



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4018

Introduced 1/21/2022, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.33	
5 ILCS 80/4.38	
225 ILCS 85/7.5	
225 ILCS 85/9	from Ch. 111, par. 4129
225 ILCS 85/9.5	
225 ILCS 85/16	from Ch. 111, par. 4136
225 ILCS 85/30	from Ch. 111, par. 4150
225 ILCS 85/35.7	from Ch. 111, par. 4155.7
225 ILCS 85/35.18	from Ch. 111, par. 4155.18
225 ILCS 85/35.21	

Amends the Regulatory Sunset Act. Provides that the Pharmacy Practice Act is repealed on January 1, 2028 (instead of January 1, 2023). Amends the Pharmacy Practice Act. Provides that the individual taxpayer identification number may be used as an unique identifying number in an application for an original license. Provides that a registered pharmacy technician may be delegated to perform any task within the practice of pharmacy if specifically trained for that task except for final prescription verification except where a registered certified pharmacy technician verifies a prescription dispensed by another pharmacy technician using technology-assisted medication verification. Removes a provision that provides that additional licensure rules may provide for a reasonable annual fee, not to exceed \$20, to fund the cost of recordkeeping. Provides that if a pharmacy temporary closes for more than 72 hours, it is the duty of the pharmacist in charge and the owner of such pharmacy to report to the Department of Financial and Professional Regulation within 72 hours of temporary closure. Removes a provision that provides that exhibits shall be certified without cost. Provides that the citation the Department may issue to any licensee for any violation of the Act or the rules shall not exceed \$3,000 (instead of \$1,000). Makes other changes. Section 5 and 99 take effect upon becoming law.

LRB102 24659 AMQ 33898 b

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 Acts repealed on January 1, 2023.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8 Acts are repealed on January 1, 2023: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 Nurse Practice Act.

10 The Nursing Home Administrators Licensing and Disciplinary
11 Act.

12 The Pharmacy Practice 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 Pharmacy Practice Act is amended by
20 changing Sections 7.5, 9, 9.5, 16, 30, 35.7, 35.18, and 35.21
21 as follows:

22 (225 ILCS 85/7.5)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 7.5. Social Security Number, individual taxpayer

1 identification number, or unique identifying number on license
2 application. In addition to any other information required to
3 be contained in the application, every application for an
4 original license under this Act shall include the applicant's
5 Social Security Number, individual taxpayer identification
6 number, or other unique identifying number deemed appropriate
7 by the Department, which shall be retained in the agency's
8 records pertaining to the license. As soon as practical, the
9 Department shall assign a customer's identification number to
10 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.)

14 (225 ILCS 85/9) (from Ch. 111, par. 4129)

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

16 Sec. 9. Licensure as registered pharmacy technician.

17 (a) Any person shall be entitled to licensure as a
18 registered pharmacy technician who is of the age of 16 or over,
19 has not engaged in conduct or behavior determined to be
20 grounds for discipline under this Act, is attending or has
21 graduated from an accredited high school or comparable school
22 or educational institution or received a high school
23 equivalency certificate, and has filed a written or electronic
24 application for licensure on a form to be prescribed and
25 furnished by the Department for that purpose. The Department

1 shall issue a license as a registered pharmacy technician to
2 any applicant who has qualified as aforesaid, and such license
3 shall be the sole authority required to assist licensed
4 pharmacists in the practice of pharmacy, under the supervision
5 of a licensed pharmacist. A registered pharmacy technician may
6 be delegated to perform any task within the practice of
7 pharmacy if specifically trained for that task, except for
8 patient counseling, drug regimen review, ~~or~~ clinical conflict
9 resolution, or final prescription verification except where a
10 registered certified pharmacy technician verifies a
11 prescription dispensed by another pharmacy technician using
12 technology-assisted medication verification.

13 (b) Beginning on January 1, 2017, within 2 years after
14 initial licensure as a registered pharmacy technician, the
15 licensee must meet the requirements described in Section 9.5
16 of this Act and become licensed as a registered certified
17 pharmacy technician. If the licensee has not yet attained the
18 age of 18, then upon the next renewal as a registered pharmacy
19 technician, the licensee must meet the requirements described
20 in Section 9.5 of this Act and become licensed as a registered
21 certified pharmacy technician. This requirement does not apply
22 to pharmacy technicians registered prior to January 1, 2008.

