



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5027

Introduced 1/27/2022, by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.33  
5 ILCS 80/4.38  
225 ILCS 63/10  
225 ILCS 63/15  
225 ILCS 63/17  
225 ILCS 63/36 new  
225 ILCS 63/110  
225 ILCS 63/125  
225 ILCS 63/145  
225 ILCS 63/150  
225 ILCS 63/155  
225 ILCS 63/165

Amends the Naprapathic Practice Act. Provides that naprapathic practice means the diagnosis and treatment (rather than the evaluation) of persons with connective tissue disorders through the use of naprapathic case history and palpation or treatment. Makes other changes to the definition of naprapathic practice. Provides that a person may be qualified to receive a license as a naprapath if he or she is at least 21 years of age (rather than 18 years of age) and, for licenses granted on or after January 1, 2028, has graduated from a 4-year college level program or its equivalent approved by the Department of Financial and Professional Regulation. Creates the Board of Naprapathy. Provides for membership of the Board and duties of the Board. Provides that as part of an investigation the Board shall review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary of Financial and Professional Regulation. Makes changes in provisions concerning definitions; grounds for disciplinary action, refusal, revocation, and suspension of licenses; findings of facts, conclusions of law, and recommendations; hearing officers; service of reports, rehearings, and orders; and orders or certified copies as prima facie proof. Amends the Regulatory Sunset Act. Extends the repeal date of the Naprapathic Practice Act from January 1, 2023 to January 1, 2028. Effective immediately.

LRB102 22884 SPS 32036 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.33 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following  
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act  
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 ~~The Naprapathic Practice Act.~~

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional  
17 Counselor Licensing and Practice Act.

18 The Wholesale Drug Distribution Licensing Act.

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 Section 10. The Regulatory Sunset Act is amended by  
21 changing Section 4.38 as follows:

1 (5 ILCS 80/4.38)

2 Sec. 4.38. Acts repealed on January 1, 2028. The following  
3 Acts are repealed on January 1, 2028:

4 The Acupuncture Practice Act.

5 The Clinical Social Work and Social Work Practice Act.

6 The Home Medical Equipment and Services Provider License  
7 Act.

8 The Illinois Petroleum Education and Marketing Act.

9 The Illinois Speech-Language Pathology and Audiology  
10 Practice Act.

11 The Interpreter for the Deaf Licensure Act of 2007.

12 The Naprapathic Practice Act.

13 The Nurse Practice Act.

14 The Nursing Home Administrators Licensing and Disciplinary  
15 Act.

16 The Physician Assistant Practice Act of 1987.

17 The Podiatric Medical Practice Act of 1987.

18 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;  
19 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.  
20 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;  
21 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

22 Section 15. The Naprapathic Practice Act is amended by  
23 changing Sections 10, 15, 17, 110, 125, 145, 150, 155 and 165  
24 and by adding Section 36 as follows:

1 (225 ILCS 63/10)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 10. Definitions. In this Act:

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

11 "Board" means the Board of Naprapathy appointed by the  
12 Secretary.

13 "Naprapath" means a person who practices Naprapathy and  
14 who has met all requirements as provided in the Act.

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

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

19 "Referral" means the following of guidance or direction to  
20 the naprapath given by the licensed physician, dentist, or  
21 podiatric physician who maintains supervision of the patient.

22 ~~"Documented current and relevant diagnosis" means a~~  
23 ~~diagnosis, substantiated by signature or oral verification of~~  
24 ~~a licensed physician, dentist, or podiatric physician, that a~~  
25 ~~patient's condition is such that it may be treated by~~  
26 ~~naprapathy as defined in this Act, which diagnosis shall~~

1 ~~remain in effect until changed by the licensed physician,~~  
2 ~~dentist, or podiatric physician.~~

3 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13.)

4 (225 ILCS 63/15)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 15. Practice of naprapathy defined; referrals.  
7 Naprapathic practice means the diagnosis and treatment  
8 ~~evaluation~~ of persons with connective tissue disorders through  
9 the use of naprapathic case history and palpation or treatment  
10 of persons by the use of connective tissue manipulation,  
11 therapeutic and rehabilitative exercise, postural counseling,  
12 nutritional counseling, and the use of the effective  
13 properties of physical measures of heat, cold, light, water,  
14 radiant energy, electricity, sound and air, and assistive  
15 devices for the purpose of preventing, correcting, or  
16 alleviating a physical disability.

