

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 4.24 and by adding Section 4.34 as follows:

(5 ILCS 80/4.24)

Sec. 4.24. Acts and Section repealed on January 1, 2014.  
The following Acts and Section of an Act are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters Act of 1984.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

~~The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.~~

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 97-1139, eff. 12-28-12.)

(5 ILCS 80/4.34 new)

Sec. 4.34. Act repealed on January 1, 2024. The following

Act is repealed on January 1, 2024:

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

Section 10. The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act is amended by changing Sections 10, 20, 30, 40, 45, 50, 55, 65, 70, 75, 77, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 150, and 165 and by adding Section 87 as follows:

(225 ILCS 130/10)

(Section scheduled to be repealed on January 1, 2014)

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

"Address of record" means the designated address recorded by the Department in the applicant's or registrant's application file or registration file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or registrant to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

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

"Direct supervision" means supervision by a licensed ~~an~~ ~~operating~~ physician, licensed podiatrist, or licensed dentist who is physically present and who personally directs delegated acts and remains available to personally respond to an

emergency until the patient is released from the operating room. A registered professional nurse may also provide direct supervision within the scope of his or her license. A registered surgical assistant or registered surgical technologist shall perform duties as assigned.

~~"Director" means the Director of Professional Regulation.~~

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

"Registered surgical assistant" means a person who (i) is not licensed to practice medicine in all of its branches, (ii) is certified by the National Surgical Assistant Association as a Certified Surgical Assistant ~~on the Certification of Surgical Assistants~~, the National Board of Surgical Technology and Surgical Assisting ~~Liaison Council on Certification for the Surgical Technologist~~ as a Certified Surgical First Assistant ~~certified first assistant~~, or the American Board of Surgical Assistants as a Surgical Assistant-Certified Assisting, (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

"Registered surgical technologist" means a person who (i) is not a physician licensed to practice medicine in all of its branches, (ii) is certified by the National Board for Surgical Technology and Surgical Assisting ~~Liaison Council on~~

~~Certification for the Surgical Technologist,~~ (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

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

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/20)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20. Illinois Administrative Procedure Act, ~~rules.~~ ~~(a)~~  
The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the registrant has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the registration is specifically excluded. For purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the registrant's address of record ~~last known address of a party.~~

~~(b) The Director may promulgate rules for the administration and enforcement of this Act and may prescribe~~

~~forms to be issued in connection with this Act.~~

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/30)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30. Social Security Number on registration application. In addition to any other information required to be contained in the application, every application for an original certificate of registration under this Act shall include the applicant's Social Security Number, which shall be retained in the agency's records pertaining to the registration license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a registration license.

Every application for a renewed, reinstated, renewal or restored registration license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 130/40)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40. Application of Act. This Act shall not be construed to prohibit the following:

(1) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed, including but not limited to a physician licensed

to practice medicine in all its branches, physician assistant, advanced practice ~~registered~~ nurse, or nurse performing surgery-related tasks within the scope of his or her license, nor are these individuals required to be registered under this Act.

(2) A person from engaging in practice as a surgical assistant or surgical technologist in the discharge of his or her official duties as an employee of the United States government.

(3) One or more registered surgical assistants or surgical technologists from forming a professional service corporation in accordance with the Professional Service Corporation Act and applying for licensure as a corporation providing surgical assistant or surgical technologist services.

(4) A student engaging in practice as a surgical assistant or surgical technologist under the direct supervision of a physician licensed to practice medicine in all of its branches as part of his or her program of study at a school approved by the Department or in preparation to qualify for the examination as prescribed under Sections 45 and 50 of this Act.

(5) A person from assisting in surgery at a ~~an~~ ~~operating~~ physician's discretion, including but not limited to medical students and residents, nor are medical students and residents required to be registered under this

Act.

(6) A hospital, health system or network, ambulatory surgical treatment center, physician licensed to practice medicine in all its branches, physician medical group, or other entity that provides surgery-related services from employing individuals that the entity considers competent to assist in surgery. These entities are not required to utilize registered surgical assistants or registered surgical technologists when providing surgery-related services to patients. Nothing in this subsection shall be construed to limit the ability of an employer to utilize the services of any person to assist in surgery within the employment setting consistent with the individual's skill and training.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/45)

(Section scheduled to be repealed on January 1, 2014)

Sec. 45. Registration requirements; surgical assistant. A person shall qualify for registration as a surgical assistant if he or she has applied in writing on the prescribed form, has paid the required fees, and meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not violated a provision of Section 75 ~~95~~ 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 registration unless otherwise provided by law.

