

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 ~~The Acupuncture Practice Act.~~

12 The Illinois Speech-Language Pathology and Audiology
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Pharmacy Practice Act.

18 The Home Medical Equipment and Services Provider License
19 Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following
8 Act is repealed on January 1, 2028:

9 The Acupuncture Practice Act.

10 Section 10. The Acupuncture Practice Act is amended by
11 changing Sections 5, 10, 15, 20, 20.1, 25, 30, 35, 40, 50, 60,
12 70, 105, 110, 120, 130, 140, 152, 160, 170, 175, 190, and 200
13 and by adding Sections 12, 20.2, and 142 as follows:

14 (225 ILCS 2/5)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 5. Objects and purpose. The practice of acupuncture in
17 the State of Illinois is hereby declared to affect the public
18 health, safety, and welfare and to be subject to regulation and
19 control in the public interest. It is further declared to be a
20 matter of public interest and concern that the practice of
21 acupuncture as defined in this Act merit and receive the
22 confidence of the public, and that only qualified persons, as
23 set forth by this Act, be authorized to practice acupuncture in

1 the State of Illinois. This Act shall be liberally construed to
2 best carry out these subjects and purposes.

3 (Source: P.A. 89-706, eff. 1-31-97.)

4 (225 ILCS 2/10)

5 (Section scheduled to be repealed on January 1, 2018)

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

7 "Acupuncture" means ~~the~~ evaluation or treatment that is
8 effected by stimulating ~~of persons affected through a method of~~
9 ~~stimulation of a certain~~ body points ~~point or points on or~~
10 ~~immediately below the surface of the body~~ by the insertion of
11 pre-sterilized, single-use, disposable needles, unless
12 medically contraindicated. "Acupuncture" includes, but is not
13 limited to, stimulation that may be effected by, ~~with or~~
14 ~~without~~ the application of heat, including far infrared, or
15 cold, electricity, electro or magnetic ~~electronic~~ stimulation,
16 cold laser, vibration, cupping, qua sha, ~~or~~ manual pressure, or
17 other methods, with or without the concurrent use of needles,
18 to prevent or modify the perception of pain, to normalize
19 physiological functions, or for the treatment of ~~certain~~
20 diseases or dysfunctions of the body and includes the
21 determination of a care regimen or treatment protocol according
22 to traditional East Asian principles and activities referenced
23 in Section 15 of this Act for which a written referral is not
24 required. In accordance with this Section, the practice known
25 as dry needling or intramuscular manual stimulation, or similar

1 wording intended to describe such practice, is determined to be
2 within the definition, scope, and practice of acupuncture.
3 Acupuncture also includes evaluation or treatment in
4 accordance with traditional and modern practices of East Asian
5 medical theory, including, but not limited to, moxibustion,
6 herbal medicinals, natural or dietary supplements, manual
7 methods, exercise, and diet to prevent or modify the perception
8 of pain, to normalize physiological functions, or for the
9 treatment of diseases or dysfunctions of the body and includes
10 activities referenced in Section 15 of this Act for which a
11 written referral is not required. Acupuncture does not include
12 radiology, electrosurgery, chiropractic technique, physical
13 therapy, naprapathic technique, use or prescribing of any
14 pharmaceuticals, ~~drugs, medications, herbal preparations,~~
15 ~~nutritional supplements, serums,~~ or vaccines, or determination
16 of a differential diagnosis. An acupuncturist licensed
17 ~~registered~~ under this Act who is not also licensed as a
18 physical therapist under the Illinois Physical Therapy Act
19 shall not hold himself or herself out as being qualified to
20 provide physical therapy or physiotherapy services. ~~An~~
21 ~~acupuncturist shall refer to a licensed physician or dentist,~~
22 ~~any patient whose condition should, at the time of evaluation~~
23 ~~or treatment, be determined to be beyond the scope of practice~~
24 ~~of the acupuncturist.~~

25 "Acupuncturist" means a person who practices acupuncture
26 in all its forms, including traditional and modern practices in

1 both teachings and delivery, and who is licensed by the
2 Department. An acupuncturist shall refer to a licensed
3 physician or dentist any patient whose condition should, at the
4 time of evaluation or treatment, be determined to be beyond the
5 scope of practice of the acupuncturist.

6 "Address of record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department's
9 licensure maintenance unit.

10 "Board" means the Board of Acupuncture appointed by the
11 Secretary.

12 "Dentist" means a person licensed under the Illinois Dental
13 Practice Act.

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

16 "Email address of record" means the designated email
17 address recorded by the Department in the applicant's
18 application file or the licensee's license file as maintained
19 by the Department's licensure maintenance unit.

20 "Physician" means a person licensed under the Medical
21 Practice Act of 1987.

22 "Referral by written order" for purposes of this Act means
23 a diagnosis, substantiated by signature of a physician or
24 dentist, identifying a patient's condition and recommending
25 treatment by acupuncture as defined in this Act. The diagnosis
26 shall remain in effect until changed by the physician or

1 dentist who may, through express direction in the referral,
2 maintain management of the patient.