23 (c) Any person registered as a pharmacy technician who is
24 also enrolled in a first professional degree program in
25 pharmacy in a school or college of pharmacy or a department of
26 pharmacy of a university approved by the Department or has

1 graduated from such a program within the last 18 months, shall
2 be considered a "student pharmacist" and entitled to use the
3 title "student pharmacist". A student pharmacist must meet all
4 of the requirements for licensure as a registered pharmacy
5 technician set forth in this Section excluding the requirement
6 of certification prior to the second license renewal and pay
7 the required registered pharmacy technician license fees. A
8 student pharmacist may, under the supervision of a pharmacist,
9 assist in the practice of pharmacy and perform any and all
10 functions delegated to him or her by the pharmacist.

11 (d) Any person seeking licensure as a pharmacist who has
12 graduated from a pharmacy program outside the United States
13 must register as a pharmacy technician and shall be considered
14 a "student pharmacist" and be entitled to use the title
15 "student pharmacist" while completing the 1,200 clinical hours
16 of training approved by the Board of Pharmacy described and
17 for no more than 18 months after completion of these hours.
18 These individuals are not required to become registered
19 certified pharmacy technicians while completing their Board
20 approved clinical training, but must become licensed as a
21 pharmacist or become licensed as a registered certified
22 pharmacy technician before the second pharmacy technician
23 license renewal following completion of the Board approved
24 clinical training.

25 (e) The Department shall not renew the registered pharmacy
26 technician license of any person who has been licensed as a

1 registered pharmacy technician with the designation "student
2 pharmacist" who: (1) has dropped out of or been expelled from
3 an ACPE accredited college of pharmacy; (2) has failed to
4 complete his or her 1,200 hours of Board approved clinical
5 training within 24 months; or (3) has failed the pharmacist
6 licensure examination 3 times. The Department shall require
7 these individuals to meet the requirements of and become
8 licensed as a registered certified pharmacy technician.

9 (f) The Department may take any action set forth in
10 Section 30 of this Act with regard to a license pursuant to
11 this Section.

12 (g) Any person who is enrolled in a non-traditional
13 Pharm.D. program at an ACPE accredited college of pharmacy and
14 is licensed as a registered pharmacist under the laws of
15 another United States jurisdiction shall be permitted to
16 engage in the program of practice experience required in the
17 academic program by virtue of such license. Such person shall
18 be exempt from the requirement of licensure as a registered
19 pharmacy technician or registered certified pharmacy
20 technician while engaged in the program of practice experience
21 required in the academic program.

22 An applicant for licensure as a registered pharmacy
23 technician may assist a pharmacist in the practice of pharmacy
24 for a period of up to 60 days prior to the issuance of a
25 license if the applicant has submitted the required fee and an
26 application for licensure to the Department. The applicant

1 shall keep a copy of the submitted application on the premises
2 where the applicant is assisting in the practice of pharmacy.
3 The Department shall forward confirmation of receipt of the
4 application with start and expiration dates of practice
5 pending licensure.

6 (Source: P.A. 100-497, eff. 9-8-17; 101-621, eff. 1-1-20.)

7 (225 ILCS 85/9.5)

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

9 Sec. 9.5. Registered certified pharmacy technician.

10 (a) An individual licensed as a registered pharmacy
11 technician under this Act may be licensed as a registered
12 certified pharmacy technician, if he or she meets all of the
13 following requirements:

14 (1) He or she has submitted a written application in
15 the form and manner prescribed by the Department.

16 (2) He or she has attained the age of 18.

17 (3) He or she is of good moral character, as
18 determined by the Department.

