

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 Medical Practice Act of 1987 is amended by
5 changing Sections 22 as follows:

6 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 22. Disciplinary action.

9 (A) The Department may revoke, suspend, place on
10 probation, reprimand, refuse to issue or renew, or take any
11 other disciplinary or non-disciplinary action as the
12 Department may deem proper with regard to the license or
13 permit of any person issued under this Act, including imposing
14 fines not to exceed \$10,000 for each violation, upon any of the
15 following grounds:

16 (1) (Blank).

17 (2) (Blank).

18 (3) A plea of guilty or nolo contendere, finding of
19 guilt, jury verdict, or entry of judgment or sentencing,
20 including, but not limited to, convictions, preceding
21 sentences of supervision, conditional discharge, or first
22 offender probation, under the laws of any jurisdiction of
23 the United States of any crime that is a felony.

1 (4) Gross negligence in practice under this Act.

2 (5) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public.

5 (6) Obtaining any fee by fraud, deceit, or
6 misrepresentation.

7 (7) Habitual or excessive use or abuse of drugs
8 defined in law as controlled substances, of alcohol, or of
9 any other substances which results in the inability to
10 practice with reasonable judgment, skill, or safety.

11 (8) Practicing under a false or, except as provided by
12 law, an assumed name.

13 (9) Fraud or misrepresentation in applying for, or
14 procuring, a license under this Act or in connection with
15 applying for renewal of a license under this Act.

16 (10) Making a false or misleading statement regarding
17 their skill or the efficacy or value of the medicine,
18 treatment, or remedy prescribed by them at their direction
19 in the treatment of any disease or other condition of the
20 body or mind.

21 (11) Allowing another person or organization to use
22 their license, procured under this Act, to practice.

23 (12) Adverse action taken by another state or
24 jurisdiction against a license or other authorization to
25 practice as a medical doctor, doctor of osteopathy, doctor
26 of osteopathic medicine or doctor of chiropractic, a

1 certified copy of the record of the action taken by the
2 other state or jurisdiction being prima facie evidence
3 thereof. This includes any adverse action taken by a State
4 or federal agency that prohibits a medical doctor, doctor
5 of osteopathy, doctor of osteopathic medicine, or doctor
6 of chiropractic from providing services to the agency's
7 participants.

8 (13) Violation of any provision of this Act or of the
9 Medical Practice Act prior to the repeal of that Act, or
10 violation of the rules, or a final administrative action
11 of the Secretary, after consideration of the
12 recommendation of the Medical Board.

13 (14) Violation of the prohibition against fee
14 splitting in Section 22.2 of this Act.

15 (15) A finding by the Medical Board that the
16 registrant after having his or her license placed on
17 probationary status or subjected to conditions or
18 restrictions violated the terms of the probation or failed
19 to comply with such terms or conditions.

20 (16) Abandonment of a patient.

21 (17) Prescribing, selling, administering,
22 distributing, giving, or self-administering any drug
23 classified as a controlled substance (designated product)
24 or narcotic for other than medically accepted therapeutic
25 purposes.

26 (18) Promotion of the sale of drugs, devices,

1 appliances, or goods provided for a patient in such manner
2 as to exploit the patient for financial gain of the
3 physician.

4 (19) Offering, undertaking, or agreeing to cure or
5 treat disease by a secret method, procedure, treatment, or
6 medicine, or the treating, operating, or prescribing for
7 any human condition by a method, means, or procedure which
8 the licensee refuses to divulge upon demand of the
9 Department.

10 (20) Immoral conduct in the commission of any act
11 including, but not limited to, commission of an act of
12 sexual misconduct related to the licensee's practice.

13 (21) Willfully making or filing false records or
14 reports in his or her practice as a physician, including,
15 but not limited to, false records to support claims
16 against the medical assistance program of the Department
17 of Healthcare and Family Services (formerly Department of
18 Public Aid) under the Illinois Public Aid Code.

19 (22) Willful omission to file or record, or willfully
20 impeding the filing or recording, or inducing another
21 person to omit to file or record, medical reports as
22 required by law, or willfully failing to report an
23 instance of suspected abuse or neglect as required by law.

24 (23) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 under the Abused and Neglected Child Reporting Act, and

1 upon proof by clear and convincing evidence that the
2 licensee has caused a child to be an abused child or
3 neglected child as defined in the Abused and Neglected
4 Child Reporting Act.

5 (24) Solicitation of professional patronage by any
6 corporation, agents or persons, or profiting from those
7 representing themselves to be agents of the licensee.

8 (25) Gross and willful and continued overcharging for
9 professional services, including filing false statements
10 for collection of fees for which services are not
11 rendered, including, but not limited to, filing such false
12 statements for collection of monies for services not
13 rendered from the medical assistance program of the
14 Department of Healthcare and Family Services (formerly
15 Department of Public Aid) under the Illinois Public Aid
16 Code.

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

20 (27) Mental illness or disability which results in the
21 inability to practice under this Act with reasonable
22 judgment, skill, or safety.