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

5 "State" includes:

6 (1) the states of the United States of America;

7 (2) the District of Columbia; and

8 (3) the Commonwealth of Puerto Rico.

9 (Source: P.A. 95-450, eff. 8-27-07.)

10 (225 ILCS 2/12 new)

11 Sec. 12. Address of record; email address of record. All
12 applicants and licensees shall:

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

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

21 (225 ILCS 2/15)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 15. Who may practice acupuncture. No person licensed
24 under this Act may treat human ailments otherwise than by the

1 practice of acupuncture as defined in this Act and shall only
2 practice acupuncture consistent with the education and
3 certifications obtained pursuant to the requirements set forth
4 in this Act. A physician or dentist licensed in Illinois may
5 practice acupuncture in accordance with his or her training
6 pursuant to this Act or the Medical Practice Act of 1987. ~~A~~
7 ~~physician or a dentist may refer by written order a patient to~~
8 ~~an acupuncturist for the practice of acupuncture as defined in~~
9 ~~this Act and may, through express direction in the referral,~~
10 ~~maintain management of the patient. Nothing in this Act shall~~
11 ~~be construed to require a referral of a patient to an~~
12 ~~acupuncturist for evaluation and treatment based on~~
13 ~~acupuncture principles and techniques as taught by schools~~
14 ~~accredited by the Accreditation Commission for Acupuncture and~~
15 ~~Oriental Medicine or a similar accrediting body approved by the~~
16 ~~Department.~~ An acupuncturist shall refer to a licensed
17 physician or dentist, any patient whose condition should, at
18 the time of evaluation or treatment, be determined to be beyond
19 the scope of practice of the acupuncturist.

20 Nothing in this Act regarding the use of dietary
21 supplements or herbs shall be construed to prohibit a person
22 licensed in this State under any other Act from engaging in the
23 practice for which he or she is licensed.

24 (Source: P.A. 93-999, eff. 8-23-04.)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 20. Exempt activities. This Act does not prohibit any
3 person licensed in this State ~~as a dentist or physician~~ from
4 engaging in the practice for which he or she is licensed.

5 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

6 (225 ILCS 2/20.1)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 20.1. Guest instructors of acupuncture; professional
9 education. The provisions of this Act do not prohibit an
10 acupuncturist from another state or country, who is not
11 licensed under this Act and who is an invited guest of a
12 professional acupuncture association or scientific acupuncture
13 foundation or an acupuncture training program or continuing
14 education provider approved by the Department under this Act,
15 from engaging in professional education through lectures,
16 clinics, or demonstrations, provided that the acupuncturist is
17 currently licensed in another state or country and his or her
18 license is active and has not been disciplined, or he or she is
19 currently certified in good standing as an acupuncturist by the
20 National Certification Commission for Acupuncture and Oriental
21 Medicine or similar body approved by the Department.

22 Licensees under this Act may engage in professional
23 education through lectures, clinics, or demonstrations as an
24 invited guest of a professional acupuncture association or
25 scientific acupuncture foundation or an acupuncture training

1 program or continuing education provider approved by the
2 Department under this Act. The Department may, but is not
3 required to, establish rules concerning this Section.

4 (Source: P.A. 95-450, eff. 8-27-07; 96-255, eff. 8-11-09;
5 96-483, eff. 8-14-09.)

6 (225 ILCS 2/20.2 new)

7 Sec. 20.2. Guest practitioners of acupuncture. The
8 provisions of this Act do not prohibit an acupuncturist from
9 another state or country who is not licensed under the Act from
10 practicing in Illinois during a state of emergency as declared
11 by the Governor of Illinois, provided that the acupuncturist is
12 currently licensed in another state or country and his or her
13 license is active and has not been disciplined, or he or she is
14 certified by the National Certification Commission for
15 Acupuncture and Oriental Medicine or similar body approved by
16 the Department. Such practice is limited to the time period
17 during which the declared state of emergency is in effect and
18 may not exceed 2 consecutive weeks or a total of 30 days in one
19 calendar year.

20 (225 ILCS 2/25)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 25. Powers and duties of Department. The Department
23 shall exercise powers and duties under this Act as follows:

24 (1) Review applications to ascertain the

1 qualifications of applicants for licensure.

2 (2) Adopt rules consistent with the provisions of this
3 Act for its administration and enforcement and may
4 prescribe forms that shall be used in connection with this
5 Act. The rules may define standards and criteria for
6 professional conduct and discipline. The Department shall
7 consult with the Board in adopting rules. ~~Notice of~~
8 ~~proposed rulemaking shall be transmitted to the Board, and~~
9 ~~the Department shall review the Board's response and any~~
10 ~~recommendations made in the response.~~

11 (3) The Department may at any time seek the advice and
12 the expert knowledge of the Board on any matter relating to
13 the administration of this Act.

