



Rep. Anna Moeller

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10100HB2811ham001

LRB101 10814 AMC 57960 a

1 AMENDMENT TO HOUSE BILL 2811

2 AMENDMENT NO. _____. Amend House Bill 2811 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 ~~The Orthotics, Prosthetics, and Pedorthics Practice Act.~~

16 The Perfusionist Practice Act.

1 The Pharmacy Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
6 100-863, eff. 8-14-18.)

7 (5 ILCS 80/4.40 new)

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 Act repealed on January 1, 2030.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9 Act is repealed on January 1, 2030:

10 The Orthotics, Prosthetics, and Pedorthics Practice Act.

11 Section 10. The Orthotics, Prosthetics, and Pedorthics
12 Practice Act is amended by changing Sections 10, 25, 30, 35,
13 40, 90, 95, 100, 105, 130, 155, 160, and 170 and by adding
14 Sections 10.5 and 180 as follows:

15 (225 ILCS 84/10)

16 (Section scheduled to be repealed on January 1, 2020)

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

18 "Accredited facility" means a facility that ~~which~~ has been
19 accredited by the Center for Medicare Medicaid Services to
20 practice prosthetics, orthotics or pedorthics and ~~which~~
21 represents itself to the public by title or description of
22 services that includes the term "prosthetic", "prosthetist",
23 "artificial limb", "orthotic", "orthotist", "brace",

1 "pedorthic", "pedorthist" or a similar title or description of
2 services.

3 "Address of record" means the designated address recorded
4 by the Department in the applicant's or licensee's application
5 file or license file maintained by the Department's licensure
6 maintenance unit. ~~It is the duty of the applicant or licensee~~
7 ~~to inform the Department of any change of address, and such~~
8 ~~changes must be made either through the Department's website or~~
9 ~~by contacting the Department.~~

10 "Assistant" means a person who is educated and trained to
11 participate in comprehensive orthotic or prosthetic care while
12 under the supervision, as defined by rule, of a licensed
13 orthotist or licensed prosthetist. Assistants may perform
14 orthotic or prosthetic procedures and related tasks in the
15 management of patient care. Assistants may also fabricate,
16 repair, and maintain orthoses and prostheses.

17 "Board" means the Board of Orthotics, Prosthetics, and
18 Pedorthics.

19 "Custom-fabricated ~~Custom-fabricated~~ device" means an
20 orthosis, prosthesis, or pedorthic device that is fabricated to
21 comprehensive measurements or a mold or patient model for use
22 by a patient in accordance with a prescription and ~~which~~
23 requires clinical and technical judgment in its design,
24 fabrication, and fitting.

25 "Custom-fitted ~~Custom-fitted~~ device" means an orthosis,
26 prosthesis, or pedorthic device that is made to patient

1 measurements sized or modified for use by the patient in
2 accordance with a prescription and ~~which~~ requires clinical and
3 technical judgment and substantive alteration in its design.

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

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

10 "Facility" means the business location where orthotic,
11 prosthetic, or pedorthic care is provided and, in the case of
12 an orthotic/prosthetic facility, has the appropriate clinical
13 and laboratory space and equipment to provide comprehensive
14 orthotic or prosthetic care and, in the case of a pedorthic
15 facility, has the appropriate clinical space and equipment to
16 provide pedorthic care. Licensed orthotists, prosthetists, and
17 pedorthists must be available to either provide care or
18 supervise the provision of care by unlicensed staff.

19 "Licensed orthotist" or "LO" means a person licensed under
20 this Act to practice orthotics and who represents himself or
21 herself to the public by title or description of services that
22 includes the term "orthotic", "orthotist", "brace", or a
23 similar title or description of services.

24 "Licensed pedorthist" or "LPed" means a person licensed
25 under this Act to practice pedorthics and who represents
26 himself or herself to the public by the title or description of

1 services that include the term "pedorthic", "pedorthist", or a
2 similar title or description of services.

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

5 "Licensed podiatric physician" means a person licensed
6 under the Podiatric Medical Practice Act of 1987.

7 "Licensed prosthetist" or "LP" means a person licensed
8 under this Act to practice prosthetics and who represents
9 himself or herself to the public by title or description of
10 services that includes the term "prosthetic", "prosthetist",
11 "artificial limb", or a similar title or description of
12 services.

