



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5231

Introduced 1/31/2022, by Rep. Adam Niemerg

SYNOPSIS AS INTRODUCED:

225 ILCS 60/22	from Ch. 111, par. 4400-22
225 ILCS 65/70-5	was 225 ILCS 65/10-45
225 ILCS 95/21	from Ch. 111, par. 4621
775 ILCS 55/1-10	
775 ILCS 55/1-21 new	

Amends the Reproductive Health Act. Prohibits a person from using any medication, drug, or other substance to terminate the pregnancy of an individual known to be pregnant. Amends the Medical Practice Act of 1987, the Nurse Practice Act, and the Physician Assistant Practice Act of 1987 to make conforming changes.

LRB102 23847 LNS 33040 b

1 AN ACT concerning human rights.

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7 (Section scheduled to be repealed on January 1, 2027)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

8 (D) The Medical Board shall recommend to the Department
9 civil penalties and any other appropriate discipline in
10 disciplinary cases when the Medical Board finds that a
11 physician willfully performed an abortion with actual
12 knowledge that the person upon whom the abortion has been
13 performed is a minor or an incompetent person without notice
14 as required under the Parental Notice of Abortion Act of 1995.
15 Upon the Medical Board's recommendation, the Department shall
16 impose, for the first violation, a civil penalty of \$1,000 and
17 for a second or subsequent violation, a civil penalty of
18 \$5,000.

19 (E) The Department shall revoke the license or permit of a
20 person licensed under this Act who knowingly violates Section
21 1-21 of the Reproductive Health Act.

22 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
23 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
24 8-20-21; revised 12-2-21.)

25 Section 10. The Nurse Practice Act is amended by changing

1 Section 70-5 as follows:

2 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

3 (Section scheduled to be repealed on January 1, 2028)

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

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

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

14 (1) Material deception in furnishing information to
15 the Department.

16 (2) Material violations of any provision of this Act
17 or violation of the rules of or final administrative
18 action of the Secretary, after consideration of the
19 recommendation of the Board.

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under
25 the laws of any jurisdiction of the United States: (i)

1 that is a felony; or (ii) that is a misdemeanor, an
2 essential element of which is dishonesty, or that is
3 directly related to the practice of the profession.

4 (4) A pattern of practice or other behavior which
5 demonstrates incapacity or incompetency to practice under
6 this Act.

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

9 (6) Failing, within 90 days, to provide a response to
10 a request for information in response to a written request
11 made by the Department by certified or registered mail or
12 by email to the email address of record.

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

16 (8) Unlawful taking, theft, selling, distributing, or
17 manufacturing of any drug, narcotic, or prescription
18 device.

19 (9) Habitual or excessive use or addiction to alcohol,
20 narcotics, stimulants, or any other chemical agent or drug
21 that could result in a licensee's inability to practice
22 with reasonable judgment, skill or safety.

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

1 (11) A finding that the licensee, after having her or
2 his license placed on probationary status or subject to
3 conditions or restrictions, has violated the terms of
4 probation or failed to comply with such terms or
5 conditions.

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

13 (13) Willful omission to file or record, or willfully
14 impeding the filing or recording or inducing another
15 person to omit to file or record medical reports as
16 required by law.

17 (13.5) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act.

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

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

24 (16) Failure of a licensee to report to the Department
25 any adverse final action taken against him or her by
26 another licensing jurisdiction of the United States or any

1 foreign state or country, any peer review body, any health
2 care institution, any professional or nursing society or
3 association, any governmental agency, any law enforcement
4 agency, or any court or a nursing liability claim related
5 to acts or conduct similar to acts or conduct that would
6 constitute grounds for action as defined in this Section.

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

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

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

22 (20) Fraud, deceit or misrepresentation in applying
23 for or procuring a license under this Act or in connection
24 with applying for renewal of a license under this Act.