19 (4) Beginning on January 1, 2024, a new pharmacy
20 technician is required to have (i) graduated from a
21 pharmacy technician training program that meets the
22 requirements set forth in subsection (a) of Section 17.1
23 of this Act or (ii) obtained documentation from the
24 pharmacist-in-charge of the pharmacy where the applicant
25 is employed verifying that he or she has successfully

1 completed a standardized nationally accredited education
2 and training program, and has successfully completed an
3 objective assessment mechanism prepared in accordance with
4 rules established by the Department.

5 (5) He or she has successfully passed an examination
6 accredited by the National Commission for Certifying
7 Agencies, as approved and required by the Board or by
8 rule.

9 (6) He or she has paid the required licensure fees.

10 (b) No pharmacist whose license has been denied, revoked,
11 suspended, or restricted for disciplinary purposes may be
12 eligible to be registered as a certified pharmacy technician
13 unless authorized by order of the Department as a condition of
14 restoration from revocation, suspension, or restriction.

15 (c) The Department may, by rule, establish any additional
16 requirements for licensure under this Section.

17 (d) A person who is not a licensed registered pharmacy
18 technician and meets the requirements of this Section may be
19 licensed as a registered certified pharmacy technician without
20 first being licensed as a registered pharmacy technician.

21 (e) As a condition for the renewal of a license as a
22 registered certified pharmacy technician, the licensee shall
23 provide evidence to the Department of completion of a total of
24 20 hours of continuing pharmacy education during the 24 months
25 preceding the expiration date of the certificate as
26 established by rule. One hour of continuing pharmacy education

1 must be in the subject of pharmacy law. One hour of continuing
2 pharmacy education must be in the subject of patient safety.
3 The continuing education shall be approved by the
4 Accreditation Council on Pharmacy Education.

5 The Department may establish by rule a means for the
6 verification of completion of the continuing education
7 required by this subsection (e). This verification may be
8 accomplished through audits of records maintained by
9 licensees, by requiring the filing of continuing education
10 certificates with the Department or a qualified organization
11 selected by the Department to maintain such records, or by
12 other means established by the Department.

13 ~~Rules developed under this subsection (e) may provide for~~
14 ~~a reasonable annual fee, not to exceed \$20, to fund the cost of~~
15 ~~such recordkeeping.~~ The Department may, by rule, further
16 provide an orderly process for the restoration of a license
17 that has not been renewed due to the failure to meet the
18 continuing pharmacy education requirements of this subsection
19 (e). The Department may waive the requirements of continuing
20 pharmacy education, in whole or in part, in cases of extreme
21 hardship as defined by rule of the Department. The waivers may
22 be granted for not more than one of any 2 consecutive renewal
23 periods.

24 (Source: P.A. 101-621, eff. 1-1-20; 102-643, eff. 8-27-21.)

25 (225 ILCS 85/16) (from Ch. 111, par. 4136)

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

2 Sec. 16. The Department shall require and provide for the
3 licensure of every pharmacy doing business in this State. Such
4 licensure shall expire 30 days after the pharmacist in charge
5 dies or is no longer employed by the pharmacy or after such
6 pharmacist's license has been suspended or revoked.

7 In the event the pharmacist in charge dies or otherwise
8 ceases to function in that capacity, or when the license of the
9 pharmacist in charge has been suspended or revoked, the owner
10 of the pharmacy shall be required to notify the Department, on
11 forms provided by the Department, of the identity of the new
12 pharmacist in charge.

13 It is the duty of every pharmacist in charge who ceases to
14 function in that capacity to report to the Department within
15 30 days of the date on which he ceased such functions for such
16 pharmacy. It is the duty of every owner of a pharmacy licensed
17 under this Act to report to the Department within 30 days of
18 the date on which the pharmacist in charge died or ceased to
19 function in that capacity and to specify a new pharmacist in
20 charge. Failure to provide such notification to the Department
21 shall be grounds for disciplinary action.

22 No license shall be issued to any pharmacy unless such
23 pharmacy has a pharmacist in charge and each such pharmacy
24 license shall indicate on the face thereof the pharmacist in
25 charge.

26 If a pharmacy temporary closes for more than 72 hours, it

1 is the duty of the pharmacist in charge and the owner of such
2 pharmacy to report to the Department within 72 hours of
3 temporary closure of a pharmacy. The closing pharmacy must
4 post signage and provide notification to customers.

