



Rep. Tom Weber

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LRB103 30047 SPS 59797 a

1 AMENDMENT TO HOUSE BILL 3583

2 AMENDMENT NO. _____. Amend House Bill 3583 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Acupuncture Practice Act is amended by
5 changing Section 110 and by adding Section 40.5 as follows:

6 (225 ILCS 2/40.5 new)

7 Sec. 40.5. Criminal history. Any Department process under
8 statute or rule used to verify the criminal history of an
9 applicant for licensure under this Act shall be used for all
10 applicants for licensure, applicants for renewal of a license,
11 or persons whose conviction of a crime or other behavior
12 warrants review of a license under this Act.

13 (225 ILCS 2/110)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 110. Grounds for disciplinary action.

1 (a) The Department may refuse to issue or to renew, place
2 on probation, suspend, revoke or take other disciplinary or
3 non-disciplinary action as deemed appropriate including the
4 imposition of fines not to exceed \$10,000 for each violation,
5 as the Department may deem proper, with regard to a license for
6 any one or combination of the following causes:

7 (1) Violations of this Act or its rules.

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

17 (3) Making any misrepresentation for the purpose of
18 obtaining a license.

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

21 (5) Failing to provide information within 60 days in
22 response to a written request made by the Department which
23 has been sent by certified or registered mail to the
24 licensee's address of record or by email to the licensee's
25 email address of record.

26 (6) Discipline by another U.S. jurisdiction or foreign

1 nation, if at least one of the grounds for the discipline
2 is the same or substantially equivalent to one set forth
3 in this Section.

4 (7) Solicitation of professional services by means
5 other than permitted under this Act.

6 (8) Failure to provide a patient with a copy of his or
7 her record upon the written request of the patient.

8 (9) Gross negligence in the practice of acupuncture.

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

13 (11) A finding that licensure has been applied for or
14 obtained by fraudulent means.

15 (12) A pattern of practice or other behavior that
16 demonstrates incapacity or incompetence to practice under
17 this Act.

18 (13) 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 a
23 neglected child as defined in the Abused and Neglected
24 Child Reporting Act.

25 (14) Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 (15) The use of any words, abbreviations, figures or
3 letters (such as "Acupuncturist", "Licensed
4 Acupuncturist", "Certified Acupuncturist", "Doctor of
5 Acupuncture and Chinese Medicine", "Doctor of Acupuncture
6 and Oriental Medicine", "Doctor of Acupuncture", "Oriental
7 Medicine Practitioner", "Licensed Oriental Medicine
8 Practitioner", "Oriental Medicine Doctor", "Licensed
9 Oriental Medicine Doctor", "C.A.", "Act.", "Lic. Act.",
10 "Lic. Ac.", "D.Ac.", "DACM", "DAOM", or "O.M.D.") or any
11 designation used by the Accreditation Commission for
12 Acupuncture and Oriental Medicine with the intention of
13 indicating practice as a licensed acupuncturist without a
14 valid license as an acupuncturist issued under this Act.

15 When the name of the licensed acupuncturist is used
16 professionally in oral, written, or printed announcements,
17 professional cards, or publications for the information of
18 the public, the degree title or degree abbreviation shall
19 be added immediately following title and name. When the
20 announcement, professional card, or publication is in
21 writing or in print, the explanatory addition shall be in
22 writing, type, or print not less than 1/2 the size of that
23 used in the name and title. No person other than the holder
24 of a valid existing license under this Act shall use the
25 title and designation of "acupuncturist", either directly
26 or indirectly, in connection with his or her profession or

1 business.

2 (16) Using claims of superior quality of care to
3 entice the public or advertising fee comparisons of
4 available services with those of other persons providing
5 acupuncture services.

6 (17) Advertising of professional services that the
7 offeror of the services is not licensed to render.
8 Advertising of professional services that contains false,
9 fraudulent, deceptive, or misleading material or
10 guarantees of success, statements that play upon the
11 vanity or fears of the public, or statements that promote
12 or produce unfair competition.

13 (18) Having treated ailments other than by the
14 practice of acupuncture as defined in this Act, or having
15 treated ailments of as a licensed acupuncturist pursuant
16 to a referral by written order that provides for
17 management of the patient by a physician or dentist
18 without having notified the physician or dentist who
19 established the diagnosis that the patient is receiving
20 acupuncture treatments.

21 (19) Unethical, unauthorized, or unprofessional
22 conduct as defined by rule.

23 (20) Physical illness, mental illness, or other
24 impairment that results in the inability to practice the
25 profession with reasonable judgment, skill, and safety,
26 including, without limitation, deterioration through the

1 aging process, mental illness, or disability.

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

4 (22) Failure to refer a patient whose condition
5 should, at the time of evaluation or treatment, be
6 determined to be beyond the scope of practice of the
7 acupuncturist to a licensed physician or dentist.

8 (23) Holding himself or herself out as being trained
9 in Chinese herbology without being able to provide the
10 Department with proof of status as a Diplomate of Oriental
11 Medicine certified by the National Certification
12 Commission for Acupuncture and Oriental Medicine or a
13 substantially equivalent status approved by the Department
14 or proof that he or she has successfully completed the
15 National Certification Commission for Acupuncture and
16 Oriental Medicine Chinese Herbology Examination or a
17 substantially equivalent examination approved by the
18 Department.

19 Notwithstanding anything in this Section to the contrary,
20 a felony conviction after the effective date of this
21 amendatory Act of the 103rd General Assembly of any of the
22 offenses listed in subsections (a) and (a-1) of Section 25 of
23 the Health Care Worker Background Check Act, except for
24 Section 16-25 of the Criminal Code of 2012, is a disqualifying
25 offense and requires immediate review of an individual's
26 license, subject to the notice and hearing requirements set

1 forth in this Act.

2 The entry of an order by a circuit court establishing that
3 any person holding a license under this Act is subject to
4 involuntary admission or judicial admission as provided for in
5 the Mental Health and Developmental Disabilities Code operates
6 as an automatic suspension of that license. That person may
7 have his or her license restored only upon the determination
8 by a circuit court that the patient is no longer subject to
9 involuntary admission or judicial admission and the issuance
10 of an order so finding and discharging the patient and upon the
11 Board's recommendation to the Department that the license be
12 restored. Where the circumstances so indicate, the Board may
13 recommend to the Department that it require an examination
14 prior to restoring a suspended license.

15 The Department may refuse to issue or renew the license of
16 any person who fails to (i) file a return or to pay the tax,
17 penalty or interest shown in a filed return or (ii) pay any
18 final assessment of the tax, penalty, or interest as required
19 by any tax Act administered by the Illinois Department of
20 Revenue, until the time that the requirements of that tax Act
21 are satisfied.

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

1 The Department may order the examining physician to present
2 testimony concerning the mental or physical examination of the
3 licensee or applicant. No information shall be excluded by
4 reason of any common law or statutory privilege relating to
5 communications between the licensee or applicant and the
6 examining physician. The examining physicians shall be
7 specifically designated by the Department. The individual to
8 be examined may have, at his or her own expense, another
9 physician of his or her choice present during all aspects of
10 this examination. Failure of an individual to submit to a
11 mental or physical examination, when directed, shall be
12 grounds for suspension of his or her license until the
13 individual submits to the examination if the Department finds,
14 after notice and hearing, that the refusal to submit to the
15 examination was without reasonable cause.

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

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

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

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

20 (Source: P.A. 100-375, eff. 8-25-17; 101-201, eff. 1-1-20.)

21 Section 10. The Illinois Athletic Trainers Practice Act is
22 amended by changing Sections 9 and 16 as follows:

23 (225 ILCS 5/9) (from Ch. 111, par. 7609)

24 (Section scheduled to be repealed on January 1, 2026)

1 Sec. 9. Qualifications for licensure. A person shall be
2 qualified for licensure as an athletic trainer if he or she
3 fulfills all of the following:

4 (a) Has graduated from a curriculum in athletic
5 training accredited by the Commission on Accreditation of
6 Athletic Training Education (CAATE), its successor entity,
7 or its equivalent, as approved by the Department.

8 (b) Gives proof of current certification, on the date
9 of application, in cardiopulmonary resuscitation (CPR) and
10 automated external defibrillators (AED) for Healthcare
11 Providers and Professional Rescuers or its equivalent
12 based on American Red Cross or American Heart Association
13 standards.

14 (b-5) Has graduated from a 4 year accredited college
15 or university.

16 (c) Has passed an examination approved by the
17 Department to determine his or her fitness for practice as
18 an athletic trainer, or is entitled to be licensed without
19 examination as provided in Sections 7 and 8 of this Act.

20 Any Department process under statute or rule used to
21 verify the criminal history of an applicant for licensure
22 under this Act shall be used for all applicants for licensure,
23 applicants for renewal of a license, or persons whose
24 conviction of a crime or other behavior warrants review of a
25 license under this Act.

26 (Source: P.A. 99-469, eff. 8-26-15.)

1 (225 ILCS 5/16) (from Ch. 111, par. 7616)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 16. Grounds for discipline.

4 (1) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary action as the Department may deem proper,
7 including fines not to exceed \$10,000 for each violation, with
8 regard to any licensee for any one or combination of the
9 following:

10 (A) Material misstatement in furnishing information to
11 the Department;

12 (B) Violations of this Act, or of the rules or
13 regulations promulgated hereunder;

14 (C) Conviction of or plea of guilty to any crime under
15 the Criminal Code of 2012 or the laws of any jurisdiction
16 of the United States that is (i) a felony, (ii) a
17 misdemeanor, an essential element of which is dishonesty,
18 or (iii) of any crime that is directly related to the
19 practice of the profession;

20 (D) Fraud or any misrepresentation in applying for or
21 procuring a license under this Act, or in connection with
22 applying for renewal of a license under this Act;

23 (E) Professional incompetence or gross negligence;

24 (F) Malpractice;

25 (G) Aiding or assisting another person, firm,

1 partnership, or corporation in violating any provision of
2 this Act or rules;

3 (H) Failing, within 60 days, to provide information in
4 response to a written request made by the Department;

5 (I) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud or harm the public;

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

12 (K) Discipline by another state, unit of government,
13 government agency, the District of Columbia, territory, or
14 foreign nation, if at least one of the grounds for the
15 discipline is the same or substantially equivalent to
16 those set forth herein;

17 (L) Directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate, or other form of compensation
20 for any professional services not actually or personally
21 rendered. Nothing in this subparagraph (L) affects any
22 bona fide independent contractor or employment
23 arrangements among health care professionals, health
24 facilities, health care providers, or other entities,
25 except as otherwise prohibited by law. Any employment
26 arrangements may include provisions for compensation,

1 health insurance, pension, or other employment benefits
2 for the provision of services within the scope of the
3 licensee's practice under this Act. Nothing in this
4 subparagraph (L) shall be construed to require an
5 employment arrangement to receive professional fees for
6 services rendered;

