

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

~~The Perfusionist Practice Act.~~

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Perfusionist Practice Act.

Section 10. The Perfusionist Practice Act is amended by changing Sections 10, 15, 25, 30, 60, 65, 70, 75, 80, 90, 105, 115, 120, 125, 140, 150, 170, 185, 200, 210, and 220 and by adding Sections 11, 26, and 31 as follows:

(225 ILCS 125/10)

(Section scheduled to be repealed on January 1, 2020)

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

"Address of Record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by directly contacting the Department.~~

"Board" means the Board of Licensing for Perfusionists.

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

"Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained

by the Department's licensure maintenance unit.

"Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver, or other organs.

"New graduate perfusionist" means a perfusionist practicing within a period of one year since the date of graduation from a Commission on Accreditation of Allied Health Education Programs accredited perfusion education program.

"Perfusion" means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular systems or other organs, or a combination of those functions, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a physician licensed to practice medicine in all its branches.

"Perfusionist" means a person, qualified by academic and clinical education, to operate the extracorporeal circulation equipment during any medical situation where it is necessary to support or replace a person's cardiopulmonary, circulatory, or respiratory function. A perfusionist is responsible for the selection of appropriate equipment and techniques necessary for support, treatment, measurement, or supplementation of the cardiopulmonary and circulatory system of a patient, including the safe monitoring, analysis, and treatment of physiologic

conditions under an order and under the supervision of a physician licensed to practice medicine in all its branches and in coordination with a registered professional nurse.

"Perfusion protocols" means perfusion related policies and protocols developed or approved by a licensed health facility or a physician through collaboration with administrators, licensed perfusionists, and other health care professionals.

"Physician" or "operating physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/11 new)

Sec. 11. Address of record; email address of record. All applicants and licensees shall:

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

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

(225 ILCS 125/15)

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

Sec. 15. Functions, powers, ~~Powers~~ and duties of the Department. The Department shall, subject ~~Subject~~ to the provisions of this Act, exercise the following functions, powers, and duties ~~the Department may:~~

(1) Authorize examinations to ascertain the fitness and qualifications of applicants for licensure and pass ~~(a) Pass~~ upon the qualifications of applicants for licensure by endorsement.

(2) Adopt rules required for the administration of this Act ~~(b) Conduct hearings on proceedings to refuse to issue or renew a license, or to revoke or suspend a license, or to place on probation, reprimand, or take any other disciplinary or non-disciplinary action with regard to a person licensed under this Act.~~

(3) ~~(c)~~ Formulate rules required for the administration of this Act.

(4) Conduct hearings on proceedings to refuse to issue or renew licenses, or to revoke, suspend, place on probation, or reprimand persons licensed under this Act ~~(d) Obtain written recommendations from the Board regarding (i) curriculum content, standards of professional conduct, formal disciplinary actions, and the formulation of rules, and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing.~~

(5) Issue licenses to those who meet the requirements of this Act ~~(e) Maintain rosters of the names and address of all licensees, and all persons whose licenses have been suspended, revoked, or denied renewal for cause or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.~~

(6) Conduct investigations related to possible violations of this Act.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/25)

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

Sec. 25. Board of Licensing for Perfusionists.

(a) The Secretary shall appoint a Board of Licensing for Perfusionists ~~which shall serve in an advisory capacity to the Secretary.~~ The Board shall consist ~~be comprised~~ of 5 members who shall serve in an advisory capacity to the Secretary ~~persons appointed by the Secretary, who shall give due consideration to recommendations by members of the profession of perfusion and perfusion organizations within the State. All shall be residents of Illinois.~~ ~~(b)~~ Two members must hold an active license to engage in the practice of perfusion in this State. One ~~one~~ member shall ~~must~~ be a physician licensed under the Medical Practice Act of 1987 who is board certified in and actively engaged in the practice of cardiothoracic

surgery. One ~~one~~ member shall ~~must~~ be a licensed registered professional nurse certified by the Association of periOperative Registered Operating Room Nurses. In addition to the 4 licensed members, there shall be ~~and~~ one public member. The public member shall not hold a license ~~must be a member of the public who is not licensed~~ under this Act or a similar Act of this State ~~another jurisdiction~~ and who shall have ~~has~~ no connection with the profession of perfusion.

(b) ~~(e)~~ Members shall serve 4-year terms and until their successors are appointed and qualified, ~~except that, of the initial appointments, 2 members shall be appointed to serve for 2 years, 2 members shall be appointed to serve for 3 years, and 1 member shall be appointed to serve for 4 years, and until their successors are appointed and qualified.~~

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations made by members and organizations of the perfusionist profession.

