission, bonus,  
26          kickback, or rebate, or engaging in any split-fee

1 arrangement in any form whatsoever with a physician,  
2 organization, agency, or person, either directly or  
3 indirectly, for patients referred to providers of health  
4 care goods and services, including, but not limited to,  
5 hospitals, nursing homes, clinical laboratories,  
6 ambulatory surgical centers, or pharmacies. The provisions  
7 of this paragraph shall not be construed to prevent a  
8 doctor of naturopathic medicine or naturopathic physician  
9 from receiving a fee for professional consultation  
10 services.

11 (9) Exercising influence within a patient-physician  
12 relationship for the purposes of engaging a patient in  
13 sexual activity. A patient shall be presumed to be  
14 incapable of giving free, full, and informed consent to  
15 sexual activity with her or his naturopathic physician.

16 (10) Failing to keep written medical records  
17 justifying the course of treatment of the patient,  
18 including, but not limited to, patient histories,  
19 examination results, test results, imaging results, and  
20 records of the prescribing, dispensing, and administering  
21 of drugs.

22 (11) Gross or repeated malpractice or the failure to  
23 practice naturopathic medicine with that level of care,  
24 skill, and treatment that is recognized by a reasonably  
25 prudent similarly situated naturopathic physician as being  
26 acceptable under similar conditions and circumstances.

1           (12) Delegating professional responsibilities to a  
2 person while knowing or having reason to know that the  
3 person is not qualified by training, experience, or  
4 licensure to perform such responsibilities.

5           (13) Violating any provision of this Act or any rules  
6 adopted pursuant to this Act.

7           (14) Selling, fraudulently obtaining, or furnishing  
8 any naturopathic diploma, license, record, or registration  
9 or aiding or abetting in the same.

10          (15) Practicing naturopathic medicine under the cover  
11 of any diploma, license, record, or registration illegally  
12 or fraudulently obtained or secured or issued unlawfully or  
13 upon fraudulent representations.

14          (16) Advertising the practice of naturopathic medicine  
15 under a name other than one's own or under an assumed name.

16          (17) Falsely impersonating another practitioner of a  
17 like or different name.

18          (18) Practicing or advertising the practice of  
19 naturopathic medicine or using in connection with one's own  
20 name any designation tending to imply or to designate a  
21 person as a practitioner of naturopathic medicine without  
22 then being lawfully licensed and authorized to practice  
23 naturopathic medicine in this State.

24          (19) Practicing naturopathic medicine under a  
25 suspended or revoked license.

1           Section 100. Returned checks; fines. Any person who  
2 delivers a check or other payment to the Department that is  
3 returned to the Department unpaid by the financial institution  
4 upon which it is drawn shall pay to the Department, in addition  
5 to the amount already owed to the Department, a fine of \$50.  
6 The fines imposed by this Section are in addition to any other  
7 discipline provided under this Act for unlicensed practice or  
8 practice on a nonrenewed license. The Department shall notify  
9 the person that fees and fines shall be paid to the Department  
10 by certified check or money order within 30 calendar days of  
11 the notification. If, after the expiration of 30 days after the  
12 date of the notification, the person has failed to submit the  
13 necessary remittance, the Department shall automatically  
14 terminate the license or deny the application, without hearing.  
15 If, after termination or denial, the person seeks a license, he  
16 or she shall apply to the Department for restoration or  
17 issuance of the license and pay all fees and fines due to the  
18 Department. The Department may establish a fee for the  
19 processing of an application for restoration of a license to  
20 defray all expenses of processing the application. The  
21 Secretary may waive the fines due under this Section in  
22 individual cases where the Secretary finds that the fines would  
23 be unreasonable or unnecessarily burdensome.

24           Section 105. Injunctions; cease and desist orders.

25           (a) If any person violates any provision of this Act, the

1 Secretary may, in the name of the People of the State of  
2 Illinois, through the Attorney General of the State of Illinois  
3 or the State's Attorney of any county in which the action is  
4 brought, petition for an order enjoining the violation or for  
5 an order enforcing compliance with this Act. Upon the filing of  
6 a verified petition in court, the court may issue a temporary  
7 restraining order, without notice or bond, and may  
8 preliminarily and permanently enjoin the violation. If it is  
9 established that the person has violated or is violating the  
10 injunction, the Court may punish the offender for contempt of  
11 court. Proceedings under this Section shall be in addition to,  
12 and not in lieu of, all other remedies and penalties provided  
13 by this Act.

14 (b) If any person practices as a naturopathic physician or  
15 holds himself or herself out as a naturopathic physician  
16 without being licensed under the provisions of this Act then  
17 any licensed naturopathic physician, any interested party, or  
18 any person injured thereby may, in addition to the Secretary,  
19 petition for relief as provided in subsection (a) of this  
20 Section.

