

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 4.30 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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020: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 Podorthics Practice Act.~~

16 The Perfusionist Practice Act.

17 The Pharmacy Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

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

1 (5 ILCS 80/4.40 new)

2 Sec. 4.40. Act repealed on January 1, 2030. The following  
3 Act is repealed on January 1, 2030:

4 The Orthotics, Prosthetics, and Pedorthics Practice Act.

5 Section 10. The Orthotics, Prosthetics, and Pedorthics  
6 Practice Act is amended by changing Sections 10, 25, 30, 35,  
7 40, 90, 95, 100, 105, 130, 150, 155, 160, and 170 and by adding  
8 Sections 10.5 and 180 as follows:

9 (225 ILCS 84/10)

10 (Section scheduled to be repealed on January 1, 2020)

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

12 "Accredited facility" means a facility that ~~which~~ has been  
13 accredited by the Center for Medicare Medicaid Services to  
14 practice prosthetics, orthotics or pedorthics and ~~which~~  
15 represents itself to the public by title or description of  
16 services that includes the term "prosthetic", "prosthetist",  
17 "artificial limb", "orthotic", "orthotist", "brace",  
18 "pedorthic", "pedorthist" or a similar title or description of  
19 services.

20 "Address of record" means the designated address recorded  
21 by the Department in the applicant's or licensee's application  
22 file or license file maintained by the Department's licensure  
23 maintenance unit. ~~It is the duty of the applicant or licensee~~  
24 ~~to inform the Department of any change of address, and such~~

1 ~~changes must be made either through the Department's website or~~  
2 ~~by contacting the Department.~~

3 "Assistant" means a person who is educated and trained to  
4 participate in comprehensive orthotic or prosthetic care while  
5 under the supervision, as defined by rule, of a licensed  
6 orthotist or licensed prosthetist. Assistants may perform  
7 orthotic or prosthetic procedures and related tasks in the  
8 management of patient care. Assistants may also fabricate,  
9 repair, and maintain orthoses and prostheses.

10 "Board" means the Board of Orthotics, Prosthetics, and  
11 Pedorthics.

12 "Custom-fabricated ~~Custom-fabricated~~ device" means an  
13 orthosis, prosthesis, or pedorthic device that is fabricated to  
14 comprehensive measurements or a mold or patient model for use  
15 by a patient in accordance with a prescription and ~~which~~  
16 requires clinical and technical judgment in its design,  
17 fabrication, and fitting.

18 "Custom-fitted ~~Custom-fitted~~ device" means an orthosis,  
19 prosthesis, or pedorthic device that is made to patient  
20 measurements sized or modified for use by the patient in  
21 accordance with a prescription and ~~which~~ requires clinical and  
22 technical judgment and substantive alteration in its design.

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

25 "Email address of record" means the designated email  
26 address recorded by the Department in the applicant's

1 application file or the licensee's license file, as maintained  
2 by the Department's licensure maintenance unit.

3 "Facility" means the business location where orthotic,  
4 prosthetic, or pedorthic care is provided and, in the case of  
5 an orthotic/prosthetic facility, has the appropriate clinical  
6 and laboratory space and equipment to provide comprehensive  
7 orthotic or prosthetic care and, in the case of a pedorthic  
8 facility, has the appropriate clinical space and equipment to  
9 provide pedorthic care. Licensed orthotists, prosthetists, and  
10 pedorthists must be available to either provide care or  
11 supervise the provision of care by unlicensed staff.

12 "Licensed orthotist" or "LO" means a person licensed under  
13 this Act to practice orthotics and who represents himself or  
14 herself to the public by title or description of services that  
15 includes the term "orthotic", "orthotist", "brace", or a  
16 similar title or description of services.

17 "Licensed pedorthist" or "LPed" means a person licensed  
18 under this Act to practice pedorthics and who represents  
19 himself or herself to the public by the title or description of  
20 services that include the term "pedorthic", "pedorthist", or a  
21 similar title or description of services.

22 "Licensed physician" means a person licensed under the  
23 Medical Practice Act of 1987.