13 "Off-the-shelf device" means a prefabricated orthosis,
14 prosthesis, or pedorthic device sized or modified for use by
15 the patient in accordance with a prescription and that does not
16 require substantial clinical judgment and substantive
17 alteration for appropriate use.

18 "Orthosis" means a custom-fabricated or custom-fitted
19 brace or support designed to provide for alignment, correction,
20 or prevention of neuromuscular or musculoskeletal dysfunction,
21 disease, injury, or deformity. "Orthosis" does not include
22 fabric or elastic supports, corsets, arch supports,
23 low-temperature plastic splints, trusses, elastic hoses,
24 canes, crutches, soft cervical collars, dental appliances, or
25 other similar devices carried in stock and sold as
26 "over-the-counter" items by a drug store, department store,

1 corset shop, or surgical supply facility.

2 "Orthotic and Prosthetic Education Program" means a course
3 of instruction accredited by the Commission on Accreditation of
4 Allied Health Education Programs, consisting of (i) a basic
5 curriculum of college level instruction in math, physics,
6 biology, chemistry, and psychology and (ii) a specific
7 curriculum in orthotic or prosthetic courses, including: (A)
8 lectures covering pertinent anatomy, biomechanics,
9 pathomechanics, prosthetic-orthotic components and materials,
10 training and functional capabilities, prosthetic or orthotic
11 performance evaluation, prescription considerations, etiology
12 of amputations and disease processes necessitating prosthetic
13 or orthotic use, and medical management; (B) subject matter
14 related to pediatric and geriatric problems; (C) instruction in
15 acute care techniques, such as immediate and early
16 post-surgical prosthetics and fracture bracing techniques; and
17 (D) lectures, demonstrations, and laboratory experiences
18 related to the entire process of measuring, casting, fitting,
19 fabricating, aligning, and completing prostheses or orthoses.

20 "Orthotic and prosthetic scope of practice" means a list of
21 tasks, with relative weight given to such factors as
22 importance, criticality, and frequency, based on
23 internationally accepted standards of orthotic and prosthetic
24 care as outlined by the International Society of Prosthetics
25 and Orthotics' professional profile for Category I and Category
26 III orthotic and prosthetic personnel.

1 "Orthotics" means the science and practice of evaluating,
2 measuring, designing, fabricating, assembling, fitting,
3 adjusting, or servicing an orthosis under an order from a
4 licensed physician or podiatric physician for the correction or
5 alleviation of neuromuscular or musculoskeletal dysfunction,
6 disease, injury, or deformity.

7 "Orthotist" means a health care professional, specifically
8 educated and trained in orthotic patient care, who measures,
9 designs, fabricates, fits, or services orthoses and may assist
10 in the formulation of the order and treatment plan of orthoses
11 for the support or correction of disabilities caused by
12 neuro-musculoskeletal diseases, injuries, or deformities.

13 "Over-the-counter" means a prefabricated, mass-produced
14 device that is prepackaged and requires no professional advice
15 or judgment ~~judgement~~ in either size selection or use,
16 including fabric or elastic supports, corsets, generic arch
17 supports, elastic hoses.

18 "Pedorthic device" means therapeutic shoes (e.g. diabetic
19 shoes and inserts), shoe modifications made for therapeutic
20 purposes, below the ankle partial foot prostheses, and foot
21 orthoses for use at the ankle or below. It also includes
22 subtalar-control foot orthoses designed to manage the function
23 of the anatomy by controlling the range of motion of the
24 subtalar joint. Excluding footwear, the proximal height of a
25 custom pedorthic device does not extend beyond the junction of
26 the gastrocnemius and the Achilles tendon. Pedorthic devices do

1 not include non-therapeutic inlays or footwear regardless of
2 method of manufacture; unmodified, non-therapeutic
3 over-the-counter shoes; or prefabricated foot care products.
4 "Therapeutic" devices address a medical condition, diagnosed
5 by a prescribing medical professional, while "non-therapeutic"
6 devices do not address a medical condition.