17 Naprapathic practice includes, but is not limited to, the  
18 treatment of contractures, muscle spasms, inflammation, scar  
19 tissue formation, adhesions, lesions, laxity, hypotonicity,  
20 rigidity, structural imbalance, bruising, contusions, muscular  
21 atrophy, and partial separation of connective tissue fibers.

22 Naprapathic practice also includes: (a) performance of  
23 specialized tests and measurements, (b) administration of  
24 specialized treatment procedures, (c) interpretation of  
25 referrals from licensed physicians, dentists, and podiatric

1 physicians, (d) establishment and modification of naprapathic  
2 treatment programs, and (e) supervision or teaching of  
3 naprapathy.

4 Naprapathic practice does not include radiology, surgery,  
5 pharmacology, or invasive diagnostic testing, ~~or determination~~  
6 ~~of a differential diagnosis; provided, however, the limitation~~  
7 ~~on determining a differential diagnosis shall not in any~~  
8 ~~manner limit a naprapath licensed under this Act from~~  
9 ~~performing an evaluation authorized under this Act. A~~  
10 naprapath licensed under this Act who is not also licensed as a  
11 physical therapist under the Illinois Physical Therapy Act  
12 shall not hold himself or herself out as qualified to provide  
13 physical therapy or physiotherapy services. Nothing in this  
14 Section shall limit a naprapath from employing appropriate  
15 naprapathic techniques that he or she is educated and licensed  
16 to perform. A naprapath shall refer to a licensed physician,  
17 dentist, or podiatric physician any patient whose medical  
18 condition should, at the time of evaluation or treatment, be  
19 determined to be beyond the scope of practice of the  
20 naprapath.

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

22 (225 ILCS 63/17)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 17. Educational and professional qualifications for  
25 licensure. A person may be qualified to receive a license as a

1 naprapath if he or she:

2 (1) is at least 21 ~~18~~ years of age and of good moral  
3 character;

4 (2) for licenses granted on or before December 31,  
5 2027, has graduated from a 2-year ~~2-year~~ college level  
6 program or its equivalent approved by the Department;

7 (2.5) for licenses granted on or after January 1,  
8 2028, has graduated from a 4-year college level program or  
9 its equivalent approved by the Department;

10 (3) has graduated from a curriculum in naprapathy  
11 approved by the Department. In approving a curriculum in  
12 naprapathy, the Department shall consider, but not be  
13 bound by, a curriculum approved by the American  
14 Naprapathic Association, the Illinois Naprapathic  
15 Association, or a national or regional accrediting body  
16 recognized by the U.S. Department of Education;

17 (4) has passed an examination approved by the  
18 Department to determine a person's fitness to practice as  
19 a naprapath; and

20 (5) has met all other requirements of the Act.

21 The Department has the right and may request a personal  
22 interview with an applicant to further evaluate a person's  
23 qualifications for a license.

24 (Source: P.A. 97-778, eff. 7-13-12.)

25 (225 ILCS 63/36 new)

1       Sec. 36. Board of Naprapathy. The Secretary shall appoint  
2 a Board of Naprapathy to consist of 7 persons who shall serve  
3 in an advisory capacity to the Secretary. Four members must  
4 hold an active license to engage in the practice of naprapathy  
5 in this State, one member shall be a chiropractic physician  
6 licensed under the Medical Practice Act of 1987 who is  
7 actively engaged in the practice of naprapathy, one member  
8 shall be a physician licensed to practice medicine in all of  
9 its branches in Illinois, and one member must be a member of  
10 the public who is not licensed under this Act or a similar Act  
11 of another jurisdiction and who has no connection with the  
12 profession.

13       Members shall serve 4-year terms and until their  
14 successors are appointed and qualified. No member may be  
15 appointed to more than 2 consecutive full terms. Appointments  
16 to fill vacancies shall be made in the same manner as original  
17 appointments for the unexpired portion of the vacated term.  
18 Initial terms shall begin upon the effective date of this  
19 amendatory Act of the 102nd General Assembly.

