

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 Sections 4.33 and 4.38 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 Acts repealed on January 1, 2023.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8 Acts are repealed on January 1, 2023: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 (5 ILCS 80/4.38)

21 Sec. 4.38. Acts repealed on January 1, 2028. The following
22 Acts are repealed on January 1, 2028:

1 The Acupuncture Practice Act.

2 The Clinical Social Work and Social Work Practice Act.

3 The Home Medical Equipment and Services Provider License
4 Act.

5 The Illinois Petroleum Education and Marketing Act.

6 The Illinois Speech-Language Pathology and Audiology
7 Practice Act.

8 The Interpreter for the Deaf Licensure Act of 2007.

9 The Naprapathic Practice Act.

10 The Nurse Practice Act.

11 The Nursing Home Administrators Licensing and Disciplinary
12 Act.

13 The Physician Assistant Practice Act of 1987.

14 The Podiatric Medical Practice Act of 1987.

15 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
16 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
17 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
18 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

19 Section 10. The Naprapathic Practice Act is amended by
20 changing Sections 10, 15, 17, 57, 110, 125, 145, 150, 155, 165,
21 and 190 and by adding Sections 11 and 36 as follows:

22 (225 ILCS 63/10)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 10. Definitions. In this Act:

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

8 "Board" means the Board of Naprapathy appointed by the
9 Secretary.

10 "Email address of record" means the designated email
11 address recorded by the Department in the applicant's
12 application file or the licensee's license file, as maintained
13 by the Department's licensure maintenance unit.

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

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

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

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

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

1 ~~naprapathy as defined in this Act, which diagnosis shall~~
2 ~~remain in effect until changed by the licensed physician,~~
3 ~~dentist, or podiatric physician.~~

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

5 (225 ILCS 63/11 new)

6 Sec. 11. Address of record; email address of record. All
7 applicants and licensees shall:

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

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

16 (225 ILCS 63/15)

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

18 Sec. 15. Practice of naprapathy defined; referrals.
19 Naprapathic practice means the identification, evaluation, and
20 treatment ~~evaluation~~ of persons with connective tissue
21 disorders through the use of naprapathic case history and
22 palpation or treatment of persons by the use of connective
23 tissue manipulation, therapeutic and rehabilitative exercise,
24 postural counseling, nutritional counseling, and the use of

1 the effective properties of physical measures of heat, cold,
2 light, water, radiant energy, electricity, sound and air, and
3 assistive devices for the purpose of preventing, correcting,
4 or alleviating a physical disability.

5 Naprapathic practice includes, but is not limited to, the
6 treatment of contractures, muscle spasms, inflammation, scar
7 tissue formation, adhesions, lesions, laxity, hypotonicity,
8 rigidity, structural imbalance, bruising, contusions, muscular
9 atrophy, and partial separation of connective tissue fibers.

10 Naprapathic practice also includes: (a) performance of
11 specialized tests and measurements, (b) administration of
12 specialized treatment procedures, (c) interpretation of
13 referrals from licensed physicians, dentists, and podiatric
14 physicians, (d) establishment and modification of naprapathic
15 treatment programs, and (e) supervision or teaching of
16 naprapathy.

17 Naprapathic practice does not include radiology, surgery,
18 pharmacology, or invasive diagnostic testing, ~~or determination~~
19 ~~of a differential diagnosis; provided, however, the limitation~~
20 ~~on determining a differential diagnosis shall not in any~~
21 ~~manner limit a naprapath licensed under this Act from~~
22 ~~performing an evaluation authorized under this Act.~~ A
23 naprapath licensed under this Act who is not also licensed as a
24 physical therapist under the Illinois Physical Therapy Act
25 shall not hold himself or herself out as qualified to provide
26 physical therapy or physiotherapy services. Nothing in this

1 Section shall limit a naprapath from employing appropriate
2 naprapathic techniques that he or she is educated and licensed
3 to perform. A naprapath shall refer to a licensed physician,
4 dentist, or podiatric physician any patient whose medical
5 condition should, at the time of evaluation or treatment, be
6 determined to be beyond the scope of practice of the
7 naprapath. A naprapath shall order additional screening if the
8 patient does not demonstrate measurable or functional
9 improvement after 6 visits and continued improvement
10 thereafter. A naprapath shall refer a patient to the patient's
11 treating health care professional of record or, in the case
12 where there is no health care professional of record, to a
13 health care professional of the patient's choice, if the
14 patient's condition, at the time of evaluation or services, is
15 determined to be beyond the scope of practice of the
16 naprapath.