(3) Has completed a medical education program approved by the Department or has graduated from a United States Military Program that emphasizes ~~emphasized~~ surgical assisting.

(4) Has successfully completed a national certifying examination approved by the Department.

(5) Is currently certified by the National Surgical Assistant Association as a Certified Surgical Assistant ~~on the Certification of Surgical Assistants~~, the National Board of Surgical Technology and Surgical Assisting Liaison Council on Certification for the Surgical Technologist ~~as a Certified Surgical First Assistant certified first assistant~~, or the American Board of Surgical Assistants as a Surgical Assistant-Certified Assisting.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/50)

(Section scheduled to be repealed on January 1, 2014)

Sec. 50. Registration requirements; surgical technologist.  
A person shall qualify for registration as a surgical technologist if he or she has applied in writing on the prescribed form, has paid the required fees, and meets all of



the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated a provision of Section 75 ~~95~~ 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 registration unless otherwise provided by law.

(3) Has completed a nationally accredited surgical technology ~~technologist~~ program approved by the Department or has graduated from a United States Military Program that emphasizes surgical technology.

(4) Has successfully completed the surgical technologist national certification examination provided by the National Board of Surgical Technology and Surgical Assisting ~~Liaison Council on Certification for the Surgical Technologist~~ or its successor agency.

(5) (Blank).

(6) Is currently certified by the National Board of Surgical Technology and Surgical Assisting ~~Liaison Council on Certification for the Surgical Technologist~~ or its successor agency and has met the requirements set forth for certification.

(Source: P.A. 97-813, eff. 7-13-12.)

(225 ILCS 130/55)

(Section scheduled to be repealed on January 1, 2014)

Sec. 55. Supervision requirement. A person registered under this Act shall practice ~~as a surgical assistant only~~ under direct supervision.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/65)

(Section scheduled to be repealed on January 1, 2014)

Sec. 65. Inactive status. A registrant who notifies ~~notified~~ the Department in writing on forms prescribed by the Department may elect to place his or her registration on 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 registration. A registrant requesting restoration from inactive status shall pay the current renewal fee and shall restore his or her registration in accordance with Section 60 of this Act. A registrant whose registration license ~~license~~ is on inactive or non-renewed status shall not hold himself or herself out as a registered surgical assistant or registered surgical technologist. To do so shall be grounds for discipline under Section 75 of this Act.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/70)

(Section scheduled to be repealed on January 1, 2014)

Sec. 70. Fees; returned checks.

(a) The Department shall set by rule fees for the administration of this Act, including but not limited to fees for initial and renewal registration and restoration of a certificate of registration.

(b) A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the registration or deny the application without a hearing. If the person seeks a registration license after termination or denial, he or she shall apply to the Department for restoration or issuance of the registration license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a registration license to defray the expenses of processing the application. The Secretary Director may waive the fines due under this Section in individual cases if the Secretary Director finds that the fines would be unreasonable or unnecessarily

burdensome.

(c) All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department, as appropriated, for the ordinary and contingent expenses of the Department.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/75)

(Section scheduled to be repealed on January 1, 2014)

Sec. 75. Grounds for disciplinary action.

(a) The Department may refuse to issue, renew, or restore a registration, may revoke or suspend a registration, or may place on probation, ~~censure,~~ reprimand, or take other disciplinary or non-disciplinary action with regard to a person registered under this Act, including but not limited to the imposition of fines not to exceed \$10,000 ~~\$5,000~~ for each violation and the assessment of costs as provided for in Section 90, for any one or combination of the following causes:

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

(2) Violating a provision of this Act or ~~its~~ rules adopted under this Act.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, 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, or that is directly related to the practice of the profession. ~~Conviction under the laws of a United States jurisdiction of a crime that is a felony or a misdemeanor, an essential element of which is dishonesty, or of a crime that is directly related to the practice as a surgical assistant or surgical technologist.~~

(4) Fraud or Making a misrepresentation in applying for, renewing, restoring, reinstating, or procuring a registration under this Act ~~for the purpose of obtaining, renewing, or restoring a registration.~~

(5) Aiding ~~Wilfully aiding~~ or assisting another person in violating a provision of this Act or its rules.