20       The Board may annually elect a chairperson and a  
21 vice-chairperson who shall preside in the absence of the  
22 chairperson. The membership of the Board should reasonably  
23 reflect the demographic diversity of the State as well as  
24 representation from the geographic areas in this State. The  
25 Secretary may terminate the appointment of any member for  
26 cause. The Secretary may give due consideration to all



1 recommendations of the Board. A majority of the Board members  
2 currently appointed shall constitute a quorum. A vacancy in  
3 the membership of the Board shall not impair the right of a  
4 quorum to exercise the right and perform all the duties of the  
5 Board. Members of the Board shall have no liability in any  
6 action based upon any disciplinary proceeding or other  
7 activity performed in good faith as a member of the Board.

8 (225 ILCS 63/110)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 110. Grounds for disciplinary action; refusal,  
11 revocation, suspension.

12 (a) The Department may refuse to issue or to renew, or may  
13 revoke, suspend, place on probation, reprimand or take other  
14 disciplinary or non-disciplinary action as the Department may  
15 deem appropriate, including imposing fines not to exceed  
16 \$10,000 for each violation, with regard to any licensee or  
17 license for any one or combination of the following causes:

18 (1) Violations of this Act or of rules adopted under  
19 this Act.

20 (2) Material misstatement in furnishing information to  
21 the Department.

22 (3) Conviction by plea of guilty or nolo contendere,  
23 finding of guilt, jury verdict, or entry of judgment, or  
24 by sentencing of any crime, including, but not limited to,  
25 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under  
2 the laws of any jurisdiction of the United States: (i)  
3 that is a felony or (ii) that is a misdemeanor, an  
4 essential element of which is dishonesty, or that is  
5 directly related to the practice of the profession.

6 (4) Fraud or any misrepresentation in applying for or  
7 procuring a license under this Act or in connection with  
8 applying for renewal of a license under this Act.

9 (5) Professional incompetence or gross negligence.

10 (6) Malpractice.

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

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

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

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

22 (11) Discipline by another U.S. jurisdiction or  
23 foreign nation if at least one of the grounds for the  
24 discipline is the same or substantially equivalent to  
25 those set forth in this Act.

26 (12) Directly or indirectly giving to or receiving

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

20 (13) Using the title "Doctor" or its abbreviation  
21 without further clarifying that title or abbreviation with  
22 the word "naprapath" or "naprapathy" or the designation  
23 "D.N."

24 (14) A finding by the Department that the licensee,  
25 after having his or her license placed on probationary  
26 status, has violated the terms of probation.

1 (15) Abandonment of a patient without cause.

2 (16) Willfully making or filing false records or  
3 reports relating to a licensee's practice, including but  
4 not limited to, false records filed with State agencies or  
5 departments.

6 (17) Willfully failing to report an instance of  
7 suspected child abuse or neglect as required by the Abused  
8 and Neglected Child Reporting Act.

9 (18) Physical or mental illness or disability,  
10 including, but not limited to, deterioration through the  
11 aging process or loss of motor skill that results in the  
12 inability to practice the profession with reasonable  
13 judgment, skill, or safety.

14 (19) Solicitation of professional services by means  
15 other than permitted advertising.

16 (20) Failure to provide a patient with a copy of his or  
17 her record upon the written request of the patient.

18 (21) Cheating on or attempting to subvert the  
19 licensing examination administered under this Act.

20 (22) Allowing one's license under this Act to be used  
21 by an unlicensed person in violation of this Act.

22 (23) (Blank).

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

1 licensee has caused a child to be an abused child or a  
2 neglected child as defined in the Abused and Neglected  
3 Child Reporting Act.

4 (25) Practicing under a false or, except as provided  
5 by law, an assumed name.

6 (26) Immoral conduct in the commission of any act,  
7 such as sexual abuse, sexual misconduct, or sexual  
8 exploitation, related to the licensee's practice.

9 (27) Maintaining a professional relationship with any  
10 person, firm, or corporation when the naprapath knows, or  
11 should know, that the person, firm, or corporation is  
12 violating this Act.

13 (28) Promotion of the sale of food supplements,  
14 devices, appliances, or goods provided for a client or  
15 patient in such manner as to exploit the patient or client  
16 for financial gain of the licensee.