23 (28) Physical illness, including, but not limited to,
24 deterioration through the aging process, or loss of motor
25 skill which results in a physician's inability to practice
26 under this Act with reasonable judgment, skill, or safety.

1 (29) Cheating on or attempting ~~attempt~~ to subvert the
2 licensing examinations administered under this Act.

3 (30) Willfully or negligently violating the
4 confidentiality between physician and patient except as
5 required by law.

6 (31) The use of any false, fraudulent, or deceptive
7 statement in any document connected with practice under
8 this Act.

9 (32) Aiding and abetting an individual not licensed
10 under this Act in the practice of a profession licensed
11 under this Act.

12 (33) Violating state or federal laws or regulations
13 relating to controlled substances, legend drugs, or
14 ephedra as defined in the Ephedra Prohibition Act.

15 (34) Failure to report to the Department any adverse
16 final action taken against them by another licensing
17 jurisdiction (any other state or any territory of the
18 United States or any foreign state or country), by any
19 peer review body, by any health care institution, by any
20 professional society or association related to practice
21 under this Act, by any governmental agency, by any law
22 enforcement agency, or by any court for acts or conduct
23 similar to acts or conduct which would constitute grounds
24 for action as defined in this Section.

25 (35) Failure to report to the Department surrender of
26 a license or authorization to practice as a medical

1 doctor, a doctor of osteopathy, a doctor of osteopathic
2 medicine, or doctor of chiropractic in another state or
3 jurisdiction, or surrender of membership on any medical
4 staff or in any medical or professional association or
5 society, while under disciplinary investigation by any of
6 those authorities or bodies, for acts or conduct similar
7 to acts or conduct which would constitute grounds for
8 action as defined in this Section.

9 (36) Failure to report to the Department any adverse
10 judgment, settlement, or award arising from a liability
11 claim related to acts or conduct similar to acts or
12 conduct which would constitute grounds for action as
13 defined in this Section.

14 (37) Failure to provide copies of medical records as
15 required by law.

16 (38) Failure to furnish the Department, its
17 investigators or representatives, relevant information,
18 legally requested by the Department after consultation
19 with the Chief Medical Coordinator or the Deputy Medical
20 Coordinator.

21 (39) Violating the Health Care Worker Self-Referral
22 Act.

23 (40) Willful failure to provide notice when notice is
24 required under the Parental Notice of Abortion Act of
25 1995.

26 (41) Failure to establish and maintain records of

1 patient care and treatment as required by this law.

2 (42) Entering into an excessive number of written
3 collaborative agreements with licensed advanced practice
4 registered nurses resulting in an inability to adequately
5 collaborate.

6 (43) Repeated failure to adequately collaborate with a
7 licensed advanced practice registered nurse.

8 (44) Violating the Compassionate Use of Medical
9 Cannabis Program Act.

10 (45) Entering into an excessive number of written
11 collaborative agreements with licensed prescribing
12 psychologists resulting in an inability to adequately
13 collaborate.

14 (46) Repeated failure to adequately collaborate with a
15 licensed prescribing psychologist.

16 (47) Willfully failing to report an instance of
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect of an eligible adult as defined in and
19 required by the Adult Protective Services Act.

20 (48) Being named as an abuser in a verified report by
21 the Department on Aging under the Adult Protective
22 Services Act, and upon proof by clear and convincing
23 evidence that the licensee abused, neglected, or
24 financially exploited an eligible adult as defined in the
25 Adult Protective Services Act.

26 (49) Entering into an excessive number of written

1 collaborative agreements with licensed physician
2 assistants resulting in an inability to adequately
3 collaborate.

4 (50) Repeated failure to adequately collaborate with a
5 physician assistant.

6 Except for actions involving the ground numbered (26), all
7 proceedings to suspend, revoke, place on probationary status,
8 or take any other disciplinary action as the Department may
9 deem proper, with regard to a license on any of the foregoing
10 grounds, must be commenced within 5 years next after receipt
11 by the Department of a complaint alleging the commission of or
12 notice of the conviction order for any of the acts described
13 herein. Except for the grounds numbered (8), (9), (26), and
14 (29), no action shall be commenced more than 10 years after the
15 date of the incident or act alleged to have violated this
16 Section. For actions involving the ground numbered (26), a
17 pattern of practice or other behavior includes all incidents
18 alleged to be part of the pattern of practice or other behavior
19 that occurred, or a report pursuant to Section 23 of this Act
20 received, within the 10-year period preceding the filing of
21 the complaint. In the event of the settlement of any claim or
22 cause of action in favor of the claimant or the reduction to
23 final judgment of any civil action in favor of the plaintiff,
24 such claim, cause of action, or civil action being grounded on
25 the allegation that a person licensed under this Act was
26 negligent in providing care, the Department shall have an

1 additional period of 2 years from the date of notification to
2 the Department under Section 23 of this Act of such settlement
3 or final judgment in which to investigate and commence formal
4 disciplinary proceedings under Section 36 of this Act, except
5 as otherwise provided by law. The time during which the holder
6 of the license was outside the State of Illinois shall not be
7 included within any period of time limiting the commencement
8 of disciplinary action by the Department.