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

26 "Licensed prosthetist" or "LP" means a person licensed

1 under this Act to practice prosthetics and who represents  
2 himself or herself to the public by title or description of  
3 services that includes the term "prosthetic", "prosthetist",  
4 "artificial limb", or a similar title or description of  
5 services.

6 "Off-the-shelf device" means a prefabricated orthosis,  
7 prosthesis, or pedorthic device sized or modified for use by  
8 the patient in accordance with a prescription and that does not  
9 require substantial clinical judgment and substantive  
10 alteration for appropriate use.

11 "Orthosis" means a custom-fabricated or custom-fitted  
12 brace or support designed to provide for alignment, correction,  
13 or prevention of neuromuscular or musculoskeletal dysfunction,  
14 disease, injury, or deformity. "Orthosis" does not include  
15 fabric or elastic supports, corsets, arch supports,  
16 low-temperature plastic splints, trusses, elastic hoses,  
17 canes, crutches, soft cervical collars, dental appliances, or  
18 other similar devices carried in stock and sold as  
19 "over-the-counter" items by a drug store, department store,  
20 corset shop, or surgical supply facility.

21 "Orthotic and Prosthetic Education Program" means a course  
22 of instruction accredited by the Commission on Accreditation of  
23 Allied Health Education Programs, consisting of (i) a basic  
24 curriculum of college level instruction in math, physics,  
25 biology, chemistry, and psychology and (ii) a specific  
26 curriculum in orthotic or prosthetic courses, including: (A)

1 lectures covering pertinent anatomy, biomechanics,  
2 pathomechanics, prosthetic-orthotic components and materials,  
3 training and functional capabilities, prosthetic or orthotic  
4 performance evaluation, prescription considerations, etiology  
5 of amputations and disease processes necessitating prosthetic  
6 or orthotic use, and medical management; (B) subject matter  
7 related to pediatric and geriatric problems; (C) instruction in  
8 acute care techniques, such as immediate and early  
9 post-surgical prosthetics and fracture bracing techniques; and  
10 (D) lectures, demonstrations, and laboratory experiences  
11 related to the entire process of measuring, casting, fitting,  
12 fabricating, aligning, and completing prostheses or orthoses.

13 "Orthotic and prosthetic scope of practice" means a list of  
14 tasks, with relative weight given to such factors as  
15 importance, criticality, and frequency, based on  
16 internationally accepted standards of orthotic and prosthetic  
17 care as outlined by the International Society of Prosthetics  
18 and Orthotics' professional profile for Category I and Category  
19 III orthotic and prosthetic personnel.

20 "Orthotics" means the science and practice of evaluating,  
21 measuring, designing, fabricating, assembling, fitting,  
22 adjusting, or servicing an orthosis under an order from a  
23 licensed physician or podiatric physician for the correction or  
24 alleviation of neuromuscular or musculoskeletal dysfunction,  
25 disease, injury, or deformity.

26 "Orthotist" means a health care professional, specifically

1 educated and trained in orthotic patient care, who measures,  
2 designs, fabricates, fits, or services orthoses and may assist  
3 in the formulation of the order and treatment plan of orthoses  
4 for the support or correction of disabilities caused by  
5 neuro-musculoskeletal diseases, injuries, or deformities.

6 "Over-the-counter" means a prefabricated, mass-produced  
7 device that is prepackaged and requires no professional advice  
8 or judgment ~~judgement~~ in either size selection or use,  
9 including fabric or elastic supports, corsets, generic arch  
10 supports, elastic hoses.

11 "Pedorthic device" means therapeutic shoes (e.g. diabetic  
12 shoes and inserts), shoe modifications made for therapeutic  
13 purposes, below the ankle partial foot prostheses, and foot  
14 orthoses for use at the ankle or below. It also includes  
15 subtalar-control foot orthoses designed to manage the function  
16 of the anatomy by controlling the range of motion of the  
17 subtalar joint. Excluding footwear, the proximal height of a  
18 custom pedorthic device does not extend beyond the junction of  
19 the gastrocnemius and the Achilles tendon. Pedorthic devices do  
20 not include non-therapeutic inlays or footwear regardless of  
21 method of manufacture; unmodified, non-therapeutic  
22 over-the-counter shoes; or prefabricated foot care products.  
23 "Therapeutic" devices address a medical condition, diagnosed  
24 by a prescribing medical professional, while "non-therapeutic"  
25 devices do not address a medical condition.