7 (M) A finding by the Department that the licensee
8 after having his or her license disciplined has violated
9 the terms of probation;

10 (N) Abandonment of an athlete;

11 (O) Willfully making or filing false records or
12 reports in his or her practice, including but not limited
13 to false records filed with State agencies or departments;

14 (P) Willfully failing to report an instance of
15 suspected child abuse or neglect as required by the Abused
16 and Neglected Child Reporting Act;

17 (Q) Physical illness, including but not limited to
18 deterioration through the aging process, or loss of motor
19 skill that results in the inability to practice the
20 profession with reasonable judgment, skill, or safety;

21 (R) Solicitation of professional services other than
22 by permitted institutional policy;

23 (S) The use of any words, abbreviations, figures or
24 letters with the intention of indicating practice as an
25 athletic trainer without a valid license as an athletic
26 trainer under this Act;

1 (T) The evaluation or treatment of ailments of human
2 beings other than by the practice of athletic training as
3 defined in this Act or the treatment of injuries of
4 athletes by a licensed athletic trainer except by the
5 referral of a physician, physician assistant, advanced
6 practice registered nurse, podiatric physician, or
7 dentist;

8 (U) Willfully violating or knowingly assisting in the
9 violation of any law of this State relating to the use of
10 habit-forming drugs;

11 (V) Willfully violating or knowingly assisting in the
12 violation of any law of this State relating to the
13 practice of abortion;

14 (W) Continued practice by a person knowingly having an
15 infectious communicable or contagious disease;

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

23 (X-5) Failure to provide a monthly report on the
24 patient's progress to the referring physician, physician
25 assistant, advanced practice registered nurse, podiatric
26 physician, or dentist;

1 (Y) (Blank);

2 (Z) Failure to fulfill continuing education
3 requirements;

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

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

8 (CC) Promotion of the sale of drugs, devices,
9 appliances, or goods provided in any manner to exploit the
10 client for the financial gain of the licensee;

11 (DD) Gross, willful, or continued overcharging for
12 professional services;

13 (EE) Mental illness or disability that results in the
14 inability to practice under this Act with reasonable
15 judgment, skill, or safety;

16 (FF) Cheating on or attempting to subvert the
17 licensing examination administered under this Act;

18 (GG) Violation of the Health Care Worker Self-Referral
19 Act; or

20 (HH) Failure by a supervising athletic trainer of an
21 aide to maintain contact, including personal supervision
22 and instruction, to ensure the safety and welfare of an
23 athlete.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the fine
26 or in accordance with the terms set forth in the order imposing

1 the fine.

2 (1.5) Notwithstanding anything in this Section to the
3 contrary, a felony conviction after the effective date of this
4 amendatory Act of the 103rd General Assembly of any of the
5 offenses listed in subsections (a) and (a-1) of Section 25 of
6 the Health Care Worker Background Check Act, except for
7 Section 16-25 of the Criminal Code of 2012, is a disqualifying
8 offense and requires immediate review of an individual's
9 license, subject to the notice and hearing requirements set
10 forth in this Act.

11 (2) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. Such suspension will
15 end only upon a finding by a court that the licensee is no
16 longer subject to involuntary admission or judicial admission
17 and issuance of an order so finding and discharging the
18 licensee.

19 (3) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

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

4 (4) In enforcing this Section, the Department, upon a
5 showing of a possible violation, may compel any individual who
6 is licensed under this Act or any individual who has applied
7 for licensure to submit to a mental or physical examination or
8 evaluation, or both, which may include a substance abuse or
9 sexual offender evaluation, at the expense of the Department.

10 The Department shall specifically designate the examining
11 physician licensed to practice medicine in all of its branches
12 or, if applicable, the multidisciplinary team involved in
13 providing the mental or physical examination and evaluation.

14 The multidisciplinary team shall be led by a physician
15 licensed to practice medicine in all of its branches and may
16 consist of one or more or a combination of physicians licensed
17 to practice medicine in all of its branches, licensed
18 chiropractic physicians, licensed clinical psychologists,
19 licensed clinical social workers, licensed clinical
20 professional counselors, and other professional and
21 administrative staff. Any examining physician or member of the
22 multidisciplinary team may require any person ordered to
23 submit to an examination and evaluation pursuant to this
24 Section to submit to any additional supplemental testing
25 deemed necessary to complete any examination or evaluation
26 process, including, but not limited to, blood testing,

1 urinalysis, psychological testing, or neuropsychological
2 testing.

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

26 Failure of any individual to submit to a mental or

1 physical examination or evaluation, or both, when directed,
2 shall result in an automatic suspension without hearing, until
3 such time as the individual submits to the examination. If the
4 Department finds a licensee unable to practice because of the
5 reasons set forth in this Section, the Department shall
6 require the licensee to submit to care, counseling, or
7 treatment by physicians approved or designated by the
8 Department as a condition for continued, reinstated, or
9 renewed licensure.

10 When the Secretary immediately suspends a license under
11 this Section, a hearing upon such person's license must be
12 convened by the Department within 15 days after the suspension
13 and completed without appreciable delay. The Department shall
14 have the authority to review the licensee's record of
15 treatment and counseling regarding the impairment to the
16 extent permitted by applicable federal statutes and
17 regulations safeguarding the confidentiality of medical
18 records.

19 Individuals licensed under this Act who are affected under
20 this Section shall be afforded an opportunity to demonstrate
21 to the Department that they can resume practice in compliance
22 with acceptable and prevailing standards under the provisions
23 of their license.

24 (5) (Blank).

25 (6) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency
3 to the Department, the Department may refuse to issue or renew
4 or may revoke or suspend that person's license or may take
5 other disciplinary action against that person based solely
6 upon the certification of delinquency made by the Department
7 of Healthcare and Family Services in accordance with paragraph
8 (5) of subsection (a) of Section 2105-15 of the Department of
9 Professional Regulation Law of the Civil Administrative Code
10 of Illinois.

11 (Source: P.A. 102-940, eff. 1-1-23.)

12 Section 15. The Illinois Dental Practice Act is amended by
13 changing Section 23 and by adding Section 23d as follows:

14 (225 ILCS 25/23) (from Ch. 111, par. 2323)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 23. Refusal, revocation or suspension of dental
17 licenses. The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem proper, including imposing fines not to exceed \$10,000
21 per violation, with regard to any license for any one or any
22 combination of the following causes:

23 1. Fraud or misrepresentation in applying for or
24 procuring a license under this Act, or in connection with

1 applying for renewal of a license under this Act.

2 2. Inability to practice with reasonable judgment,
3 skill, or safety as a result of habitual or excessive use
4 or addiction to alcohol, narcotics, stimulants, or any
5 other chemical agent or drug.

6 3. Willful or repeated violations of the rules of the
7 Department of Public Health or Department of Nuclear
8 Safety.

9 4. Acceptance of a fee for service as a witness,
10 without the knowledge of the court, in addition to the fee
11 allowed by the court.

12 5. Division of fees or agreeing to split or divide the
13 fees received for dental services with any person for
14 bringing or referring a patient, except in regard to
15 referral services as provided for under Section 45, or
16 assisting in the care or treatment of a patient, without
17 the knowledge of the patient or his or her legal
18 representative. Nothing in this item 5 affects any bona
19 fide independent contractor or employment arrangements
20 among health care professionals, health facilities, health
21 care 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 5 shall be construed to require

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

3 6. Employing, procuring, inducing, aiding or abetting
4 a person not licensed or registered as a dentist or dental
5 hygienist to engage in the practice of dentistry or dental
6 hygiene. The person practiced upon is not an accomplice,
7 employer, procurer, inducer, aider, or abetter within the
8 meaning of this Act.

9 7. Making any misrepresentations or false promises,
10 directly or indirectly, to influence, persuade or induce
11 dental patronage.

12 8. Professional connection or association with or
13 lending his or her name to another for the illegal
14 practice of dentistry by another, or professional
15 connection or association with any person, firm or
16 corporation holding himself, herself, themselves, or
17 itself out in any manner contrary to this Act.

18 9. Obtaining or seeking to obtain practice, money, or
19 any other things of value by false or fraudulent
20 representations, but not limited to, engaging in such
21 fraudulent practice to defraud the medical assistance
22 program of the Department of Healthcare and Family
23 Services (formerly Department of Public Aid) under the
24 Illinois Public Aid Code.

25 10. Practicing under a false or, except as provided by
26 law, an assumed name.

1 11. Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

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

13 13. Permitting a dental hygienist, dental assistant or
14 other person under his or her supervision to perform any
15 operation not authorized by this Act.

16 14. Permitting more than 4 dental hygienists to be
17 employed under his or her supervision at any one time.

18 15. A violation of any provision of this Act or any
19 rules promulgated under this Act.

20 16. Taking impressions for or using the services of
21 any person, firm or corporation violating this Act.

22 17. Violating any provision of Section 45 relating to
23 advertising.

24 18. Discipline by another U.S. jurisdiction or foreign
25 nation, if at least one of the grounds for the discipline
26 is the same or substantially equivalent to those set forth

1 within this Act.

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

5 20. Gross negligence in practice under this Act.

6 21. The use or prescription for use of narcotics or
7 controlled substances or designated products as listed in
8 the Illinois Controlled Substances Act, in any way other
9 than for therapeutic purposes.

10 22. Willfully making or filing false records or
11 reports in his or her practice as a dentist, including,
12 but not limited to, false records to support claims
13 against the dental assistance program of the Department of
14 Healthcare and Family Services (formerly Illinois
15 Department of Public Aid).

16 23. Professional incompetence as manifested by poor
17 standards of care.

18 24. Physical or mental illness, including, but not
19 limited to, deterioration through the aging process, or
20 loss of motor skills which results in a dentist's
21 inability to practice dentistry with reasonable judgment,
22 skill or safety. In enforcing this paragraph, the
23 Department may compel a person licensed to practice under
24 this Act to submit to a mental or physical examination
25 pursuant to the terms and conditions of Section 23b.

26 25. Gross or repeated irregularities in billing for

1 services rendered to a patient. For purposes of this
2 paragraph 25, "irregularities in billing" shall include:

3 (a) Reporting excessive charges for the purpose of
4 obtaining a total payment in excess of that usually
5 received by the dentist for the services rendered.

6 (b) Reporting charges for services not rendered.

7 (c) Incorrectly reporting services rendered for
8 the purpose of obtaining payment not earned.

9 26. Continuing the active practice of dentistry while
10 knowingly having any infectious, communicable, or
11 contagious disease proscribed by rule or regulation of the
12 Department.

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

20 28. Violating the Health Care Worker Self-Referral
21 Act.

22 29. Abandonment of a patient.

23 30. Mental incompetency as declared by a court of
24 competent jurisdiction.

25 31. A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 32. Material misstatement in furnishing information to
3 the Department.

4 33. Failing, within 60 days, to provide information in
5 response to a written request by the Department in the
6 course of an investigation.