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

18 (225 ILCS 63/17)

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

20 Sec. 17. Educational and professional qualifications for
21 licensure. A person may be qualified to receive a license as a
22 naprapath if he or she:

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

25 (2) for licenses granted on or before December 31,

1 2027, has graduated from a 2-year ~~2-year~~ college level
2 program or its equivalent approved by the Department;

3 (2.5) for licenses granted on or after January 1,
4 2028, has graduated from a 4-year college level program or
5 its equivalent approved by the Department;

6 (3) has graduated from a curriculum in naprapathy
7 approved by the Department. In approving a curriculum in
8 naprapathy, the Department shall consider, but not be
9 bound by, a curriculum approved by the American
10 Naprapathic Association, the Illinois Naprapathic
11 Association, or a national or regional accrediting body
12 recognized by the United States Department of Education;

13 (4) has passed an examination approved by the
14 Department to determine a person's fitness to practice as
15 a naprapath; and

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

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

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

21 (225 ILCS 63/36 new)

22 Sec. 36. Board of Naprapathy. The Secretary shall appoint
23 a Board of Naprapathy to consist of 7 persons who shall serve
24 in an advisory capacity to the Secretary. Four members must
25 hold an active license to engage in the practice of

1 naprapathy, one member shall be a physician licensed under the
2 Medical Practice Act of 1987, one member shall be an
3 acupuncturist licensed under the Acupuncture Practice Act, and
4 one member of the public.

5 Members shall serve 4-year terms and until their
6 successors are appointed and qualified. No member may be
7 appointed to more than 2 consecutive full terms. Appointments
8 to fill vacancies shall be made in the same manner as original
9 appointments for the unexpired portion of the vacated term.
10 Initial terms shall begin upon the effective date of this
11 amendatory Act of the 102nd General Assembly.

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

1 (225 ILCS 63/57)

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

3 Sec. 57. Social Security Number on license application. In
4 addition to any other information required to be contained in
5 the application, every application for an original,~~renewal,~~
6 ~~reinstated, or restored~~ license under this Act shall include
7 the applicant's Social Security Number, which shall be
8 retained in the agency's records pertaining to the license. As
9 soon as practical, the Department shall assign a customer's
10 identification number to each applicant for a license.

11 Every application for a renewal or restored license shall
12 require the applicant's customer identification number.

13 (Source: P.A. 97-400, eff. 1-1-12; 97-778, eff. 7-13-12.)

14 (225 ILCS 63/110)

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

16 Sec. 110. Grounds for disciplinary action; refusal,
17 revocation, suspension.

18 (a) The Department may refuse to issue or to renew, or may
19 revoke, suspend, place on probation, reprimand or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem appropriate, including imposing fines not to exceed
22 \$10,000 for each violation, with regard to any licensee or
23 license for any one or combination of the following causes:

24 (1) Violations of this Act or of rules adopted under
25 this Act.

1 (2) Making a material misstatement in furnishing
2 information to the Department or otherwise making
3 misleading, deceptive, untrue, or fraudulent
4 representations in violation of this Act or otherwise in
5 the practice of the profession ~~Material misstatement in~~
6 ~~furnishing information to the Department.~~

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

16 (4) Fraud or any misrepresentation in applying for or
17 procuring a license under this Act or in connection with
18 applying for renewal of a license under this Act.

19 (5) Professional incompetence or gross negligence.

20 (6) Malpractice.

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

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

25 (9) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

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

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

10 (12) Directly or indirectly giving to or receiving
11 from any person, firm, corporation, partnership, or
12 association any fee, commission, rebate, or other form of
13 compensation for any professional services not actually or
14 personally rendered. This shall not be deemed to include
15 rent or other remunerations paid to an individual,
16 partnership, or corporation by a naprapath for the lease,
17 rental, or use of space, owned or controlled by the
18 individual, partnership, corporation, or association.
19 Nothing in this paragraph (12) affects any bona fide
20 independent contractor or employment arrangements among
21 health care professionals, health facilities, health care
22 providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements may include
24 provisions for compensation, health insurance, pension, or
25 other employment benefits for the provision of services
26 within the scope of the licensee's practice under this

1 Act. Nothing in this paragraph (12) shall be construed to
2 require an employment arrangement to receive professional
3 fees for services rendered.

4 (13) Using the title "Doctor" or its abbreviation
5 without further clarifying that title or abbreviation with
6 the word "naprapath" or "naprapathy" or the designation
7 "D.N."

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

11 (15) Abandonment of a patient without cause.