5 (Source: P.A. 100-497, eff. 9-8-17.)

6 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

8 Sec. 30. Refusal, revocation, suspension, or other
9 discipline.

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

16 1. Material misstatement in furnishing information to
17 the Department.

18 2. Violations of this Act, or the rules promulgated
19 hereunder.

20 3. Making any misrepresentation for the purpose of
21 obtaining licenses.

22 4. A pattern of conduct which demonstrates
23 incompetence or unfitness to practice.

24 5. Aiding or assisting another person in violating any
25 provision of this Act or rules.

1 6. Failing, within 60 days, to respond to a written
2 request made by the Department for information.

3 7. Engaging in unprofessional, dishonorable, or
4 unethical conduct of a character likely to deceive,
5 defraud or harm the public as defined by rule.

6 8. Adverse action taken by another state or
7 jurisdiction against a license or other authorization to
8 practice as a pharmacy, pharmacist, registered certified
9 pharmacy technician, or registered pharmacy technician
10 that is the same or substantially equivalent to those set
11 forth in this Section, a certified copy of the record of
12 the action taken by the other state or jurisdiction being
13 prima facie evidence thereof.

14 9. Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate or other form of compensation
17 for any professional services not actually or personally
18 rendered. Nothing in this item 9 affects any bona fide
19 independent contractor or employment arrangements among
20 health care professionals, health facilities, health care
21 providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this
26 Act. Nothing in this item 9 shall be construed to require

1 an employment arrangement to receive professional fees for
2 services rendered.

3 10. A finding by the Department that the licensee,
4 after having his license placed on probationary status has
5 violated the terms of probation.

6 11. Selling or engaging in the sale of drug samples
7 provided at no cost by drug manufacturers.

8 12. Physical illness, including but not limited to,
9 deterioration through the aging process, or loss of motor
10 skill which results in the inability to practice the
11 profession with reasonable judgment, skill or safety.

12 13. A finding that licensure or registration has been
13 applied for or obtained by fraudulent means.

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

23 15. Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants or any other chemical agent or drug
25 which results in the inability to practice with reasonable
26 judgment, skill or safety.

1 16. Willfully making or filing false records or
2 reports in the practice of pharmacy, 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 Public Aid Code.

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

15 18. Dispensing prescription drugs without receiving a
16 written or oral prescription in violation of law.

17 19. Upon a finding of a substantial discrepancy in a
18 Department audit of a prescription drug, including
19 controlled substances, as that term is defined in this Act
20 or in the Illinois Controlled Substances Act.

21 20. Physical or mental illness or any other impairment
22 or disability, including, without limitation: (A)
23 deterioration through the aging process or loss of motor
24 skills that results in the inability to practice with
25 reasonable judgment, skill or safety; or (B) mental
26 incompetence, as declared by a court of competent

1 jurisdiction.

2 21. Violation of the Health Care Worker Self-Referral
3 Act.

4 22. Failing to sell or dispense any drug, medicine, or
5 poison in good faith. "Good faith", for the purposes of
6 this Section, has the meaning ascribed to it in subsection
7 (u) of Section 102 of the Illinois Controlled Substances
8 Act. "Good faith", as used in this item (22), shall not be
9 limited to the sale or dispensing of controlled
10 substances, but shall apply to all prescription drugs.

11 23. Interfering with the professional judgment of a
12 pharmacist by any licensee under this Act, or the
13 licensee's agents or employees.

14 24. Failing to report within 60 days to the Department
15 any adverse final action taken against a pharmacy,
16 pharmacist, registered pharmacy technician, or registered
17 certified pharmacy technician by another licensing
18 jurisdiction in any other state or any territory of the
19 United States or any foreign jurisdiction, any
20 governmental agency, any law enforcement agency, or any
21 court for acts or conduct similar to acts or conduct that
22 would constitute grounds for discipline as defined in this
23 Section.

24 25. Failing to comply with a subpoena issued in
25 accordance with Section 35.5 of this Act.