7 34. Immoral conduct in the commission of any act,
8 including, but not limited to, commission of an act of
9 sexual misconduct related to the licensee's practice.

10 35. Cheating on or attempting to subvert the licensing
11 examination administered under this Act.

12 36. A pattern of practice or other behavior that
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 37. Failure to establish and maintain records of
16 patient care and treatment as required under this Act.

17 38. Failure to provide copies of dental records as
18 required by law.

19 All proceedings to suspend, revoke, place on probationary
20 status, or take any other disciplinary action as the
21 Department may deem proper, with regard to a license on any of
22 the foregoing grounds, must be commenced within 5 years after
23 receipt by the Department of a complaint alleging the
24 commission of or notice of the conviction order for any of the
25 acts described herein. Except for fraud in procuring a
26 license, no action shall be commenced more than 7 years after

1 the date of the incident or act alleged to have violated this
2 Section. The time during which the holder of the license was
3 outside the State of Illinois shall not be included within any
4 period of time limiting the commencement of disciplinary
5 action by the Department.

6 Notwithstanding anything in this Section to the contrary,
7 a felony conviction after the effective date of this
8 amendatory Act of the 103rd General Assembly of any of the
9 offenses listed in subsections (a) and (a-1) of Section 25 of
10 the Health Care Worker Background Check Act, except for
11 Section 16-25 of the Criminal Code of 2012, is a disqualifying
12 offense and requires immediate review of an individual's
13 license, subject to the notice and hearing requirements set
14 forth in this Act.

15 All fines imposed under this Section shall be paid within
16 60 days after the effective date of the order imposing the fine
17 or in accordance with the terms set forth in the order imposing
18 the fine.

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

26 Any dentist who has had his or her license suspended or

1 revoked for more than 5 years must comply with the
2 requirements for restoration set forth in Section 16 prior to
3 being eligible for reinstatement from the suspension or
4 revocation.

5 (Source: P.A. 99-492, eff. 12-31-15.)

6 (225 ILCS 25/23d new)

7 Sec. 23d. Criminal history. Any Department process under
8 statute or rule used to verify the criminal history of an
9 applicant for licensure under this Act shall be used for all
10 applicants for licensure, applicants for renewal of a license,
11 or persons whose conviction of a crime or other behavior
12 warrants review of a license under this Act.

13 Section 25. The Massage Licensing Act is amended by
14 changing Sections 15 and 45 as follows:

15 (225 ILCS 57/15)

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

17 Sec. 15. Licensure requirements.

18 (a) Persons engaged in massage for compensation must be
19 licensed by the Department. The Department shall issue a
20 license to an individual who meets all of the following
21 requirements:

22 (1) The applicant has applied in writing on the
23 prescribed forms and has paid the required fees.

1 (2) The applicant is at least 18 years of age and of
2 good moral character. In determining good moral character,
3 the Department may take into consideration conviction of
4 any crime under the laws of the United States or any state
5 or territory thereof that is a felony or a misdemeanor or
6 any crime that is directly related to the practice of the
7 profession. Such a conviction shall not operate
8 automatically as a complete bar to a license, except in
9 the case of any conviction for prostitution, rape, or
10 sexual misconduct, or where the applicant is a registered
11 sex offender.

12 (3) The applicant has successfully completed a massage
13 therapy program approved by the Department that requires a
14 minimum of 500 hours, except applicants applying on or
15 after January 1, 2014 shall meet a minimum requirement of
16 600 hours, and has passed a competency examination
17 approved by the Department.

18 (b) Each applicant for licensure as a massage therapist
19 shall have his or her fingerprints submitted to the Illinois
20 State Police in an electronic format that complies with the
21 form and manner for requesting and furnishing criminal history
22 record information as prescribed by the Illinois State Police.
23 These fingerprints shall be checked prior to the Department
24 issuing or renewing a license against the Illinois State
25 Police and Federal Bureau of Investigation criminal history
26 record databases now and hereafter filed. The Illinois State

1 Police shall charge applicants a fee for conducting the
2 criminal history records check, which shall be deposited into
3 the State Police Services Fund and shall not exceed the actual
4 cost of the records check. The Illinois State Police shall
5 furnish, pursuant to positive identification, records of
6 Illinois convictions to the Department. The Department may
7 require applicants to pay a separate fingerprinting fee,
8 either to the Department or to a vendor. The Department, in its
9 discretion, may allow an applicant who does not have
10 reasonable access to a designated vendor to provide his or her
11 fingerprints in an alternative manner. The Department may
12 adopt any rules necessary to implement this Section.

13 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22.)

15 (225 ILCS 57/45)

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

17 Sec. 45. Grounds for discipline.

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

24 (1) violations of this Act or of the rules adopted
25 under this Act;

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

10 (3) professional incompetence;

11 (4) advertising in a false, deceptive, or misleading
12 manner, including failing to use the massage therapist's
13 own license number in an advertisement;

14 (5) aiding, abetting, assisting, procuring, advising,
15 employing, or contracting with any unlicensed person to
16 practice massage contrary to any rules or provisions of
17 this Act;

18 (6) engaging in immoral conduct in the commission of
19 any act, such as sexual abuse, sexual misconduct, or
20 sexual exploitation, related to the licensee's practice;

21 (7) engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public;

24 (8) practicing or offering to practice beyond the
25 scope permitted by law or accepting and performing
26 professional responsibilities which the licensee knows or

1 has reason to know that he or she is not competent to
2 perform;

3 (9) knowingly delegating professional
4 responsibilities to a person unqualified by training,
5 experience, or licensure to perform;

6 (10) failing to provide information in response to a
7 written request made by the Department within 60 days;

8 (11) having a habitual or excessive use of or
9 addiction to alcohol, narcotics, stimulants, or any other
10 chemical agent or drug which results in the inability to
11 practice with reasonable judgment, skill, or safety;

12 (12) having a pattern of practice or other behavior
13 that demonstrates incapacity or incompetence to practice
14 under this Act;

15 (13) discipline by another state, District of
16 Columbia, territory, or foreign nation, if at least one of
17 the grounds for the discipline is the same or
18 substantially equivalent to those set forth in this
19 Section;

20 (14) a finding by the Department that the licensee,
21 after having his or her license placed on probationary
22 status, has violated the terms of probation;

23 (15) willfully making or filing false records or
24 reports in his or her practice, including, but not limited
25 to, false records filed with State agencies or
26 departments;

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

6 (17) fraud or misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act;

9 (18) inability to practice the profession with
10 reasonable judgment, skill, or safety as a result of
11 physical illness, including, but not limited to,
12 deterioration through the aging process, loss of motor
13 skill, or a mental illness or disability;

14 (19) charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered;

17 (20) practicing under a false or, except as provided
18 by law, an assumed name; or

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

21 All fines shall be paid within 60 days of the effective
22 date of the order imposing the fine.

23 (a-5) Notwithstanding anything in this Section to the
24 contrary, a felony conviction after the effective date of this
25 amendatory Act of the 103rd General Assembly of any of the
26 offenses listed in subsections (a) and (a-1) of Section 25 of

1 the Health Care Worker Background Check Act, except for
2 Section 16-25 of the Criminal Code of 2012, is a disqualifying
3 offense and requires immediate review of an individual's
4 license, subject to the notice and hearing requirements set
5 forth in this Act.

6 (b) A person not licensed under this Act and engaged in the
7 business of offering massage therapy services through others,
8 shall not aid, abet, assist, procure, advise, employ, or
9 contract with any unlicensed person to practice massage
10 therapy contrary to any rules or provisions of this Act. A
11 person violating this subsection (b) shall be treated as a
12 licensee for the purposes of disciplinary action under this
13 Section and shall be subject to cease and desist orders as
14 provided in Section 90 of this Act.

15 (c) The Department shall revoke any license issued under
16 this Act of any person who is convicted of prostitution, rape,
17 sexual misconduct, or any crime that subjects the licensee to
18 compliance with the requirements of the Sex Offender
19 Registration Act and any such conviction shall operate as a
20 permanent bar in the State of Illinois to practice as a massage
21 therapist.

22 (d) The Department may refuse to issue or may suspend the
23 license of any person who fails to file a tax return, to pay
24 the tax, penalty, or interest shown in a filed tax return, or
25 to pay any final assessment of tax, penalty, or interest, as
26 required by any tax Act administered by the Illinois

1 Department of Revenue, until such time as the requirements of
2 the tax Act are satisfied in accordance with subsection (g) of
3 Section 2105-15 of the Civil Administrative Code of Illinois.

4 (e) (Blank).

5 (f) In cases where the Department of Healthcare and Family
6 Services has previously determined that a licensee or a
7 potential licensee is more than 30 days delinquent in the
8 payment of child support and has subsequently certified the
9 delinquency to the Department, the Department may refuse to
10 issue or renew or may revoke or suspend that person's license
11 or may take other disciplinary action against that person
12 based solely upon the certification of delinquency made by the
13 Department of Healthcare and Family Services in accordance
14 with item (5) of subsection (a) of Section 2105-15 of the Civil
15 Administrative Code of Illinois.

16 (g) The determination by a circuit court that a licensee
17 is subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of a court order so finding and discharging
23 the patient.

24 (h) In enforcing this Act, the Department or Board, upon a
25 showing of a possible violation, may compel an individual
26 licensed to practice under this Act, or who has applied for

1 licensure under this Act, to submit to a mental or physical
2 examination, or both, as required by and at the expense of the
3 Department. The Department or Board may order the examining
4 physician to present testimony concerning the mental or
5 physical examination of the licensee or applicant. No
6 information shall be excluded by reason of any common law or
7 statutory privilege relating to communications between the
8 licensee or applicant and the examining physician. The
9 examining physicians shall be specifically designated by the
10 Board or Department. The individual to be examined may have,
11 at his or her own expense, another physician of his or her
12 choice present during all aspects of this examination. The
13 examination shall be performed by a physician licensed to
14 practice medicine in all its branches. Failure of an
15 individual to submit to a mental or physical examination, when
16 directed, shall result in an automatic suspension without
17 hearing.

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

1 to practice. Submission to care, counseling, or treatment as
2 required by the Department shall not be considered discipline
3 of a license. If the licensee refuses to enter into a care,
4 counseling, or treatment agreement or fails to abide by the
5 terms of the agreement, the Department may file a complaint to
6 revoke, suspend, or otherwise discipline the license of the
7 individual. The Secretary may order the license suspended
8 immediately, pending a hearing by the Department. Fines shall
9 not be assessed in disciplinary actions involving physical or
10 mental illness or impairment.

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

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

25 (Source: P.A. 102-20, eff. 1-1-22.)