26 "Pedorthic education program" means an educational program

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

15 "Pedorthic scope of practice" means a list of tasks with  
16 relative weight given to such factors as importance,  
17 criticality, and frequency based on nationally accepted  
18 standards of pedorthic care as outlined by the National  
19 Commission on Orthotic and Prosthetic Education comprehensive  
20 analysis with an empirical validation study of the profession  
21 performed by an independent testing company.

22 "Pedorthics" means the science and practice of evaluating,  
23 measuring, designing, fabricating, assembling, fitting,  
24 adjusting, or servicing a pedorthic device under an order from  
25 a licensed physician or podiatric physician for the correction  
26 or alleviation of neuromuscular or musculoskeletal



1 dysfunction, disease, injury, or deformity.

2 "Pedorthist" means a health care professional,  
3 specifically educated and trained in pedorthic patient care,  
4 who measures, designs, fabricates, fits, or services pedorthic  
5 devices and may assist in the formulation of the order and  
6 treatment plan of pedorthic devices for the support or  
7 correction of disabilities caused by neuro-musculoskeletal  
8 diseases, injuries, or deformities.

9 "Person" means a natural person.

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

19 "Prosthetics" means the science and practice of  
20 evaluating, measuring, designing, fabricating, assembling,  
21 fitting, adjusting, or servicing a prosthesis under an order  
22 from a licensed physician.

23 "Prosthetist" means a health care professional,  
24 specifically educated and trained in prosthetic patient care,  
25 who measures, designs, fabricates, fits, or services  
26 prostheses and may assist in the formulation of the order and

1 treatment plan of prostheses for the replacement of external  
2 parts of the human body lost due to amputation or congenital  
3 deformities or absences.

4 "Prosthetist/orthotist" means a person who practices both  
5 disciplines of prosthetics and orthotics and who represents  
6 himself or herself to the public by title or by description of  
7 services. A person who is currently licensed by the State as  
8 both a licensed prosthetist and a licensed orthotist may use  
9 the title "Licensed Prosthetist Orthotist" or "LPO".

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

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

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

19 "Technician" means a person who assists an orthotist,  
20 prosthetist, prosthetist/orthotist, or pedorthist with  
21 fabrication of orthoses, prostheses, or pedorthic devices but  
22 does not provide direct patient care.

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

24 (225 ILCS 84/10.5 new)

25 Sec. 10.5. Address of record; email address of record. All

1 applicants and licensees shall:

2 (1) provide a valid address and email address to the  
3 Department, which shall serve as the address of record and  
4 email address of record, respectively, at the time of  
5 application for licensure or renewal of a license; and

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

10 (225 ILCS 84/25)

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

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

13 (a) There is established a Board of Orthotics, Prosthetics,  
14 and Pedorthics, which shall consist of 6 voting members to be  
15 appointed by the Secretary. Three members shall be practicing  
16 licensed orthotists, licensed prosthetists, or licensed  
17 pedorthists. These members may be licensed in more than one  
18 discipline and their appointments must equally represent all 3  
19 disciplines. One member shall be a member of the public who is  
20 a consumer of orthotic, prosthetic, or pedorthic professional  
21 services. One member shall be a public member who is not  
22 licensed under this Act or a consumer of services licensed  
23 under this Act. One member shall be a licensed physician.

24 (b) Each member of the Board shall serve a term of 3 years,  
25 except that of the initial appointments to the Board, 2 members

1 shall be appointed for one year, 2 members shall be appointed  
2 for 2 years, and 2 members shall be appointed for 3 years. Each  
3 member shall hold office and execute his or her Board  
4 responsibilities until the qualification and appointment of  
5 his or her successor. No member of the Board shall serve more  
6 than 8 consecutive years or 2 full terms, whichever is greater.

