



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1350

Introduced 2/9/2017, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Acupuncture Practice Act from January 1, 2018 to January 1, 2028. Amends the Acupuncture Practice Act. Changes the short title of the Act to the Acupuncture and East Asian Medicine Practice Act. Allows for the practice of East Asian medicine. Makes changes to the definition of "acupuncture" and "acupuncturist". Defines "East Asian medicine". Removes the definition of "referral by written orders". Removes language allowing a physician or a dentist to refer by written order a patient to an acupuncturist and maintain management of the patient. Adds provisions concerning guest practitioners of acupuncture and East Asian medicine. Changes the name of the Board of Acupuncture to the Board of Acupuncture and East Asian Medicine and allows licensed practitioners of East Asian medicine to be members of the Board. Provides that the Department of Financial and Professional Regulation shall issue a license to an applicant that submits proof of a demonstration of status as a Diplomate of Acupuncture or Diplomate of Oriental Medicine with the National Certification Commission for Acupuncture and Oriental Medicine or an equivalent credential approved by the Department (rather than passing the National Certification Commission for Acupuncture and Oriental Medicine examination or an equivalent examination). Makes changes in provisions concerning titles and designations that can be used by those licensed under the Act. Makes conforming changes in the Comprehensive Health Insurance Plan Act, the Tattoo and Body Piercing Establishment Registration Act, and the Professional Service Corporation Act. Makes other changes. Effective immediately.

LRB100 09384 SMS 19546 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 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 Acts repealed on January 1, 2018.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8 Acts are repealed on January 1, 2018: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 and East Asian Medicine Practice Act.

10 Section 10. The Acupuncture Practice Act is amended by
11 changing Sections 1, 5, 10, 15, 20.1, 35, 40, 50, 55, and 110
12 and by adding Section 20.2 as follows:

13 (225 ILCS 2/1)

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

15 Sec. 1. Short title. This Act may be cited as the
16 Acupuncture and East Asian Medicine Practice Act.

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

18 (225 ILCS 2/5)

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

20 Sec. 5. Objects and purpose. The practice of acupuncture
21 and East Asian medicine in the State of Illinois is hereby
22 declared to affect the public health, safety, and welfare and

1 to be subject to regulation and control in the public interest.
2 It is further declared to be a matter of public interest and
3 concern that the practice of acupuncture and East Asian
4 medicine as defined in this Act merit and receive the
5 confidence of the public, and that only qualified persons, as
6 set forth by this Act, be authorized to practice acupuncture
7 and East Asian medicine in the State of Illinois. This Act
8 shall be liberally construed to best carry out these subjects
9 and purposes.

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

11 (225 ILCS 2/10)

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

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

14 "Acupuncture" means ~~the~~ evaluation or treatment that is
15 effected by stimulating ~~of persons affected through a method of~~
16 ~~stimulation of a certain~~ body points ~~point or points on or~~
17 ~~immediately below the surface of the body~~ by (1) the insertion
18 of pre-sterilized, single-use, disposable needles, unless
19 medically contraindicated or (2), ~~with or without~~ the
20 application of heat, including far-infrared, or cold,
21 electricity, electro or magnetic ~~electronic~~ stimulation, cold
22 laser, vibration, cupping, gua sha, ~~or~~ manual pressure, or
23 other methods, with or without the concurrent use of needles,
24 to prevent or modify the perception of pain, to normalize
25 physiological functions, or for the treatment of ~~certain~~

1 diseases or dysfunctions of the body and includes activities
2 referenced in Section 15 of this Act for which a written
3 referral is not required. In accordance with this Section, the
4 practice known as dry needling or intramuscular manual
5 stimulation, or similar wording intended to describe such
6 practice, is determined to be within the definition, scope, and
7 practice of acupuncture. Acupuncture does not include
8 radiology, electrosurgery, chiropractic technique, ~~physical~~
9 ~~therapy,~~ naprapathic technique, use or prescribing of any
10 ~~pharmaceuticals, drugs, medications, herbal preparations,~~
11 ~~nutritional supplements, serums,~~ or vaccines, or determination
12 of a differential diagnosis by means other than the principles
13 and techniques as taught by schools accredited by the
14 Accreditation Commission for Acupuncture and Oriental Medicine
15 or a similar accrediting body approved by the Department. ~~An~~
16 ~~acupuncturist registered under this Act who is not also~~
17 ~~licensed as a physical therapist under the Illinois Physical~~
18 ~~Therapy Act shall not hold himself or herself out as being~~
19 ~~qualified to provide physical therapy or physiotherapy~~
20 ~~services. An acupuncturist shall refer to a licensed physician~~
21 ~~or dentist, any patient whose condition should, at the time of~~
22 ~~evaluation or treatment, be determined to be beyond the scope~~
23 ~~of practice of the acupuncturist.~~