(6) Failing to provide information within 60 days in response to a written request made by the Department.

(7) 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) Discipline by another United States jurisdiction, governmental agency, unit of government, or 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) 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 registrant's ~~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) A finding by the Department that the registrant, after having his or her registration placed on probationary status, has violated the terms of probation.

(11) Willfully ~~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.

(12) Willfully ~~Wilfully~~ making or signing a false statement, certificate, or affidavit to induce payment.

(13) Willfully ~~Wilfully~~ failing to report an instance

of suspected child abuse or neglect as required under the Abused and Neglected Child Reporting Act.

(14) 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 registrant licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(15) (Blank). ~~Employment of fraud, deception, or any unlawful means in applying for or securing a license as a surgical assistant.~~

(16) Failure to report to the Department (A) any adverse final action taken against the registrant by another registering or 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.

(17) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety ~~intoxication or addiction to the use of drugs.~~

(18) Physical or mental illness, including but not limited to deterioration through the aging process or loss of motor skills, which results in the inability to practice

the profession for which he or she is registered with reasonable judgment, skill, or safety.

(19) Gross malpractice ~~resulting in permanent injury or death of a patient.~~

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

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

(b) The Department may refuse to issue or may suspend without hearing the registration of a person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay a final assessment of the tax, penalty, or interest as required by a 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 Regulation Law of the Civil Administrative Code of Illinois.

(c) The determination by a circuit court that a registrant 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 (1) a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, (2) issuance of an order so finding and discharging the



patient, and (3) filing of a petition for restoration demonstrating fitness to practice ~~the recommendation of the Department to the Director that the registrant be allowed to resume his or her practice.~~

(d) The Department shall deny a registration or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Regulation Law of the Civil Administrative Code of Illinois.

(e) In cases where the Department of Healthcare and Family Services has previously determined a registrant or a potential registrant is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's registration or may 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 paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(f) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual registered under this Act or any individual who has applied for

registration to submit to a mental or physical examination and evaluation, or both, that may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the

examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the registrant or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the registrant or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the registrant or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension without a hearing until such time as the individual submits to the examination. If the Department finds a registrant unable to practice because of the reasons set forth in this Section, the Department shall require such registrant to submit to care, counseling, or treatment by physicians approved or designated by the Department as a

condition for continued, reinstated, or renewed registration.

When the Secretary immediately suspends a registration under this Section, a hearing upon such person's registration must be convened by the Department within 15 days after such suspension and completed without appreciable delay. The Department shall have the authority to review the registrant's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Individuals registered under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their registration.

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

(Source: P.A. 96-1482, eff. 11-29-10.)

(225 ILCS 130/77)

(Section scheduled to be repealed on January 1, 2014)

Sec. 77. Suspension of registration for failure to pay restitution. The Department, without further process or hearing, shall suspend the registration ~~license or other~~

~~authorization to practice~~ of any person ~~issued under this Act~~ who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or the Criminal Code of 2012. A person whose registration license ~~or other authorization to practice~~ is suspended under this Section is prohibited from practicing until the restitution is made in full.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(225 ILCS 130/80)

(Section scheduled to be repealed on January 1, 2014)

Sec. 80. Cease and desist order; injunctions.

(a) If a person violates a provision of this Act, the Secretary ~~Director~~, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois, or the State's Attorney of a county in which the violation is alleged to have occurred ~~occurs~~, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order without notice or bond and may preliminarily and permanently enjoin the violation. If it is established that the registrant has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other

remedies and penalties provided by this Act.

(b) If a person holds himself or herself out as a surgical assistant or surgical technologist without being registered under this Act, then any registrant under this Act, interested party, or person injured thereby, in addition to the Secretary ~~Director~~ or State's Attorney, may petition for relief as provided in subsection (a) of this Section.