17 (29) Having treated ailments of human beings other  
18 than by the practice of naprapathy as defined in this Act  
19 unless authorized to do so by State law ~~, or having treated~~  
20 ~~ailments of human beings as a licensed naprapath~~  
21 ~~independent of a documented referral or documented current~~  
22 ~~and relevant diagnosis from a physician, dentist, or~~  
23 ~~podiatric physician, or having failed to notify the~~  
24 ~~physician, dentist, or podiatric physician who established~~  
25 ~~a documented current and relevant diagnosis that the~~  
26 ~~patient is receiving naprapathic treatment pursuant to~~

1 ~~that diagnosis.~~

2 (30) Use by a registered naprapath of the word  
3 "infirmary", "hospital", "school", "university", in  
4 English or any other language, in connection with the  
5 place where naprapathy may be practiced or demonstrated.

6 (31) Continuance of a naprapath in the employ of any  
7 person, firm, or corporation, or as an assistant to any  
8 naprapath or naprapaths, directly or indirectly, after his  
9 or her employer or superior has been found guilty of  
10 violating or has been enjoined from violating the laws of  
11 the State of Illinois relating to the practice of  
12 naprapathy when the employer or superior persists in that  
13 violation.

14 (32) The performance of naprapathic service in  
15 conjunction with a scheme or plan with another person,  
16 firm, or corporation known to be advertising in a manner  
17 contrary to this Act or otherwise violating the laws of  
18 the State of Illinois concerning the practice of  
19 naprapathy.

20 (33) Failure to provide satisfactory proof of having  
21 participated in approved continuing education programs as  
22 determined by and approved by the Secretary. Exceptions  
23 for extreme hardships are to be defined by the rules of the  
24 Department.

25 (34) (Blank).

26 (35) Gross or willful overcharging for professional

1 services.

2 (36) (Blank).

3 All fines imposed under this Section shall be paid within  
4 60 days after the effective date of the order imposing the  
5 fine.

6 (b) The Department may refuse to issue or may suspend  
7 without hearing, as provided for in the Department of  
8 Professional Regulation Law of the Civil Administrative Code,  
9 the license of any person who fails to file a return, or pay  
10 the tax, penalty, or interest shown in a filed return, or pay  
11 any final assessment of the tax, penalty, or interest as  
12 required by any tax Act administered by the Illinois  
13 Department of Revenue, until such time as the requirements of  
14 any such tax Act are satisfied in accordance with subsection  
15 (g) of Section 2105-15 of the Department of Professional  
16 Regulation Law of the Civil Administrative Code of Illinois.

17 (c) (Blank).

18 (d) In cases where the Department of Healthcare and Family  
19 Services has previously determined a licensee or a potential  
20 licensee is more than 30 days delinquent in the payment of  
21 child support and has subsequently certified the delinquency  
22 to the Department, the Department may refuse to issue or renew  
23 or may revoke or suspend that person's license or may take  
24 other disciplinary action against that person based solely  
25 upon the certification of delinquency made by the Department  
26 of Healthcare and Family Services in accordance with item (5)

1 of subsection (a) of Section 2105-15 of the Department of  
2 Professional Regulation Law of the Civil Administrative Code  
3 of Illinois.

4 (e) The determination by a circuit court that a licensee  
5 is subject to involuntary admission or judicial admission, as  
6 provided in the Mental Health and Developmental Disabilities  
7 Code, operates as an automatic suspension. The suspension  
8 shall end only upon a finding by a court that the patient is no  
9 longer subject to involuntary admission or judicial admission  
10 and the issuance of an order so finding and discharging the  
11 patient and upon the Board's recommendation to the Department  
12 that the license be restored. Where the circumstances so  
13 indicate, the Board may recommend to the Department that it  
14 require an examination prior to restoring a suspended license.

15 (f) In enforcing this Act, the Department, upon a showing  
16 of a possible violation, may compel an individual licensed to  
17 practice under this Act, or who has applied for licensure  
18 under this Act, to submit to a mental or physical examination  
19 and evaluation, or both, which may include a substance abuse  
20 or sexual offender evaluation, as required by and at the  
21 expense of the Department. The Department shall specifically  
22 designate the examining physician licensed to practice  
23 medicine in all of its branches or, if applicable, the  
24 multidisciplinary team involved in providing the mental or  
25 physical examination and evaluation, or both. The  
26 multidisciplinary team shall be led by a physician licensed to



1 practice medicine in all of its branches and may consist of one  
2 or more or a combination of physicians licensed to practice  
3 medicine in all of its branches, licensed chiropractic  
4 physicians, licensed clinical psychologists, licensed clinical  
5 social workers, licensed clinical professional counselors, and  
6 other professional and administrative staff. Any examining  
7 physician or member of the multidisciplinary team may require  
8 any person ordered to submit to an examination and evaluation  
9 pursuant to this Section to submit to any additional  
10 supplemental testing deemed necessary to complete any  
11 examination or evaluation process, including, but not limited  
12 to, blood testing, urinalysis, psychological testing, or  
13 neuropsychological testing.