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

1 (22) Willfully making or filing false records or
2 reports in the licensee's practice, including but not
3 limited to false records to support claims against the
4 medical assistance program of the Department of Healthcare
5 and Family Services (formerly Department of Public Aid)
6 under the Illinois Public Aid Code.

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

9 (24) Immoral conduct in the commission of an act,
10 including, but not limited to, sexual abuse, sexual
11 misconduct, or sexual exploitation, related to the
12 licensee's practice.

13 (25) Willfully or negligently violating the
14 confidentiality between nurse and patient except as
15 required by law.

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

18 (27) The use of any false, fraudulent, or deceptive
19 statement in any document connected with the licensee's
20 practice.

21 (28) Directly or indirectly giving to or receiving
22 from a person, firm, corporation, partnership, or
23 association a fee, commission, rebate, or other form of
24 compensation for professional services not actually or
25 personally rendered. Nothing in this paragraph (28)
26 affects any bona fide independent contractor or employment

1 arrangements among health care professionals, health
2 facilities, health care providers, or other entities,
3 except as otherwise prohibited by law. Any employment
4 arrangements may include provisions for compensation,
5 health insurance, pension, or other employment benefits
6 for the provision of services within the scope of the
7 licensee's practice under this Act. Nothing in this
8 paragraph (28) shall be construed to require an employment
9 arrangement to receive professional fees for services
10 rendered.

11 (29) A violation of the Health Care Worker
12 Self-Referral Act.

13 (30) Physical illness, mental illness, or disability
14 that results in the inability to practice the profession
15 with reasonable judgment, skill, or safety.

16 (31) Exceeding the terms of a collaborative agreement
17 or the prescriptive authority delegated to a licensee by
18 his or her collaborating physician or podiatric physician
19 in guidelines established under a written collaborative
20 agreement.

21 (32) Making a false or misleading statement regarding
22 a licensee's skill or the efficacy or value of the
23 medicine, treatment, or remedy prescribed by him or her in
24 the course of treatment.

25 (33) Prescribing, selling, administering,
26 distributing, giving, or self-administering a drug

1 classified as a controlled substance (designated product)
2 or narcotic for other than medically accepted therapeutic
3 purposes.

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

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

9 (36) Willfully or negligently violating the
10 confidentiality between an advanced practice registered
11 nurse, collaborating physician, dentist, or podiatric
12 physician and a patient, except as required by law.

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

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

23 (39) A violation of any provision of this Act or any
24 rules adopted under this Act.

25 (40) Violating the Compassionate Use of Medical
26 Cannabis Program Act.

1 ((b-5) The Department shall revoke the license of a person
2 licensed under this Act who knowingly violates Section 1-21 of
3 the Reproductive Health Act.

4 (c) 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, as amended, operates as an automatic suspension. The
8 suspension will end only upon a finding by a court that the
9 patient is no longer subject to involuntary admission or
10 judicial admission and issues an order so finding and
11 discharging the patient; and upon the recommendation of the
12 Board to the Secretary that the licensee be allowed to resume
13 his or her practice.

14 (d) The Department may refuse to issue or may suspend or
15 otherwise discipline the license of any person who fails to
16 file a return, or to pay the tax, penalty or interest shown in
17 a filed return, or to pay any final assessment of the tax,
18 penalty, or interest as required by any tax Act administered
19 by the Department of Revenue, until such time as the
20 requirements of any such tax Act are satisfied.

21 (e) In enforcing this Act, the Department, upon a showing
22 of a possible violation, may compel an individual licensed to
23 practice under this Act or who has applied for licensure under
24 this Act, to submit to a mental or physical examination, or
25 both, as required by and at the expense of the Department. The
26 Department may order the examining physician to present

1 testimony concerning the mental or physical examination of the
2 licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician. The examining physicians shall be
6 specifically designated by the Department. The individual to
7 be examined may have, at his or her own expense, another
8 physician of his or her choice present during all aspects of
9 this examination. Failure of an individual to submit to a
10 mental or physical examination, when directed, shall result in
11 an automatic suspension without hearing.