7 "Pedorthic education program" means an educational program
8 accredited by the National Commission on Orthotic and
9 Prosthetic Education consisting of (i) a basic curriculum of
10 instruction in foot-related pathology of diseases, anatomy,
11 and biomechanics and (ii) a specific curriculum in pedorthic
12 courses, including lectures covering shoes, foot orthoses, and
13 shoe modifications, pedorthic components and materials,
14 training and functional capabilities, pedorthic performance
15 evaluation, prescription considerations, etiology of disease
16 processes necessitating use of pedorthic devices, medical
17 management, subject matter related to pediatric and geriatric
18 problems, and lectures, demonstrations, and laboratory
19 experiences related to the entire process of measuring and
20 casting, fitting, fabricating, aligning, and completing
21 pedorthic devices.

22 "Pedorthic scope of practice" means a list of tasks with
23 relative weight given to such factors as importance,
24 criticality, and frequency based on nationally accepted
25 standards of pedorthic care as outlined by the National
26 Commission on Orthotic and Prosthetic Education comprehensive

1 analysis with an empirical validation study of the profession
2 performed by an independent testing company.

3 "Pedorthics" means the science and practice of evaluating,
4 measuring, designing, fabricating, assembling, fitting,
5 adjusting, or servicing a pedorthic device under an order from
6 a licensed physician or podiatric physician for the correction
7 or alleviation of neuromuscular or musculoskeletal
8 dysfunction, disease, injury, or deformity.

9 "Pedorthist" means a health care professional,
10 specifically educated and trained in pedorthic patient care,
11 who measures, designs, fabricates, fits, or services pedorthic
12 devices and may assist in the formulation of the order and
13 treatment plan of pedorthic devices for the support or
14 correction of disabilities caused by neuro-musculoskeletal
15 diseases, injuries, or deformities.

16 "Person" means a natural person.

17 "Prosthesis" means an artificial medical device that is not
18 surgically implanted and that is used to replace a missing
19 limb, appendage, or any other external human body part
20 including an artificial limb, hand, or foot. "Prosthesis" does
21 not include artificial eyes, ears, fingers, or toes, dental
22 appliances, cosmetic devices such as artificial breasts,
23 eyelashes, or wigs, or other devices that do not have a
24 significant impact on the musculoskeletal functions of the
25 body.

26 "Prosthetics" means the science and practice of

1 evaluating, measuring, designing, fabricating, assembling,
2 fitting, adjusting, or servicing a prosthesis under an order
3 from a licensed physician.

4 "Prosthetist" means a health care professional,
5 specifically educated and trained in prosthetic patient care,
6 who measures, designs, fabricates, fits, or services
7 prostheses and may assist in the formulation of the order and
8 treatment plan of prostheses for the replacement of external
9 parts of the human body lost due to amputation or congenital
10 deformities or absences.

11 "Prosthetist/orthotist" means a person who practices both
12 disciplines of prosthetics and orthotics and who represents
13 himself or herself to the public by title or by description of
14 services. A person who is currently licensed by the State as
15 both a licensed prosthetist and a licensed orthotist may use
16 the title "Licensed Prosthetist Orthotist" or "LPO".

17 "Resident" means a person who has completed an education
18 program in either orthotics or prosthetics and is continuing
19 his or her clinical education in a residency accredited by the
20 National Commission on Orthotic and Prosthetic Education.

21 "Residency" means a minimum of a one-year approved
22 supervised program to acquire practical clinical training in
23 orthotics or prosthetics in a patient care setting.

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

26 "Technician" means a person who assists an orthotist,

1 prosthetist, prosthetist/orthotist, or pedorthist with
2 fabrication of orthoses, prostheses, or pedorthic devices but
3 does not provide direct patient care.

4 (Source: P.A. 98-214, eff. 8-9-13.)

5 (225 ILCS 84/10.5 new)

6 Sec. 10.5. Address of record; email address of record. All
7 applicants and licensees shall:

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

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

16 (225 ILCS 84/25)

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

18 Sec. 25. Board of Orthotics, Prosthetics, and Pedorthics.

19 (a) There is established a Board of Orthotics, Prosthetics,
20 and Pedorthics, which shall consist of 6 voting members to be
21 appointed by the Secretary. Three members shall be practicing
22 licensed orthotists, licensed prosthetists, or licensed
23 pedorthists. These members may be licensed in more than one
24 discipline and their appointments must equally represent all 3

1 disciplines. One member shall be a member of the public who is
2 a consumer of orthotic, prosthetic, or pedorthic professional
3 services. One member shall be a public member who is not
4 licensed under this Act or a consumer of services licensed
5 under this Act. One member shall be a licensed physician.