14 The Department may order the examining physician or any  
15 member of the multidisciplinary team to provide to the  
16 Department any and all records including business records that  
17 relate to the examination and evaluation, including any  
18 supplemental testing performed. The Department may order the  
19 examining physician or any member of the multidisciplinary  
20 team to present testimony concerning the examination and  
21 evaluation of the licensee or applicant, including testimony  
22 concerning any supplemental testing or documents in any way  
23 related to the examination and evaluation. No information,  
24 report, record, or other documents in any way related to the  
25 examination and evaluation shall be excluded by reason of any  
26 common law or statutory privilege relating to communications

1 between the licensee or applicant and the examining physician  
2 or any member of the multidisciplinary team. No authorization  
3 is necessary from the licensee or applicant ordered to undergo  
4 an evaluation and examination for the examining physician or  
5 any member of the multidisciplinary team to provide  
6 information, reports, records, or other documents or to  
7 provide any testimony regarding the examination and  
8 evaluation. The individual to be examined may have, at his or  
9 her own expense, another physician of his or her choice  
10 present during all aspects of this examination. Failure of an  
11 individual to submit to a mental or physical examination and  
12 evaluation, or both, when directed, shall result in an  
13 automatic suspension without hearing, until such time as the  
14 individual submits to the examination.

15 A person holding a license under this Act or who has  
16 applied for a license under this Act who, because of a physical  
17 or mental illness or disability, including, but not limited  
18 to, deterioration through the aging process or loss of motor  
19 skill, is unable to practice the profession with reasonable  
20 judgment, skill, or safety, may be required by the Department  
21 to submit to care, counseling, or treatment by physicians  
22 approved or designated by the Department as a condition, term,  
23 or restriction for continued, reinstated, or renewed licensure  
24 to practice. Submission to care, counseling, or treatment as  
25 required by the Department shall not be considered discipline  
26 of a license. If the licensee refuses to enter into a care,

1 counseling, or treatment agreement or fails to abide by the  
2 terms of the agreement, the Department may file a complaint to  
3 revoke, suspend, or otherwise discipline the license of the  
4 individual. The Secretary may order the license suspended  
5 immediately, pending a hearing by the Department. Fines shall  
6 not be assessed in disciplinary actions involving physical or  
7 mental illness or impairment.

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

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

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

23 (225 ILCS 63/125)

24 (Section scheduled to be repealed on January 1, 2023)

25 Sec. 125. Investigation; notice; hearing. The Department

1 may investigate the actions of any applicant or of any person  
2 or persons holding or claiming to hold a license. Before  
3 refusing to issue, refusing to renew, or taking any  
4 disciplinary action under Section 110 regarding a license, the  
5 Department shall, at least 30 days prior to the date set for  
6 the hearing, notify in writing the applicant for, or holder  
7 of, a license of the nature of any charges and that a hearing  
8 will be held on a date designated. The Department shall direct  
9 the applicant or licensee to file a written answer with the  
10 Department under oath within 20 days after the service of the  
11 notice and inform the applicant or licensee that failure to  
12 file an answer shall result in default being taken against the  
13 applicant or licensee. At the time and place fixed in the  
14 notice, the Department shall proceed to hear the charges and  
15 the parties or their counsel shall be accorded ample  
16 opportunity to present any pertinent statements, testimony,  
17 evidence, and arguments. The Department may continue the  
18 hearing from time to time. If the person, after receiving the  
19 notice, fails to file an answer, his or her license may, in the  
20 discretion of the Department, be revoked, suspended, or placed  
21 on probationary status or the Department may take whatever  
22 disciplinary action considered proper, including limiting the  
23 scope, nature, or extent of the person's practice under the  
24 Act. If the Board is not sitting at the time and place fixed in  
25 the notice or at the time and place to which the hearing shall  
26 have been continued, the Department may continue the hearing

1 for a period not to exceed 30 days. The written notice in the  
2 subsequent proceeding may be served by registered or certified  
3 mail to the licensee's address of record.