24 "Acupuncturist" means a person who practices acupuncture
25 and East Asian medicine in all its forms, including traditional
26 and modern practices in both teachings and delivery, and who is

1 licensed by the Department.

2 "Board" means the Board of Acupuncture and East Asian
3 Medicine.

4 "Dentist" means a person licensed under the Illinois Dental
5 Practice Act.

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

8 "East Asian medicine" means evaluation or treatment that
9 uses methods included in one or more of the branches of East
10 Asian medicine: acupuncture, moxibustion, herbal medicinals,
11 supplements, manual methods, exercise, and diet, to prevent or
12 modify the perception of pain, to normalize physiological
13 functions, or for the treatment of diseases or dysfunctions of
14 the body and includes activities referenced in Section 15 of
15 this Act for which a written referral is not required. East
16 Asian medicine includes recommendation of dietary supplements
17 and natural products, including, but not limited to, the
18 recommendation of diet, herbs and other natural products, and
19 their preparation in accordance with traditional and modern
20 practices of East Asian medical theory, such as Chinese,
21 Korean, or Japanese medical theory. East Asian medicine does
22 not include radiology, electrosurgery, chiropractic technique,
23 use or prescribing of any pharmaceuticals or vaccines, or
24 determination of a differential diagnosis by means other than
25 the principles and techniques as taught by schools accredited
26 by the Accreditation Commission for Acupuncture and Oriental

1 Medicine or a similar accrediting body approved by the
2 Department.

3 "Physician" means a person licensed under the Medical
4 Practice Act of 1987.

5 ~~"Referral by written order" for purposes of this Act means~~
6 ~~a diagnosis, substantiated by signature of a physician or~~
7 ~~dentist, identifying a patient's condition and recommending~~
8 ~~treatment by acupuncture as defined in this Act. The diagnosis~~
9 ~~shall remain in effect until changed by the physician or~~
10 ~~dentist who may, through express direction in the referral,~~
11 ~~maintain management of the patient.~~

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

14 "State" includes:

- 15 (1) the states of the United States of America;
16 (2) the District of Columbia; and
17 (3) the Commonwealth of Puerto Rico.

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

19 (225 ILCS 2/15)

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

21 Sec. 15. Who may practice acupuncture or East Asian
22 medicine. No person licensed under this Act may treat human
23 ailments otherwise than by the practice of acupuncture and East
24 Asian medicine as defined in this Act. A physician or dentist
25 licensed in Illinois may practice acupuncture or East Asian

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

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

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

21 (225 ILCS 2/20.1)

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

23 Sec. 20.1. Guest instructors of acupuncture and East Asian
24 medicine; professional education. The provisions of this Act do
25 not prohibit an acupuncturist from another state or country,

1 who is not licensed under this Act and who is an invited guest
2 of a professional acupuncture and East Asian medicine
3 association or scientific acupuncture and East Asian medicine
4 foundation or an acupuncture and East Asian medicine training
5 program or continuing education provider approved by the
6 Department under this Act, from engaging in professional
7 education through lectures, clinics, or demonstrations,
8 provided that the acupuncturist is currently licensed in
9 another state or country and his or her license is active and
10 has not been disciplined, or he or she is currently certified
11 in good standing as an acupuncturist by the National
12 Certification Commission for Acupuncture and Oriental Medicine
13 or similar body approved by the Department.

14 Licensees under this Act may engage in professional
15 education through lectures, clinics, or demonstrations as an
16 invited guest of a professional acupuncture and East Asian
17 medicine association or scientific acupuncture and East Asian
18 medicine foundation or an acupuncture and East Asian medicine
19 training program or continuing education provider approved by
20 the Department under this Act. The Department may, but is not
21 required to, establish rules concerning this Section.