21 (c) Whenever in the opinion of the Department any person  
22 violates any provision of this Act, the Department may issue a  
23 rule to show cause why an order to cease and desist should not  
24 be entered against that person. The rule shall clearly set  
25 forth the grounds relied upon by the Department and shall  
26 provide a period of 7 days after the date of the rule to file an



1 answer to the satisfaction of the Department. Failure to answer  
2 to the satisfaction of the Department shall cause an order to  
3 cease and desist to be issued immediately.

4 Section 110. Violation; penalty. Whoever knowingly  
5 practices or offers to practice naturopathic medicine in this  
6 State without being licensed for that purpose shall be guilty  
7 of a Class A misdemeanor.

8 Section 115. Investigation; notice; hearing. The  
9 Department may investigate the actions of any applicant or of  
10 any person or persons holding or claiming to hold a license.  
11 Before refusing to issue, refusing to renew, or taking any  
12 disciplinary action regarding a license, the Department shall,  
13 at least 30 days prior to the date set for the hearing, notify  
14 in writing the applicant for, or holder of, a license of the  
15 nature of any charges and that a hearing will be held on a date  
16 designated. The Department shall direct the applicant or  
17 licensee to file a written answer with the Committee under oath  
18 within 20 days after the service of the notice and inform the  
19 applicant or licensee that failure to file an answer shall  
20 result in default being taken against the applicant or licensee  
21 and that the license may be suspended, revoked, or placed on  
22 probationary status, or that other disciplinary action may be  
23 taken, including limiting the scope, nature, or extent of  
24 practice, as the Secretary may deem proper. Written notice may

1 be served by personal delivery or certified or registered mail  
2 to the respondent at the address of his or her last  
3 notification to the Department. If the person fails to file an  
4 answer after receiving notice, his or her license may, in the  
5 discretion of the Department, be suspended, revoked, or placed  
6 on probationary status, or the Department may take any  
7 disciplinary action deemed proper, including limiting the  
8 scope, nature, or extent of the person's practice or the  
9 imposition of a fine, without a hearing, if the act or acts  
10 charged constitute sufficient grounds for such action under  
11 this Act. At the time and place fixed in the notice, the  
12 Committee shall proceed to hear the charges and the parties or  
13 their counsel shall be accorded ample opportunity to present  
14 such statements, testimony, evidence and argument as may be  
15 pertinent to the charges or to their defense. The Committee may  
16 continue a hearing from time to time.

17 Section 120. Formal hearing; preservation of record. The  
18 Department, at its expense, shall preserve a record of all  
19 proceedings at the formal hearing of any case. The notice of  
20 hearing, complaint, and all other documents in the nature of  
21 pleadings and written motions filed in the proceedings, the  
22 transcript of testimony, the report of the Committee or hearing  
23 officer, and order of the Department shall be the record of the  
24 proceeding. The Department shall furnish a transcript of the  
25 record to any person interested in the hearing upon payment of

1 the fee required under Section 2105-115 of the Department of  
2 Professional Regulation Law.

3 Section 125. Witnesses; production of documents; contempt.  
4 Any circuit court may, upon application of the Department or  
5 its designee or of the applicant or licensee against whom  
6 proceedings under Section 95 of this Act are pending, enter an  
7 order requiring the attendance of witnesses and their testimony  
8 and the production of documents, papers, files, books, and  
9 records in connection with any hearing or investigation. The  
10 court may compel obedience to its order by proceedings for  
11 contempt.

12 Section 130. Subpoena; oaths. The Department shall have  
13 power to subpoena and bring before it any person in this State  
14 and to take testimony either orally or by deposition or both  
15 with the same fees and mileage and in the same manner as  
16 prescribed in civil cases in circuit courts of this State.

17 The Secretary, the designated hearing officer, and every  
18 member of the Committee has power to administer oaths to  
19 witnesses at any hearing that the Department is authorized to  
20 conduct and any other oaths authorized in any Act administered  
21 by the Department. Any circuit court may, upon application of  
22 the Department or its designee or upon application of the  
23 person against whom proceedings under this Act are pending,  
24 enter an order requiring the attendance of witnesses and their

1 testimony, and the production of documents, papers, files,  
2 books and records in connection with any hearing or  
3 investigation. The court may compel obedience to its order by  
4 proceedings for contempt.

5 Section 135. Findings of facts, conclusions of law, and  
6 recommendations. At the conclusion of the hearing the  
7 Committee shall present to the Secretary a written report of  
8 its findings of fact, conclusions of law, and recommendations.  
9 The report shall contain a finding whether or not the accused  
10 person violated this Act or failed to comply with the  
11 conditions required in this Act. The Committee shall specify  
12 the nature of the violation or failure to comply and shall make  
13 its recommendations to the Secretary.

14 The report of findings of fact, conclusions of law, and  
15 recommendations of the Committee shall be the basis for the  
16 Department's order. If the Secretary disagrees in any regard  
17 with the report of the Committee, the Secretary may issue an  
18 order in contravention of the report. The finding is not  
19 admissible in evidence against the person in a criminal  
20 prosecution brought for the violation of this Act, but the  
21 hearing and findings are not a bar to a criminal prosecution  
22 brought for the violation of this Act.