7 (c) Members of the Board shall ~~receive as compensation a~~  
8 ~~reasonable sum as determined by the Secretary for each day~~  
9 ~~actually engaged in the duties of the office and shall be~~  
10 reimbursed for all legitimate, necessary, and authorized  
11 ~~reasonable~~ expenses incurred in performing the duties of the  
12 office.

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

15 (e) The Secretary may terminate the appointment of any  
16 member for cause which, in the opinion of the Secretary  
17 reasonably justifies termination, which may include, but is not  
18 limited to, a Board member who does not attend 2 consecutive  
19 meetings.

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

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

23 (225 ILCS 84/30)

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

25 Sec. 30. Board; immunity; chairperson.

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

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

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

8           (225 ILCS 84/35)

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

10          Sec. 35. Application for original license. An application  
11 for an original license shall be made to the Department in  
12 writing on a form prescribed by the Department and shall be  
13 accompanied by the required fee, which shall not be refundable.  
14 An application shall require information that in the judgment  
15 ~~judgement~~ of the Department will enable the Department to pass  
16 on the qualifications of the applicant for a license.

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

18          (225 ILCS 84/40)

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

20          Sec. 40. Qualifications for licensure as orthotist,  
21 prosthetist, or pedorthist.

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

24           (1) possess a baccalaureate degree or higher from a

1 college or university;

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

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

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

18 (5) be qualified to practice in accordance with  
19 internationally accepted standards of orthotic and  
20 prosthetic care.

21 (b) To qualify for a license to practice pedorthics, a  
22 person shall:

23 (1) submit proof of a high school diploma or its  
24 equivalent;

25 (2) have completed the amount of formal training,  
26 including, but not limited to, any hours of classroom

1 education and clinical practice established and approved  
2 by the Department;

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

12 (4) pass all examinations that are required and  
13 approved by the Department; and

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

16 (c) The standards and requirements for licensure  
17 established by the Department shall be substantially equal to  
18 or in excess of standards commonly accepted in the profession  
19 of orthotics, prosthetics, or pedorthics. The Department shall  
20 adopt rules as necessary to set the standards and requirements.

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

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

23 (225 ILCS 84/90)

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

25 Sec. 90. Grounds for discipline.

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

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

10 (2) Violations of or negligent or intentional  
11 disregard of this Act or its rules.

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

22 (4) Making a misrepresentation for the purpose of  
23 obtaining a license under this Act or in connection with  
24 applying for renewal or restoration of a license under this  
25 Act.

26 (5) A pattern of practice or other behavior that



1 demonstrates incapacity or incompetence to practice under  
2 this Act.

3 (6) Gross negligence under this Act.

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

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

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

11 (10) Inability to practice with reasonable judgment,  
12 skill, or safety as a result of habitual or excessive use  
13 or addiction to alcohol, narcotics, stimulants, or any  
14 other chemical agent or drug.

15 (11) Discipline by another state or territory of the  
16 United States, the federal government, or foreign nation,  
17 if at least one of the grounds for the discipline is the  
18 same or substantially equivalent to one set forth in this  
19 Section.

20 (12) Directly or indirectly giving to or receiving from  
21 a person, firm, corporation, partnership, or association a  
22 fee, commission, rebate, or other form of compensation for  
23 professional services not actually or personally rendered.  
24 Nothing in this paragraph (12) affects any bona fide  
25 independent contractor or employment arrangements among  
26 health care professionals, health facilities, health care

1 providers, or other entities, except as otherwise  
2 prohibited by law. Any employment arrangements may include  
3 provisions for compensation, health insurance, pension, or  
4 other employment benefits for the provision of services  
5 within the scope of the licensee's practice under this Act.  
6 Nothing in this paragraph (12) shall be construed to  
7 require an employment arrangement to receive professional  
8 fees for services rendered.

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

13 (14) Abandonment of a patient or client.

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

18 (16) Willfully failing to report an instance of  
19 suspected ~~child~~ abuse, ~~or~~ neglect, financial exploitation,  
20 or self-neglect of an eligible child or adult as required  
21 by the Abused and Neglected Child Reporting Act and the  
22 Adult Protective Services Act.