(c) If the Department determines that a person violated a 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 him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/85)

(Section scheduled to be repealed on January 1, 2014)

Sec. 85. Investigation; notice; hearing. ~~Certificates of registration may be refused, revoked, suspended, or otherwise disciplined in the manner provided by this Act and not otherwise.~~ The Department may ~~upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal~~

~~to issue or for suspension or revocation under this Act,~~  
investigate the actions of a person applying for, holding, or  
claiming to hold a certificate of registration. The Department  
shall, before refusing to issue or renew a registration ~~7~~  
~~suspending, or revoking a certificate of registration~~ or taking  
other disciplinary or non-disciplinary action ~~discipline~~  
pursuant to Section 75 of this Act, and at least 30 days prior  
to the date set for the hearing, (i) notify in writing the  
applicant or registrant licensee of the any charges made and  
the time and place for a hearing of the charges, ~~shall afford~~  
~~the applicant or registrant an opportunity to be heard in~~  
~~person or by counsel in reference to the charges,~~ and (ii)  
direct the applicant or registrant to file a written answer to  
the Department under oath within 20 days after the service of  
the notice, and (iii) inform the applicant or registrant that  
failure to file an answer will result in default being taken  
against the applicant or registrant ~~and that the certificate of~~  
~~registration may be suspended, revoked, placed on probationary~~  
~~status, or other disciplinary action may be taken, including~~  
~~limiting the scope, nature, or extent of practice, as the~~  
~~Director may deem proper.~~

Written notice and any notice in the subsequent proceeding  
may be served ~~by personal delivery to the applicant or~~  
~~registrant or by mailing the notice by~~ registered or certified  
mail to the applicant's or registrant's address of record ~~his~~  
~~or her last known place of residence or to the place of~~

~~business last specified by the applicant or registrant in his or her last notification to the Department.~~ If the person fails to file an answer after receiving notice, his or her certificate of registration may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary or non-disciplinary action deemed proper, including limiting the delegated tasks or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hearing of the charges and the parties and their counsel ~~both the applicant or registrant and the complainant~~ shall be afforded ample opportunity to present, ~~in person or by counsel,~~ any pertinent statements, testimony, evidence, and arguments ~~that may be pertinent to the charges or to their defense.~~ The Department may continue a hearing from time to time. ~~The Department may continue a hearing for a period not to exceed 30 days.~~

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/87 new)

Sec. 87. Confidentiality. All information collected by the Department in the course of an examination or investigation of a registrant or applicant, including, but not limited to, any complaint against a registrant filed with the Department and information collected to investigate any such complaint shall



be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a registrant by the Department or any order issued by the Department against a registrant or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 130/90)

(Section scheduled to be repealed on January 1, 2014)

Sec. 90. Record of proceedings. The Department, at its expense, shall preserve a record of all proceedings at a formal hearing conducted pursuant to Section 85 of this Act. Any registrant who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a registration or to discipline a registrant may be required by the Department to pay for the costs of the proceeding. These costs are limited to costs for court reporters, transcripts, and witness attendance and mileage fees. All costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine. 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 Department or hearing officer, and orders of the Department shall be the record of the proceeding. 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 of the Civil Administrative Code of Illinois.~~

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/95)

(Section scheduled to be repealed on January 1, 2014)

Sec. 95. Order for production of documents. A circuit court ~~may~~, upon application of the Department, ~~or its designee, or of the applicant or registration against whom proceedings pursuant to Section 85 of this Act are pending, enter an~~ may order ~~requiring~~ the attendance and testimony of witnesses ~~and their testimony~~ and the production of relevant documents, papers, files, books, and records in connection with a hearing or investigation ~~authorized by this Act~~. The court may compel obedience to its order through contempt proceedings.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/100)

(Section scheduled to be repealed on January 1, 2014)

Sec. 100. Subpoena power.

(a) The Department may ~~has the power to~~ subpoena and bring before it any person ~~in this State and~~ to take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department orally or by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

(b) The Secretary, the hearing officer, or a certified shorthand court reporter may ~~Director shall have the authority to administer oaths,~~ at any hearing that the Department conducts ~~is authorized to conduct under this Act, oaths to witnesses and any other oaths authorized to be administered by the Department under this Act.~~ Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in accordance with this Act.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/105)

(Section scheduled to be repealed on January 1, 2014)

Sec. 105. Disciplinary report. At the conclusion of the hearing, the hearing officer ~~Department~~ shall present to the Secretary ~~Director~~ a written report of his or her ~~its~~ findings

of fact, conclusions of law, and recommendations. In the report, the hearing officer ~~Department~~ shall make a finding of whether or not the charged registrant or applicant violated a provision of this Act or its rules ~~and shall specify the nature of the violation. In making its recommendations for discipline, the Department may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline of that respondent by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Department shall seek to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation.~~

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/110)

(Section scheduled to be repealed on January 1, 2014)

Sec. 110. Motion for rehearing. In a case involving the refusal to issue or renew a registration or the discipline of a registrant, a copy of the hearing officer's ~~Department's~~ report shall be served upon the respondent by the Department, ~~either personally or~~ as provided under Section 20 of this Act ~~for the service of the notice of hearing.~~ Within 20 days after the

service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for a rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon the denial the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Department, except as provided in Section 115 or 120 of this Act. If the respondent orders a transcript of the record from the reporting service and pays for the transcript 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 respondent.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/115)

(Section scheduled to be repealed on January 1, 2014)

Sec. 115. Order of Secretary ~~Director~~.