6 (b) Each member of the Board shall serve a term of 3 years,
7 except that of the initial appointments to the Board, 2 members
8 shall be appointed for one year, 2 members shall be appointed
9 for 2 years, and 2 members shall be appointed for 3 years. Each
10 member shall hold office and execute his or her Board
11 responsibilities until the qualification and appointment of
12 his or her successor. No member of the Board shall serve more
13 than 8 consecutive years or 2 full terms, whichever is greater.

14 (c) Members of the Board shall ~~receive as compensation a~~
15 ~~reasonable sum as determined by the Secretary for each day~~
16 ~~actually engaged in the duties of the office and shall be~~
17 reimbursed for all legitimate, necessary, and authorized
18 ~~reasonable~~ expenses incurred in performing the duties of the
19 office.

20 (d) Four members of the Board shall constitute a quorum. A
21 quorum is required for all Board decisions.

22 (e) The Secretary may terminate the appointment of any
23 member for cause which, in the opinion of the Secretary
24 reasonably justifies termination, which may include, but is not
25 limited to, a Board member who does not attend 2 consecutive
26 meetings.

1 (f) Membership of the Board should reasonably reflect
2 representation from the geographic areas in this State.

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

4 (225 ILCS 84/30)

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

6 Sec. 30. Board; immunity; chairperson.

7 (a) A member ~~Members~~ of the Board has no liability ~~shall be~~
8 ~~immune from suit~~ in any action based upon a ~~any~~ disciplinary
9 proceeding or other activity ~~activities~~ performed in good faith
10 as a member ~~members~~ of the Board.

11 (b) The Board shall annually elect a chairperson and vice
12 chairperson who shall be licensed under this Act.

13 (Source: P.A. 91-590, eff. 1-1-00.)

14 (225 ILCS 84/35)

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

16 Sec. 35. Application for original license. An application
17 for an original license shall be made to the Department in
18 writing on a form prescribed by the Department and shall be
19 accompanied by the required fee, which shall not be refundable.
20 An application shall require information that in the judgment
21 ~~judgement~~ of the Department will enable the Department to pass
22 on the qualifications of the applicant for a license.

23 (Source: P.A. 91-590, eff. 1-1-00.)

1 (225 ILCS 84/40)

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

3 Sec. 40. Qualifications for licensure as orthotist,
4 prosthetist, or pedorthist.

5 (a) To qualify for a license to practice orthotics or
6 prosthetics, a person shall:

7 (1) possess a baccalaureate degree or higher from a
8 college or university;

9 (2) have completed the amount of formal training,
10 including, but not limited to, any hours of classroom
11 education and clinical practice established and approved
12 by the Department;

13 (3) complete a clinical residency in the professional
14 area for which a license is sought in accordance with
15 standards, guidelines, or procedures for residencies
16 inside or outside this State established and approved by
17 the Department. The majority of training must be devoted to
18 services performed under the supervision of a licensed
19 practitioner of orthotics or prosthetics or a person
20 certified as a Certified Orthotist (CO), Certified
21 Prosthetist (CP), or Certified Prosthetist Orthotist (CPO)
22 whose practice is located outside of the State;

23 (4) pass all written, practical, and oral examinations
24 that are required and approved by the Department; and

25 (5) be qualified to practice in accordance with
26 internationally accepted standards of orthotic and

1 prosthetic care.

2 (b) To qualify for a license to practice pedorthics, a
3 person shall:

4 (1) submit proof of a high school diploma or its
5 equivalent;

6 (2) have completed the amount of formal training,
7 including, but not limited to, any hours of classroom
8 education and clinical practice established and approved
9 by the Department;

10 (3) complete a qualified work experience program or
11 internship in pedorthics that has a minimum of 1,000 hours
12 of pedorthic patient care experience in accordance with any
13 standards, guidelines, or procedures established and
14 approved by the Department. The majority of training must
15 be devoted to services performed under the supervision of a
16 licensed practitioner of pedorthics or a person certified
17 as a Certified Pedorthist (C.Ped) whose practice is located
18 outside of the State;

19 (4) pass all examinations that are required and
20 approved by the Department; and

21 (5) be qualified to practice in accordance with
22 nationally accepted standards of pedorthic care.