12 All substance-related violations shall mandate an
13 automatic substance abuse assessment. Failure to submit to an
14 assessment by a licensed physician who is certified as an
15 addictionist or an advanced practice registered nurse with
16 specialty certification in addictions may be grounds for an
17 automatic suspension, as defined by rule.

18 If the Department finds an individual unable to practice
19 or unfit for duty because of the reasons set forth in this
20 subsection (e), the Department may require that individual to
21 submit to a substance abuse evaluation or treatment by
22 individuals or programs approved or designated by the
23 Department, as a condition, term, or restriction for
24 continued, restored, or renewed licensure to practice; or, in
25 lieu of evaluation or treatment, the Department may file, or
26 the Board may recommend to the Department to file, a complaint

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

10 In instances in which the Secretary immediately suspends a
11 person's license under this subsection (e), a hearing on that
12 person's license must be convened by the Department within 15
13 days after the suspension and completed without appreciable
14 delay. The Department and Board shall have the authority to
15 review the subject individual's record of treatment and
16 counseling 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 and affected under
20 this subsection (e) shall be afforded an opportunity to
21 demonstrate to the Department that he or she can resume
22 practice in compliance with nursing standards under the
23 provisions of his or her license.

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

25 Section 15. The Physician Assistant Practice Act of 1987

1 is amended by changing Section 21 as follows:

2 (225 ILCS 95/21) (from Ch. 111, par. 4621)

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

4 Sec. 21. Grounds for disciplinary action.

5 (a) The Department may refuse to issue or to renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary or non-disciplinary action with regard to any
8 license issued under this Act as the Department may deem
9 proper, including the issuance of fines not to exceed \$10,000
10 for each violation, for any one or combination of the
11 following causes:

12 (1) Material misstatement in furnishing information to
13 the Department.

14 (2) Violations of this Act, or the rules adopted under
15 this Act.

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

25 (4) Making any misrepresentation for the purpose of

1 obtaining licenses.

2 (5) Professional incompetence.

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

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

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

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

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

18 (11) Directly or indirectly giving to or receiving
19 from any person, firm, corporation, partnership, or
20 association any fee, commission, rebate or other form of
21 compensation for any professional services not actually or
22 personally rendered. Nothing in this paragraph (11)
23 affects any bona fide independent contractor or employment
24 arrangements, which may include provisions for
25 compensation, health insurance, pension, or other
26 employment benefits, with persons or entities authorized

1 under this Act for the provision of services within the
2 scope of the licensee's practice under this Act.

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

6 (13) Abandonment of a patient.

7 (14) Willfully making or filing false records or
8 reports in his or her practice, including but not limited
9 to false records filed with state agencies or departments.

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

13 (16) Physical illness, or mental illness or impairment
14 that results in the inability to practice the profession
15 with reasonable judgment, skill, or safety, including, but
16 not limited to, deterioration through the aging process or
17 loss of motor skill.

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

25 (18) (Blank).

26 (19) Gross negligence resulting in permanent injury or

1 death of a patient.

2 (20) Employment of fraud, deception or any unlawful
3 means in applying for or securing a license as a physician
4 assistant.

5 (21) Exceeding the authority delegated to him or her
6 by his or her collaborating physician in a written
7 collaborative agreement.

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

11 (23) Violation of the Health Care Worker Self-Referral
12 Act.

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

15 (25) Making a false or misleading statement regarding
16 his or her skill or the efficacy or value of the medicine,
17 treatment, or remedy prescribed by him or her in the
18 course of treatment.

19 (26) Allowing another person to use his or her license
20 to practice.

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

25 (28) Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in a manner to

1 exploit the patient for financial gain.

2 (29) A pattern of practice or other behavior that
3 demonstrates incapacity or incompetence to practice under
4 this Act.