9 The entry of an order or judgment by any circuit court
10 establishing that any person holding a license under this Act
11 is a person in need of mental treatment operates as a
12 suspension of that license. That person may resume his or her
13 practice only upon the entry of a Departmental order based
14 upon a finding by the Medical Board that the person has been
15 determined to be recovered from mental illness by the court
16 and upon the Medical Board's recommendation that the person be
17 permitted to resume his or her practice.

18 The Department may refuse to issue or take disciplinary
19 action concerning the license of any person who fails to file a
20 return, or to pay the tax, penalty, or interest shown in a
21 filed return, or to pay any final assessment of tax, penalty,
22 or interest, as required by any tax Act administered by the
23 Illinois Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied as determined
25 by the Illinois Department of Revenue.

26 The Department, upon the recommendation of the Medical

1 Board, shall adopt rules which set forth standards to be used
2 in determining:

3 (a) when a person will be deemed sufficiently
4 rehabilitated to warrant the public trust;

5 (b) what constitutes dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public;

8 (c) what constitutes immoral conduct in the commission
9 of any act, including, but not limited to, commission of
10 an act of sexual misconduct related to the licensee's
11 practice; and

12 (d) what constitutes gross negligence in the practice
13 of medicine.

14 However, no such rule shall be admissible into evidence in
15 any civil action except for review of a licensing or other
16 disciplinary action under this Act.

17 In enforcing this Section, the Medical Board, upon a
18 showing of a possible violation, may compel any individual who
19 is licensed to practice under this Act or holds a permit to
20 practice under this Act, or any individual who has applied for
21 licensure or a permit pursuant to this Act, to submit to a
22 mental or physical examination and evaluation, or both, which
23 may include a substance abuse or sexual offender evaluation,
24 as required by the Medical Board and at the expense of the
25 Department. The Medical Board shall specifically designate the
26 examining physician licensed to practice medicine in all of

1 its branches or, if applicable, the multidisciplinary team
2 involved in providing the mental or physical examination and
3 evaluation, or both. The multidisciplinary team shall be led
4 by a physician licensed to practice medicine in all of its
5 branches and may consist of one or more or a combination of
6 physicians licensed to practice medicine in all of its
7 branches, licensed chiropractic physicians, licensed clinical
8 psychologists, licensed clinical social workers, licensed
9 clinical professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to
12 submit to an examination and evaluation pursuant to this
13 Section to submit to any additional supplemental testing
14 deemed necessary to complete any examination or evaluation
15 process, including, but not limited to, blood testing,
16 urinalysis, psychological testing, or neuropsychological
17 testing. The Medical Board or the Department may order the
18 examining physician or any member of the multidisciplinary
19 team to provide to the Department or the Medical Board any and
20 all records, including business records, that relate to the
21 examination and evaluation, including any supplemental testing
22 performed. The Medical Board or the Department may order the
23 examining physician or any member of the multidisciplinary
24 team to present testimony concerning this examination and
25 evaluation of the licensee, permit holder, or applicant,
26 including testimony concerning any supplemental testing or

1 documents relating to the examination and evaluation. No
2 information, report, record, or other documents in any way
3 related to the examination and evaluation shall be excluded by
4 reason of any common law or statutory privilege relating to
5 communication between the licensee, permit holder, or
6 applicant and the examining physician or any member of the
7 multidisciplinary team. No authorization is necessary from the
8 licensee, permit holder, or applicant ordered to undergo an
9 evaluation and examination for the examining physician or any
10 member of the multidisciplinary team to provide information,
11 reports, records, or other documents or to provide any
12 testimony regarding the examination and evaluation. The
13 individual to be examined may have, at his or her own expense,
14 another physician of his or her choice present during all
15 aspects of the examination. Failure of any individual to
16 submit to mental or physical examination and evaluation, or
17 both, when directed, shall result in an automatic suspension,
18 without hearing, until such time as the individual submits to
19 the examination. If the Medical Board finds a physician unable
20 to practice following an examination and evaluation because of
21 the reasons set forth in this Section, the Medical Board shall
22 require such physician to submit to care, counseling, or
23 treatment by physicians, or other health care professionals,
24 approved or designated by the Medical Board, as a condition
25 for issued, continued, reinstated, or renewed licensure to
26 practice. Any physician, whose license was granted pursuant to

1 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
2 renewed, disciplined or supervised, subject to such terms,
3 conditions, or restrictions who shall fail to comply with such
4 terms, conditions, or restrictions, or to complete a required
5 program of care, counseling, or treatment, as determined by
6 the Chief Medical Coordinator or Deputy Medical Coordinators,
7 shall be referred to the Secretary for a determination as to
8 whether the licensee shall have his or her license suspended
9 immediately, pending a hearing by the Medical Board. In
10 instances in which the Secretary immediately suspends a
11 license under this Section, a hearing upon such person's
12 license must be convened by the Medical Board within 15 days
13 after such suspension and completed without appreciable delay.
14 The Medical Board shall have the authority to review the
15 subject physician's record of treatment and counseling
16 regarding the impairment, to the extent permitted by
17 applicable federal statutes and regulations safeguarding the
18 confidentiality of medical records.