23 (c) The standards and requirements for licensure
24 established by the Department shall be substantially equal to
25 or in excess of standards commonly accepted in the profession
26 of orthotics, prosthetics, or pedorthics. The Department shall

1 adopt rules as necessary to set the standards and requirements.

2 (d) A person may be licensed in more than one discipline.

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

4 (225 ILCS 84/90)

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

6 Sec. 90. Grounds for discipline.

7 (a) The Department may refuse to issue or renew a license,
8 or may revoke or suspend a license, or may suspend, place on
9 probation, or reprimand a licensee or take other disciplinary
10 or non-disciplinary action as the Department may deem proper,
11 including, but not limited to, the imposition of fines not to
12 exceed \$10,000 for each violation for one or any combination of
13 the following:

14 (1) Making a material misstatement in furnishing
15 information to the Department or the Board.

16 (2) Violations of or negligent or intentional
17 disregard of this Act or its rules.

18 (3) Conviction of, or entry of a plea of guilty or nolo
19 contendere, finding of guilt, jury verdict, or entry of
20 judgment or sentencing, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation ~~to any~~
23 ~~crime that is a felony~~ under the laws of the United States
24 or any state ~~or territory thereof~~ or that is (i) a felony,
25 or (ii) a misdemeanor, ~~of which~~ an essential element of

1 which is dishonesty, or any crime that is directly related
2 to the practice of the profession.

3 (4) Making a misrepresentation for the purpose of
4 obtaining a license under this Act or in connection with
5 applying for renewal or restoration of a license under this
6 Act.

7 (5) A pattern of practice or other behavior that
8 demonstrates incapacity or incompetence to practice under
9 this Act.

10 (6) Gross negligence under this Act.

11 (7) Aiding or assisting another person in violating a
12 provision of this Act or its rules.

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

15 (9) Engaging in dishonorable, unethical, or
16 unprofessional conduct or conduct of a character likely to
17 deceive, defraud, or harm the public.

18 (10) Inability to practice with reasonable judgment,
19 skill, or safety as a result of habitual or excessive use
20 or addiction to alcohol, narcotics, stimulants, or any
21 other chemical agent or drug.

22 (11) Discipline by another state or territory of the
23 United States, the federal government, or foreign nation,
24 if at least one of the grounds for the discipline is the
25 same or substantially equivalent to one set forth in this
26 Section.

1 (12) Directly or indirectly giving to or receiving from
2 a person, firm, corporation, partnership, or association a
3 fee, commission, rebate, or other form of compensation for
4 professional services not actually or personally rendered.
5 Nothing in this paragraph (12) affects any bona fide
6 independent contractor or employment arrangements among
7 health care professionals, health facilities, health care
8 providers, or other entities, except as otherwise
9 prohibited by law. Any employment arrangements may include
10 provisions for compensation, health insurance, pension, or
11 other employment benefits for the provision of services
12 within the scope of the licensee's practice under this Act.
13 Nothing in this paragraph (12) shall be construed to
14 require an employment arrangement to receive professional
15 fees for services rendered.

16 (13) A finding by the Board that the licensee or
17 registrant, after having his or her license placed on
18 probationary status, has violated the terms of probation or
19 failed to comply with such terms.

20 (14) Abandonment of a patient or client.

21 (15) Willfully making or filing false records or
22 reports related to the licensee's ~~in his or her~~ practice,
23 including, but not limited to, false records filed with
24 federal or State agencies or departments.

25 (16) Willfully failing to report an instance of
26 suspected ~~child~~ abuse, ~~or~~ neglect, financial exploitation,

1 or self-neglect of an eligible child or adult as required
2 by the Abused and Neglected Child Reporting Act and the
3 Adult Protective Services Act.

4 (17) Inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of a
6 physical illness, including, but not limited to,
7 deterioration through the aging process or loss of motor
8 skill, or a mental illness or disability.

9 (18) Solicitation of professional services using false
10 or misleading advertising.