22 (Source: P.A. 95-450, eff. 8-27-07; 96-255, eff. 8-11-09;
23 96-483, eff. 8-14-09.)

24 (225 ILCS 2/20.2 new)

25 Sec. 20.2. Guest practitioners of acupuncture. The

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

13 (225 ILCS 2/35)

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

15 Sec. 35. Board of Acupuncture and East Asian Medicine. The
16 Secretary shall appoint a Board of Acupuncture and East Asian
17 Medicine to consist of 7 persons who shall be appointed by and
18 shall serve in an advisory capacity to the Secretary. Four
19 members must hold an active license to engage in the practice
20 of acupuncture or East Asian Medicine in this State, one member
21 shall be a chiropractic physician licensed under the Medical
22 Practice Act of 1987 who is actively engaged in the practice of
23 acupuncture, one member shall be a physician licensed to
24 practice medicine in all of its branches in Illinois, and one
25 member must be a member of the public who is not licensed under

1 this Act or a similar Act of another jurisdiction and who has
2 no connection with the profession.

3 Members shall serve 4-year terms and until their successors
4 are appointed and qualified. No member shall be reappointed to
5 the Board for a term that would cause his or her continuous
6 service on the Board to be longer than 8 consecutive years.
7 Appointments to fill vacancies shall be made in the same manner
8 as original appointments for the unexpired portion of the
9 vacated term. Initial terms shall begin upon the effective date
10 of this amendatory Act of 1997.

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

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

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

2 Sec. 40. Application for licensure. Applications for
3 original licensure as an acupuncturist shall be made to the
4 Department in writing on forms prescribed by the Department and
5 shall be accompanied by the required fee, which shall not be
6 refundable.

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

13 The ~~On and after January 1, 2002, the~~ Department shall
14 issue a license to an applicant who submits with the
15 application proof of each of the following:

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

21 (2) demonstration of status as a Diplomate of
22 Acupuncture or Diplomate of Oriental Medicine with the
23 National Certification Commission for Acupuncture and
24 Oriental Medicine or a substantially equivalent credential
25 as approved by the Department. ~~passing the National~~
26 ~~Certification Commission for Acupuncture and Oriental~~

1 ~~Medicine examination or a substantially equivalent~~
2 ~~examination approved by the Department.~~

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

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

10 (225 ILCS 2/50)

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

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

1 shall prevent a physician from using the designation
2 "Acupuncturist".

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

6 This Act does not prohibit a person from applying
7 acupuncture needles ~~techniques~~ as part of his or her
8 educational training when he or she:

9 (1) is engaged in a State-approved course in
10 acupuncture and East Asian medicine, as provided in this
11 Act;

12 (2) is a graduate of a school of acupuncture or East
13 Asian medicine and participating in a postgraduate
14 training program;

15 (3) is a graduate of a school of acupuncture or East
16 Asian medicine and participating in a review course in
17 preparation for taking the National Certification
18 Commission for Acupuncture and Oriental Medicine
19 examination; or

20 (4) is participating in a State-approved continuing
21 education course offered through a State-approved
22 provider.

23 Students attending schools of acupuncture and East Asian
24 medicine, and professional acupuncturists who are not licensed
25 in Illinois, may engage in ~~the application of~~ acupuncture and
26 East Asian medicine ~~techniques~~ in conjunction with their

1 education as provided in this Act, but may not open an office,
2 appoint a place to meet private patients, consult with private
3 patients, or otherwise engage in the practice of acupuncture
4 and East Asian medicine beyond what is required in conjunction
5 with their education.

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

7 (225 ILCS 2/55)

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

9 Sec. 55. Endorsement. The Department may, at its
10 discretion, license as an acupuncturist without examination,
11 on payment of the fee, an applicant for licensure who is an
12 acupuncturist under the laws of another state if the
13 requirements pertaining to acupuncture and East Asian medicine
14 in that state were at the date of his or her licensure
15 substantially equal to the requirements in force in Illinois on
16 that date or if an applicant possesses individual
17 qualifications that are substantially equal to the
18 requirements under this Act.

19 An applicant has 3 years from the date of his or her
20 application to complete the application process. If the process
21 has not been completed in 3 years, the application shall be
22 denied, the fee shall be forfeited, and the applicant must
23 reapply and meet the requirements in effect at the time of
24 reapplication.