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

24 The Department may promulgate rules for the imposition of
25 fines in disciplinary cases, not to exceed \$10,000 for each
26 violation of this Act. Fines may be imposed in conjunction

1 with other forms of disciplinary action, but shall not be the
2 exclusive disposition of any disciplinary action arising out
3 of conduct resulting in death or injury to a patient. Any funds
4 collected from such fines shall be deposited in the Illinois
5 State Medical Disciplinary Fund.

6 All fines imposed under this Section shall be paid within
7 60 days after the effective date of the order imposing the fine
8 or in accordance with the terms set forth in the order imposing
9 the fine.

10 (B) The Department shall revoke the license or permit
11 issued under this Act to practice medicine or a chiropractic
12 physician who has been convicted a second time of committing
13 any felony under the Illinois Controlled Substances Act or the
14 Methamphetamine Control and Community Protection Act, or who
15 has been convicted a second time of committing a Class 1 felony
16 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
17 person whose license or permit is revoked under this
18 subsection B shall be prohibited from practicing medicine or
19 treating human ailments without the use of drugs and without
20 operative surgery.

21 (C) The Department shall not revoke, suspend, place on
22 probation, reprimand, refuse to issue or renew, or take any
23 other disciplinary or non-disciplinary action against the
24 license or permit issued under this Act to practice medicine
25 to a physician:

26 (1) based solely upon the recommendation of the

1 physician to an eligible patient regarding, or
2 prescription for, or treatment with, an investigational
3 drug, biological product, or device; ~~or~~

4 (2) for experimental treatment for Lyme disease or
5 other tick-borne diseases, including, but not limited to,
6 the prescription of or treatment with long-term
7 antibiotics; or-

8 (3) based solely upon the license of a physician being
9 revoked or disciplined by any state or territory for the
10 provision of, authorization of, or participation in any
11 health care, medical service, or procedure related to an
12 abortion on the basis that such health care, medical
13 service, or procedure related to an abortion is unlawful
14 or prohibited in that state or territory, if the provision
15 of, authorization of, or participation in that health
16 care, medical service, or procedure related to an abortion
17 is not unlawful or prohibited in this State.

18 (D) The Medical Board shall recommend to the Department
19 civil penalties and any other appropriate discipline in
20 disciplinary cases when the Medical Board finds that a
21 physician willfully performed an abortion with actual
22 knowledge that the person upon whom the abortion has been
23 performed is a minor or an incompetent person without notice
24 as required under the Parental Notice of Abortion Act of 1995.
25 Upon the Medical Board's recommendation, the Department shall
26 impose, for the first violation, a civil penalty of \$1,000 and

1 for a second or subsequent violation, a civil penalty of
2 \$5,000.

3 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
4 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
5 8-20-21; revised 12-2-21.)

6 Section 10. The Nurse Practice Act is amended by changing
7 Section 70-5 as follows:

8 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

9 (Section scheduled to be repealed on January 1, 2028)

10 Sec. 70-5. Grounds for disciplinary action.

11 (a) The Department may refuse to issue or to renew, or may
12 revoke, suspend, place on probation, reprimand, or take other
13 disciplinary or non-disciplinary action as the Department may
14 deem appropriate, including fines not to exceed \$10,000 per
15 violation, with regard to a license for any one or combination
16 of the causes set forth in subsection (b) below. All fines
17 collected under this Section shall be deposited in the Nursing
18 Dedicated and Professional Fund.

19 (b) Grounds for disciplinary action include the following:

20 (1) Material deception in furnishing information to
21 the Department.

22 (2) Material violations of any provision of this Act
23 or violation of the rules of or final administrative
24 action of the Secretary, after consideration of the

1 recommendation of the Board.

2 (3) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or by
4 sentencing of any crime, including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States: (i)
8 that is a felony; or (ii) that is a misdemeanor, an
9 essential element of which is dishonesty, or that is
10 directly related to the practice of the profession.

11 (4) A pattern of practice or other behavior which
12 demonstrates incapacity or incompetency to practice under
13 this Act.

14 (5) Knowingly aiding or assisting another person in
15 violating any provision of this Act or rules.

16 (6) Failing, within 90 days, to provide a response to
17 a request for information in response to a written request
18 made by the Department by certified or registered mail or
19 by email to the email address of record.

20 (7) Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public, as defined by rule.

23 (8) Unlawful taking, theft, selling, distributing, or
24 manufacturing of any drug, narcotic, or prescription
25 device.

26 (9) Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that could result in a licensee's inability to practice
3 with reasonable judgment, skill or safety.

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

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

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

20 (13) Willful omission to file or record, or willfully
21 impeding the filing or recording or inducing another
22 person to omit to file or record medical reports as
23 required by law.

24 (13.5) Willfully failing to report an instance of
25 suspected child abuse or neglect as required by the Abused
26 and Neglected Child Reporting Act.

1 (14) Gross negligence in the practice of practical,
2 professional, or advanced practice registered nursing.