14 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

15 (225 ILCS 2/30)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 30. Illinois Administrative Procedure Act. The
18 Illinois Administrative Procedure Act is hereby expressly
19 adopted and incorporated herein as if all of the provisions of
20 that Act were included in this Act, except that the provision
21 of subsection (d) of Section 10-65 of the Illinois
22 Administrative Procedure Act, which provides that at hearings
23 the licensee has the right to show compliance with all lawful
24 requirements for retention or continuation or renewal of the
25 license, is specifically excluded. For the purposes of this

1 Act, the notice required under Section 10-25 of the Illinois
2 Administrative Procedure Act is deemed sufficient when mailed
3 to the address of record. ~~shall apply to all administrative~~
4 ~~rules and procedures of the Department under this Act, except~~
5 ~~that in the case of a conflict between the Illinois~~
6 ~~Administrative Procedure Act and this Act, the provisions of~~
7 ~~this Act shall control.~~

8 (Source: P.A. 89-706, eff. 1-31-97.)

9 (225 ILCS 2/35)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 35. Board of Acupuncture. The Secretary shall appoint
12 a Board of Acupuncture to consist of 7 persons who shall ~~be~~
13 ~~appointed by and shall~~ serve in an advisory capacity to the
14 Secretary. Four members must hold an active license to engage
15 in the practice of acupuncture in this State, one member shall
16 be a chiropractic physician licensed under the Medical Practice
17 Act of 1987 who is actively engaged in the practice of
18 acupuncture, one member shall be a physician licensed to
19 practice medicine in all of its branches in Illinois, and one
20 member must be a member of the public who is not licensed under
21 this Act or a similar Act of another jurisdiction and who has
22 no connection with the profession.

23 Members shall serve 4-year terms and until their successors
24 are appointed and qualified. No member may be appointed to more
25 than 2 consecutive full terms ~~shall be reappointed to the Board~~

1 ~~for a term that would cause his or her continuous service on~~
2 ~~the Board to be longer than 8 consecutive years.~~ Appointments
3 to fill vacancies shall be made in the same manner as original
4 appointments for the unexpired portion of the vacated term.
5 Initial terms shall begin upon the effective date of this
6 amendatory Act of 1997.

7 The Board may annually elect a chairperson and a
8 vice-chairperson who shall preside in the absence of the
9 chairperson. The membership of the Board should reasonably
10 reflect representation from the geographic areas in this State.
11 The Secretary may terminate the appointment of any member for
12 cause. The Secretary may give due consideration to all
13 recommendations of the Board. A majority of the Board members
14 currently appointed shall constitute a quorum. A vacancy in the
15 membership of the Board shall not impair the right of a quorum
16 to exercise the right and perform all the duties of the Board.
17 Members of the Board shall have no liability in any action
18 based upon any disciplinary proceeding or other activity
19 performed in good faith as a member of the Board.

20 (Source: P.A. 95-450, eff. 8-27-07.)

21 (225 ILCS 2/40)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 40. Application for licensure. Applications for
24 original licensure as an acupuncturist shall be made to the
25 Department in writing on forms prescribed by the Department and

1 shall be accompanied by the required fee, which shall not be
2 refundable.

3 ~~Until December 31, 2001, applicants shall submit with the~~
4 ~~application proof of passing the National Certification~~
5 ~~Commission for Acupuncture and Oriental Medicine examination~~
6 ~~or a substantially equivalent examination approved by the~~
7 ~~Department or meeting any other qualifications established by~~
8 ~~the Department.~~

9 ~~The~~ ~~On and after January 1, 2002, the~~ Department ~~may~~ shall
10 issue a license to an applicant who submits with the
11 application proof of each of the following:

12 (1) (A) graduation from a school accredited by the
13 Accreditation Commission for Acupuncture and Oriental
14 Medicine or a similar accrediting body approved by the
15 Department; or (B) completion of a comprehensive
16 educational program approved by the Department; and

17 (2) for applications submitted on or before December
18 31, 2019, passing the National Certification Commission
19 for Acupuncture and Oriental Medicine examination or a
20 substantially equivalent examination approved by the
21 Department; for applications submitted on or after January
22 1, 2020, demonstration of status as a Diplomat of
23 Acupuncture or Diplomat of Oriental Medicine with the
24 National Certification Commission for Acupuncture and
25 Oriental Medicine or a substantially equivalent credential
26 as approved by the Department.

1 An applicant has 3 years from the date of his or her
2 application to complete the application process. If the process
3 has not been completed in 3 years, the application shall be
4 denied, the fee shall be forfeited, and the applicant must
5 reapply and meet the requirements in effect at the time of
6 reapplication.

7 (Source: P.A. 93-999, eff. 8-23-04.)