1 Section 30. The Medical Practice Act of 1987 is amended by
2 changing Sections 9.7 and 22 as follows:

3 (225 ILCS 60/9.7)

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

5 Sec. 9.7. Criminal history records background check. Each
6 applicant for licensure or permit under Sections 9, 18, and 19
7 shall have his or her fingerprints submitted to the Illinois
8 State Police in an electronic format that complies with the
9 form and manner for requesting and furnishing criminal history
10 record information as prescribed by the Illinois State Police.
11 These fingerprints shall be checked prior to the Department
12 issuing or renewing a license against the Illinois State
13 Police and Federal Bureau of Investigation criminal history
14 record databases now and hereafter filed. The Illinois State
15 Police shall charge applicants a fee for conducting the
16 criminal history records check, which shall be deposited into
17 the State Police Services Fund and shall not exceed the actual
18 cost of the records check. The Illinois State Police shall
19 furnish, pursuant to positive identification, records of
20 Illinois convictions to the Department. The Department may
21 require applicants to pay a separate fingerprinting fee,
22 either to the Department or to a Department designated or
23 approved vendor. The Department, in its discretion, may allow
24 an applicant who does not have reasonable access to a
25 designated vendor to provide his or her fingerprints in an

1 alternative manner. The Department may adopt any rules
2 necessary to implement this Section.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

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

6 Sec. 22. Disciplinary action.

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

14 (1) (Blank).

15 (2) (Blank).

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

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

23 (5) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

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

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

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

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

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

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

19 (12) Adverse action taken by another state or
20 jurisdiction against a license or other authorization to
21 practice as a medical doctor, doctor of osteopathy, doctor
22 of osteopathic medicine, or doctor of chiropractic, a
23 certified copy of the record of the action taken by the
24 other state or jurisdiction being prima facie evidence
25 thereof. This includes any adverse action taken by a State
26 or federal agency that prohibits a medical doctor, doctor

1 of osteopathy, doctor of osteopathic medicine, or doctor
2 of chiropractic from providing services to the agency's
3 participants.

4 (13) Violation of any provision of this Act or of the
5 Medical Practice Act prior to the repeal of that Act, or
6 violation of the rules, or a final administrative action
7 of the Secretary, after consideration of the
8 recommendation of the Medical Board.

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

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

16 (16) Abandonment of a patient.

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

22 (18) Promotion of the sale of drugs, devices,
23 appliances, or goods provided for a patient in such manner
24 as to exploit the patient for financial gain of the
25 physician.

26 (19) Offering, undertaking, or agreeing to cure or

1 treat disease by a secret method, procedure, treatment, or
2 medicine, or the treating, operating, or prescribing for
3 any human condition by a method, means, or procedure which
4 the licensee refuses to divulge upon demand of the
5 Department.

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

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

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

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

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

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

13 (26) A pattern of practice or other behavior which
14 demonstrates incapacity or incompetence to practice under
15 this Act.

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

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

23 (29) Cheating on or attempting to subvert the
24 licensing examinations administered under this Act.

25 (30) Willfully or negligently violating the
26 confidentiality between physician and patient except as

1 required by law.

2 (31) The use of any false, fraudulent, or deceptive
3 statement in any document connected with practice under
4 this Act.

5 (32) Aiding and abetting an individual not licensed
6 under this Act in the practice of a profession licensed
7 under this Act.

8 (33) Violating State or federal laws or regulations
9 relating to controlled substances, legend drugs, or
10 ephedra as defined in the Ephedra Prohibition Act.

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

21 (35) Failure to report to the Department surrender of
22 a license or authorization to practice as a medical
23 doctor, a doctor of osteopathy, a doctor of osteopathic
24 medicine, or doctor of chiropractic in another state or
25 jurisdiction, or surrender of membership on any medical
26 staff or in any medical or professional association or

1 society, while under disciplinary investigation by any of
2 those authorities or bodies, for acts or conduct similar
3 to acts or conduct which would constitute grounds for
4 action as defined in this Section.

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

10 (37) Failure to provide copies of medical records as
11 required by law.

12 (38) Failure to furnish the Department, its
13 investigators or representatives, relevant information,
14 legally requested by the Department after consultation
15 with the Chief Medical Coordinator or the Deputy Medical
16 Coordinator.

17 (39) Violating the Health Care Worker Self-Referral
18 Act.

19 (40) (Blank).

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

22 (42) Entering into an excessive number of written
23 collaborative agreements with licensed advanced practice
24 registered nurses resulting in an inability to adequately
25 collaborate.

26 (43) Repeated failure to adequately collaborate with a

1 licensed advanced practice registered nurse.

2 (44) Violating the Compassionate Use of Medical
3 Cannabis Program Act.

4 (45) Entering into an excessive number of written
5 collaborative agreements with licensed prescribing
6 psychologists resulting in an inability to adequately
7 collaborate.

8 (46) Repeated failure to adequately collaborate with a
9 licensed prescribing psychologist.

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

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

20 (49) Entering into an excessive number of written
21 collaborative agreements with licensed physician
22 assistants resulting in an inability to adequately
23 collaborate.

24 (50) Repeated failure to adequately collaborate with a
25 physician assistant.

26 Except for actions involving the ground numbered (26), all

1 proceedings to suspend, revoke, place on probationary status,
2 or take any other disciplinary action as the Department may
3 deem proper, with regard to a license on any of the foregoing
4 grounds, must be commenced within 5 years next after receipt
5 by the Department of a complaint alleging the commission of or
6 notice of the conviction order for any of the acts described
7 herein. Except for the grounds numbered (8), (9), (26), and
8 (29), no action shall be commenced more than 10 years after the
9 date of the incident or act alleged to have violated this
10 Section. For actions involving the ground numbered (26), a
11 pattern of practice or other behavior includes all incidents
12 alleged to be part of the pattern of practice or other behavior
13 that occurred, or a report pursuant to Section 23 of this Act
14 received, within the 10-year period preceding the filing of
15 the complaint. In the event of the settlement of any claim or
16 cause of action in favor of the claimant or the reduction to
17 final judgment of any civil action in favor of the plaintiff,
18 such claim, cause of action, or civil action being grounded on
19 the allegation that a person licensed under this Act was
20 negligent in providing care, the Department shall have an
21 additional period of 2 years from the date of notification to
22 the Department under Section 23 of this Act of such settlement
23 or final judgment in which to investigate and commence formal
24 disciplinary proceedings under Section 36 of this Act, except
25 as otherwise provided by law. The time during which the holder
26 of the license was outside the State of Illinois shall not be

1 included within any period of time limiting the commencement
2 of disciplinary action by the Department.

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

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

20 The Department, upon the recommendation of the Medical
21 Board, shall adopt rules which set forth standards to be used
22 in determining:

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

25 (b) what constitutes dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public;

2 (c) what constitutes immoral conduct in the commission
3 of any act, including, but not limited to, commission of
4 an act of sexual misconduct related to the licensee's
5 practice; and

6 (d) what constitutes gross negligence in the practice
7 of medicine.

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

11 In enforcing this Section, the Medical Board, upon a
12 showing of a possible violation, may compel any individual who
13 is licensed to practice under this Act or holds a permit to
14 practice under this Act, or any individual who has applied for
15 licensure or a permit pursuant to this Act, to submit to a
16 mental or physical examination and evaluation, or both, which
17 may include a substance abuse or sexual offender evaluation,
18 as required by the Medical Board and at the expense of the
19 Department. The Medical Board shall specifically designate the
20 examining physician licensed to practice medicine in all of
21 its branches or, if applicable, the multidisciplinary team
22 involved in providing the mental or physical examination and
23 evaluation, or both. The multidisciplinary team shall be led
24 by a physician licensed to practice medicine in all of its
25 branches and may consist of one or more or a combination of
26 physicians licensed to practice medicine in all of its

1 branches, licensed chiropractic physicians, licensed clinical
2 psychologists, licensed clinical social workers, licensed
3 clinical professional counselors, and other professional and
4 administrative staff. Any examining physician or member of the
5 multidisciplinary team may require any person ordered to
6 submit to an examination and evaluation pursuant to this
7 Section to submit to any additional supplemental testing
8 deemed necessary to complete any examination or evaluation
9 process, including, but not limited to, blood testing,
10 urinalysis, psychological testing, or neuropsychological
11 testing. The Medical Board or the Department may order the
12 examining physician or any member of the multidisciplinary
13 team to provide to the Department or the Medical Board any and
14 all records, including business records, that relate to the
15 examination and evaluation, including any supplemental testing
16 performed. The Medical Board or the Department may order the
17 examining physician or any member of the multidisciplinary
18 team to present testimony concerning this examination and
19 evaluation of the licensee, permit holder, or applicant,
20 including testimony concerning any supplemental testing or
21 documents relating to the examination and evaluation. No
22 information, report, record, or other documents in any way
23 related to the examination and evaluation shall be excluded by
24 reason of any common law or statutory privilege relating to
25 communication between the licensee, permit holder, or
26 applicant and the examining physician or any member of the

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

1 shall be referred to the Secretary for a determination as to
2 whether the licensee shall have his or her license suspended
3 immediately, pending a hearing by the Medical Board. In
4 instances in which the Secretary immediately suspends a
5 license under this Section, a hearing upon such person's
6 license must be convened by the Medical Board within 15 days
7 after such suspension and completed without appreciable delay.
8 The Medical Board shall have the authority to review the
9 subject physician's record of treatment and counseling
10 regarding the impairment, to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 An individual licensed under this Act, affected under this
14 Section, shall be afforded an opportunity to demonstrate to
15 the Medical Board that he or she can resume practice in
16 compliance with acceptable and prevailing standards under the
17 provisions of his or her license.

18 The Department may promulgate rules for the imposition of
19 fines in disciplinary cases, not to exceed \$10,000 for each
20 violation of this Act. Fines may be imposed in conjunction
21 with other forms of disciplinary action, but shall not be the
22 exclusive disposition of any disciplinary action arising out
23 of conduct resulting in death or injury to a patient. Any funds
24 collected from such fines shall be deposited in the Illinois
25 State Medical Disciplinary Fund.

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the fine
2 or in accordance with the terms set forth in the order imposing
3 the fine.

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

15 (C) The Department shall not revoke, suspend, place on
16 probation, reprimand, refuse to issue or renew, or take any
17 other disciplinary or non-disciplinary action against the
18 license or permit issued under this Act to practice medicine
19 to a physician:

20 (1) based solely upon the recommendation of the
21 physician to an eligible patient regarding, or
22 prescription for, or treatment with, an investigational
23 drug, biological product, or device;

24 (2) for experimental treatment for Lyme disease or
25 other tick-borne diseases, including, but not limited to,
26 the prescription of or treatment with long-term

1 antibiotics;

2 (3) based solely upon the physician providing,
3 authorizing, recommending, aiding, assisting, referring
4 for, or otherwise participating in any health care
5 service, so long as the care was not unlawful under the
6 laws of this State, regardless of whether the patient was
7 a resident of this State or another state; or

8 (4) based upon the physician's license being revoked
9 or suspended, or the physician being otherwise disciplined
10 by any other state, if that revocation, suspension, or
11 other form of discipline was based solely on the physician
12 violating another state's laws prohibiting the provision
13 of, authorization of, recommendation of, aiding or
14 assisting in, referring for, or participation in any
15 health care service if that health care service as
16 provided would not have been unlawful under the laws of
17 this State and is consistent with the standards of conduct
18 for the physician if it occurred in Illinois.