11 (b) In enforcing this Section, the Department or Board upon
12 a showing of a possible violation, may compel a licensee or
13 applicant to submit to a mental or physical examination, or
14 both, as required by and at the expense of the Department. The
15 Department or Board may order the examining physician to
16 present testimony concerning the mental or physical
17 examination of the licensee or applicant. No information shall
18 be excluded by reason of any common law or statutory privilege
19 relating to communications between the licensee or applicant
20 and the examining physician. The examining physicians shall be
21 specifically designated by the Board or Department. The
22 individual to be examined may have, at his or her own expense,
23 another physician of his or her choice present during all
24 aspects of this examination. Failure of an individual to submit
25 to a mental or physical examination, when directed, shall be
26 grounds for the immediate suspension of his or her license

1 until the individual submits to the examination if the
2 Department finds that the refusal to submit to the examination
3 was without reasonable cause as defined by rule.

4 ~~If In instances in which~~ the Secretary immediately suspends
5 a person's license for his or her failure to submit to a mental
6 or physical examination, when directed, a hearing on that
7 person's license must be convened by the Department within 15
8 days after the suspension and completed without appreciable
9 delay.

10 ~~If In instances in which~~ the Secretary otherwise suspends a
11 person's license pursuant to the results of a compelled mental
12 or physical examination, a hearing on that person's license
13 must be convened by the Department within 15 days after the
14 suspension and completed without appreciable delay. The
15 Department and Board shall have the authority to review the
16 subject individual's record of treatment and counseling
17 regarding the impairment to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under ~~the~~
24 ~~provisions of~~ his or her license.

25 (c) (Blank).

26 (d) ~~If In cases where~~ the Department of Healthcare and

1 Family Services (formerly Department of Public Aid) has
2 previously determined that a licensee or a potential licensee
3 is more than 30 days delinquent in the payment of child support
4 and has subsequently certified the delinquency to the
5 Department, the Department may refuse to issue or renew or may
6 revoke or suspend that person's license or may take other
7 disciplinary action against that person based solely upon the
8 certification of delinquency made by the Department of
9 Healthcare and Family Services in accordance with subsection
10 (a) (5) of Section 2105-15 of the Department of Professional
11 Regulation Law of the Civil Administrative Code of Illinois ~~(20~~
12 ~~ILCS 2105/2105-15).~~

13 (e) The Department shall ~~may~~ refuse to issue or renew a
14 license, or may revoke or suspend a license, for failure to
15 file a return, to pay the tax, penalty, or interest shown in a
16 filed return, or to pay any final assessment of tax, penalty,
17 or interest as required by any tax Act administered by the
18 Department of Revenue, until ~~such time as~~ the requirements of
19 the tax Act are satisfied in accordance with subsection (g) of
20 Section 2105-15 of the Department of Professional Regulation
21 Law of the Civil Administrative Code of Illinois ~~(20 ILCS~~
22 ~~2105/2105-15).~~

23 (Source: P.A. 100-872, eff. 8-14-18.)

24 (225 ILCS 84/95)

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

1 Sec. 95. Injunction; cease and desist order.

2 (a) If any person, company, or corporation violates a
3 provision of this Act, the Secretary may, in the name of the
4 People of the State of Illinois and through the Attorney
5 General of the State of Illinois or the State's Attorney of the
6 county in which the violation is alleged to have occurred,
7 petition for an order enjoining the violation or for an order
8 enforcing compliance with this Act. Upon the filing of a
9 verified petition in court, the court may issue a temporary
10 restraining order, without notice or bond, and may
11 preliminarily and permanently enjoin the violation. If it is
12 established that the person, company, or corporation has
13 violated or is violating the injunction, the court may punish
14 the offender for contempt of court. Proceedings under this
15 Section shall be in addition to, and not in lieu of, all other
16 remedies and penalties provided by this Act.

17 (b) (Blank). ~~If a person practices as an orthotist,~~
18 ~~prosthetist, or pedorthist or holds himself or herself out as~~
19 ~~an orthotist, prosthetist, or pedorthist without being~~
20 ~~licensed under the provisions of this Act, then any other~~
21 ~~licensed orthotist, prosthetist, or pedorthist, any interested~~
22 ~~party, or any person injured by the person may, in addition to~~
23 ~~the Secretary, petition for relief as provided in subsection~~
24 ~~(a) of this Section.~~

25 (c) (Blank). ~~If a company or corporation holds itself out~~
26 ~~to provide orthotic, prosthetic, or pedorthic services without~~

1 ~~having an orthotist, prosthetist, or pedorthist licensed under~~
2 ~~the provisions of this Act on its staff to provide those~~
3 ~~services, then any other licensed orthotist, prosthetist, or~~
4 ~~pedorthist or any interested party or injured person may, in~~
5 ~~addition to the Secretary, petition for relief as provided in~~
6 ~~subsection (a) of this Section.~~