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

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 consecutive years.

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

~~(c)~~ ~~The Board shall annually elect a chairperson and a~~

~~vice chairperson who shall preside in the absence of the chairperson.~~

~~(f) Insofar as possible, the licensed professionals appointed to serve on the Board shall be generally representative of the occupational and geographical distribution of licensed professionals within this State.~~

~~(g) The Secretary may remove or suspend any member for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.~~

~~(h) The Secretary may give due consideration to all recommendations of the Board.~~

(g) (i) Three Board members shall constitute a quorum. A quorum is required for all Board decisions.

(h) The Secretary may terminate the appointment of any member for cause which in the opinion of the Secretary reasonably justified such termination which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall have no liability in any action based upon disciplinary proceedings or other activity performed in good faith as members of the Board.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

~~(j) Except for willful or wanton misconduct, members of the Board shall be immune from liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/26 new)

Sec. 26. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(1) The Board shall hold at least 2 regular meetings each year.

(2) The Board shall annually elect a Chairperson and a Vice Chairperson, both of whom shall be Illinois licensed perfusionists.

(3) The Board, upon request by the Department, may make an evaluation to approve a perfusionist program, examination, or certification.

(4) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings.

The Department may at any time seek the expert advice and knowledge of the Board on any matter related to the enforcement of this Act.

(225 ILCS 125/30)

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

Sec. 30. Application for licensure.

(a) An application for an original ~~initial~~ license shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required ~~nonrefundable~~ fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a perfusionist. An application shall require information that, in the judgment of the Department, will enable the Department to evaluate the qualifications of an applicant for licensure.

(b) If an applicant fails to obtain a license under this Act within 3 years after filing his or her application, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.

~~A person shall be qualified for licensure as a perfusionist if that person:~~

~~(1) has applied to the Department for licensure in accordance with this Section;~~

~~(2) has not violated a provision of Section 110 of this~~

~~Act; in addition the Department may take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to licensure; and~~

~~(3) has successfully completed the examination provided by the American Board of Cardiovascular Perfusion (ABCP) or its successor agency or a substantially equivalent examination approved by the Department;~~

~~(4) has met the requirements for certification set forth by the American Board of Cardiovascular Perfusion or its successor agency; and~~

~~(5) has graduated from a school accredited by the Commission on the Accreditation of Allied Health Education Programs (CAAHEP) or a similar accrediting body approved by the Department.~~

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/31 new)

Sec. 31. Qualification. A person shall be qualified for licensure as a perfusionist if that person:

(1) has applied to the Department for licensure in accordance with this Act;

(2) has not violated any provision of this Act; and

(3) has met the requirements for licensure as set forth by this Act and rules.

(225 ILCS 125/60)

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

Sec. 60. Display of license; ~~change of address~~. A licensee shall maintain on file at all times during which the licensee provides services in a health care facility a true and correct copy of the license certificate in the appropriate records of the facility.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/65)

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

Sec. 65. Endorsement ~~Licensure by endorsement~~.

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a perfusionist to an applicant who is a perfusionist licensed under the law of another state, the District of Columbia, territory, or country, if the requirements for licensure in that jurisdiction were, at the date of original licensure, substantially equivalent to the requirements in force in this State.

(b) An applicant who holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, or its equivalent, as approved by the Department, prior to January 1, 1999 may apply for endorsement as stated in subsection (a) of this Section.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is

questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

~~The Department may, in its discretion, license as a perfusionist, without examination and on payment of the required fee, an applicant who (1) is licensed as a perfusionist under the laws of another state, territory, or country, if the requirements for licensure in that state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements in force in this State on that date or (2) holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion (ABCP), or its successor organization, prior to January 1, 1999.~~

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/70)

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

Sec. 70. Renewal, reinstatement, or restoration of

license; persons in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by the Department by rule. The holder of a license ~~A licensee~~ may renew the ~~his or her~~ license during the month preceding the expiration date of the license by paying the required fee. ~~It is the responsibility of the licensee to notify the Department in writing of a change of address.~~

(b) A licensee who has permitted his or her license to expire or who has had his or her license placed on inactive status may have his or her ~~the~~ license restored by making application to the Department, and ~~by~~ filing proof acceptable to the Department of his or her fitness to have the license restored, including, but not limited to, sworn practice in another jurisdiction satisfactory to the Department and by paying the required fees as determined by rule. ~~Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction.~~