23 (17) Inability to practice the profession with  
24 reasonable judgment, skill, or safety as a result of a  
25 physical illness, including, but not limited to,  
26 deterioration through the aging process or loss of motor

1 skill, or a mental illness or disability.

2 (18) Solicitation of professional services using false  
3 or misleading advertising.

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

23 ~~If In instances in which~~ the Secretary immediately suspends  
24 a person's license for his or her failure to submit to a mental  
25 or physical examination, when directed, a hearing on that  
26 person's license must be convened by the Department within 15

1 days after the suspension and completed without appreciable  
2 delay.

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

13 An individual licensed under this Act and affected under  
14 this Section shall be afforded an opportunity to demonstrate to  
15 the Department or Board that he or she can resume practice in  
16 compliance with acceptable and prevailing standards under ~~the~~  
17 ~~provisions of~~ his or her license.

18 (c) (Blank).

19 (d) ~~If In cases where~~ the Department of Healthcare and  
20 Family Services (formerly Department of Public Aid) has  
21 previously determined that a licensee or a potential licensee  
22 is more than 30 days delinquent in the payment of child support  
23 and has subsequently certified the delinquency to the  
24 Department, the Department may refuse to issue or renew or may  
25 revoke or suspend that person's license or may take other  
26 disciplinary action against that person based solely upon the

1 certification of delinquency made by the Department of  
2 Healthcare and Family Services in accordance with subsection  
3 (a) (5) of Section 2105-15 of the Department of Professional  
4 Regulation Law of the Civil Administrative Code of Illinois ~~(20~~  
5 ~~ILCS 2105/2105-15)~~.

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

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

17 (225 ILCS 84/95)

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

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

20 (a) If any person, company, or corporation violates a  
21 provision of this Act, the Secretary may, in the name of the  
22 People of the State of Illinois and through the Attorney  
23 General of the State of Illinois or the State's Attorney of the  
24 county in which the violation is alleged to have occurred,  
25 petition for an order enjoining the violation or for an order

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

10 (b) (Blank). ~~If a person practices as an orthotist,~~  
11 ~~prosthetist, or pedorthist or holds himself or herself out as~~  
12 ~~an orthotist, prosthetist, or pedorthist without being~~  
13 ~~licensed under the provisions of this Act, then any other~~  
14 ~~licensed orthotist, prosthetist, or pedorthist, any interested~~  
15 ~~party, or any person injured by the person may, in addition to~~  
16 ~~the Secretary, petition for relief as provided in subsection~~  
17 ~~(a) of this Section.~~

18 (c) (Blank). ~~If a company or corporation holds itself out~~  
19 ~~to provide orthotic, prosthetic, or pedorthic services without~~  
20 ~~having an orthotist, prosthetist, or pedorthist licensed under~~  
21 ~~the provisions of this Act on its staff to provide those~~  
22 ~~services, then any other licensed orthotist, prosthetist, or~~  
23 ~~pedorthist or any interested party or injured person may, in~~  
24 ~~addition to the Secretary, petition for relief as provided in~~  
25 ~~subsection (a) of this Section.~~

26 (d) If, Whenever in the opinion of the Department, a

1 person, company, or corporation violates a provision of this  
2 Act, the Department may issue a rule to show cause why an order  
3 to cease and desist should not be entered against him, her, or  
4 it. The rule shall clearly set forth the grounds relied upon by  
5 the Department and shall provide a period of 7 days from the  
6 date of the rule to file an answer to the satisfaction of the  
7 Department. Failure to answer to the satisfaction of the  
8 Department shall cause an order to cease and desist to be  
9 issued immediately.

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

11 (225 ILCS 84/100)

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

13 Sec. 100. Investigations; notice and hearing.

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

17 (b) The Department may also investigate the actions of a  
18 company or corporation that holds itself out to provide  
19 orthotic, prosthetic, or pedorthic services with or without  
20 having an orthotist, prosthetist, or pedorthist licensed under  
21 ~~the provisions of~~ this Act on its staff to provide those  
22 services.