23 Section 140. Hearing officer. The Secretary shall have the  
24 authority to appoint any attorney duly licensed to practice law

1 in the State of Illinois to serve as the hearing officer in any  
2 action for Departmental refusal to issue, renew, or license an  
3 applicant, or disciplinary action against a licensee. The  
4 hearing officer shall have full authority to conduct the  
5 hearing. The hearing officer shall report his or her findings  
6 of fact, conclusions of law, and recommendations to the  
7 Committee and the Secretary. The Committee shall have 60  
8 calendar days from receipt of the report to review the report  
9 of the hearing officer and present its findings of fact,  
10 conclusions of law, and recommendations to the Secretary. If  
11 the Committee fails to present its report within the 60  
12 calendar day period, the Secretary may issue an order based on  
13 the report of the hearing officer. If the Secretary disagrees  
14 with the recommendation of the Committee or hearing officer, he  
15 or she may issue an order in contravention of that  
16 recommendation.

17 Section 145. Service of report; rehearing; order. In any  
18 case involving the discipline of a license, a copy of the  
19 Committee's report shall be served upon the respondent by the  
20 Department, either personally or as provided in this Act for  
21 the service of the notice of hearing. Within 20 days after the  
22 service, the respondent may present to the Department a motion  
23 in writing for a rehearing that shall specify the particular  
24 grounds for rehearing. If no motion for rehearing is filed,  
25 then upon the expiration of the time specified for filing a

1 motion, or if a motion for rehearing is denied, then upon the  
2 denial the Secretary may enter an order in accordance with this  
3 Act. If the respondent orders from the reporting service and  
4 pays for a transcript of the record within the time for filing  
5 a motion for rehearing, the 20 calendar day period within which  
6 the motion may be filed shall commence upon the delivery of the  
7 transcript to the respondent.

8 Section 150. Substantial justice to be done; rehearing.  
9 Whenever the Secretary is satisfied that substantial justice  
10 has not been done in the revocation, suspension, or refusal to  
11 issue or renew a license, the Secretary may order a rehearing  
12 by the same or another hearing officer or by the Committee.

13 Section 155. Order or certified copy as prima facie proof.  
14 An order or a certified copy thereof, over the seal of the  
15 Department and purporting to be signed by the Secretary, shall  
16 be prima facie proof:

17 (a) that the signature is the genuine signature of the  
18 Secretary;

19 (b) that such Secretary is duly appointed and qualified;

20 (c) that the Committee and its members are qualified to  
21 act.

22 Section 160. Restoration of license. At any time after the  
23 suspension or revocation of any license the Department may

1 restore the license to the accused person, unless after an  
2 investigation and a hearing the Department determines that  
3 restoration is not in the public interest.

4 Section 165. Surrender of license. Upon the revocation or  
5 suspension of any license, the licensee shall immediately  
6 surrender the license to the Department. If the licensee fails  
7 to do so, the Department shall have the right to seize the  
8 license.

9 Section 170. Imminent danger to public; summary  
10 suspension. The Secretary may summarily suspend the license of  
11 a naturopathic physician without a hearing, simultaneously  
12 with the institution of proceedings for a hearing provided for  
13 in this Act, if the Secretary finds that evidence in his or her  
14 possession indicates that continuation in practice would  
15 constitute an imminent danger to the public. In the event that  
16 the Secretary summarily suspends a license without a hearing, a  
17 hearing by the Department must be held within 30 days after the  
18 suspension has occurred.

19 Section 175. Review under Administrative Review Law. All  
20 final administrative decisions of the Department are subject to  
21 judicial review under the Administrative Review Law and its  
22 rules. The term "administrative decision" is defined as in  
23 Section 3-101 of the Code of Civil Procedure.

1           Section 180. The Department shall not be required to  
2 certify any record to the Court or file any answer in court or  
3 otherwise appear in any court in a judicial review proceeding,  
4 unless there is filed in the court, with the complaint, a  
5 receipt from the Department acknowledging payment of the costs  
6 of furnishing and certifying the record. Failure on the part  
7 of the plaintiff to file a receipt in court shall be grounds  
8 for dismissal of the action.

9           Section 185. Administrative Procedure Act. The Illinois  
10 Administrative Procedure Act is expressly adopted and  
11 incorporated in this Act as if all of the provisions of that  
12 Act were included in this Act, except that the provision of  
13 paragraph (d) of Section 10-65 of the Illinois Administrative  
14 Procedure Act, which provides that at hearings the licensee has  
15 the right to show compliance with all lawful requirements for  
16 retention, continuation, or renewal of the license, is  
17 specifically excluded. For the purpose of this Act, the notice  
18 required under Section 10-25 of the Administrative Procedure  
19 Act is deemed sufficient when mailed to the last known address  
20 of a party.

21           Section 190. Severability. If any provision of this Act or  
22 its application to any person or circumstance is held invalid,  
23 the remainder of the act or the application of the provision to



1 other persons or circumstances is not affected.