(c) A perfusionist ~~If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for restoration. However, a licensee whose license~~ has expired while engaged ~~he or she was~~ (1) in federal service on active duty with the Armed Forces of the United States or the State

Militia called into service or training, or (2) in training or education under the supervision of the United States before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after ~~honorable~~ termination other than by dishonorable discharge of such ~~the~~ service, training, or education and ~~he or she~~ she ~~furnishes~~ the Department is furnished with satisfactory evidence ~~to the effect~~ that the licensee ~~he or she~~ has been so engaged in the practice of perfusion and that such ~~and that his or her~~ service, training, or education has been so terminated.
(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/75)

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

Sec. 75. Continuing education. The Department may adopt rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for continuing education requirements. The requirements of this Section shall apply to any person seeking renewal or restoration under Sections 70 and 80 of this Act ~~licensees that require 30 hours of continuing education per 2 year license renewal cycle. The rules shall address variances in part or in whole for good cause, including without limitation temporary illness or hardship. The Department may approve continuing education programs offered,~~

~~provided, and approved by the American Board of Cardiovascular Perfusion, or its successor agency. The Department may approve additional continuing education sponsors. Each licensee is responsible for maintaining records of his or her completion of the continuing education and shall be prepared to produce the records when requested by the Department.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/80)

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

Sec. 80. Inactive status. A person licensed under this Act ~~licensee~~ who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her intention to restore the license. ~~A licensee requesting restoration from inactive status shall pay the current renewal fee and shall restore his or her license in accordance with Section 70 of this Act.~~ A licensee whose license is on inactive status shall not practice as a perfusionist in this State. ~~A licensee who engages in practice as a perfusionist while his or her license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under Section 105 of this Act.~~

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/90)

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

Sec. 90. Fees; deposit of fees and fines.

(a) The Department shall provide ~~set~~ by rule for a schedule of fees to be paid for licenses by applicants for the administration of this Act, including, but not limited to, fees for initial and renewal licensure and restoration of a license. All ~~The~~ fees are ~~shall be~~ nonrefundable.

(b) The fees for the administration and enforcement of the Act, including but not limited to original licensure, renewal, and restoration shall be set by rule by the Department.

(c) ~~(b)~~ All of the fees and fines collected as authorized under this Act shall be deposited into the General Professions Dedicated Fund. The monies deposited into the Fund shall be appropriated to the Department for expenses of the Department in the administration of this Act.

(Source: P.A. 96-682, eff. 8-25-09; 96-1000, eff. 7-2-10.)

(225 ILCS 125/105)

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

Sec. 105. Grounds for disciplinary action ~~Disciplinary actions.~~

(a) The Department may refuse to issue, renew, or restore a license, or may revoke, ~~or~~ suspend a license, ~~or may~~ place on probation, reprimand, or take any other disciplinary or

non-disciplinary action as the Department may deem proper ~~with regard to a person licensed under this Act, including but not limited to the imposition of fines not to exceed \$10,000 per for each violation~~ with regard to any license issued under this Act, for any one or a any combination of the following reasons causes:

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

(2) Negligence, incompetence, or misconduct in the practice of perfusion ~~Violation of this Act or any rule promulgated under this Act.~~

(3) Failure to comply with any provisions of this Act or any of its rules ~~Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof, or any crime that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice as a perfusionist.~~

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act ~~Making a misrepresentation for the purpose of obtaining, renewing, or restoring a license.~~

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment ~~Aiding or assisting another person in violating a~~

~~provision of this Act or its rules.~~

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of perfusion ~~Failing to provide information within 60 days in response to a written request made by the Department.~~

(7) Aiding or assisting another in violating any provision of this Act or its rules ~~Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, as defined by rule of the Department.~~

(8) Failing to provide information in response to a written request made by the Department within 60 days after receipt of such written request ~~Discipline by another state, the District of Columbia, or territory, or a foreign nation, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section.~~

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive,

~~defraud, or harm the public as defined by rule Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered. Nothing in this paragraph (9) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (9) shall be construed to require an employment arrangement to receive professional fees for services rendered.~~

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety ~~A finding by the Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.~~

(11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department ~~Wilfully making or filing false records or reports in his~~

~~or her practice, including but not limited to false records or reports filed with State agencies or departments.~~

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation, or failed to comply with such terms ~~Wilfully making or signing a false statement, certificate, or affidavit to induce payment.~~

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability ~~Wilfully failing to report an instance of suspected child abuse or neglect as required under the Abused and Neglected Child Reporting Act.~~