8 (225 ILCS 2/50)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 50. Practice prohibited. Unless he or she has been
11 issued, by the Department, a valid, existing license as an
12 acupuncturist under this Act, no person may use the title and
13 designation of "Acupuncturist", "Licensed Acupuncturist",
14 "Certified Acupuncturist", "Doctor of Acupuncture and Chinese
15 Medicine", "Doctor of Acupuncture and Oriental Medicine",
16 "Doctor of Acupuncture", "Oriental Medicine Practitioner",
17 "Licensed Oriental Medicine Practitioner", "Oriental Medicine
18 Doctor", "Licensed Oriental Medicine Doctor", "C.A.", "Act.",
19 "Lic. Act.", ~~or~~ "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or
20 "O.M.D." either directly or indirectly, in connection with his
21 or her profession or business. No person licensed under this
22 Act may use the designation "medical", directly or indirectly,
23 in connection with his or her profession or business. Nothing
24 shall prevent a physician from using the designation
25 "Acupuncturist".

1 No person may practice, offer to practice, attempt to
2 practice, or hold himself or herself out to practice as a
3 licensed acupuncturist without being licensed under this Act.

4 This Act does not prohibit a person from applying
5 acupuncture needles, modalities, or techniques as part of his
6 or her educational training when he or she:

7 (1) is engaged in a State-approved course in
8 acupuncture, as provided in this Act;

9 (2) is a graduate of a school of acupuncture and
10 participating in a postgraduate training program;

11 (3) is a graduate of a school of acupuncture and
12 participating in a review course in preparation for taking
13 the National Certification Commission for Acupuncture and
14 Oriental Medicine examination; or

15 (4) is participating in a State-approved continuing
16 education course offered through a State-approved
17 provider.

18 Students attending schools of acupuncture, and
19 professional acupuncturists who are not licensed in Illinois,
20 may engage in the practice of ~~the application of~~ acupuncture
21 ~~techniques~~ in conjunction with their education as provided in
22 this Act, but may not open an office, appoint a place to meet
23 private patients, consult with private patients, or otherwise
24 engage in the practice of acupuncture beyond what is required
25 in conjunction with their education.

26 (Source: P.A. 92-70, eff. 7-12-01.)

1 (225 ILCS 2/60)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 60. Exhibition of license upon request; change of
4 address. A licensee shall, whenever requested, exhibit his or
5 her license to any representative of the Department ~~and shall~~
6 ~~notify the Department of the address or addresses, and of every~~
7 ~~change of address, where the licensee practices acupuncture.~~

8 (Source: P.A. 95-450, eff. 8-27-07.)

9 (225 ILCS 2/70)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 70. Renewal, ~~reinstatement,~~ or restoration of
12 license; continuing education; military service. The
13 expiration date and renewal period for each license issued
14 under this Act shall be set by rule. The holder of a license
15 may renew that license during the month preceding its
16 expiration date by paying the required fee.

17 In order to renew or restore a license, applicants shall
18 provide proof of having met the requirements of continuing
19 education set forth in the rules of the Department. Continuing
20 education sponsors approved by the Department may not use an
21 individual to engage in clinical demonstration, unless that
22 individual is actively licensed under this Act or licensed by
23 another state or country as set forth in Section 20.1 of this
24 Act.

1 A person who has permitted his or her license to expire or
2 who has had his or her license on inactive status may have the
3 license restored by submitting an application to the
4 Department, by meeting continuing education requirements, and
5 by filing proof acceptable to the Department of fitness to have
6 the license restored, which may include sworn evidence
7 certifying to active practice in another jurisdiction
8 satisfactory to the Department and by paying the required
9 restoration fee. If the person has not maintained an active
10 practice in another jurisdiction satisfactory to the
11 Department, the Department shall determine, ~~by an evaluation~~
12 ~~program established by rule,~~ his or her fitness to resume
13 active status and ~~may require the person to complete a period~~
14 ~~of evaluated clinical experience and~~ may require successful
15 completion of a practical examination.

16 Any acupuncturist whose license expired while he or she was
17 (1) in federal service on active duty with the Armed Forces of
18 the United States or the State Militia called into service or
19 training or (2) in training or education under the supervision
20 of the United States preliminary to induction into the military
21 service, however, may have his or her license ~~registration~~
22 restored without paying any lapsed renewal fees if within 2
23 years after honorable termination of service, training, or
24 education, he or she furnishes the Department with satisfactory
25 evidence that he or she has been so engaged and that his or her
26 service, training, or education has been terminated.

1 (Source: P.A. 95-450, eff. 8-27-07.)

2 (225 ILCS 2/105)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 105. Unlicensed practice; civil penalty.

5 (a) A person who practices, offers to practice, attempts to
6 practice, or holds himself or herself out to practice as a
7 licensed acupuncturist without being licensed under this Act
8 shall, in addition to any other penalty provided by law, pay a
9 civil penalty to the Department in an amount not to exceed
10 \$10,000 for each offense as determined by the Department. The
11 civil penalty shall be assessed by the Department after a
12 hearing is held in accordance with the provisions set forth in
13 this Act regarding the provision of a hearing for the
14 discipline of a licensee.