4 (Source: P.A. 97-778, eff. 7-13-12.)

5 (225 ILCS 63/145)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 145. Findings of facts, conclusions of law, and  
8 recommendations. At the conclusion of the hearing, the Board  
9 ~~the hearing officer~~ shall present to the Secretary a written  
10 report of its findings of fact, conclusions of law, and  
11 recommendations. The report shall contain a finding whether or  
12 not the accused person violated this Act or failed to comply  
13 with the conditions required in this Act. The Board hearing  
14 ~~officer~~ shall specify the nature of the violation or failure  
15 to comply and shall make its recommendations to the Secretary.

16 The report of findings of fact, conclusions of law, and  
17 recommendations of the Board hearing officer shall be the  
18 basis for the Department's order refusing to issue, restore,  
19 or renew a license, or otherwise disciplining a licensee. If  
20 the Secretary disagrees in any regard with the report of the  
21 Board hearing officer, the Secretary may issue an order in  
22 contravention of the Boards hearing officer's recommendations.  
23 The finding is not admissible in evidence against the person  
24 in a criminal prosecution brought for the violation of this  
25 Act, but the hearing and findings are not a bar to a criminal

1 prosecution brought for the violation of this Act.

2 If the Secretary fails to issue a final order within 30  
3 days after the receipt of the Board's ~~hearing officer's~~  
4 findings of fact, conclusions of law, and recommendations,  
5 then the Board's ~~hearing officer's~~ findings of fact,  
6 conclusions of law, and recommendations shall become a final  
7 order of the Department without further review.

8 (Source: P.A. 97-778, eff. 7-13-12.)

9 (225 ILCS 63/150)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 150. Hearing officer. The Secretary shall have the  
12 authority to appoint any attorney duly licensed to practice  
13 law in the State of Illinois to serve as the hearing officer in  
14 any action for Departmental refusal to issue, renew, or  
15 license an applicant, or disciplinary action against a  
16 licensee. The hearing officer shall have full authority to  
17 conduct the hearing. The hearing officer shall report his or  
18 her findings of fact, conclusions of law, and recommendations  
19 to the Board and the Secretary. The Board shall review the  
20 report of the hearing officer and present its findings of  
21 fact, conclusions of law, and recommendations to the Secretary  
22 ~~If the Secretary disagrees with the recommendation of the~~  
23 ~~hearing officer, he or she may issue an order in contravention~~  
24 ~~of that recommendation.~~

25 (Source: P.A. 97-778, eff. 7-13-12.)

1 (225 ILCS 63/155)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 155. Service of report; rehearing; order. In any case  
4 involving the refusal to issue or renew or the discipline of a  
5 license, a copy of the Board's ~~hearing officer's~~ report shall  
6 be served upon the respondent by the Department, either  
7 personally or as provided in this Act for the service of the  
8 notice of hearing. Within 20 days after the service, the  
9 respondent may present to the Department a motion in writing  
10 for a rehearing that shall specify the particular grounds for  
11 rehearing. If no motion for rehearing is filed, then upon the  
12 expiration of the time specified for filing a motion, or if a  
13 motion for rehearing is denied, then upon the denial the  
14 Secretary may enter an order in accordance with this Act. If  
15 the respondent orders from the reporting service and pays for  
16 a transcript of the record within the time for filing a motion  
17 for rehearing, the 20 calendar day period within which the  
18 motion may be filed shall commence upon the delivery of the  
19 transcript to the respondent.

20 (Source: P.A. 97-778, eff. 7-13-12.)

21 (225 ILCS 63/165)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 165. Order or certified copy as prima facie proof. An  
24 order or a certified copy thereof, over the seal of the

1 Department and purporting to be signed by the Secretary, shall  
2 be prima facie proof:

3 (a) that the signature is the genuine signature of the  
4 Secretary; ~~and~~

5 (b) that such Secretary is duly appointed and  
6 qualified; ~~and-~~

7 (c) that the Board and its members are qualified to  
8 act.

9 (Source: P.A. 97-778, eff. 7-13-12.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.