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act ~~Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.~~

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act ~~Employment of fraud, deception, or any unlawful means in applying for or securing a license as a perfusionist.~~

(16) Using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee ~~Allowing another person to use his or her license to practice.~~

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered ~~Failure to report to the Department (A) any adverse final action taken against the licensee by another licensing jurisdiction, government agency, law enforcement agency, or any court or (B) liability for conduct that would constitute grounds for action as set forth in this Section.~~

(18) Willfully making or filing false records or reports related to the licensee's practice, including, but not limited to, false records filed with federal or State agencies or departments ~~Inability to practice the profession with reasonable judgment, skill or safety as a result of a physical illness, including but not limited to deterioration through the aging process or loss of motor skill, or a mental illness or disability.~~

(19) Willfully failing to report an instance of suspected child abuse or neglect as required under the Abused and Neglected Child Reporting Act ~~Inability to practice the profession for which he or she is licensed with reasonable judgment, skill, or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.~~

(20) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof, by clear and convincing evidence, that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act ~~Gross malpractice.~~

(21) Immoral conduct in the commission of an act related to the licensee's practice, including but not limited to sexual abuse, sexual misconduct, or sexual exploitation.

(22) Violation of the Health Care Worker Self-Referral Act.

(23) Solicitation of business or professional services, other than permitted advertising.

(24) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act.

(25) Gross, willful, or continued overcharging for professional services, including filing false statements

for collection of fees for which services are not rendered.

(26) Practicing under a false name or, except as allowed by law, an assumed name.

~~(27) Violating any provision of this Act or the rules promulgated under this Act, including, but not limited to, advertising.~~

~~(b) A licensee or applicant who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling or treatment as required by the Department shall not be considered discipline of the licensee. If the licensee refuses to enter into a care, counseling or treatment agreement or fails to abide by the terms of the agreement the Department may file a complaint to suspend or revoke the license or otherwise discipline the licensee. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in the disciplinary actions involving physical or mental illness or impairment.~~

~~(b-5) The Department may refuse to issue or may suspend, without a hearing as provided for in the Civil Administrative~~

~~Code of Illinois, the license of a person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).~~

~~(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.~~

(b) ~~(d)~~ In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or

statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

(1) If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

(2) If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

(3) Any licensee suspended or otherwise affected under

this subsection (b) ~~(d)~~ shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the

Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 98-756, eff. 7-16-14.)

(225 ILCS 125/115)

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

Sec. 115. Injunction ~~Injunctive action~~; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating

the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

~~(c) If a person practices as a perfusionist or holds himself or herself out as a perfusionist without being licensed under this Act, then any licensee under this Act, interested party, or person injured thereby, in addition to the Secretary or State's Attorney, may petition for relief as provided in subsection (a) of this Section.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/120)

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

Sec. 120. Investigation; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to

hold a ~~perfusionist~~ license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, refusing to issue or renew, suspending, or revoking a license or taking other discipline pursuant to Section 105 of this Act, and at least 30 days prior to the date set for the hearing, (i) notify in writing the applicant or licensee of the any charges made and the time and ~~the~~ place for the hearing on the charges, (ii) direct the applicant or licensee ~~him or her~~ to file a written answer to the charges with the Board under oath within 20 days after the service ~~on~~ ~~him or her~~ of the notice, and shall direct the applicant or licensee to file a written answer to the Department under oath within 20 days after the service on him or her of the notice and (iii) inform the applicant or licensee accused that failure to file a written answer to the charges will result in a default being entered against the applicant or licensee ~~, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, or placed on probationary status, or other disciplinary action may be taken with regard to the licensee, including limiting the scope, nature, or extent of practice, as the Department may consider proper.~~

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(d) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any statement pertinent statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense arguments. The Board or hearing officer may continue the hearing from time to time.

(e) In case the licensee or applicant person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary Department, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to the Department may take whatever disciplinary action the Secretary ~~it~~ considers proper, including limiting the scope, nature, or extent of the person's practice or ~~the~~ imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. ~~The written notice may be served by personal delivery or by certified mail to the address of record or the address specified by the accused in his or her last communication with the Department.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/125)

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

Sec. 125. Record of proceedings.

(a) The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case in which a license under this Act may be revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and rules ~~at a formal hearing conducted pursuant to Section 120 of this Act.~~ The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board or hearing officer, and orders of the Department shall be the record of the proceeding. The record may be made available to any ~~The Department shall supply a transcript of the record to a~~ person interested in the hearing on payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 99-642, eff. 7-28-16.)