26 26. Disclosing protected health information in

1 violation of any State or federal law.

2 27. Willfully failing to report an instance of
3 suspected abuse, neglect, financial exploitation, or
4 self-neglect of an eligible adult as defined in and
5 required by the Adult Protective Services Act.

6 28. Being named as an abuser in a verified report by
7 the Department on Aging under the Adult Protective
8 Services Act, and upon proof by clear and convincing
9 evidence that the licensee abused, neglected, or
10 financially exploited an eligible adult as defined in the
11 Adult Protective Services Act.

12 29. Using advertisements or making solicitations that
13 may jeopardize the health, safety, or welfare of patients,
14 including, but not be limited to, the use of
15 advertisements or solicitations that:

16 (A) are false, fraudulent, deceptive, or
17 misleading; or

18 (B) include any claim regarding a professional
19 service or product or the cost or price thereof that
20 cannot be substantiated by the licensee.

21 30. Requiring a pharmacist to participate in the use
22 or distribution of advertisements or in making
23 solicitations that may jeopardize the health, safety, or
24 welfare of patients.

25 31. Failing to provide a working environment for all
26 pharmacy personnel that protects the health, safety, and

1 welfare of a patient, which includes, but is not limited
2 to, failing to:

3 (A) employ sufficient personnel to prevent
4 fatigue, distraction, or other conditions that
5 interfere with a pharmacist's ability to practice with
6 competency and safety or creates an environment that
7 jeopardizes patient care;

8 (B) provide appropriate opportunities for
9 uninterrupted rest periods and meal breaks;

10 (C) provide adequate time for a pharmacist to
11 complete professional duties and responsibilities,
12 including, but not limited to:

13 (i) drug utilization review;

14 (ii) immunization;

15 (iii) counseling;

16 (iv) verification of the accuracy of a
17 prescription; and

18 (v) all other duties and responsibilities of a
19 pharmacist as listed in the rules of the
20 Department.

21 32. Introducing or enforcing external factors, such as
22 productivity or production quotas or other programs
23 against pharmacists, student pharmacists or pharmacy
24 technicians, to the extent that they interfere with the
25 ability of those individuals to provide appropriate
26 professional services to the public.

1 33. Providing an incentive for or inducing the
2 transfer of a prescription for a patient absent a
3 professional rationale.

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

11 (c) The Department shall revoke any license issued under
12 the provisions of this Act or any prior Act of this State of
13 any person who has been convicted a second time of committing
14 any felony under the Illinois Controlled Substances Act, or
15 who has been convicted a second time of committing a Class 1
16 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid
17 Code. A person whose license issued under the provisions of
18 this Act or any prior Act of this State is revoked under this
19 subsection (c) shall be prohibited from engaging in the
20 practice of pharmacy in this State.

21 (d) Fines may be imposed in conjunction with other forms
22 of disciplinary action, but shall not be the exclusive
23 disposition of any disciplinary action arising out of conduct
24 resulting in death or injury to a patient. Fines shall be paid
25 within 60 days or as otherwise agreed to by the Department. Any
26 funds collected from such fines shall be deposited in the

1 Illinois State Pharmacy Disciplinary Fund.

2 (e) The entry of an order or judgment by any circuit court
3 establishing that any person holding a license or certificate
4 under this Act is a person in need of mental treatment operates
5 as a suspension of that license. A licensee may resume his or
6 her practice only upon the entry of an order of the Department
7 based upon a finding by the Board that he or she has been
8 determined to be recovered from mental illness by the court
9 and upon the Board's recommendation that the licensee be
10 permitted to resume his or her practice.

11 (f) The Department shall issue quarterly to the Board a
12 status of all complaints related to the profession received by
13 the Department.