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

8 (31) Exceeding the prescriptive authority delegated by
9 the collaborating physician or violating the written
10 collaborative agreement delegating that authority.

11 (32) Practicing without providing to the Department a
12 notice of collaboration or delegation of prescriptive
13 authority.

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

16 (34) Attempting to subvert or cheat on the examination
17 of the National Commission on Certification of Physician
18 Assistants or its successor agency.

19 (35) Willfully or negligently violating the
20 confidentiality between physician assistant and patient,
21 except as required by law.

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

26 (37) Being named as an abuser in a verified report by

1 the Department on Aging under the Adult Protective
2 Services Act and upon proof by clear and convincing
3 evidence that the licensee abused, neglected, or
4 financially exploited an eligible adult as defined in the
5 Adult Protective Services Act.

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

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

16 (40) Entering into an excessive number of written
17 collaborative agreements with licensed physicians
18 resulting in an inability to adequately collaborate.

19 (41) Repeated failure to adequately collaborate with a
20 collaborating physician.

21 (42) Violating the Compassionate Use of Medical
22 Cannabis Program Act.

23 (b) The Department may, without a hearing, refuse to issue
24 or renew or may suspend the license of any person who fails to
25 file a return, or to pay the tax, penalty or interest shown in
26 a filed return, or to pay any final assessment of the tax,

1 penalty, or interest as required by any tax Act administered
2 by the Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied.

4 ((b-5) The Department shall revoke the license of a person
5 licensed under this Act who knowingly violates Section 1-21 of
6 the Reproductive Health Act.

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

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

24 The Department shall specifically designate the examining
25 physician licensed to practice medicine in all of its branches
26 or, if applicable, the multidisciplinary team involved in

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

15 The Department may order the examining physician or any
16 member of the multidisciplinary team to provide to the
17 Department any and all records, including business records,
18 that relate to the examination and evaluation, including any
19 supplemental testing performed.

20 The Department may order the examining physician or any
21 member of the multidisciplinary team to present testimony
22 concerning the mental or physical examination of the licensee
23 or applicant. No information, report, record, or other
24 documents in any way related to the examination shall be
25 excluded by reason of any common law or statutory privilege
26 relating to communications between the licensee or applicant

1 and the examining physician or any member of the
2 multidisciplinary team. No authorization is necessary from the
3 licensee or applicant ordered to undergo an examination for
4 the examining physician or any member of the multidisciplinary
5 team to provide information, reports, records, or other
6 documents or to provide any testimony regarding the
7 examination and evaluation.

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

13 Failure of an individual to submit to a mental or physical
14 examination, when ordered, shall result in an automatic
15 suspension of his or her license until the individual submits
16 to the examination.

17 If the Department finds an individual unable to practice
18 because of the reasons set forth in this Section, the
19 Department may require that individual to submit to care,
20 counseling, or treatment by physicians approved or designated
21 by the Department, as a condition, term, or restriction for
22 continued, reinstated, or renewed licensure to practice; or,
23 in lieu of care, counseling, or treatment, the Department may
24 file a complaint to immediately suspend, revoke, or otherwise
25 discipline the license of the individual. An individual whose
26 license was granted, continued, reinstated, renewed,

1 disciplined, or supervised subject to such terms, conditions,
2 or restrictions, and who fails to comply with such terms,
3 conditions, or restrictions, shall be referred to the
4 Secretary for a determination as to whether the individual
5 shall have his or her license suspended immediately, pending a
6 hearing by the Department.

7 In instances in which the Secretary immediately suspends a
8 person's license under this Section, a hearing on that
9 person's license must be convened by the Department within 30
10 days after the suspension and completed without appreciable
11 delay. The Department shall have the authority to review the
12 subject individual's record of treatment and counseling
13 regarding the impairment to the extent permitted by applicable
14 federal statutes and regulations safeguarding the
15 confidentiality of medical records.