(225 ILCS 125/140)

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

Sec. 140. Subpoena; depositions; oaths.

(a) The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, with the same fees and mileage and in the same manner as is prescribed in civil cases in circuit courts of this State.

(b) The Secretary, the designated hearing officer, and any Board member has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/150)

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

Sec. 150. Hearing; motion for Board, rehearing.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may

issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 days after such ~~the~~ service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for a rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the specified time for filing such a motion, or upon denial of ~~if~~ a motion for rehearing ~~is denied, then upon the denial~~ the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer ~~, except as provided in Section 160 of this Act.~~ If the applicant or licensee orders ~~a transcript of the record~~ from the reporting service and pays for a ~~the~~ transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary

to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/170)

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

Sec. 170. Hearing officer. Notwithstanding any provision of this Act, the ~~The~~ Secretary shall have the authority to appoint an attorney licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue, restore, or renew a license or to discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer shall have full authority to conduct the hearing. ~~A Board member or members may attend the hearing.~~ The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Secretary and the Board. ~~The Board shall have 60 days from receipt of the report to review the report of the hearing officer and to present its findings of fact, conclusions of law, and recommendations to the Secretary and to~~

~~all parties to the proceeding. If the Board fails to present its report within the 60-day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after such request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days of such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings in accordance with such order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within its 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding the foregoing, should the Secretary, upon review, determine that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, or other disciplinary action taken per the result of the entry of such hearing officer's report, the Secretary may order a rehearing by the same or another examiner. If the Secretary disagrees with the recommendation of~~

~~the Board or hearing officer, he or she may issue an order in contravention of the recommendation.~~

(Source: P.A. 96-682, eff. 8-25-09; 96-1000, eff. 7-2-10.)

(225 ILCS 125/185)

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

Sec. 185. Restoration from disciplinary status of a
~~suspended or revoked license.~~

(a) At any time after the successful completion of a term of probation, suspension, or revocation of a license, the Department may restore the license ~~it~~ to the licensee upon written recommendation of the Board unless, after an investigation and a hearing, the Department Board ~~Board~~ determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, or on the recommendation of the Board, the Department may require an examination of the licensee before restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as

set forth in Section 70 of this Act and any related rules adopted.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/200)

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

Sec. 200. Temporary ~~Summary~~ suspension of a license. The Secretary may temporarily ~~summarily~~ suspend the license of a perfusionist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 120 of this Act, if the Secretary finds that evidence in the Secretary's possession indicates that continuation in practice would constitute an imminent danger to the public. If ~~In the event~~ the Secretary suspends a license of a licensed perfusionist without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and shall be concluded as expeditiously as may be practical.

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/210)

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

Sec. 210. Administrative review ~~Review Law~~.

(a) All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party seeking review resides. If the party seeking review is not a resident of this State, venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court, or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department.

(d) Failure on part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the applicant or licensee by the Department shall remain in full force and effect.

(Source: P.A. 91-580, eff. 1-1-00.)

(225 ILCS 125/220)

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

Sec. 220. Unlicensed practice; violations; civil penalties.

(a) Any ~~No~~ person who practices shall practice, offers ~~offer~~ to practice, attempts attempt to practice, or holds hold himself or herself out to practice as a perfusionist without being licensed or exempt a license issued by the Department to

~~that person~~ under this Act shall, in ~~.(b) In~~ addition to any other penalty provided by law, ~~a person who violates subsection (a) of this Section shall~~ pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provisions of a hearing for the discipline of a licensee of this Act.

(b) ~~(e)~~ The Department may ~~has the authority and power to~~ investigate any actual, alleged, or suspected ~~and all~~ unlicensed activity.

(c) ~~(d)~~ The civil penalty ~~assessed under this Act~~ shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as a judgment from a court of record.

(d) A person or entity not licensed under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses. ~~(e) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.~~

(Source: P.A. 96-682, eff. 8-25-09.)

(225 ILCS 125/100 rep.)

(225 ILCS 125/135 rep.)

(225 ILCS 125/145 rep.)

(225 ILCS 125/155 rep.)

(225 ILCS 125/212 rep.)

(225 ILCS 125/215 rep.)

(225 ILCS 125/225 rep.)

(225 ILCS 125/227 rep.)

Section 15. The Perfusionist Practice Act is amended by repealing Sections 95, 100, 135, 145, 155, 212, 215, 225, and 227.

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