7 (d) If, ~~Whenever~~ in the opinion of the Department, a
8 person, company, or corporation violates a provision of this
9 Act, the Department may issue a rule to show cause why an order
10 to cease and desist should not be entered against him, her, or
11 it. The rule shall clearly set forth the grounds relied upon by
12 the Department and shall provide a period of 7 days from the
13 date of the rule to file an answer to the satisfaction of the
14 Department. Failure to answer to the satisfaction of the
15 Department shall cause an order to cease and desist to be
16 issued immediately.

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

18 (225 ILCS 84/100)

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

20 Sec. 100. Investigations; notice and hearing.

21 (a) The Department may investigate the actions of any ~~an~~
22 applicant or of any ~~a~~ person or persons holding or claiming to
23 hold a license under this Act.

24 (b) The Department may also investigate the actions of a
25 company or corporation that holds itself out to provide

1 orthotic, prosthetic, or pedorthic services with or without
2 having an orthotist, prosthetist, or pedorthist licensed under
3 ~~the provisions of~~ this Act on its staff to provide those
4 services.

5 (c) The Department shall, before disciplining an applicant
6 or licensee, at least 30 days before the date set for the
7 hearing: (i) notify, in writing, the applicant or licensee of
8 the charges made and the time and place for the hearing on the
9 charges, (ii) direct him or her to file a written answer to the
10 charges under oath within 20 days after service of the notice,
11 and (iii) inform the applicant or licensee that failure to file
12 an answer will result in a default being entered against the
13 applicant or licensee. ~~Before refusing to issue or renew a~~
14 license or taking any other disciplinary action with respect to
15 a license, the Department shall, at least 30 days prior to the
16 date set for the hearing, notify in writing the applicant for
17 or holder of a license of the nature of the charges and that a
18 hearing will be held on the date designated. The written notice
19 may be served by personal delivery or by certified or
20 registered mail to the respondent at the address of record with
21 the Department. At the time and place fixed in the notice, the
22 Board shall proceed to hear the charges. The parties or their
23 counsel shall be afforded ample opportunity to present
24 statements, testimony, evidence, and argument that may be
25 pertinent to the charges or to the defense to the charges. The
26 Board may continue the hearing from time to time.

1 (d) At the time and place fixed in the notice, the Board or
2 hearing officer appointed by the Secretary shall proceed to
3 hear the charges and the applicant or licensee or his or her
4 counsel shall be accorded ample opportunity to present any
5 statement, testimony, evidence, and argument as may be
6 pertinent to the charges or to his or her defense. The Board or
7 hearing officer may continue the hearing from time to time.

8 (e) In case the person, after receiving the notice, fails
9 to file an answer, his or her license may, in the discretion of
10 the Secretary, having first received the recommendation of the
11 Board, be suspended, revoked, or placed on probationary status
12 or be subject to whatever disciplinary action the Secretary
13 considers proper, including limiting the scope, nature, or
14 extent of the person's practice or the imposition of a fine,
15 without hearing, if the act or acts charged constitute
16 sufficient grounds for that action under this Act.

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

18 (225 ILCS 84/105)

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

20 Sec. 105. Record of proceedings; transcript. The
21 Department, at its own expense, shall preserve a record of all
22 proceedings at the formal hearing of any case. The notice of
23 hearing, complaint, and all other documents in the nature of
24 pleadings and written motions filed in the proceedings, the
25 transcripts of testimony, the report of the Board, and orders

1 of the Department shall be in the record of the proceeding.

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

3 (225 ILCS 84/130)

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

5 Sec. 130. Appointment of hearing officer. ~~The Secretary~~
6 ~~shall have the authority to appoint an attorney licensed to~~
7 ~~practice law in the State of Illinois to serve as a hearing~~
8 ~~officer in an action for refusal to issue or renew a license or~~
9 ~~to discipline a licensee.~~ The hearing officer shall have full
10 authority to conduct the hearing. The hearing officer shall
11 report his or her findings and recommendations to the Board and
12 the Secretary. The Board shall ~~have 60 days from receipt of the~~
13 ~~report to~~ review the report of the hearing officer and present
14 its findings of fact, conclusions of law, and recommendations
15 to the Secretary. ~~If the Board fails to present its report~~
16 ~~within the 60 day period, the Secretary shall issue an order~~
17 ~~based on the report of the hearing officer.~~ If the Secretary
18 determines that the Board's report is contrary to the manifest
19 weight of the evidence, he or she may issue an order in
20 contravention of the Board's report. Nothing in this Section
21 shall prohibit a Board member from attending an informal
22 conference and such participation shall not be grounds for
23 recusal from any other proceeding.