19 (D) (Blank).

20 (E) The conduct specified in subsection (C) shall not
21 trigger reporting requirements under Section 23, constitute
22 grounds for suspension under Section 25, or be included on the
23 physician's profile required under Section 10 of the Patients'
24 Right to Know Act.

25 (F) An applicant seeking licensure, certification, or
26 authorization pursuant to this Act and who has been subject to

1 disciplinary action by a duly authorized professional
2 disciplinary agency of another jurisdiction solely on the
3 basis of having provided, authorized, recommended, aided,
4 assisted, referred for, or otherwise participated in health
5 care shall not be denied such licensure, certification, or
6 authorization, unless the Department determines that the
7 action would have constituted professional misconduct in this
8 State; however, nothing in this Section shall be construed as
9 prohibiting the Department from evaluating the conduct of the
10 applicant and making a determination regarding the licensure,
11 certification, or authorization to practice a profession under
12 this Act.

13 (G) The Department may adopt rules to implement the
14 changes made by this amendatory Act of the 102nd General
15 Assembly.

16 (H) Notwithstanding anything in this Section to the
17 contrary, a felony conviction after the effective date of this
18 amendatory Act of the 103rd General Assembly of any of the
19 offenses listed in subsections (a) and (a-1) of Section 25 of
20 the Health Care Worker Background Check Act, except for
21 Section 16-25 of the Criminal Code of 2012, is a disqualifying
22 offense and requires immediate review of an individual's
23 license, subject to the notice and hearing requirements set
24 forth in this Act.

25 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
26 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23.)

2 Section 35. The Nurse Practice Act is amended by changing
3 Sections 50-35 and 70-5 as follows:

4 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

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

6 Sec. 50-35. Criminal history records background check.
7 Each applicant for licensure by examination or restoration
8 shall have his or her fingerprints submitted to the Illinois
9 State Police in an electronic format that complies with the
10 form and manner for requesting and furnishing criminal history
11 record information as prescribed by the Illinois State Police.
12 These fingerprints shall be checked prior to the Department
13 issuing or renewing a license against the Illinois State
14 Police and Federal Bureau of Investigation criminal history
15 record databases now and hereafter filed. The Illinois State
16 Police shall charge applicants a fee for conducting the
17 criminal history records check, which shall be deposited into
18 the State Police Services Fund and shall not exceed the actual
19 cost of the records check. The Illinois State Police shall
20 furnish, pursuant to positive identification, records of
21 Illinois convictions to the Department. The Department may
22 require applicants to pay a separate fingerprinting fee,
23 either to the Department or to a vendor. The Department, in its
24 discretion, may allow an applicant who does not have

1 reasonable access to a designated vendor to provide his or her
2 fingerprints in an alternative manner. The Department may
3 adopt any rules necessary to implement this Section.

4 (Source: P.A. 102-538, eff. 8-20-21.)

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

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

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

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

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

17 (1) Material deception in furnishing information to
18 the Department.

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

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

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

7 (4) A pattern of practice or other behavior which
8 demonstrates incapacity or incompetency to practice under
9 this Act.

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

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

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

19 (8) Unlawful taking, theft, selling, distributing, or
20 manufacturing of any drug, narcotic, or prescription
21 device.

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

26 (10) Discipline by another U.S. jurisdiction or

1 foreign nation, if at least one of the grounds for the
2 discipline is the same or substantially equivalent to
3 those set forth in this Section.

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

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

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

20 (13.5) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the Abused
22 and Neglected Child Reporting Act.

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

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

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

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

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

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

25 (20) Fraud, deceit, or misrepresentation in applying
26 for or procuring a license under this Act or in connection

1 with applying for renewal of a license under this Act.

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

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

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

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

16 (25) Willfully or negligently violating the
17 confidentiality between nurse and patient except as
18 required by law.

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

21 (27) The use of any false, fraudulent, or deceptive
22 statement in any document connected with the licensee's
23 practice.

24 (28) Directly or indirectly giving to or receiving
25 from a person, firm, corporation, partnership, or
26 association a fee, commission, rebate, or other form of

1 compensation for professional services not actually or
2 personally rendered. Nothing in this paragraph (28)
3 affects any bona fide independent contractor or employment
4 arrangements among health care professionals, health
5 facilities, health care providers, or other entities,
6 except as otherwise prohibited by law. Any employment
7 arrangements may include provisions for compensation,
8 health insurance, pension, or other employment benefits
9 for the provision of services within the scope of the
10 licensee's practice under this Act. Nothing in this
11 paragraph (28) shall be construed to require an employment
12 arrangement to receive professional fees for services
13 rendered.

14 (29) A violation of the Health Care Worker
15 Self-Referral Act.

16 (30) Physical illness, mental illness, or disability
17 that results in the inability to practice the profession
18 with reasonable judgment, skill, or safety.

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

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

1 the course of treatment.

2 (33) Prescribing, selling, administering,
3 distributing, giving, or self-administering a drug
4 classified as a controlled substance (designated product)
5 or narcotic for other than medically accepted therapeutic
6 purposes.

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

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

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

16 (37) 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 (38) Being named as an abuser in a verified report by
21 the Department on Aging and 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 (39) A violation of any provision of this Act or any

1 rules adopted under this Act.

2 (40) Violating the Compassionate Use of Medical
3 Cannabis Program Act.

4 (b-5) The Department shall not revoke, suspend, summarily
5 suspend, place on probation, reprimand, refuse to issue or
6 renew, or take any other disciplinary or non-disciplinary
7 action against the license or permit issued under this Act to
8 practice as a registered nurse or an advanced practice
9 registered nurse based solely upon the registered nurse or
10 advanced practice registered nurse providing, authorizing,
11 recommending, aiding, assisting, referring for, or otherwise
12 participating in any health care service, so long as the care
13 was not unlawful under the laws of this State, regardless of
14 whether the patient was a resident of this State or another
15 state.

16 (b-10) The Department shall not revoke, suspend, summarily
17 suspend, place on prohibition, reprimand, refuse to issue or
18 renew, or take any other disciplinary or non-disciplinary
19 action against the license or permit issued under this Act to
20 practice as a registered nurse or an advanced practice
21 registered nurse based upon the registered nurse's or advanced
22 practice registered nurse's license being revoked or
23 suspended, or the registered nurse or advanced practice
24 registered nurse being otherwise disciplined by any other
25 state, if that revocation, suspension, or other form of
26 discipline was based solely on the registered nurse or

1 advanced practice registered nurse violating another state's
2 laws prohibiting the provision of, authorization of,
3 recommendation of, aiding or assisting in, referring for, or
4 participation in any health care service if that health care
5 service as provided would not have been unlawful under the
6 laws of this State and is consistent with the standards of
7 conduct for the registered nurse or advanced practice
8 registered nurse practicing in Illinois.

9 (b-15) The conduct specified in subsections (b-5) and
10 (b-10) shall not trigger reporting requirements under Section
11 65-65 or constitute grounds for suspension under Section
12 70-60.

13 (b-20) An applicant seeking licensure, certification, or
14 authorization under this Act who has been subject to
15 disciplinary action by a duly authorized professional
16 disciplinary agency of another jurisdiction solely on the
17 basis of having provided, authorized, recommended, aided,
18 assisted, referred for, or otherwise participated in health
19 care shall not be denied such licensure, certification, or
20 authorization, unless the Department determines that such
21 action would have constituted professional misconduct in this
22 State; however, nothing in this Section shall be construed as
23 prohibiting the Department from evaluating the conduct of such
24 applicant and making a determination regarding the licensure,
25 certification, or authorization to practice a profession under
26 this Act.

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

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

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

1 communications between the licensee or applicant and the
2 examining physician. The examining physicians shall be
3 specifically designated by the Department. The individual to
4 be examined may have, at his or her own expense, another
5 physician of his or her choice present during all aspects of
6 this examination. Failure of an individual to submit to a
7 mental or physical examination, when directed, shall result in
8 an automatic suspension without hearing.

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

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

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

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

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

21 (f) The Department may adopt rules to implement the
22 changes made by this amendatory Act of the 102nd General
23 Assembly.

24 (g) Notwithstanding anything in this Section to the
25 contrary, a felony conviction after the effective date of this
26 amendatory Act of the 103rd General Assembly of any of the

1 offenses listed in subsections (a) and (a-1) of Section 25 of
2 the Health Care Worker Background Check Act, except for
3 Section 16-25 of the Criminal Code of 2012, is a disqualifying
4 offense and requires immediate review of an individual's
5 license, subject to the notice and hearing requirements set
6 forth in this Act.

7 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
8 102-1117, eff. 1-13-23.)

9 Section 40. The Illinois Optometric Practice Act of 1987
10 is amended by changing Section 24 and by adding Section 12.3 as
11 follows:

12 (225 ILCS 80/12.3 new)

13 Sec. 12.3. Criminal history. Any Department process under
14 statute or rule used to verify the criminal history of an
15 applicant for licensure under this Act shall be used for all
16 applicants for licensure, applicants for renewal of a license,
17 or persons whose conviction of a crime or other behavior
18 warrants review of a license under this Act.

19 (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

21 Sec. 24. Grounds for disciplinary action.

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

1 disciplinary or non-disciplinary action as the Department may
2 deem appropriate, including fines not to exceed \$10,000 for
3 each violation, with regard to any license for any one or
4 combination of the causes set forth in subsection (a-3) of
5 this Section. All fines collected under this Section shall be
6 deposited in the Optometric Licensing and Disciplinary Board
7 Fund. Any fine imposed shall be payable within 60 days after
8 the effective date of the order imposing the fine.

9 (a-3) Grounds for disciplinary action include the
10 following:

11 (1) Violations of this Act, or of the rules
12 promulgated hereunder.

13 (2) Conviction of or entry of a plea of guilty to any
14 crime under the laws of any U.S. jurisdiction thereof that
15 is a felony or that is a misdemeanor of which an essential
16 element is dishonesty, or any crime that is directly
17 related to the practice of the profession.

18 (3) Making any misrepresentation for the purpose of
19 obtaining a license.

20 (4) Professional incompetence or gross negligence in
21 the practice of optometry.

22 (5) Gross malpractice, prima facie evidence of which
23 may be a conviction or judgment of malpractice in any
24 court of competent jurisdiction.

25 (6) Aiding or assisting another person in violating
26 any provision of this Act or rules.

1 (7) Failing, within 60 days, to provide information in
2 response to a written request made by the Department that
3 has been sent by certified or registered mail to the
4 licensee's last known address.

5 (8) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (9) Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants or any other chemical agent or drug
10 that results in the inability to practice with reasonable
11 judgment, skill, or safety.