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

1 (225 ILCS 2/110)

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

3 Sec. 110. Grounds for disciplinary action.

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

10 (1) Violations of the Act or its rules.

11 (2) Conviction or plea of guilty or nolo contendere of
12 any crime under the laws of the United States or any state
13 or territory thereof that is (i) a felony or (ii) a
14 misdemeanor, an essential element of which is dishonesty or
15 that is directly related to the practice of the profession.

16 (3) Making any misrepresentation for the purpose of
17 obtaining a license.

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

20 (5) Failing to provide information within 60 days in
21 response to a written request made by the Department which
22 has been sent by certified or registered mail to the
23 licensee's last known address.

24 (6) Discipline by another U.S. jurisdiction or foreign
25 nation, if at least one of the grounds for the discipline

1 is the same or substantially equivalent to one set forth in
2 this Section.

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

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

7 (9) Gross negligence in the practice of acupuncture or
8 East Asian medicine.

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

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

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

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

25 (14) Willfully ~~Wilfully~~ failing to report an instance
26 of suspected child abuse or neglect as required by the

1 Abused and Neglected Child Reporting Act.

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

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

1 "acupuncturist", either directly or indirectly, in
2 connection with his or her profession or business.

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

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

14 (18) Having treated ailments ~~of human beings~~ other than
15 by the practice of acupuncture and East Asian medicine as
16 defined in this Act, or having treated ailments of ~~human~~
17 ~~beings~~ as a licensed acupuncturist pursuant to a referral
18 by written order that provides for management of the
19 patient by a physician or dentist without having notified
20 the physician or dentist who established the diagnosis that
21 the patient is receiving acupuncture or East Asian medicine
22 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, reinstated, or renewed licensure to
4 practice; or, in lieu of care, counseling, or treatment, the
5 Department may file, or the Board may recommend to the
6 Department to file, a complaint to immediately suspend, revoke,
7 or otherwise discipline the license of the individual. An
8 individual whose license was granted, continued, reinstated,
9 renewed, disciplined or supervised subject to such terms,
10 conditions, or restrictions, and who fails to comply with such
11 terms, conditions, or restrictions, shall be referred to the
12 Secretary for a determination as to whether the individual
13 shall have his or her license suspended immediately, pending a
14 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 Section 15. The Tattoo and Body Piercing Establishment
5 Registration Act is amended by changing Section 10 as follows:

6 (410 ILCS 54/10)

7 Sec. 10. Definitions. In this Act:

8 "Aseptic technique" means a practice that prevents and
9 hinders the transmission of disease-producing microorganisms
10 from one person or place to another.

11 "Body piercing" means penetrating the skin to make a hole,
12 mark, or scar that is generally permanent in nature. "Body
13 piercing" does not include practices that are considered
14 medical procedures or the puncturing of the outer perimeter or
15 lobe of the ear using a pre-sterilized, single-use stud and
16 clasp ear piercing system.

17 "Client" means the person, customer, or patron whose skin
18 will be tattooed or pierced.

19 "Communicable disease" means a disease that can be
20 transmitted from person to person directly or indirectly,
21 including diseases transmitted via blood or body fluids.

22 "Department" means the Department of Public Health or other
23 health authority designated as its agent.

24 "Director" means the Director of Public Health or his or

1 her designee.

2 "Establishment" means a body-piercing operation, a
3 tattooing operation, or a combination of both operations in a
4 multiple-type establishment.

5 "Ink cup" means a small container for an individual portion
6 of pigment that may be installed in a holder or palette and in
7 which a small amount of pigment of a given color is placed.

8 "Multi-type establishment" means an operation encompassing
9 both body piercing and tattooing on the same premises and under
10 the same management.

11 "Person" means any individual, group of individuals,
12 association, trust, partnership, corporation, or limited
13 liability company.

14 "Procedure area" means the immediate area where
15 instruments and supplies are placed during a procedure.

16 "Operator" means an individual, partnership, corporation,
17 association, or other entity engaged in the business of owning,
18 managing, or offering services of body piercing or tattooing.

19 "Sanitation" means the effective bactericidal and
20 veridical treatment of clean equipment surfaces by a process
21 that effectively destroys pathogens.