3 (15) Holding oneself out to be practicing nursing
4 under any name other than one's own.

5 (16) Failure of a licensee to report to the Department
6 any adverse final action taken against him or her by
7 another licensing jurisdiction of the United States or any
8 foreign state or country, any peer review body, any health
9 care institution, any professional or nursing society or
10 association, any governmental agency, any law enforcement
11 agency, or any court or a nursing liability claim related
12 to acts or conduct similar to acts or conduct that would
13 constitute grounds for action as defined in this Section.

14 (17) Failure of a licensee to report to the Department
15 surrender by the licensee of a license or authorization to
16 practice nursing or advanced practice registered nursing
17 in another state or jurisdiction or current surrender by
18 the licensee of membership on any nursing staff or in any
19 nursing or advanced practice registered nursing or
20 professional association or society while under
21 disciplinary investigation by any of those authorities or
22 bodies for acts or conduct similar to acts or conduct that
23 would constitute grounds for action as defined by this
24 Section.

25 (18) Failing, within 60 days, to provide information
26 in response to a written request made by the Department.

1 (19) Failure to establish and maintain records of
2 patient care and treatment as required by law.

3 (20) Fraud, deceit or misrepresentation in applying
4 for or procuring a license under this Act or in connection
5 with applying for renewal of a license under this Act.

6 (21) Allowing another person or organization to use
7 the licensee's license to deceive the public.

8 (22) Willfully making or filing false records or
9 reports in the licensee's practice, including but not
10 limited to false records to support claims against the
11 medical assistance program of the Department of Healthcare
12 and Family Services (formerly Department of Public Aid)
13 under the Illinois Public Aid Code.

14 (23) Attempting to subvert or cheat on a licensing
15 examination administered under this Act.

16 (24) Immoral conduct in the commission of an act,
17 including, but not limited to, sexual abuse, sexual
18 misconduct, or sexual exploitation, related to the
19 licensee's practice.

20 (25) Willfully or negligently violating the
21 confidentiality between nurse and patient except as
22 required by law.

23 (26) Practicing under a false or assumed name, except
24 as provided by law.

25 (27) The use of any false, fraudulent, or deceptive
26 statement in any document connected with the licensee's

1 practice.

2 (28) Directly or indirectly giving to or receiving
3 from a person, firm, corporation, partnership, or
4 association a fee, commission, rebate, or other form of
5 compensation for professional services not actually or
6 personally rendered. Nothing in this paragraph (28)
7 affects any bona fide independent contractor or employment
8 arrangements among health care professionals, health
9 facilities, health care providers, or other entities,
10 except as otherwise prohibited by law. Any employment
11 arrangements may include provisions for compensation,
12 health insurance, pension, or other employment benefits
13 for the provision of services within the scope of the
14 licensee's practice under this Act. Nothing in this
15 paragraph (28) shall be construed to require an employment
16 arrangement to receive professional fees for services
17 rendered.

18 (29) A violation of the Health Care Worker
19 Self-Referral Act.

20 (30) Physical illness, mental illness, or disability
21 that results in the inability to practice the profession
22 with reasonable judgment, skill, or safety.

23 (31) Exceeding the terms of a collaborative agreement
24 or the prescriptive authority delegated to a licensee by
25 his or her collaborating physician or podiatric physician
26 in guidelines established under a written collaborative

1 agreement.

2 (32) Making a false or misleading statement regarding
3 a licensee's skill or the efficacy or value of the
4 medicine, treatment, or remedy prescribed by him or her in
5 the course of treatment.

6 (33) Prescribing, selling, administering,
7 distributing, giving, or self-administering a drug
8 classified as a controlled substance (designated product)
9 or narcotic for other than medically accepted therapeutic
10 purposes.

11 (34) Promotion of the sale of drugs, devices,
12 appliances, or goods provided for a patient in a manner to
13 exploit the patient for financial gain.

14 (35) Violating State or federal laws, rules, or
15 regulations relating to controlled substances.

16 (36) Willfully or negligently violating the
17 confidentiality between an advanced practice registered
18 nurse, collaborating physician, dentist, or podiatric
19 physician and a patient, except as required by law.

20 (37) Willfully failing to report an instance of
21 suspected abuse, neglect, financial exploitation, or
22 self-neglect of an eligible adult as defined in and
23 required by the Adult Protective Services Act.

24 (38) Being named as an abuser in a verified report by
25 the Department on Aging and under the Adult Protective
26 Services Act, and upon proof by clear and convincing

1 evidence that the licensee abused, neglected, or
2 financially exploited an eligible adult as defined in the
3 Adult Protective Services Act.

4 (39) A violation of any provision of this Act or any
5 rules adopted under this Act.

6 (40) Violating the Compassionate Use of Medical
7 Cannabis Program Act.

