**Section 946.300 Qualifications of the Certifying Health Care Professional**

a) A certifying health care professional who is currently licensed and in good standing in the State of Illinois and has a current valid controlled substances license under Article III of the Illinois Controlled Substances Act may issue a written certification for a qualifying patient if the health care professional:

1) Has a bona-fide health care professional-patient relationship with the qualifying patient. The bona-fide health care professional-patient relationship may not be limited to issuing a written certification for the patient or a consultation simply for that purpose.

2) Complies with generally accepted standards of health care practice and applicable State and federal rules specific to health care practice (e.g., HIPAA rules).

3) Has responsibility for the ongoing care and treatment of the qualifying patient's debilitating condition, provided that the ongoing treatment and care shall not be limited to or for the primary purpose of certifying a debilitating medical condition or providing a consultation solely for that purpose.

4) Has completed an in-person full assessment of the patient's medical history and current medical condition, including a personal physical examination, not more than 90 days prior to making the certification for medical cannabis. The assessment of the qualifying patient's current medical condition shall include, but not be limited to, symptoms, signs and diagnostic testing related to the debilitating medical condition.

5) Certifies that the qualifying patient is under the certifying health care professional's care, either for the qualifying patient's primary care or for a debilitating medical condition or symptoms of a debilitating medical condition.

6) Confirms that the certifying health care professional completed an assessment for the qualifying patient's medical history, including reviewing medical records from other treating health care professionals from the previous 12 months.

7) A reviewing health care professional certification is required for qualifying patients under age 18.

b) The certifying health care professional shall not:

1) Except as provided in subsection (c), *accept, solicit, or offer any form of remuneration from or to a qualifying patient, primary caregiver, cultivation center, or dispensing organization, including each principal officer, board member, agent, and employee, except for the limited purpose of performing a medical cannabis-related research study;*

2) *Accept, solicit, or offer any form of remuneration from or to a medical cannabis cultivation center or dispensary organization for the purposes of referring a patient to a specific dispensary organization;*

3) *Engage in any activity that is prohibited under* *Section 22.2 of the Medical Practice Act of 1987, regardless of whether the certifying health care professional is a physician, advanced practice registered nurse, or physician assistant;*

4) *Offer a discount* or *any other item of value to a qualifying patient who uses or agrees to use a particular primary caregiver or dispensing organization to obtain medical cannabis;*

5) *Conduct a personal*, in person, *physical examination of a patient for purposes of diagnosing a debilitating medical condition at a location where medical cannabis is sold or distributed or at the address of a principal officer, agency, or employee or a medical cannabis organization;*

6) *Hold a direct or indirect economic interest in a cultivation center or dispensing organization if he or she recommends the use of medical cannabis to qualified patients or is in a partnership with a certifying health care professional who recommends medical cannabis;*

7) *Serve on the board of directors or as an employee of a cultivation center or dispensing organization;*

8) *Refer qualifying patients to a cultivation center, a dispensing organization, or* an individual who seeks to become a designated caregiver;

9) *Advertise in a cultivation center or a dispensing organization.* (Section 35 of the Act)

c) *The* certifying *health care professional may accept payment from a qualifying patient for the fee associated with the personal physical examination required prior to* issuing the written certification for the *qualifying patient.* (Section 35 of the Act)

d) Written Certification

1) *A certifying health care professional who certifies a debilitating medical condition for a qualifying patient may notify the Department of Public Health in writing:*

A) *if the certifying health care professional has reason to believe that the registered qualifying patient has ceased to suffer from a debilitating medical condition;*

B) *that the bona-fide health care professional-patient relationship has terminated; or*

C) *that continued use of medical cannabis would result in contraindication with the patient's other medication.*

2) *The registered qualifying patient's registry identification card shall be revoked by the Department of Public Health after receiving the* certifying *health care professional's notification.*  (Section 35 of the Act)

3) The certifying health care professional's notification shall be in writing on the physician's letterhead and shall include the full name, date of birth, and reason for revoking the written certification.

4) The certifying health care professional shall notify the registered qualifying patient, in writing or electronic notification, that the certifying health care professional has revoked the written certification and the registry identification card has been revoked.

(Source: Amended at 45 Ill. Reg. 6205, effective April 27, 2021)