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

17 (c) The civil penalty shall be paid within 60 days after
18 the effective date of the order imposing the civil penalty. The
19 order shall constitute a judgment and may be filed and
20 execution had thereon in the same manner as any judgment from
21 any court of record.

22 (Source: P.A. 95-450, eff. 8-27-07.)

23 (225 ILCS 2/110)

24 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 110. Grounds for disciplinary action.

2 (a) The Department may refuse to issue or to renew, place
3 on probation, suspend, revoke or take other disciplinary or
4 non-disciplinary action as deemed appropriate including the
5 imposition of fines not to exceed \$10,000 for each violation,
6 as the Department may deem proper, with regard to a license for
7 any one or combination of the following causes:

8 (1) Violations of this ~~the~~ Act or its rules.

9 (2) Conviction by ~~or~~ plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or
11 sentencing, including, but not limited to, convictions,
12 preceding sentences of supervision, conditional discharge,
13 or first offender probation, under the laws of any
14 jurisdiction of the United States that is ~~of any crime~~
15 ~~under the laws of the United States or any state or~~
16 ~~territory thereof that is~~ (i) a felony or (ii) a
17 misdemeanor, an essential element of which is dishonesty or
18 that is directly related to the practice of the profession.

19 (3) Making any misrepresentation for the purpose of
20 obtaining a license.

21 (4) Aiding or assisting another person in violating any
22 provision of this Act or its rules.

23 (5) Failing to provide information within 60 days in
24 response to a written request made by the Department which
25 has been sent by certified or registered mail to the
26 licensee's ~~last known~~ address of record or by email to the

1 licensee's email address of record.

2 (6) Discipline by another U.S. jurisdiction or foreign
3 nation, if at least one of the grounds for the discipline
4 is the same or substantially equivalent to one set forth in
5 this Section.

6 (7) Solicitation of professional services by means
7 other than permitted under this Act.

8 (8) Failure to provide a patient with a copy of his or
9 her record upon the written request of the patient.

10 (9) Gross negligence in the practice of acupuncture.

11 (10) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in an acupuncturist's inability to practice
14 with reasonable judgment, skill, or safety.

15 (11) A finding that licensure has been applied for or
16 obtained by fraudulent means.

17 (12) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (13) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof by clear and convincing evidence that the licensee
24 has caused a child to be an abused child or a neglected
25 child as defined in the Abused and Neglected Child
26 Reporting Act.

1 (14) Willfully ~~Wilfully~~ failing to report an instance
2 of suspected child abuse or neglect as required by the
3 Abused and Neglected Child Reporting Act.

4 (15) The use of any words, abbreviations, figures or
5 letters (such as "Acupuncturist", "Licensed
6 Acupuncturist", "Certified Acupuncturist", "Doctor of
7 Acupuncture and Chinese Medicine", "Doctor of Acupuncture
8 and Oriental Medicine", "Doctor of Acupuncture", "Oriental
9 Medicine Practitioner", "Licensed Oriental Medicine
10 Practitioner", "Oriental Medicine Doctor", "Licensed
11 Oriental Medicine Doctor", "C.A.", "Act.", "Lic. Act.", ~~or~~
12 "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or "O.M.D.") or any
13 designation used by the Accreditation Commission for
14 Acupuncture and Oriental Medicine with the intention of
15 indicating practice as a licensed acupuncturist without a
16 valid license as an acupuncturist issued under this Act.

17 When the name of the licensed acupuncturist is used
18 professionally in oral, written, or printed announcements,
19 professional cards, or publications for the information of
20 the public, the degree title or degree abbreviation shall
21 be added immediately following title and name. When the
22 announcement, professional card, or publication is in
23 writing or in print, the explanatory addition shall be in
24 writing, type, or print not less than 1/2 the size of that
25 used in the name and title. No person other than the holder
26 of a valid existing license under this Act shall use the

1 title and designation of "acupuncturist", either directly
2 or indirectly, in connection with his or her profession or
3 business.

4 (16) Using claims of superior quality of care to entice
5 the public or advertising fee comparisons of available
6 services with those of other persons providing acupuncture
7 services.

8 (17) Advertising of professional services that the
9 offeror of the services is not licensed to render.
10 Advertising of professional services that contains false,
11 fraudulent, deceptive, or misleading material or
12 guarantees of success, statements that play upon the vanity
13 or fears of the public, or statements that promote or
14 produce unfair competition.

15 (18) Having treated ailments ~~of human beings~~ other than
16 by the practice of acupuncture as defined in this Act, or
17 having treated ailments of ~~human beings~~ as a licensed
18 acupuncturist pursuant to a referral by written order that
19 provides for management of the patient by a physician or
20 dentist without having notified the physician or dentist
21 who established the diagnosis that the patient is receiving
22 acupuncture treatments ~~treatment~~.

23 (19) Unethical, unauthorized, or unprofessional
24 conduct as defined by rule.

25 (20) Physical illness, mental illness, or other
26 impairment that results in the inability to practice the

1 profession with reasonable judgment, skill, and safety,
2 including, without limitation, deterioration through the
3 aging process, mental illness, or disability.