8 (b-5) The Department shall not revoke, suspend, place on
9 prohibition, reprimand, refuse to issue or renew, or take any
10 other disciplinary or non-disciplinary action against the
11 license or permit issued under this Act to practice as a
12 registered nurse or an advanced practice registered nurse
13 based solely upon the license of a registered nurse or an
14 advanced practice registered nurse being revoked or
15 disciplined by any state or territory for the provision of,
16 authorization of, or participation in any health care, medical
17 service, or procedure related to an abortion on the basis that
18 such health care, medical service, or procedure related to an
19 abortion is unlawful or prohibited in that state or territory,
20 if the provision of, authorization of, or participation in
21 that health care, medical service, or procedure related to an
22 abortion is not unlawful or prohibited in this State.

23 (c) The determination by a circuit court that a licensee
24 is subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code, as amended, operates as an automatic suspension. The

1 suspension will end only upon a finding by a court that the
2 patient is no longer subject to involuntary admission or
3 judicial admission and issues an order so finding and
4 discharging the patient; and upon the recommendation of the
5 Board to the Secretary that the licensee be allowed to resume
6 his or her practice.

7 (d) The Department may refuse to issue or may suspend or
8 otherwise discipline the license of any person who fails to
9 file a return, or to pay the tax, penalty or interest shown in
10 a filed return, or to pay any final assessment of the tax,
11 penalty, or interest as required by any tax Act administered
12 by the Department of Revenue, until such time as the
13 requirements of any such tax Act are satisfied.

14 (e) In enforcing this Act, the Department, upon a showing
15 of a possible violation, may compel an individual licensed to
16 practice under this Act or who has applied for licensure under
17 this Act, to submit to a mental or physical examination, or
18 both, as required by and at the expense of the Department. The
19 Department may order the examining physician to present
20 testimony concerning the mental or physical examination of the
21 licensee or applicant. No information shall be excluded by
22 reason of any common law or statutory privilege relating to
23 communications between the licensee or applicant and the
24 examining physician. The examining physicians shall be
25 specifically designated by the Department. The individual to
26 be examined may have, at his or her own expense, another

1 physician of his or her choice present during all aspects of
2 this examination. Failure of an individual to submit to a
3 mental or physical examination, when directed, shall result in
4 an automatic suspension without hearing.

5 All substance-related violations shall mandate an
6 automatic substance abuse assessment. Failure to submit to an
7 assessment by a licensed physician who is certified as an
8 addictionist or an advanced practice registered nurse with
9 specialty certification in addictions may be grounds for an
10 automatic suspension, as defined by rule.

11 If the Department finds an individual unable to practice
12 or unfit for duty because of the reasons set forth in this
13 subsection (e), the Department may require that individual to
14 submit to a substance abuse evaluation or treatment by
15 individuals or programs approved or designated by the
16 Department, as a condition, term, or restriction for
17 continued, restored, or renewed licensure to practice; or, in
18 lieu of evaluation or treatment, the Department may file, or
19 the Board may recommend to the Department to file, a complaint
20 to immediately suspend, revoke, or otherwise discipline the
21 license of the individual. An individual whose license was
22 granted, continued, restored, renewed, disciplined or
23 supervised subject to such terms, conditions, or restrictions,
24 and who fails to comply with such terms, conditions, or
25 restrictions, shall be referred to the Secretary for a
26 determination as to whether the individual shall have his or

1 her license suspended immediately, pending a hearing by the
2 Department.

3 In instances in which the Secretary immediately suspends a
4 person's license under this subsection (e), a hearing on that
5 person's license must be convened by the Department within 15
6 days after the suspension and completed without appreciable
7 delay. The Department and Board shall have the authority to
8 review the subject individual's record of treatment and
9 counseling regarding the impairment to the extent permitted by
10 applicable federal statutes and regulations safeguarding the
11 confidentiality of medical records.

12 An individual licensed under this Act and affected under
13 this subsection (e) shall be afforded an opportunity to
14 demonstrate to the Department that he or she can resume
15 practice in compliance with nursing standards under the
16 provisions of his or her license.

17 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

18 Section 15. The Physician Assistant Practice Act of 1987
19 is amended by changing Section 21 as follows:

20 (225 ILCS 95/21) (from Ch. 111, par. 4621)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 21. Grounds for disciplinary action.

23 (a) The Department may refuse to issue or to renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary or non-disciplinary action with regard to any
2 license issued under this Act as the Department may deem
3 proper, including the issuance of fines not to exceed \$10,000
4 for each violation, for any one or combination of the
5 following causes:

6 (1) Material misstatement in furnishing information to
7 the Department.

8 (2) Violations of this Act, or the rules adopted under
9 this Act.

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

19 (4) Making any misrepresentation for the purpose of
20 obtaining licenses.

21 (5) Professional incompetence.

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

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

26 (8) Engaging in dishonorable, unethical, or

1 unprofessional conduct, as defined by rule, of a character
2 likely to deceive, defraud, or harm the public.

3 (9) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 that results in a physician assistant's inability to
6 practice with reasonable judgment, skill, or safety.

7 (10) Discipline by another U.S. jurisdiction or
8 foreign nation, if at least one of the grounds for
9 discipline is the same or substantially equivalent to
10 those set forth in this Section.