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

16 (11) Violation of the prohibition against fee
17 splitting in Section 24.2 of this Act.

18 (12) A finding by the Department that the licensee,
19 after having his or her license placed on probationary
20 status has violated the terms of probation.

21 (13) Abandonment of a patient.

22 (14) Willfully making or filing false records or
23 reports in his or her practice, including but not limited
24 to false records filed with State agencies or departments.

25 (15) Willfully failing to report an instance of
26 suspected abuse or neglect as required by law.

1 (16) Physical illness, including but not limited to,
2 deterioration through the aging process, or loss of motor
3 skill, mental illness, or disability that results in the
4 inability to practice the profession with reasonable
5 judgment, skill, or safety.

6 (17) Solicitation of professional services other than
7 permitted advertising.

8 (18) Failure to provide a patient with a copy of his or
9 her record or prescription in accordance with federal law.

10 (19) Conviction by any court of competent
11 jurisdiction, either within or without this State, of any
12 violation of any law governing the practice of optometry,
13 conviction in this or another State of any crime that is a
14 felony under the laws of this State or conviction of a
15 felony in a federal court, if the Department determines,
16 after investigation, that such person has not been
17 sufficiently rehabilitated to warrant the public trust.

18 (20) A finding that licensure has been applied for or
19 obtained by fraudulent means.

20 (21) Continued practice by a person knowingly having
21 an infectious or contagious disease.

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

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (23) Practicing or attempting to practice under a name
4 other than the full name as shown on his or her license.

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

8 (25) Maintaining a professional relationship with any
9 person, firm, or corporation when the optometrist knows,
10 or should know, that such person, firm, or corporation is
11 violating this Act.

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

16 (27) Using the title "Doctor" or its abbreviation
17 without further qualifying that title or abbreviation with
18 the word "optometry" or "optometrist".

19 (28) Use by a licensed optometrist of the word
20 "infirmary", "hospital", "school", "university", in
21 English or any other language, in connection with the
22 place where optometry may be practiced or demonstrated
23 unless the licensee is employed by and practicing at a
24 location that is licensed as a hospital or accredited as a
25 school or university.

26 (29) Continuance of an optometrist in the employ of

1 any person, firm or corporation, or as an assistant to any
2 optometrist or optometrists, directly or indirectly, after
3 his or her employer or superior has been found guilty of
4 violating or has been enjoined from violating the laws of
5 the State of Illinois relating to the practice of
6 optometry, when the employer or superior persists in that
7 violation.

8 (30) The performance of optometric service in
9 conjunction with a scheme or plan with another person,
10 firm or corporation known to be advertising in a manner
11 contrary to this Act or otherwise violating the laws of
12 the State of Illinois concerning the practice of
13 optometry.

14 (31) Failure to provide satisfactory proof of having
15 participated in approved continuing education programs as
16 determined by the Board and approved by the Secretary.
17 Exceptions for extreme hardships are to be defined by the
18 rules of the Department.

19 (32) Willfully making or filing false records or
20 reports in the practice of optometry, including, but not
21 limited to false records to support claims against the
22 medical assistance program of the Department of Healthcare
23 and Family Services (formerly Department of Public Aid)
24 under the Illinois Public Aid Code.

25 (33) Gross and willful overcharging for professional
26 services including filing false statements for collection

1 of fees for which services are not rendered, including,
2 but not limited to filing false statements for collection
3 of monies for services not rendered from the medical
4 assistance program of the Department of Healthcare and
5 Family Services (formerly Department of Public Aid) under
6 the Illinois Public Aid Code.

7 (34) In the absence of good reasons to the contrary,
8 failure to perform a minimum eye examination as required
9 by the rules of the Department.

10 (35) Violation of the Health Care Worker Self-Referral
11 Act.

12 The Department shall refuse to issue or shall suspend the
13 license of any person who fails to file a return, or to pay the
14 tax, penalty or interest shown in a filed return, or to pay any
15 final assessment of the tax, penalty or interest, as required
16 by any tax Act administered by the Illinois Department of
17 Revenue, until such time as the requirements of any such tax
18 Act are satisfied.

19 (a-5) In enforcing this Section, the Board or Department,
20 upon a showing of a possible violation, may compel any
21 individual licensed to practice under this Act, or who has
22 applied for licensure or certification pursuant to this Act,
23 to submit to a mental or physical examination, or both, as
24 required by and at the expense of the Department. The
25 examining physicians or clinical psychologists shall be those
26 specifically designated by the Department. The Board or the

1 Department may order the examining physician or clinical
2 psychologist to present testimony concerning this mental or
3 physical examination of the licensee or applicant. No
4 information shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician or clinical
7 psychologist. Eye examinations may be provided by a licensed
8 optometrist. The individual to be examined may have, at his or
9 her own expense, another physician of his or her choice
10 present during all aspects of the examination. Failure of any
11 individual to submit to a mental or physical examination, when
12 directed, shall be grounds for suspension of a license until
13 such time as the individual submits to the examination if the
14 Board or Department finds, after notice and hearing, that the
15 refusal to submit to the examination was without reasonable
16 cause.

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

1 recommend to the Department to file a complaint to suspend,
2 revoke, or otherwise discipline the license of the individual.
3 Any individual whose license was granted pursuant to this Act,
4 or continued, reinstated, renewed, disciplined, or supervised,
5 subject to such conditions, terms, or restrictions, who shall
6 fail to comply with such conditions, terms, or restrictions,
7 shall be referred to the Secretary for a determination as to
8 whether the individual shall have his or her license suspended
9 immediately, pending a hearing by the Board.

10 (a-10) Notwithstanding anything in this Section to the
11 contrary, a felony conviction after the effective date of this
12 amendatory Act of the 103rd General Assembly of any of the
13 offenses listed in subsections (a) and (a-1) of Section 25 of
14 the Health Care Worker Background Check Act, except for
15 Section 16-25 of the Criminal Code of 2012, is a disqualifying
16 offense and requires immediate review of an individual's
17 license, subject to the notice and hearing requirements set
18 forth in this Act.

19 (b) The determination by a circuit court that a licensee
20 is subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code operates as an automatic suspension. The suspension will
23 end only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission
25 and issues an order so finding and discharging the patient;
26 and upon the recommendation of the Board to the Secretary that

1 the licensee be allowed to resume his or her practice.

2 (Source: P.A. 99-43, eff. 1-1-16; 99-909, eff. 1-1-17.)

3 Section 45. The Orthotics, Prosthetics, and Pedorthics
4 Practice Act is amended by changing Section 90 and by adding
5 Section 45.5 as follows:

6 (225 ILCS 84/45.5 new)

7 Sec. 45.5. Criminal history. Any Department process under
8 statute or rule used to verify the criminal history of an
9 applicant for licensure under this Act shall be used for all
10 applicants for licensure, applicants for renewal of a license,
11 or persons whose conviction of a crime or other behavior
12 warrants review of a license under this Act.

13 (225 ILCS 84/90)

14 (Section scheduled to be repealed on January 1, 2030)

15 Sec. 90. Grounds for discipline.

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

23 (1) Making a material misstatement in furnishing

1 information to the Department or the Board.

2 (2) Violations of or negligent or intentional
3 disregard of this Act or its rules.

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

13 (4) Making a misrepresentation for the purpose of
14 obtaining a license under this Act or in connection with
15 applying for renewal or restoration of a license under
16 this Act.

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

20 (6) Gross negligence under this Act.

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

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

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

1 deceive, defraud, or harm the public.

2 (10) Inability to practice with reasonable judgment,
3 skill, or safety as a result of habitual or excessive use
4 or addiction to alcohol, narcotics, stimulants, or any
5 other chemical agent or drug.

6 (11) Discipline by another state or territory of the
7 United States, the federal government, or foreign nation,
8 if at least one of the grounds for the discipline is the
9 same or substantially equivalent to one set forth in this
10 Section.

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

1 (13) A finding by the Board that the licensee or
2 registrant, after having his or her license placed on
3 probationary status, has violated the terms of probation
4 or failed to comply with such terms.

5 (14) Abandonment of a patient or client.

6 (15) Willfully making or filing false records or
7 reports related to the licensee's practice, including, but
8 not limited to, false records filed with federal or State
9 agencies or departments.

10 (16) Willfully failing to report an instance of
11 suspected abuse, neglect, financial exploitation, or
12 self-neglect of an eligible child or adult as required by
13 the Abused and Neglected Child Reporting Act and the Adult
14 Protective Services Act.

15 (17) Inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of a
17 physical illness, including, but not limited to,
18 deterioration through the aging process or loss of motor
19 skill, or a mental illness or disability.

20 (18) Solicitation of professional services using false
21 or misleading advertising.

22 (a-5) Notwithstanding anything in this Section to the
23 contrary, a felony conviction after the effective date of this
24 amendatory Act of the 103rd General Assembly of any of the
25 offenses listed in subsections (a) and (a-1) of Section 25 of
26 the Health Care Worker Background Check Act, except for

1 Section 16-25 of the Criminal Code of 2012, is a disqualifying
2 offense and requires immediate review of an individual's
3 license, subject to the notice and hearing requirements set
4 forth in this Act.

5 (b) In enforcing this Section, the Department or Board
6 upon a showing of a possible violation, may compel a licensee
7 or applicant to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department. The
9 Department or Board may order the examining physician to
10 present testimony concerning the mental or physical
11 examination of the licensee or applicant. No information shall
12 be excluded by reason of any common law or statutory privilege
13 relating to communications between the licensee or applicant
14 and the examining physician. The examining physicians shall be
15 specifically designated by the Board or Department. The
16 individual to be examined may have, at his or her own expense,
17 another physician of his or her choice present during all
18 aspects of this examination. Failure of an individual to
19 submit to a mental or physical examination, when directed,
20 shall be grounds for the immediate suspension of his or her
21 license until the individual submits to the examination if the
22 Department finds that the refusal to submit to the examination
23 was without reasonable cause as defined by rule.

24 If the Secretary immediately suspends a person's license
25 for his or her failure to submit to a mental or physical
26 examination, when directed, a hearing on that person's license

1 must be convened by the Department within 15 days after the
2 suspension and completed without appreciable delay.

3 If the Secretary otherwise suspends a person's license
4 pursuant to the results of a compelled mental or physical
5 examination, a hearing on that person's license must be
6 convened by the Department within 15 days after the suspension
7 and completed without appreciable delay. The Department and
8 Board shall have the authority to review the subject
9 individual's record of treatment and counseling regarding the
10 impairment to the extent permitted by applicable federal
11 statutes and regulations safeguarding the confidentiality of
12 medical records.

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

18 (c) (Blank).

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

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

5 (e) The Department shall refuse to issue or renew a
6 license, or may revoke or suspend a license, for failure to
7 file a return, to pay the tax, penalty, or interest shown in a
8 filed return, or to pay any final assessment of tax, penalty,
9 or interest as required by any tax Act administered by the
10 Department of Revenue, until the requirements of the tax Act
11 are satisfied in accordance with subsection (g) of Section
12 2105-15 of the Department of Professional Regulation Law of
13 the Civil Administrative Code of Illinois.