14 (g) In enforcing this Section, the Board or the
15 Department, upon a showing of a possible violation, may compel
16 any licensee or applicant for licensure under this Act to
17 submit to a mental or physical examination or both, as
18 required by and at the expense of the Department. The
19 examining physician, or multidisciplinary team involved in
20 providing physical and mental examinations led by a physician
21 consisting of one or a combination of licensed physicians,
22 licensed clinical psychologists, licensed clinical social
23 workers, licensed clinical professional counselors, and other
24 professional and administrative staff, shall be those
25 specifically designated by the Department. The Board or the
26 Department may order the examining physician or any member of

1 the multidisciplinary team to present testimony concerning
2 this mental or physical examination of the licensee or
3 applicant. No information, report, or other documents in any
4 way related to the examination shall be excluded by reason of
5 any common law or statutory privilege relating to
6 communication between the licensee or applicant and the
7 examining physician or any member of the multidisciplinary
8 team. 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 the examination. Failure of any individual to
11 submit to a mental or physical examination when directed shall
12 result in the automatic suspension of his or her license until
13 such time as the individual submits to the examination. If the
14 Board or Department finds a pharmacist, registered certified
15 pharmacy technician, or registered pharmacy technician unable
16 to practice because of the reasons set forth in this Section,
17 the Board or Department shall require such pharmacist,
18 registered certified pharmacy technician, or registered
19 pharmacy technician to submit to care, counseling, or
20 treatment by physicians or other appropriate health care
21 providers approved or designated by the Department as a
22 condition for continued, restored, or renewed licensure to
23 practice. Any pharmacist, registered certified pharmacy
24 technician, or registered pharmacy technician whose license
25 was granted, continued, restored, renewed, disciplined, or
26 supervised, subject to such terms, conditions, or

1 restrictions, and who fails to comply with such terms,
2 conditions, or restrictions or to complete a required program
3 of care, counseling, or treatment, as determined by the chief
4 pharmacy coordinator, shall be referred to the Secretary for a
5 determination as to whether the licensee shall have his or her
6 license suspended immediately, pending a hearing by the Board.
7 In instances in which the Secretary immediately suspends a
8 license under this subsection (g), a hearing upon such
9 person's license must be convened by the Board within 15 days
10 after such suspension and completed without appreciable delay.
11 The Department and Board shall have the authority to review
12 the subject pharmacist's, registered certified pharmacy
13 technician's, or registered pharmacy technician's record of
14 treatment and counseling regarding the impairment.

15 (h) An individual or organization acting in good faith,
16 and not in a willful and wanton manner, in complying with this
17 Section by providing a report or other information to the
18 Board, by assisting in the investigation or preparation of a
19 report or information, by participating in proceedings of the
20 Board, or by serving as a member of the Board shall not, as a
21 result of such actions, be subject to criminal prosecution or
22 civil damages. Any person who reports a violation of this
23 Section to the Department is protected under subsection (b) of
24 Section 15 of the Whistleblower Act.

25 (i) Members of the Board shall have no liability in any
26 action based upon any disciplinary proceedings or other

1 activity performed in good faith as a member of the Board. The
2 Attorney General shall defend all such actions unless he or
3 she determines either that there would be a conflict of
4 interest in such representation or that the actions complained
5 of were not in good faith or were willful and wanton.

6 If the Attorney General declines representation, the
7 member shall have the right to employ counsel of his or her
8 choice, whose fees shall be provided by the State, after
9 approval by the Attorney General, unless there is a
10 determination by a court that the member's actions were not in
11 good faith or were willful and wanton.

12 The member must notify the Attorney General within 7 days
13 of receipt of notice of the initiation of any action involving
14 services of the Board. Failure to so notify the Attorney
15 General shall constitute an absolute waiver of the right to a
16 defense and indemnification.

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

20 (Source: P.A. 100-497, eff. 9-8-17; 101-621, eff. 1-1-20.)