12 (16) Willfully making or filing false records or
13 reports relating to a licensee's practice, including but
14 not limited to, false records filed with State agencies or
15 departments.

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

19 (18) Physical or mental illness or disability,
20 including, but not limited to, deterioration through the
21 aging process or loss of motor skill that results in the
22 inability to practice the profession with reasonable
23 judgment, skill, or safety.

24 (19) Solicitation of professional services by means
25 other than permitted advertising.

26 (20) Failure to provide a patient with a copy of his or

1 her record upon the written request of the patient.

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

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

6 (23) (Blank).

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

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

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

19 (27) Maintaining a professional relationship with any
20 person, firm, or corporation when the naprapath knows, or
21 should know, that the person, firm, or corporation is
22 violating this Act.

23 (28) Promotion of the sale of food supplements,
24 devices, appliances, or goods provided for a client or
25 patient in such manner as to exploit the patient or client
26 for financial gain of the licensee.

1 (29) Having treated ailments of human beings other
2 than by the practice of naprapathy as defined in this Act
3 unless authorized to do so by State law. ~~, or having~~
4 ~~treated ailments of human beings as a licensed naprapath~~
5 ~~independent of a documented referral or documented current~~
6 ~~and relevant diagnosis from a physician, dentist, or~~
7 ~~podiatric physician, or having failed to notify the~~
8 ~~physician, dentist, or podiatric physician who established~~
9 ~~a documented current and relevant diagnosis that the~~
10 ~~patient is receiving naprapathic treatment pursuant to~~
11 ~~that diagnosis.~~

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

16 (31) Continuance of a naprapath in the employ of any
17 person, firm, or corporation, or as an assistant to any
18 naprapath or naprapaths, directly or indirectly, after his
19 or her employer or superior has been found guilty of
20 violating or has been enjoined from violating the laws of
21 the State of Illinois relating to the practice of
22 naprapathy when the employer or superior persists in that
23 violation.

24 (32) The performance of naprapathic service in
25 conjunction with a scheme or plan with another person,
26 firm, or corporation known to be advertising in a manner

1 contrary to this Act or otherwise violating the laws of
2 the State of Illinois concerning the practice of
3 naprapathy.

4 (33) Failure to provide satisfactory proof of having
5 participated in approved continuing education programs as
6 determined by and approved by the Secretary. Exceptions
7 for extreme hardships are to be defined by the rules of the
8 Department.

9 (34) (Blank).

10 (35) Gross or willful overcharging for professional
11 services.

12 (36) (Blank).

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the
15 fine, unless an alternate payment schedule has been agreed
16 upon in writing.

17 (b) A person not licensed under this Act and engaged in the
18 business of offering naprapathy services through others, shall
19 not aid, abet, assist, procure, advise, employ, or contract
20 with any unlicensed person to practice naprapathy contrary to
21 any rules or provisions of this Act. A person violating this
22 subsection (b) shall be treated as a licensee for the purposes
23 of disciplinary action under this Section and shall be subject
24 to cease and desist orders as provided in Section 90 of this
25 Act. The Department may refuse to issue or may suspend without
26 hearing, as provided for in the Department of Professional

1 ~~Regulation Law of the Civil Administrative Code, the license~~
2 ~~of any person who fails to file a return, or pay the tax,~~
3 ~~penalty, or interest shown in a filed return, or pay any final~~
4 ~~assessment of the tax, penalty, or interest as required by any~~
5 ~~tax Act administered by the Illinois Department of Revenue,~~
6 ~~until such time as the requirements of any such tax Act are~~
7 ~~satisfied in accordance with subsection (g) of Section 2105-15~~
8 ~~of the Department of Professional Regulation Law of the Civil~~
9 ~~Administrative Code of Illinois.~~

10 (b-5) The Department may refuse to issue or may suspend
11 the license of any person who fails to file a tax return, to
12 pay the tax, penalty, or interest shown in a filed tax return,
13 or to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Department of
15 Revenue, until the requirements of the tax Act are satisfied
16 in accordance with subsection (g) of Section 2105-15 of the
17 Civil Administrative Code of Illinois.

18 (c) (Blank).

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

1 of Healthcare and Family Services in accordance with item (5)
2 of subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code
4 of Illinois.