14 (Source: P.A. 100-872, eff. 8-14-18; 101-269, eff. 8-9-19.)

15 Section 50. The Illinois Physical Therapy Act is amended
16 by changing Section 17 and by adding Section 9.5 as follows:

17 (225 ILCS 90/9.5 new)

18 Sec. 9.5. Criminal history records background check. Each
19 applicant for licensure under this Act, or for renewal
20 thereof, shall have his or her fingerprints submitted to the
21 Illinois State Police in an electronic format that complies
22 with the form and manner for requesting and furnishing
23 criminal history record information as prescribed by the
24 Illinois State Police. These fingerprints shall be checked

1 against the Illinois State Police and Federal Bureau of
2 Investigation criminal history record databases now and
3 hereafter filed. The Illinois State Police shall charge
4 applicants a fee for conducting the criminal history records
5 check, which shall be deposited into the State Police Services
6 Fund and shall not exceed the actual cost of the records check.
7 The Illinois State Police shall furnish, pursuant to positive
8 identification, records of Illinois convictions to the
9 Department. The Department may require applicants to pay a
10 separate fingerprinting fee, either to the Department or to a
11 vendor. The Department, in its discretion, may allow an
12 applicant who does not have reasonable access to a designated
13 vendor to provide his or her fingerprints in an alternative
14 manner. The Department may adopt any rules necessary to
15 implement this Section.

16 (225 ILCS 90/17) (from Ch. 111, par. 4267)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 17. (1) The Department may refuse to issue or to
19 renew, or may revoke, suspend, place on probation, reprimand,
20 or take other disciplinary action as the Department deems
21 appropriate, including the issuance of fines not to exceed
22 \$5000, with regard to a license for any one or a combination of
23 the following:

24 A. Material misstatement in furnishing information to
25 the Department or otherwise making misleading, deceptive,

1 untrue, or fraudulent representations in violation of this
2 Act or otherwise in the practice of the profession;

3 B. Violations of this Act, or of the rules or
4 regulations promulgated hereunder;

5 C. Conviction of any crime under the laws of the
6 United States or any state or territory thereof which is a
7 felony or which is a misdemeanor, an essential element of
8 which is dishonesty, or of any crime which is directly
9 related to the practice of the profession; conviction, as
10 used in this paragraph, shall include a finding or verdict
11 of guilty, an admission of guilt or a plea of nolo
12 contendere;

13 D. Making any misrepresentation for the purpose of
14 obtaining licenses, or violating any provision of this Act
15 or the rules promulgated thereunder pertaining to
16 advertising;

17 E. A pattern of practice or other behavior which
18 demonstrates incapacity or incompetency to practice under
19 this Act;

20 F. Aiding or assisting another person in violating any
21 provision of this Act or Rules;

22 G. Failing, within 60 days, to provide information in
23 response to a written request made by the Department;

24 H. Engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public. Unprofessional conduct shall

1 include any departure from or the failure to conform to
2 the minimal standards of acceptable and prevailing
3 physical therapy practice, in which proceeding actual
4 injury to a patient need not be established;

5 I. Unlawful distribution of any drug or narcotic, or
6 unlawful conversion of any drug or narcotic not belonging
7 to the person for such person's own use or benefit or for
8 other than medically accepted therapeutic purposes;

9 J. Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or drug
11 which results in a physical therapist's or physical
12 therapist assistant's inability to practice with
13 reasonable judgment, skill or safety;

14 K. Revocation or suspension of a license to practice
15 physical therapy as a physical therapist or physical
16 therapist assistant or the taking of other disciplinary
17 action by the proper licensing authority of another state,
18 territory or country;

19 L. Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate or other form of compensation
22 for any professional services not actually or personally
23 rendered. Nothing contained in this paragraph prohibits
24 persons holding valid and current licenses under this Act
25 from practicing physical therapy in partnership under a
26 partnership agreement, including a limited liability

1 partnership, a limited liability company, or a corporation
2 under the Professional Service Corporation Act or from
3 pooling, sharing, dividing, or apportioning the fees and
4 monies received by them or by the partnership, company, or
5 corporation in accordance with the partnership agreement
6 or the policies of the company or professional
7 corporation. Nothing in this paragraph (L) affects any
8 bona fide independent contractor or employment
9 arrangements among health care professionals, health
10 facilities, health care providers, or other entities,
11 except as otherwise prohibited by law. Any employment
12 arrangements may include provisions for compensation,
13 health insurance, pension, or other employment benefits
14 for the provision of services within the scope of the
15 licensee's practice under this Act. Nothing in this
16 paragraph (L) shall be construed to require an employment
17 arrangement to receive professional fees for services
18 rendered;

19 M. A finding by the Board that the licensee after
20 having his or her license placed on probationary status
21 has violated the terms of probation;

22 N. Abandonment of a patient;

23 O. Willfully failing to report an instance of
24 suspected child abuse or neglect as required by the Abused
25 and Neglected Child Reporting Act;

26 P. Willfully failing to report an instance of

1 suspected elder abuse or neglect as required by the Elder
2 Abuse Reporting Act;

3 Q. Physical illness, including but not limited to,
4 deterioration through the aging process, or loss of motor
5 skill which results in the inability to practice the
6 profession with reasonable judgement, skill or safety;

7 R. The use of any words (such as physical therapy,
8 physical therapist physiotherapy or physiotherapist),
9 abbreviations, figures or letters with the intention of
10 indicating practice as a licensed physical therapist
11 without a valid license as a physical therapist issued
12 under this Act;

13 S. The use of the term physical therapist assistant,
14 or abbreviations, figures, or letters with the intention
15 of indicating practice as a physical therapist assistant
16 without a valid license as a physical therapist assistant
17 issued under this Act;

18 T. Willfully violating or knowingly assisting in the
19 violation of any law of this State relating to the
20 practice of abortion;

21 U. Continued practice by a person knowingly having an
22 infectious, communicable or contagious disease;

23 V. Having treated ailments of human beings otherwise
24 than by the practice of physical therapy as defined in
25 this Act, or having treated ailments of human beings as a
26 licensed physical therapist in violation of Section 1.2;

1 W. Being named as a perpetrator in an indicated report
2 by the Department of Children and Family Services pursuant
3 to the Abused and Neglected Child Reporting Act, and upon
4 proof by clear and convincing evidence that the licensee
5 has caused a child to be an abused child or neglected child
6 as defined in the Abused and Neglected Child Reporting
7 Act;

8 X. Interpretation of referrals, performance of
9 evaluation procedures, planning or making major
10 modifications of patient programs by a physical therapist
11 assistant;

12 Y. Failure by a physical therapist assistant and
13 supervising physical therapist to maintain continued
14 contact, including periodic personal supervision and
15 instruction, to insure safety and welfare of patients;

16 Z. Violation of the Health Care Worker Self-Referral
17 Act.

18 (1.5) Notwithstanding anything in this Section to the
19 contrary, a felony conviction after the effective date of this
20 amendatory Act of the 103rd General Assembly of any of the
21 offenses listed in subsections (a) and (a-1) of Section 25 of
22 the Health Care Worker Background Check Act, except for
23 Section 16-25 of the Criminal Code of 2012, is a disqualifying
24 offense and requires immediate review of an individual's
25 license, subject to the notice and hearing requirements set
26 forth in this Act.

1 (2) The determination by a circuit court that a licensee
2 is subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code operates as an automatic suspension. Such suspension will
5 end only upon a finding by a court that the patient is no
6 longer subject to involuntary admission or judicial admission
7 and the issuance of an order so finding and discharging the
8 patient; and upon the recommendation of the Board to the
9 Director that the licensee be allowed to resume his practice.

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

17 (Source: P.A. 100-513, eff. 1-1-18; 100-897, eff. 8-16-18.)

18 Section 55. The Physician Assistant Practice Act of 1987
19 is amended by changing Section 21 and by adding Section 9.9 as
20 follows:

21 (225 ILCS 95/9.9 new)

22 Sec. 9.9. Criminal history. Any Department process under
23 statute or rule used to verify the criminal history of an
24 applicant for licensure under this Act shall be used for all

1 applicants for licensure, applicants for renewal of a license,
2 or persons whose conviction of a crime or other behavior
3 warrants review of a license under this Act.

4 (225 ILCS 95/21) (from Ch. 111, par. 4621)

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

6 Sec. 21. Grounds for disciplinary action.

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

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

16 (2) Violations of this Act, or the rules adopted under
17 this Act.

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

1 the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining licenses.

4 (5) Professional incompetence.

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

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

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

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

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

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

1 compensation, health insurance, pension, or other
2 employment benefits, with persons or entities authorized
3 under this Act for the provision of services within the
4 scope of the licensee's practice under this Act.

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

8 (13) Abandonment of a patient.

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

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

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

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

1 (18) (Blank).

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

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

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

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

13 (23) Violation of the Health Care Worker Self-Referral
14 Act.

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

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

21 (26) Allowing another person to use his or her license
22 to practice.

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

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

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

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

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

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

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

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

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

24 (36) Willfully failing to report an instance of
25 suspected abuse, neglect, financial exploitation, or
26 self-neglect of an eligible adult as defined in and

1 required by the Adult Protective Services Act.

2 (37) Being named as an abuser in a verified report by
3 the Department on Aging under the Adult Protective
4 Services Act and upon proof by clear and convincing
5 evidence that the licensee abused, neglected, or
6 financially exploited an eligible adult as defined in the
7 Adult Protective Services Act.

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

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

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

21 (41) Repeated failure to adequately collaborate with a
22 collaborating physician.

23 (42) Violating the Compassionate Use of Medical
24 Cannabis Program Act.

25 (a-5) Notwithstanding anything in this Section to the
26 contrary, a felony conviction after the effective date of this

1 amendatory Act of the 103rd General Assembly of any of the
2 offenses listed in subsections (a) and (a-1) of Section 25 of
3 the Health Care Worker Background Check Act, except for
4 Section 16-25 of the Criminal Code of 2012, is a disqualifying
5 offense and requires immediate review of an individual's
6 license, subject to the notice and hearing requirements set
7 forth in this Act.

8 (b) The Department may, without a hearing, refuse to issue
9 or renew or may suspend the license of any person who fails to
10 file a return, or to pay the tax, penalty or interest shown in
11 a filed return, or to pay any final assessment of the tax,
12 penalty, or interest as required by any tax Act administered
13 by the Illinois Department of Revenue, until such time as the
14 requirements of any such tax Act are satisfied.

15 (b-5) The Department shall not revoke, suspend, summarily
16 suspend, place on prohibition, reprimand, refuse to issue or
17 renew, or take any other disciplinary or non-disciplinary
18 action against the license or permit issued under this Act to
19 practice as a physician assistant based solely upon the
20 physician assistant providing, authorizing, recommending,
21 aiding, assisting, referring for, or otherwise participating
22 in any health care service, so long as the care was not
23 unlawful under the laws of this State, regardless of whether
24 the patient was a resident of this State or another state.