22 "Single use" means items that are intended for one time and
23 one person use only and are to then be discarded.

24 "Sterilize" means to destroy all living organisms
25 including spores.

26 "Tattooing" means making permanent marks on the skin of a

1 live human being by puncturing the skin and inserting indelible
2 colors. "Tattooing" includes imparting permanent makeup on the
3 skin, such as permanent lip coloring and permanent eyeliner.
4 "Tattooing" does not include any of the following:

5 (1) The practice of electrology as defined in the
6 Electrology Licensing Act.

7 (2) The practice of acupuncture and East Asian medicine
8 as defined in the Acupuncture and East Asian Medicine
9 Practice Licensing Act.

10 (3) The use, by a physician licensed to practice
11 medicine in all its branches, of colors, dyes, or pigments
12 for the purpose of obscuring scar tissue or imparting color
13 to the skin for cosmetic, medical, or figurative purposes.

14 (Source: P.A. 99-117, eff. 1-1-16.)

15 Section 20. The Professional Service Corporation Act is
16 amended by changing Section 3.6 as follows:

17 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

18 Sec. 3.6. "Related professions" and "related professional
19 services" mean more than one personal service which requires as
20 a condition precedent to the rendering thereof the obtaining of
21 a license and which prior to October 1, 1973 could not be
22 performed by a corporation by reason of law; provided, however,
23 that these terms shall be restricted to:

24 (1) a combination of 2 or more of the following

1 personal services: (a) "architecture" as defined in
2 Section 5 of the Illinois Architecture Practice Act of
3 1989, (b) "professional engineering" as defined in Section
4 4 of the Professional Engineering Practice Act of 1989, (c)
5 "structural engineering" as defined in Section 5 of the
6 Structural Engineering Practice Act of 1989, (d) "land
7 surveying" as defined in Section 2 of the Illinois
8 Professional Land Surveyor Act of 1989;

9 (2) a combination of the following personal services:

10 (a) the practice of medicine by persons licensed under the
11 Medical Practice Act of 1987, (b) the practice of podiatry
12 as defined in the Podiatric Medical Practice Act of 1987,
13 (c) the practice of dentistry as defined in the Illinois
14 Dental Practice Act, (d) the practice of optometry as
15 defined in the Illinois Optometric Practice Act of 1987;

16 (3) a combination of 2 or more of the following
17 personal services: (a) the practice of clinical psychology
18 by persons licensed under the Clinical Psychologist
19 Licensing Act, (b) the practice of social work or clinical
20 social work by persons licensed under the Clinical Social
21 Work and Social Work Practice Act, (c) the practice of
22 marriage and family therapy by persons licensed under the
23 Marriage and Family Therapy Licensing Act, (d) the practice
24 of professional counseling or clinical professional
25 counseling by persons licensed under the Professional
26 Counselor and Clinical Professional Counselor Licensing

1 and Practice Act, or (e) the practice of sex offender
2 evaluations by persons licensed under the Sex Offender
3 Evaluation and Treatment Provider Act; or

4 (4) a combination of 2 or more of the following
5 personal services: (a) the practice of acupuncture or East
6 Asian medicine by persons licensed under the Acupuncture
7 and East Asian Medicine Practice Act, (b) the practice of
8 massage by persons licensed under the Massage Licensing
9 Act, (c) the practice of naprapathy by persons licensed
10 under the Naprapathic Practice Act, (d) the practice of
11 occupational therapy by persons licensed under the
12 Illinois Occupational Therapy Practice Act, or (e) the
13 practice of physical therapy by persons licensed under the
14 Illinois Physical Therapy Act.

15 (Source: P.A. 99-227, eff. 8-3-15.)

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

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.28

4 5 ILCS 80/4.38 new

5 225 ILCS 2/1

6 225 ILCS 2/5

7 225 ILCS 2/10

8 225 ILCS 2/15

9 225 ILCS 2/20.1

10 225 ILCS 2/20.2 new

11 225 ILCS 2/35

12 225 ILCS 2/40

13 225 ILCS 2/50

14 225 ILCS 2/55

15 225 ILCS 2/110

16 410 ILCS 54/10

17 805 ILCS 10/3.6 from Ch. 32, par. 415-3.6