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

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

1 specifically designated by the Board or Department. The
2 individual to be examined may have, at his or her own expense,
3 another physician of his or her choice present during all
4 aspects of this examination. The examination shall be
5 performed by a physician under the Medical Practice Act of
6 1987. Failure of an individual to submit to a mental or
7 physical examination, when directed, shall result in an
8 automatic suspension without hearing. ~~and evaluation, or both,~~
9 ~~which may include a substance abuse or sexual offender~~
10 ~~evaluation, as required by and at the expense of the~~
11 ~~Department. The Department shall specifically designate the~~
12 ~~examining physician licensed to practice medicine in all of~~
13 ~~its branches or, if applicable, the multidisciplinary team~~
14 ~~involved in providing the mental or physical examination and~~
15 ~~evaluation, or both. The multidisciplinary team shall be led~~
16 ~~by a physician licensed to practice medicine in all of its~~
17 ~~branches and may consist of one or more or a combination of~~
18 ~~physicians licensed to practice medicine in all of its~~
19 ~~branches, licensed chiropractic physicians, licensed clinical~~
20 ~~psychologists, licensed clinical social workers, licensed~~
21 ~~clinical professional counselors, and other professional and~~
22 ~~administrative staff. Any examining physician or member of the~~
23 ~~multidisciplinary team may require any person ordered to~~
24 ~~submit to an examination and evaluation pursuant to this~~
25 ~~Section to submit to any additional supplemental testing~~
26 ~~deemed necessary to complete any examination or evaluation~~

1 ~~process, including, but not limited to, blood testing,~~
2 ~~urinalysis, psychological testing, or neuropsychological~~
3 ~~testing.~~

4 ~~The Department may order the examining physician or any~~
5 ~~member of the multidisciplinary team to provide to the~~
6 ~~Department any and all records including business records that~~
7 ~~relate to the examination and evaluation, including any~~
8 ~~supplemental testing performed. The Department may order the~~
9 ~~examining physician or any member of the multidisciplinary~~
10 ~~team to present testimony concerning the examination and~~
11 ~~evaluation of the licensee or applicant, including testimony~~
12 ~~concerning any supplemental testing or documents in any way~~
13 ~~related to the examination and evaluation. No information,~~
14 ~~report, record, or other documents in any way related to the~~
15 ~~examination and evaluation shall be excluded by reason of any~~
16 ~~common law or statutory privilege relating to communications~~
17 ~~between the licensee or applicant and the examining physician~~
18 ~~or any member of the multidisciplinary team. No authorization~~
19 ~~is necessary from the licensee or applicant ordered to undergo~~
20 ~~an evaluation and examination for the examining physician or~~
21 ~~any member of the multidisciplinary team to provide~~
22 ~~information, reports, records, or other documents or to~~
23 ~~provide any testimony regarding the examination and~~
24 ~~evaluation. The individual to be examined may have, at his or~~
25 ~~her own expense, another physician of his or her choice~~
26 ~~present during all aspects of this examination. Failure of an~~

1 ~~individual to submit to a mental or physical examination and~~
2 ~~evaluation, or both, when directed, shall result in an~~
3 ~~automatic suspension without hearing, until such time as the~~
4 ~~individual submits to the examination.~~

5 A person holding a license under this Act or who has
6 applied for a license under this Act who, because of a physical
7 or mental illness or disability, including, but not limited
8 to, deterioration through the aging process or loss of motor
9 skill, is unable to practice the profession with reasonable
10 judgment, skill, or safety, may be required by the Department
11 to submit to care, counseling, or treatment by physicians
12 approved or designated by the Department as a condition, term,
13 or restriction for continued, reinstated, or renewed licensure
14 to practice. Submission to care, counseling, or treatment as
15 required by the Department shall not be considered discipline
16 of a license. If the licensee refuses to enter into a care,
17 counseling, or treatment agreement or fails to abide by the
18 terms of the agreement, the Department may file a complaint to
19 revoke, suspend, or otherwise discipline the license of the
20 individual. The Secretary may order the license suspended
21 immediately, pending a hearing by the Department. Fines shall
22 not be assessed in disciplinary actions involving physical or
23 mental illness or impairment.

24 In instances in which the Secretary immediately suspends a
25 person's license under this Section, 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. The Department and the Board shall have the authority
3 to review the subject individual's record of treatment and
4 counseling regarding the impairment to the extent permitted by
5 applicable federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 An individual licensed under this Act and affected under
8 this Section shall be afforded an opportunity to demonstrate
9 to the Department that he or she can resume practice in
10 compliance with acceptable and prevailing standards under the
11 provisions of his or her license.