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

1 (225 ILCS 84/150)

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

3 Sec. 150. Temporary suspension of a license. The Secretary
4 may temporarily suspend the license of an orthotist,
5 prosthetist, or pedorthist without a hearing simultaneously
6 with the institution of proceedings for a hearing under
7 ~~provided for in~~ Section 95 ~~of this Act~~ if the Secretary finds
8 that evidence in his or her possession indicates that a
9 licensee's continuation in practice would constitute an
10 imminent danger to the public. If the Secretary temporarily
11 suspends a license without a hearing, a hearing by the Board
12 must be held within 30 days after the suspension and completed
13 without appreciable delay.

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

15 (225 ILCS 84/155)

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

17 Sec. 155. Administrative Review Law; venue. All final
18 administrative decisions of the Department are subject to
19 judicial review pursuant to the provisions of the
20 Administrative Review Law and all its rules adopted pursuant
21 thereto. The term "administrative decision" has the same
22 meaning as in Section 3-101 of the Administrative Review Law.
23 Proceedings for judicial review shall be commenced in the
24 circuit court of the county in which the party applying for
25 review resides, but if the party is not a resident of this

1 State, the venue shall be in Sangamon County.

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/160)

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

5 Sec. 160. Certifications of record; costs. The Department
6 shall not be required to certify any record to the court or
7 file any answer in court or to otherwise appear in any court in
8 a judicial review proceeding unless and until the Department
9 has received from the plaintiff ~~there is filed in the court~~
10 ~~with the complaint a receipt from the Department acknowledging~~
11 payment of the costs of furnishing and certifying the record,
12 which cost shall be determined by the Department. Failure on
13 the part of a plaintiff to file a receipt in court shall be
14 grounds for dismissal of the action. During the pendency and
15 hearing of any and all judicial proceedings incident to a
16 disciplinary action, the sanctions imposed upon the plaintiff
17 by the Department shall remain in full force and effect.

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

19 (225 ILCS 84/170)

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

21 Sec. 170. Illinois Administrative Procedure Act. The
22 Illinois Administrative Procedure Act is hereby expressly
23 adopted and incorporated in this Act as if all of the
24 provisions of that Act were included in this Act, except that

1 the provision of subsection (d) of Section 10-65 of the
2 Illinois Administrative Procedure Act, which provides that at
3 hearings the licensee has the right to show compliance with all
4 lawful requirements for retention, continuation, or renewal of
5 the license, is specifically excluded and for purposes of this
6 Act. The notice required under Section 10-25 of the Illinois
7 Administrative Procedure Act is deemed sufficient when mailed
8 or emailed to the last known address or email address of record
9 a party.

10 (Source: P.A. 91-590, eff. 1-1-00.)

11 (225 ILCS 84/180 new)

12 Sec. 180. Confidentiality. All information collected by
13 the Department in the course of an examination or investigation
14 of a licensee or applicant, including, but not limited to, any
15 complaint against a licensee filed with the Department and
16 information collected to investigate any such complaint, shall
17 be maintained for the confidential use of the Department and
18 shall not be disclosed. The Department shall not disclose the
19 information to anyone other than law enforcement officials,
20 other regulatory agencies that have an appropriate regulatory
21 interest as determined by the Secretary, or a party presenting
22 a lawful subpoena to the Department. Information and documents
23 disclosed to a federal, State, county, or local law enforcement
24 agency shall not be disclosed by the agency for any purpose to
25 any other agency or person. A formal complaint filed against a

1 licensee by the Department or any order issued by the
2 Department against a licensee or applicant shall be a public
3 record, except as otherwise prohibited by law.

4 (225 ILCS 84/80 rep.)

5 Section 15. The Orthotics, Prosthetics, and Pedorthics
6 Practice Act is amended by repealing Section 80.

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