11 (11) Directly or indirectly giving to or receiving
12 from any person, firm, corporation, partnership, or
13 association any fee, commission, rebate or other form of
14 compensation for any professional services not actually or
15 personally rendered. Nothing in this paragraph (11)
16 affects any bona fide independent contractor or employment
17 arrangements, which may include provisions for
18 compensation, health insurance, pension, or other
19 employment benefits, with persons or entities authorized
20 under this Act for the provision of services within the
21 scope of the licensee's practice under this Act.

22 (12) A finding by the Disciplinary Board that the
23 licensee, after having his or her license placed on
24 probationary status has violated the terms of probation.

25 (13) Abandonment of a patient.

26 (14) Willfully making or filing false records or

1 reports in his or her practice, including but not limited
2 to false records filed with state agencies or departments.

3 (15) Willfully failing to report an instance of
4 suspected child abuse or neglect as required by the Abused
5 and Neglected Child Reporting Act.

6 (16) Physical illness, or mental illness or impairment
7 that results in the inability to practice the profession
8 with reasonable judgment, skill, or safety, including, but
9 not limited to, deterioration through the aging process or
10 loss of motor skill.

11 (17) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act, and
14 upon proof by clear and convincing evidence that the
15 licensee has caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

18 (18) (Blank).

19 (19) Gross negligence resulting in permanent injury or
20 death of a patient.

21 (20) Employment of fraud, deception or any unlawful
22 means in applying for or securing a license as a physician
23 assistant.

24 (21) Exceeding the authority delegated to him or her
25 by his or her collaborating physician in a written
26 collaborative agreement.

1 (22) Immoral conduct in the commission of any act,
2 such as sexual abuse, sexual misconduct, or sexual
3 exploitation related to the licensee's practice.

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

6 (24) Practicing under a false or assumed name, except
7 as provided by law.

8 (25) Making a false or misleading statement regarding
9 his or her skill or the efficacy or value of the medicine,
10 treatment, or remedy prescribed by him or her in the
11 course of treatment.

12 (26) Allowing another person to use his or her license
13 to practice.

14 (27) Prescribing, selling, administering,
15 distributing, giving, or self-administering a drug
16 classified as a controlled substance for other than
17 medically accepted therapeutic purposes.

18 (28) Promotion of the sale of drugs, devices,
19 appliances, or goods provided for a patient in a manner to
20 exploit the patient for financial gain.

21 (29) A pattern of practice or other behavior that
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (30) Violating State or federal laws or regulations
25 relating to controlled substances or other legend drugs or
26 ephedra as defined in the Ephedra Prohibition Act.

1 (31) Exceeding the prescriptive authority delegated by
2 the collaborating physician or violating the written
3 collaborative agreement delegating that authority.

4 (32) Practicing without providing to the Department a
5 notice of collaboration or delegation of prescriptive
6 authority.

7 (33) Failure to establish and maintain records of
8 patient care and treatment as required by law.

9 (34) Attempting to subvert or cheat on the examination
10 of the National Commission on Certification of Physician
11 Assistants or its successor agency.

12 (35) Willfully or negligently violating the
13 confidentiality between physician assistant and patient,
14 except as required by law.

15 (36) Willfully failing to report an instance of
16 suspected abuse, neglect, financial exploitation, or
17 self-neglect of an eligible adult as defined in and
18 required by the Adult Protective Services Act.

19 (37) Being named as an abuser in a verified report by
20 the Department on Aging under the Adult Protective
21 Services Act and upon proof by clear and convincing
22 evidence that the licensee abused, neglected, or
23 financially exploited an eligible adult as defined in the
24 Adult Protective Services Act.

25 (38) Failure to report to the Department an adverse
26 final action taken against him or her by another licensing

1 jurisdiction of the United States or a foreign state or
2 country, a peer review body, a health care institution, a
3 professional society or association, a governmental
4 agency, a law enforcement agency, or a court acts or
5 conduct similar to acts or conduct that would constitute
6 grounds for action under this Section.

7 (39) Failure to provide copies of records of patient
8 care or treatment, except as required by law.

9 (40) Entering into an excessive number of written
10 collaborative agreements with licensed physicians
11 resulting in an inability to adequately collaborate.

12 (41) Repeated failure to adequately collaborate with a
13 collaborating physician.

14 (42) Violating the Compassionate Use of Medical
15 Cannabis Program Act.

16 (b) The Department may, without a hearing, refuse to issue
17 or renew or may suspend the license of any person who fails to
18 file a return, or to pay the tax, penalty or interest shown in
19 a filed return, or to pay any final assessment of the tax,
20 penalty, or interest as required by any tax Act administered
21 by the Illinois Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied.

23 (b-5) The Department shall not revoke, suspend, place on
24 prohibition, reprimand, refuse to issue or renew, or take any
25 other disciplinary or non-disciplinary action against the
26 license or permit issued under this Act to practice as a

1 physician assistant based solely upon the license of a
2 physician assistant being revoked or disciplined by any state
3 or territory for the provision of, authorization of, or
4 participation in any health care, medical service, or
5 procedure related to an abortion on the basis that such health
6 care, medical service, or procedure related to an abortion is
7 unlawful or prohibited in that state or territory, if the
8 provision of, authorization of, or participation in that
9 health care, medical service, or procedure related to an
10 abortion is not unlawful or prohibited in this State.