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

6 (22) Failure to refer a patient whose condition should,
7 at the time of evaluation or treatment, be determined to be
8 beyond the scope of practice of the acupuncturist to a
9 licensed physician or dentist.

10 The entry of an order by a circuit court establishing that
11 any person holding a license under this Act is subject to
12 involuntary admission or judicial admission as provided for in
13 the Mental Health and Developmental Disabilities Code operates
14 as an automatic suspension of that license. That person may
15 have his or her license restored only upon the determination by
16 a circuit court that the patient is no longer subject to
17 involuntary admission or judicial admission and the issuance of
18 an order so finding and discharging the patient and upon the
19 Board's recommendation to the Department that the license be
20 restored. Where the circumstances so indicate, the Board may
21 recommend to the Department that it require an examination
22 prior to restoring a suspended license.

23 The Department may refuse to issue or renew the license of
24 any person who fails to (i) file a return or to pay the tax,
25 penalty or interest shown in a filed return or (ii) pay any
26 final assessment of the tax, penalty, or interest as required

1 by any tax Act administered by the Illinois Department of
2 Revenue, until the time that the requirements of that tax Act
3 are satisfied.

4 In enforcing this Section, the Department ~~or Board~~ upon a
5 showing of a possible violation may compel an individual
6 licensed to practice under this Act, or who has applied for
7 licensure under this Act, to submit to a mental or physical
8 examination, or both, as required by and at the expense of the
9 Department. The Department ~~or Board~~ may order the examining
10 physician to present testimony concerning the mental or
11 physical examination of the licensee or applicant. No
12 information shall be excluded by reason of any common law or
13 statutory privilege relating to communications between the
14 licensee or applicant and the examining physician. The
15 examining physicians shall be specifically designated by the
16 ~~Board or~~ Department. The individual to be examined may have, at
17 his or her own expense, another physician of his or her choice
18 present during all aspects of this examination. Failure of an
19 individual to submit to a mental or physical examination, when
20 directed, shall be grounds for suspension of his or her license
21 until the individual submits to the examination if the
22 Department finds, after notice and hearing, that the refusal to
23 submit to the examination was without reasonable cause.

24 If the Department ~~or Board~~ finds an individual unable to
25 practice because of the reasons set forth in this Section, the
26 Department ~~or Board~~ may require that individual to submit to

1 care, counseling, or treatment by physicians approved or
2 designated by the Department ~~or Board~~, as a condition, term, or
3 restriction for continued, restored ~~reinstated~~, or renewed
4 licensure to practice; or, in lieu of care, counseling, or
5 treatment, the Department may file, ~~or the Board may recommend~~
6 ~~to the Department to file~~, a complaint to immediately suspend,
7 revoke, or otherwise discipline the license of the individual.
8 An individual whose license was granted, continued, restored
9 ~~reinstated~~, renewed, disciplined or supervised subject to such
10 terms, conditions, or restrictions, and who fails to comply
11 with such terms, conditions, or restrictions, shall be referred
12 to the Secretary for a determination as to whether the
13 individual shall have his or her license suspended immediately,
14 pending a hearing by the Department.

15 In instances in which the Secretary immediately suspends a
16 person's license under this Section, a hearing on that person's
17 license must be convened by the Department within 30 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 subject individual's record of treatment and counseling
21 regarding the impairment to the extent permitted by applicable
22 federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate to
26 the Department ~~or Board~~ that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of his or her license.

3 (Source: P.A. 95-450, eff. 8-27-07.)

4 (225 ILCS 2/120)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 120. Checks or orders to Department dishonored because
7 of insufficient funds. Any person who issues or delivers a
8 check or other order to the Department that is not honored on 2
9 occasions by the financial institution upon which it is drawn
10 because of insufficient funds on account, the account is
11 closed, or a stop payment has been placed on the check or order
12 shall pay to the Department, in addition to the amount owing
13 upon the check or other order, a fee of \$50. If the check or
14 other order was issued or delivered in payment of a renewal or
15 issuance fee and the person whose license ~~registration~~ has
16 lapsed continues to practice acupuncture without paying the
17 renewal or issuance fee and the required \$50 fee under this
18 Section, an additional fee of \$100 shall be imposed. The fees
19 imposed by this Section are in addition to any other
20 disciplinary provision under this Act prohibiting practice on
21 an expired or non-renewed license ~~registration~~. ~~The Department~~
22 ~~shall mail a registration renewal form to each registrant 60~~
23 ~~days before the expiration of the registrant's current~~
24 ~~registration. The Department shall notify a person whose~~
25 ~~registration has lapsed, within 30 days after the discovery of~~

1 ~~the lapse, that the individual is engaged in the unauthorized~~
2 ~~practice of acupuncture and of the amount due to the Department~~
3 ~~which shall include the lapsed renewal fee and all other fees~~
4 ~~required by this Section.~~ If after the expiration of 30 days
5 from the date of the notification a person whose license
6 ~~registration~~ has lapsed seeks a current license registration,
7 he or she shall thereafter apply to the Department for
8 restoration of the license registration and pay all fees due to
9 the Department. The Department may establish a fee for the
10 processing of an application for restoration of a license
11 ~~registration~~ that allows the Department to pay all costs and
12 expenses incident to the processing of this application. The
13 Secretary may waive the fees due under this Section in
14 individual cases where he or she finds that the fees would be
15 unreasonably or unnecessarily burdensome.