~~(a) The Director shall issue an order concerning the disposition of the charges (i) following the expiration of the filing period granted under Section 110 of this Act if no motion for rehearing is filed or (ii) following a denial of a timely motion for rehearing.~~

~~(b) The Secretary's ~~Director's~~ order shall be based on the recommendations contained in the Department report unless, after giving due consideration to the Department's report, the~~

Secretary ~~Director~~ disagrees in any regard with the report of the Department, in which case he or she may issue an order in contravention of the report. ~~The Director shall provide a written report to the Department on any deviation from the Department's report and shall specify with particularity the reasons for his or her deviation in the final order.~~ The hearing officer's ~~Department's~~ report and Secretary's ~~Director's~~ order are not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing, report, and order are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/120)

(Section scheduled to be repealed on January 1, 2014)

Sec. 120. Hearing officer. The Secretary ~~Director~~ shall have the authority to appoint an attorney licensed to practice law in this State to serve as the hearing officer in a hearing authorized under Section 90 of this Act. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Department. If the Secretary ~~Director~~ disagrees in any regard with the report of the Department, he or she may issue an order in contravention of the report. The Secretary ~~Director~~ shall provide a written explanation to the Department on a deviation from the

Department's report and shall specify with particularity the reasons for his or her deviation in the final order.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/125)

(Section scheduled to be repealed on January 1, 2014)

Sec. 125. Rehearing on order of Secretary ~~Director~~. Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been achieved in the discipline of a registrant, the Secretary ~~Director~~ may order a rehearing by the same or another hearing officer.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/130)

(Section scheduled to be repealed on January 1, 2014)

Sec. 130. Order; prima facie proof. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary ~~Director~~; and

(2) the Secretary ~~Director~~ is duly appointed and qualified.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/135)

(Section scheduled to be repealed on January 1, 2014)

Sec. 135. Restoration of registration from discipline. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a registration, the Department may restore the registration to active status unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest. No person whose registration has been revoked as authorized in this Act may apply for restoration of that registration until such time as provided for in the Civil Administrative Code of Illinois. ~~suspension or revocation of a certificate of registration, the Department may restore it to the registrant unless, after an investigation and a hearing, the Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the registrant before restoring his or her certificate of registration.~~

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/145)

(Section scheduled to be repealed on January 1, 2014)

Sec. 145. Summary ~~Temporary~~ suspension. The Secretary ~~Director~~ may summarily ~~temporarily~~ suspend the registration of a surgical assistant or surgical technologist without a hearing, simultaneously with the institution of proceedings



for a hearing provided for in Section 85 of this Act, if the Secretary ~~Director~~ finds that evidence ~~in his or her possession~~ indicates that continuation in practice would constitute an imminent danger to the public. If the Secretary ~~Director~~ summarily ~~temporarily~~ suspends a registration ~~license~~ without a hearing, a hearing by the Department shall be commenced ~~held~~ within 30 days after the suspension has occurred and shall be concluded as expeditiously as possible ~~without appreciable delay~~.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/150)

(Section scheduled to be repealed on January 1, 2014)

Sec. 150. Certificate of record. The Department shall not be required to certify any record to a court or file an answer in court or otherwise appear in a court in a judicial review proceeding unless and until the Department has received from the plaintiff ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging~~ payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 93-280, eff. 7-1-04.)

(225 ILCS 130/165)

(Section scheduled to be repealed on January 1, 2014)

Sec. 165. Civil penalties.

(a) In addition to any other penalty provided by law, a person who violates Section 35 of this Act shall pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ 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 a hearing for the discipline of a licensee.~~

(b) The Department has the authority and power to investigate any and all unregistered activity.

(c) 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 judgment and may be filed and execution had on the judgment in the same manner as a judgment from a court of record.

(Source: P.A. 93-280, eff. 7-1-04.)

Section 99. Effective date. This Act takes effect December 31, 2013.