11 (c) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. The suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission
17 and issues an order so finding and discharging the patient,
18 and upon the recommendation of the Disciplinary Board to the
19 Secretary that the licensee be allowed to resume his or her
20 practice.

21 (d) In enforcing this Section, the Department upon a
22 showing of a possible violation may compel an individual
23 licensed to practice under this Act, or who has applied for
24 licensure under this Act, to submit to a mental or physical
25 examination, or both, which may include a substance abuse or
26 sexual offender evaluation, as required by and at the expense

1 of the Department.

2 The Department shall specifically designate the examining
3 physician licensed to practice medicine in all of its branches
4 or, if applicable, the multidisciplinary team involved in
5 providing the mental or physical examination or both. The
6 multidisciplinary team shall be led by a physician licensed to
7 practice medicine in all of its branches and may consist of one
8 or more or a combination of physicians licensed to practice
9 medicine in all of its branches, licensed clinical
10 psychologists, licensed clinical social workers, licensed
11 clinical professional counselors, and other professional and
12 administrative staff. Any examining physician or member of the
13 multidisciplinary team may require any person ordered to
14 submit to an examination pursuant to this Section to submit to
15 any additional supplemental testing deemed necessary to
16 complete any examination or evaluation process, including, but
17 not limited to, blood testing, urinalysis, psychological
18 testing, or neuropsychological testing.

19 The Department may order the examining physician or any
20 member of the multidisciplinary team to provide to the
21 Department any and all records, including business records,
22 that relate to the examination and evaluation, including any
23 supplemental testing performed.

24 The Department may order the examining physician or any
25 member of the multidisciplinary team to present testimony
26 concerning the mental or physical examination of the licensee

1 or applicant. No information, report, record, or other
2 documents in any way related to the examination shall be
3 excluded by reason of any common law or statutory privilege
4 relating to communications between the licensee or applicant
5 and the examining physician or any member of the
6 multidisciplinary team. No authorization is necessary from the
7 licensee or applicant ordered to undergo an examination for
8 the examining physician or any member of the multidisciplinary
9 team to provide information, reports, records, or other
10 documents or to provide any testimony regarding the
11 examination and evaluation.

12 The individual to be examined may have, at his or her own
13 expense, another physician of his or her choice present during
14 all aspects of this examination. However, that physician shall
15 be present only to observe and may not interfere in any way
16 with the examination.

17 Failure of an individual to submit to a mental or physical
18 examination, when ordered, shall result in an automatic
19 suspension of his or her license until the individual submits
20 to the examination.

21 If the Department finds an individual unable to practice
22 because of the reasons set forth in this Section, the
23 Department may require that individual to submit to care,
24 counseling, or treatment by physicians approved or designated
25 by the Department, as a condition, term, or restriction for
26 continued, reinstated, or renewed licensure to practice; or,

1 in lieu of care, counseling, or treatment, the Department may
2 file a complaint to immediately suspend, revoke, or otherwise
3 discipline the license of the individual. An individual whose
4 license was granted, continued, reinstated, renewed,
5 disciplined, or supervised subject to such terms, conditions,
6 or restrictions, and who fails to comply with such terms,
7 conditions, or restrictions, shall be referred to the
8 Secretary for a determination as to whether the individual
9 shall have his or her license suspended immediately, pending a
10 hearing by the Department.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that
13 person's license must be convened by the Department within 30
14 days after the suspension and completed without appreciable
15 delay. The Department 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
22 to the Department 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 (e) An individual or organization acting in good faith,
26 and not in a willful and wanton manner, in complying with this

1 Section by providing a report or other information to the
2 Board, by assisting in the investigation or preparation of a
3 report or information, by participating in proceedings of the
4 Board, or by serving as a member of the Board, shall not be
5 subject to criminal prosecution or civil damages as a result
6 of such actions.

7 (f) Members of the Board and the Disciplinary Board shall
8 be indemnified by the State for any actions occurring within
9 the scope of services on the Disciplinary Board or Board, done
10 in good faith and not willful and wanton in nature. The
11 Attorney General shall defend all such actions unless he or
12 she determines either that there would be a conflict of
13 interest in such representation or that the actions complained
14 of were not in good faith or were willful and wanton.

15 If the Attorney General declines representation, the
16 member has the right to employ counsel of his or her choice,
17 whose fees shall be provided by the State, after approval by
18 the Attorney General, unless there is a determination by a
19 court that the member's actions were not in good faith or were
20 willful and wanton.

21 The member must notify the Attorney General within 7 days
22 after receipt of notice of the initiation of any action
23 involving services of the Disciplinary Board. Failure to so
24 notify the Attorney General constitutes an absolute waiver of
25 the right to a defense and indemnification.

26 The Attorney General shall determine, within 7 days after

1 receiving such notice, whether he or she will undertake to
2 represent the member.

3 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.