21 (225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

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

23 Sec. 35.7. Notwithstanding the provisions of Section 35.6
24 of this Act, the Secretary shall have the authority to appoint
25 any attorney duly licensed to practice law in the State of

1 Illinois to serve as the hearing officer in any action before
2 the Board for refusal to issue, renew, or discipline of a
3 license. The hearing officer shall have full authority to
4 conduct the hearing. There may be present one or more members
5 of the Board at any such hearing. The hearing officer shall
6 report his findings of fact, conclusions of law and
7 recommendations to the Board and the Secretary. The Board
8 shall have 60 days from receipt of the report to review the
9 report of the hearing officer and present their findings of
10 fact, conclusions of law, and recommendations to the
11 Secretary. If the Board fails to present its report within the
12 60-day period, the respondent or the Department may request in
13 writing a direct appeal to the Secretary, in which case the
14 Secretary may issue an order based upon the report of the
15 hearing officer and the record of the proceedings or issue an
16 order remanding the matter back to the hearing officer for
17 additional proceedings in accordance with the order.
18 Notwithstanding any other provision of this Section, if the
19 Secretary, upon review, determines that substantial justice
20 has not been done in the revocation, suspension, or refusal to
21 issue or renew a license or other disciplinary action taken as
22 the result of the entry of the hearing officer's report, the
23 Secretary may order a rehearing by the same or other
24 examiners. If the Secretary disagrees with the recommendation
25 of the Board or the hearing officer, the Secretary may issue an
26 order in contravention of the recommendation.

1 (Source: P.A. 100-497, eff. 9-8-17.)

2 (225 ILCS 85/35.18) (from Ch. 111, par. 4155.18)

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

4 Sec. 35.18. Certification of record. The Department shall
5 not be required to certify any record to the court, to file an
6 answer in court, or to otherwise appear in any court in a
7 judicial review proceeding unless and until the Department has
8 received from the plaintiff payment of the costs of furnishing
9 and certifying the record, which costs shall be determined by
10 the Department. ~~Exhibits shall be certified without cost.~~
11 Failure on the part of the plaintiff to file a receipt in court
12 shall be grounds for dismissal of the action. During the
13 pendency and hearing of any and all judicial proceedings
14 incident to the disciplinary action the sanctions imposed upon
15 the accused by the Department because of acts or omissions
16 related to the delivery of direct patient care as specified in
17 the Department's final administrative decision, shall, as a
18 matter of public policy, remain in full force and effect in
19 order to protect the public pending final resolution of any of
20 the proceedings.

21 (Source: P.A. 100-497, eff. 9-8-17.)

22 (225 ILCS 85/35.21)

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

24 Sec. 35.21. Citations.

1 (a) The Department may issue citations to any licensee for
2 any violation of this Act or the rules. The citation shall be
3 issued to the licensee or other person alleged to have
4 committed one or more violations and shall contain the
5 licensee's or other person's name and address, the licensee's
6 license number, if any, a brief factual statement, the
7 Sections of this Act or the rules allegedly violated, and the
8 penalty imposed, which shall not exceed \$3,000 ~~\$1,000~~. The
9 citation must clearly state that if the cited person wishes to
10 dispute the citation, he or she may request in writing, within
11 30 days after the citation is served, a hearing before the
12 Department. If the cited person does not request a hearing
13 within 30 days after the citation is served, then the citation
14 shall become a final, non-disciplinary order and any fine
15 imposed is due and payable. If the cited person requests a
16 hearing within 30 days after the citation is served, the
17 Department shall afford the cited person a hearing conducted
18 in the same manner as a hearing provided in this Act for any
19 violation of this Act and shall determine whether the cited
20 person committed the violation as charged and whether the fine
21 as levied is warranted. If the violation is found, any fine
22 shall constitute discipline and be due and payable within 30
23 days of the order of the Secretary. Failure to comply with any
24 final order may subject the licensed person to further
25 discipline or other action by the Department or a referral to
26 the State's Attorney.

1 (b) A citation must be issued within 6 months after the
2 reporting of a violation that is the basis for the citation.

3 (c) Service of a citation shall be made in person,
4 electronically, or by mail to the licensee at the licensee's
5 address of record or email address of record.

6 (d) Nothing in this Section shall prohibit or limit the
7 Department from taking further action pursuant to this Act and
8 rules for additional, repeated, or continuing violations.

9 (e) The Department may adopt rules for the issuance of
10 citations in accordance with this Section.

11 (Source: P.A. 100-497, eff. 9-8-17; 101-621, eff. 1-1-20.)

12 Section 99. Effective date. This Section 5 and Section 99
13 take effect upon becoming law.