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

21 (e) An individual or organization acting in good faith,
22 and not in a willful and wanton manner, in complying with this
23 Section by providing a report or other information to the
24 Board, by assisting in the investigation or preparation of a
25 report or information, by participating in proceedings of the
26 Board, or by serving as a member of the Board, shall not be

1 subject to criminal prosecution or civil damages as a result
2 of such actions.

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

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

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

22 The Attorney General shall determine, within 7 days after
23 receiving such notice, whether he or she will undertake to
24 represent the member.

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

1 Section 20. The Reproductive Health Act is amended by
2 changing Section 1-10 and by adding Section 1-21 as follows:

3 (775 ILCS 55/1-10)

4 Sec. 1-10. Definitions. As used in this Act:

5 "Abortion" means the use of any instrument,~~medicine,~~
6 ~~drug, or any other substance~~ or device to terminate the
7 pregnancy of an individual known to be pregnant with an
8 intention other than to increase the probability of a live
9 birth, to preserve the life or health of the child after live
10 birth, or to remove a dead fetus.

11 "Advanced practice registered nurse" has the same meaning
12 as it does in Section 50-10 of the Nurse Practice Act.

13 "Department" means the Illinois Department of Public
14 Health.

15 "Fetal viability" means that, in the professional judgment
16 of the attending health care professional, based on the
17 particular facts of the case, there is a significant
18 likelihood of a fetus' sustained survival outside the uterus
19 without the application of extraordinary medical measures.

20 "Health care professional" means a person who is licensed
21 as a physician, advanced practice registered nurse, or
22 physician assistant.

23 "Health of the patient" means all factors that are
24 relevant to the patient's health and well-being, including,
25 but not limited to, physical, emotional, psychological, and

1 familial health and age.

2 "Maternity care" means the health care provided in
3 relation to pregnancy, labor and childbirth, and the
4 postpartum period, and includes prenatal care, care during
5 labor and birthing, and postpartum care extending through
6 one-year postpartum. Maternity care shall, seek to optimize
7 positive outcomes for the patient, and be provided on the
8 basis of the physical and psychosocial needs of the patient.
9 Notwithstanding any of the above, all care shall be subject to
10 the informed and voluntary consent of the patient, or the
11 patient's legal proxy, when the patient is unable to give
12 consent.

13 "Physician" means any person licensed to practice medicine
14 in all its branches under the Medical Practice Act of 1987.

15 "Physician assistant" has the same meaning as it does in
16 Section 4 of the Physician Assistant Practice Act of 1987.

17 "Pregnancy" means the human reproductive process,
18 beginning with the implantation of an embryo.

19 "Prevailing party" has the same meaning as in the Illinois
20 Civil Rights Act of 2003.

21 "Reproductive health care" means health care offered,
22 arranged, or furnished for the purpose of preventing
23 pregnancy, terminating a pregnancy, managing pregnancy loss,
24 or improving maternal health and birth outcomes. Reproductive
25 health care includes, but is not limited to: contraception;
26 sterilization; preconception care; maternity care; abortion

1 care; and counseling regarding reproductive health care.

2 "State" includes any branch, department, agency,
3 instrumentality, and official or other person acting under
4 color of law of this State or a political subdivision of the
5 State, including any unit of local government (including a
6 home rule unit), school district, instrumentality, or public
7 subdivision.

8 (Source: P.A. 101-13, eff. 6-12-19.)

9 (775 ILCS 55/1-21 new)

10 Sec. 1-21. Prohibited abortion methods. No person shall
11 use any medication, drug, or other substance to terminate the
12 pregnancy of an individual known to be pregnant. The license
13 or permit of a physician, physician assistant, advanced
14 practice registered nurse, or registered nurse who administers
15 medication, a drug, or other substance to terminate the
16 pregnancy of an individual known to be pregnant shall be
17 revoked under the Medical Practice Act of 1987, the Physician
18 Assistant Practice Act of 1987, or the Nurse Practice Act,
19 respectively.