16 (Source: P.A. 95-450, eff. 8-27-07.)

17 (225 ILCS 2/130)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 130. Injunctions; criminal offenses; cease and desist
20 order.

21 (a) If any person violates the provisions of this Act, the
22 Secretary may, in the name of the People of the State of
23 Illinois, through the Attorney General of the State of Illinois
24 or the State's Attorney for any county in which the action is
25 brought, petition for an order enjoining the violation or for

1 an order enforcing compliance with this Act. Upon the filing of
2 a ~~verified~~ petition in court, the court may issue a temporary
3 restraining order, without notice or condition, and may
4 preliminarily and permanently enjoin the violation. If it is
5 established that the person has violated or is violating the
6 injunction, the court ~~Court~~ may punish the offender for
7 contempt of court. Proceedings under this Section shall be in
8 addition to, and not in lieu of, all other remedies and
9 penalties provided by this Act.

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

19 (c) Other than as provided in Section 20 of this Act, if
20 any person practices as an acupuncturist or holds himself or
21 herself out as a licensed acupuncturist under this Act without
22 being issued a valid existing license by the Department, then
23 any licensed acupuncturist, any interested party, or any person
24 injured thereby may, in addition to the Secretary, petition for
25 relief as provided in subsection (a) of this Section.

26 (Source: P.A. 95-450, eff. 8-27-07.)

1 (225 ILCS 2/140)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 140. Investigation; notice; hearing. Licenses may be
4 refused, revoked, suspended, or otherwise disciplined in the
5 manner provided by this Act and not otherwise. The Department
6 may upon its own motion or upon the complaint of any person
7 setting forth facts that if proven would constitute grounds for
8 refusal to issue or renew or for suspension, revocation, or
9 other disciplinary action under this Act, investigate the
10 actions of a person applying for, holding, or claiming to hold
11 a license. The Department shall, before refusing to issue or
12 renew, suspending, revoking, or taking other disciplinary
13 action regarding a license or taking other discipline pursuant
14 to Section 110 of this Act, and at least 30 days prior to the
15 date set for the hearing, notify in writing the applicant or
16 licensee of any charges made, shall afford the applicant or
17 licensee an opportunity to be heard in person or by counsel in
18 reference to the charges, and direct the applicant or licensee
19 to file a written answer to the Department under oath within 20
20 days after the service of the notice and inform the applicant
21 or licensee that failure to file an answer will result in
22 default being taken against the applicant or licensee and that
23 the license may be suspended, revoked, placed on probationary
24 status, or other disciplinary action may be taken, including
25 limiting the scope, nature, or extent of practice, as the

1 Secretary may deem proper. Written notice may be served by: (1)
2 personal delivery to the applicant or licensee; ~~or by~~ (2)
3 mailing the notice by registered or certified mail to his or
4 her address of record ~~last known place of residence~~ or to the
5 place of business last specified by the applicant or licensee
6 in his or her last notification to the Department; or (3)
7 sending notice via email to the applicant's or licensee's email
8 address of record. If the person fails to file an answer after
9 receiving notice, his or her license may, in the discretion of
10 the Department, be suspended, revoked, or placed on
11 probationary status or the Department may take whatever
12 disciplinary action deemed proper, including limiting the
13 scope, nature, or extent of the person's practice or the
14 imposition of a fine, without a hearing, if the act or acts
15 charged constitute sufficient grounds for such action under
16 this Act. At the time and place fixed in the notice, the
17 Department shall proceed to hearing of the charges and both the
18 applicant or licensee and the complainant shall be afforded
19 ample opportunity to present, in person or by counsel, any
20 statements, testimony, evidence, and arguments that may be
21 pertinent to the charges or to their defense. The Department
22 may continue a hearing from time to time. If the Board is not
23 sitting at the time and place fixed in the notice or at the
24 time and place to which the hearing shall have been continued,
25 the Department may continue the hearing for a period not to
26 exceed 30 days.

1 (Source: P.A. 95-450, eff. 8-27-07.)

2 (225 ILCS 2/142 new)

3 Sec. 142. Confidentiality. All information collected by
4 the Department in the course of an examination or investigation
5 of a licensee or applicant, including, but not limited to, any
6 complaint against a licensee filed with the Department and
7 information collected to investigate any such complaint, shall
8 be maintained for the confidential use of the Department and
9 may not be disclosed. The Department may not disclose the
10 information to anyone other than law enforcement officials,
11 other regulatory agencies that have an appropriate regulatory
12 interest as determined by the Secretary of the Department, or a
13 party presenting a lawful subpoena to the Department.
14 Information and documents disclosed to a federal, State,
15 county, or local law enforcement agency may not be disclosed by
16 the agency for any purpose to any other agency or person. A
17 formal complaint filed by the Department against a licensee or
18 applicant is a public record, except as otherwise prohibited by
19 law.