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

13 (225 ILCS 63/125)

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

15 Sec. 125. Investigation; notice; hearing. The Department
16 may investigate the actions of any applicant or of any person
17 or persons holding or claiming to hold a license. Before
18 refusing to issue, refusing to renew, or taking any
19 disciplinary action under Section 110 regarding a license, the
20 Department shall, at least 30 days prior to the date set for
21 the hearing, notify in writing the applicant for, or holder
22 of, a license of the nature of any charges and that a hearing
23 will be held on a date designated. The Department shall direct
24 the applicant or licensee to file a written answer with the
25 Department under oath within 20 days after the service of the

1 notice and inform the applicant or licensee that failure to
2 file an answer shall result in default being taken against the
3 applicant or licensee. At the time and place fixed in the
4 notice, the Department shall proceed to hear the charges and
5 the parties or their counsel shall be accorded ample
6 opportunity to present any pertinent statements, testimony,
7 evidence, and arguments. The Department may continue the
8 hearing from time to time. If the person, after receiving the
9 notice, fails to file an answer, his or her license may, in the
10 discretion of the Department, be revoked, suspended, or placed
11 on probationary status or the Department may take whatever
12 disciplinary action considered proper, including limiting the
13 scope, nature, or extent of the person's practice under the
14 Act. If the Board is not sitting at the time and place fixed in
15 the notice or at the time and place to which the hearing shall
16 have been continued, the Department may continue the hearing
17 for a period not to exceed 30 days. The written notice in the
18 subsequent proceeding may be served by U.S. registered or
19 certified mail or email to the licensee's address or email
20 address of record.

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

22 (225 ILCS 63/145)

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

24 Sec. 145. Findings of facts, conclusions of law, and
25 recommendations. At the conclusion of the hearing the Board

1 ~~hearing officer~~ shall present to the Secretary a written
2 report of its findings of fact, conclusions of law, and
3 recommendations. The report shall contain a finding whether or
4 not the accused person violated this Act or failed to comply
5 with the conditions required in this Act. The Board ~~hearing~~
6 ~~officer~~ shall specify the nature of the violation or failure
7 to comply and shall make its recommendations to the Secretary.

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

20 ~~If the Secretary fails to issue a final order within 30~~
21 ~~days after the receipt of the hearing officer's findings of~~
22 ~~fact, conclusions of law, and recommendations, then the~~
23 ~~hearing officer's findings of fact, conclusions of law, and~~
24 ~~recommendations shall become a final order of the Department~~
25 ~~without further review.~~

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

1 (225 ILCS 63/150)

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

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

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

18 (225 ILCS 63/155)

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

20 Sec. 155. Service of report; rehearing; order. In any case
21 involving the refusal to issue or renew or the discipline of a
22 license, a copy of the Board's ~~hearing officer's~~ report shall
23 be served upon the respondent by the Department, either
24 personally or as provided in this Act for the service of the

1 notice of hearing. Within 20 days after the service, the
2 respondent may present to the Department a motion in writing
3 for a rehearing that shall specify the particular grounds for
4 rehearing. If no motion for rehearing is filed, then upon the
5 expiration of the time specified for filing a motion, or if a
6 motion for rehearing is denied, then upon the denial the
7 Secretary may enter an order in accordance with this Act. If
8 the respondent orders from the reporting service and pays for
9 a transcript of the record within the time for filing a motion
10 for rehearing, the 20 calendar day period within which the
11 motion may be filed shall commence upon the delivery of the
12 transcript to the respondent.

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

14 (225 ILCS 63/165)

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

16 Sec. 165. Order or certified copy as prima facie proof. An
17 order or a certified copy thereof, over the seal of the
18 Department and purporting to be signed by the Secretary, shall
19 be prima facie proof:

20 (a) that the signature is the genuine signature of the
21 Secretary; ~~and~~

22 (b) that such Secretary is duly appointed and
23 qualified; and ~~-~~

24 (c) that the Board and its members are qualified to
25 act.

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

2 (225 ILCS 63/190)

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

4 Sec. 190. The Department shall not be required to certify
5 any record to the Court or file any answer in court or
6 otherwise appear in any court in a judicial review proceeding,
7 unless and until the Department receives from the plaintiff
8 payment of the costs of furnishing and certifying the record,
9 which costs shall be determined by the Department. ~~Exhibits~~
10 ~~shall be certified without cost.~~ Failure on the part of the
11 plaintiff to file a receipt in court is grounds for dismissal
12 of the action.

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

14 (225 ILCS 63/95 rep.)

15 Section 15. The Naprapathic Practice Act is amended by
16 repealing Section 95.

17 Section 99. Effective date. This Section and Section 5
18 take effect upon becoming law.