23 (c) The Department shall, before disciplining an applicant  
24 or licensee, at least 30 days before the date set for the  
25 hearing: (i) notify, in writing, the applicant or licensee of

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

20 (d) At the time and place fixed in the notice, the Board or  
21 hearing officer appointed by the Secretary shall proceed to  
22 hear the charges and the applicant or licensee or his or her  
23 counsel shall be accorded ample opportunity to present any  
24 statement, testimony, evidence, and argument as may be  
25 pertinent to the charges or to his or her defense. The Board or  
26 hearing officer may continue the hearing from time to time.



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

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

11       (225 ILCS 84/105)

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

13       Sec. 105. Record of proceedings; transcript. The  
14 Department, at its own expense, shall preserve a record of all  
15 proceedings at the formal hearing of any case. The notice of  
16 hearing, complaint, and all other documents in the nature of  
17 pleadings and written motions filed in the proceedings, the  
18 transcripts of testimony, the report of the Board, and orders  
19 of the Department shall be in the record of the proceeding.

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

21       (225 ILCS 84/130)

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

23       Sec. 130. Appointment of hearing officer. ~~The Secretary~~  
24 ~~shall have the authority to appoint an attorney licensed to~~

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

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

19 (225 ILCS 84/150)

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

21 Sec. 150. Temporary suspension of a license. The Secretary  
22 may temporarily suspend the license of an orthotist,  
23 prosthetist, or pedorthist without a hearing simultaneously  
24 with the institution of proceedings for a hearing under  
25 ~~provided for in Section 95 of this Act~~ if the Secretary finds

1 that evidence in his or her possession indicates that a  
2 licensee's continuation in practice would constitute an  
3 imminent danger to the public. If the Secretary temporarily  
4 suspends a license without a hearing, a hearing by the Board  
5 must be held within 30 days after the suspension and completed  
6 without appreciable delay.

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

8 (225 ILCS 84/155)

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

10 Sec. 155. Administrative Review Law; venue. All final  
11 administrative decisions of the Department are subject to  
12 judicial review pursuant to the provisions of the  
13 Administrative Review Law and all ~~its~~ rules adopted pursuant  
14 thereto. The term "administrative decision" has the same  
15 meaning as in Section 3-101 of the Administrative Review Law.  
16 Proceedings for judicial review shall be commenced in the  
17 circuit court of the county in which the party applying for  
18 review resides, but if the party is not a resident of this  
19 State, the venue shall be in Sangamon County.

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

21 (225 ILCS 84/160)

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

23 Sec. 160. Certifications of record; costs. The Department  
24 shall not be required to certify any record to the court or

1 file any answer in court or to otherwise appear in any court in  
2 a judicial review proceeding unless and until the Department  
3 has received from the plaintiff ~~there is filed in the court~~  
4 ~~with the complaint a receipt from the Department acknowledging~~  
5 payment of the costs of furnishing and certifying the record,  
6 which cost shall be determined by the Department. Failure on  
7 the part of a plaintiff to file a receipt in court shall be  
8 grounds for dismissal of the action. During the pendency and  
9 hearing of any and all judicial proceedings incident to a  
10 disciplinary action, the sanctions imposed upon the plaintiff  
11 by the Department shall remain in full force and effect.

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

13 (225 ILCS 84/170)

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

15 Sec. 170. Illinois Administrative Procedure Act. The  
16 Illinois Administrative Procedure Act is hereby expressly  
17 adopted and incorporated in this Act as if all of the  
18 provisions of that Act were included in this Act, except that  
19 the provision of subsection (d) of Section 10-65 of the  
20 Illinois Administrative Procedure Act, which provides that at  
21 hearings the licensee has the right to show compliance with all  
22 lawful requirements for retention, continuation, or renewal of  
23 the license, is specifically excluded and for purposes of this  
24 Act. The notice required under Section 10-25 of the Illinois  
25 Administrative Procedure Act is deemed sufficient when mailed

1 or emailed to the last known address or email address of record  
2 a party.

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

4 (225 ILCS 84/180 new)

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

22 (225 ILCS 84/80 rep.)

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.