20 (225 ILCS 2/152)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 152. Certification of record. The Department shall not
23 be required to certify any a record to the court, file any
24 answer in court, or otherwise appear in any court in a judicial

1 review proceeding, unless and until the Department has received
2 from the plaintiff payment of the costs of furnishing and
3 certifying the record, which costs shall be determined by the
4 Department. Exhibits shall be certified without cost ~~there is~~
5 ~~filed in the court with the complaint a receipt from the~~
6 ~~Department acknowledging payment of the costs of furnishing and~~
7 ~~certifying the record.~~ Failure on the part of the plaintiff to
8 file a receipt in court shall be grounds for dismissal of the
9 action.

10 (Source: P.A. 90-61, eff. 7-3-97.)

11 (225 ILCS 2/160)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 160. Findings of facts, conclusions of law, and
14 recommendations. At the conclusion of the hearing, the Board
15 shall present to the Secretary a written report of its findings
16 of fact, conclusions of law, and recommendations. The report
17 shall contain a finding whether or not the accused person
18 violated this Act or failed to comply with the conditions
19 required in this Act. The Board shall specify the nature of the
20 violation or failure to comply and shall make its
21 recommendations to the Secretary.

22 The report of findings of fact, conclusions of law, and
23 recommendations of the Board may be the basis of the order of
24 the Department. If the Secretary disagrees in any regard with
25 the report of the Board, the Secretary may issue an order in

1 contravention of the report. ~~The Secretary shall provide notice~~
2 ~~to the Board on any deviation and the reasons for the~~
3 ~~deviation.~~ The finding is not admissible in evidence against
4 the person in a criminal prosecution brought for the violation
5 of this Act, but the hearing and findings are not a bar to a
6 criminal prosecution brought for the violation of this Act.

7 (Source: P.A. 95-450, eff. 8-27-07.)

8 (225 ILCS 2/170)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 170. Service of report; rehearing; order. In any case
11 involving the refusal to issue or renew a license or the
12 discipline of a license, a copy of the Board's hearing
13 ~~officer's~~ report shall be served upon the respondent by the
14 Department, ~~either personally or~~ as provided in this Act for
15 the service of the notice of hearing. Within 20 days after the
16 service, the respondent may present to the Department a motion
17 in writing for a rehearing that shall specify the particular
18 grounds for rehearing. If no motion for rehearing is filed,
19 then upon the expiration of the time specified for filing such
20 a motion, or if a motion for rehearing is denied, then upon the
21 denial the Secretary may enter an order in accordance with
22 recommendations of the Board, except as provided in Section 175
23 of this Act. If the respondent orders from the reporting
24 service office ~~office~~ and pays for a transcript of the record within
25 the time for filing a motion for rehearing, the 20-day ~~20 day~~

1 period within which the motion may be filed shall commence upon
2 the delivery of the transcript to the respondent.

3 (Source: P.A. 95-450, eff. 8-27-07.)

4 (225 ILCS 2/175)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 175. Substantial justice to be done; rehearing.

7 Whenever the Secretary is satisfied that substantial justice
8 has not been done in the revocation, suspension, or refusal to
9 issue, restore, or renew ~~discipline of~~ a license, or other
10 discipline of an applicant or licensee, the Secretary may order
11 a rehearing by the same or other examiners ~~another hearing~~
12 ~~officer.~~

13 (Source: P.A. 95-450, eff. 8-27-07.)

14 (225 ILCS 2/190)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 190. Surrender of license ~~registration~~. Upon the
17 revocation or suspension of any license ~~registration~~, the
18 licensee ~~registrant~~ shall immediately surrender the license
19 ~~registration~~ certificate to the Department. If the licensee
20 ~~registrant~~ fails to do so, the Department shall have the right
21 to seize the license ~~registration~~ certificate.

22 (Source: P.A. 95-450, eff. 8-27-07.)

23 (225 ILCS 2/200)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 200. Review under Administrative Review Law. All final
3 administrative decisions of the Department are subject to
4 judicial review under the Administrative Review Law and all
5 rules adopted under the Administrative Review Law. The term
6 "administrative decision" is defined as in Section 3-101 of the
7 Code of Civil Procedure.

8 Proceedings for judicial review shall be commenced in the
9 circuit court of the county in which the party applying for
10 review resides; however, if the party is not a resident of this
11 State, the venue shall be Sangamon County.

12 (Source: P.A. 89-706, eff. 1-31-97.)

13 (225 ILCS 2/90 rep.)

14 Section 15. The Acupuncture Practice Act is amended by
15 repealing Section 90.

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