25 (b-10) The Department shall not revoke, suspend, summarily
26 suspend, place on prohibition, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against the license or permit issued under this Act to
3 practice as a physician assistant based upon the physician
4 assistant's license being revoked or suspended, or the
5 physician assistant being otherwise disciplined by any other
6 state, if that revocation, suspension, or other form of
7 discipline was based solely on the physician assistant
8 violating another state's laws prohibiting the provision of,
9 authorization of, recommendation of, aiding or assisting in,
10 referring for, or participation in any health care service if
11 that health care service as provided would not have been
12 unlawful under the laws of this State and is consistent with
13 the standards of conduct for a physician assistant practicing
14 in Illinois.

15 (b-15) The conduct specified in subsections (b-5) and
16 (b-10) shall not constitute grounds for suspension under
17 Section 22.13.

18 (b-20) An applicant seeking licensure, certification, or
19 authorization pursuant to this Act who has been subject to
20 disciplinary action by a duly authorized professional
21 disciplinary agency of another jurisdiction solely on the
22 basis of having provided, authorized, recommended, aided,
23 assisted, referred for, or otherwise participated in health
24 care shall not be denied such licensure, certification, or
25 authorization, unless the Department determines that such
26 action would have constituted professional misconduct in this

1 State; however, nothing in this Section shall be construed as
2 prohibiting the Department from evaluating the conduct of such
3 applicant and making a determination regarding the licensure,
4 certification, or authorization to practice a profession under
5 this Act.

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

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

22 The Department shall specifically designate the examining
23 physician licensed to practice medicine in all of its branches
24 or, if applicable, the multidisciplinary team involved in
25 providing the mental or physical examination or both. The
26 multidisciplinary team shall be led by a physician licensed to

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

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

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

1 licensee or applicant ordered to undergo an examination for
2 the examining physician or any member of the multidisciplinary
3 team to provide information, reports, records, or other
4 documents or to provide any testimony regarding the
5 examination and evaluation.

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

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

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

1 conditions, or restrictions, shall be referred to the
2 Secretary for a determination as to whether the individual
3 shall have his or her license suspended immediately, pending a
4 hearing by the Department.

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

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

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

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

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

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

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

22 (g) The Department may adopt rules to implement the
23 changes made by this amendatory Act of the 102nd General
24 Assembly.

25 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
26 102-1117, eff. 1-13-23.)

1 Section 60. The Podiatric Medical Practice Act of 1987 is
2 amended by changing Section 24 and by adding Section 13.5 as
3 follows:

4 (225 ILCS 100/13.5 new)

5 Sec. 13.5. Criminal history. Any Department process under
6 statute or rule used to verify the criminal history of an
7 applicant for licensure under this Act shall be used for all
8 applicants for licensure, applicants for renewal of a license,
9 or persons whose conviction of a crime or other behavior
10 warrants review of a license under this Act.

11 (225 ILCS 100/24) (from Ch. 111, par. 4824)

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

13 Sec. 24. Grounds for disciplinary action. The Department
14 may refuse to issue, may refuse to renew, may refuse to
15 restore, may suspend, or may revoke any license, or may place
16 on probation, reprimand or take other disciplinary or
17 non-disciplinary action as the Department may deem proper,
18 including fines not to exceed \$10,000 for each violation upon
19 anyone licensed under this Act for any of the following
20 reasons:

21 (1) Making a material misstatement in furnishing
22 information to the Department.

23 (2) Violations of this Act, or of the rules adopted

1 under this Act.

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

11 (4) Making any misrepresentation for the purpose of
12 obtaining licenses, or violating any provision of this Act
13 or the rules promulgated thereunder pertaining to
14 advertising.

15 (5) Professional incompetence.

16 (6) Gross or repeated malpractice or negligence.

17 (7) Aiding or assisting another person in violating
18 any provision of this Act or rules.

19 (8) Failing, within 30 days, to provide information in
20 response to a written request made by the Department.

21 (9) Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public.

24 (10) Habitual or excessive use of alcohol, narcotics,
25 stimulants or other chemical agent or drug that results in
26 the inability to practice podiatric medicine with

1 reasonable judgment, skill or safety.

2 (11) Discipline by another United States jurisdiction
3 if at least one of the grounds for the discipline is the
4 same or substantially equivalent to those set forth in
5 this Section.

6 (12) Violation of the prohibition against fee
7 splitting in Section 24.2 of this Act.

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

11 (14) Abandonment of a patient.

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

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

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

23 (18) Solicitation of professional services other than
24 permitted advertising.

25 (19) The determination by a circuit court that a
26 licensed podiatric physician is subject to involuntary

1 admission or judicial admission as provided in the Mental
2 Health and Developmental Disabilities Code operates as an
3 automatic suspension. Such suspension will end only upon a
4 finding by a court that the patient is no longer subject to
5 involuntary admission or judicial admission and issues an
6 order so finding and discharging the patient; and upon the
7 recommendation of the Board to the Secretary that the
8 licensee be allowed to resume his or her practice.

9 (20) Holding oneself out to treat human ailments under
10 any name other than his or her own, or the impersonation of
11 any other physician.

12 (21) Revocation or suspension or other action taken
13 with respect to a podiatric medical license in another
14 jurisdiction that would constitute disciplinary action
15 under this Act.

16 (22) Promotion of the sale of drugs, devices,
17 appliances or goods provided for a patient in such manner
18 as to exploit the patient for financial gain of the
19 podiatric physician.

20 (23) Gross, willful, and continued overcharging for
21 professional services including filing false statements
22 for collection of fees for those services, including, but
23 not limited to, filing false statement for collection of
24 monies for services not rendered from the medical
25 assistance program of the Department of Healthcare and
26 Family Services (formerly Department of Public Aid) under

1 the Illinois Public Aid Code or other private or public
2 third party payor.

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

10 (25) Willfully making or filing false records or
11 reports in the practice of podiatric medicine, including,
12 but not limited to, false records to support claims
13 against the medical assistance program of the Department
14 of Healthcare and Family Services (formerly Department of
15 Public Aid) under the Illinois Public Aid Code.

16 (26) (Blank).

17 (27) Immoral conduct in the commission of any act
18 including, sexual abuse, sexual misconduct, or sexual
19 exploitation, related to the licensee's practice.

20 (28) Violation of the Health Care Worker Self-Referral
21 Act.

22 (29) Failure to report to the Department any adverse
23 final action taken against him or her by another licensing
24 jurisdiction of the United States or any foreign state or
25 country, any peer review body, any health care
26 institution, any professional society or association, any

1 governmental agency, any law enforcement agency, or any
2 court for acts or conduct similar to acts or conduct that
3 would constitute grounds for action as defined in this
4 Section.

5 (30) Willfully failing to report an instance of
6 suspected abuse, neglect, financial exploitation, or
7 self-neglect of an eligible adult as defined in and
8 required by the Adult Protective Services Act.

9 (31) Being named as a perpetrator in an indicated
10 report by the Department on Aging under the Adult
11 Protective Services Act, and upon proof by clear and
12 convincing evidence that the licensee has caused an
13 eligible adult to be abused, neglected, or financially
14 exploited as defined in the Adult Protective Services Act.

15 Notwithstanding anything in this Section to the contrary,
16 a felony conviction after the effective date of this
17 amendatory Act of the 103rd General Assembly of any of the
18 offenses listed in subsections (a) and (a-1) of Section 25 of
19 the Health Care Worker Background Check Act, except for
20 Section 16-25 of the Criminal Code of 2012, is a disqualifying
21 offense and requires immediate review of an individual's
22 license, subject to the notice and hearing requirements set
23 forth in this Act.

24 The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty or interest shown in a filed return, or to pay any

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

5 Upon receipt of a written communication from the Secretary
6 of Human Services, the Director of Healthcare and Family
7 Services (formerly Director of Public Aid), or the Director of
8 Public Health that continuation of practice of a person
9 licensed under this Act constitutes an immediate danger to the
10 public, the Secretary may immediately suspend the license of
11 such person without a hearing. In instances in which the
12 Secretary immediately suspends a license under this Section, a
13 hearing upon such person's license must be convened by the
14 Board within 15 days after such suspension and completed
15 without appreciable delay, such hearing held to determine
16 whether to recommend to the Secretary that the person's
17 license be revoked, suspended, placed on probationary status
18 or restored, or such person be subject to other disciplinary
19 action. In such hearing, the written communication and any
20 other evidence submitted therewith may be introduced as
21 evidence against such person; provided, however, the person or
22 his counsel shall have the opportunity to discredit or impeach
23 such evidence and submit evidence rebutting the same.

24 Except for fraud in procuring a license, all proceedings
25 to suspend, revoke, place on probationary status, or take any
26 other disciplinary action as the Department may deem proper,

1 with regard to a license on any of the foregoing grounds, must
2 be commenced within 5 years after receipt by the Department of
3 a complaint alleging the commission of or notice of the
4 conviction order for any of the acts described in this
5 Section. Except for the grounds set forth in items (8), (9),
6 (26), and (29) of this Section, no action shall be commenced
7 more than 10 years after the date of the incident or act
8 alleged to have been a violation of this Section. In the event
9 of the settlement of any claim or cause of action in favor of
10 the claimant or the reduction to final judgment of any civil
11 action in favor of the plaintiff, such claim, cause of action,
12 or civil action being grounded on the allegation that a person
13 licensed under this Act was negligent in providing care, the
14 Department shall have an additional period of 2 years from the
15 date of notification to the Department under Section 26 of
16 this Act of such settlement or final judgment in which to
17 investigate and commence formal disciplinary proceedings under
18 Section 24 of this Act, except as otherwise provided by law.
19 The time during which the holder of the license was outside the
20 State of Illinois shall not be included within any period of
21 time limiting the commencement of disciplinary action by the
22 Department.

23 In enforcing this Section, the Department or Board upon a
24 showing of a possible violation may compel an individual
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

1 examination, or both, as required by and at the expense of the
2 Department. The Department or Board may order the examining
3 physician to present testimony concerning the mental or
4 physical examination of the licensee or applicant. No
5 information shall be excluded by reason of any common law or
6 statutory privilege relating to communications between the
7 licensee or applicant and the examining physician. The
8 examining physicians shall be specifically designated by the
9 Board or Department. The individual to be examined may have,
10 at his or her own expense, another physician of his or her
11 choice present during all aspects of this examination. Failure
12 of an individual to submit to a mental or physical
13 examination, when directed, shall be grounds for suspension of
14 his or her license until the individual submits to the
15 examination if the Department finds, after notice and hearing,
16 that the refusal to submit to the examination was without
17 reasonable cause.

18 If the Department or Board finds an individual unable to
19 practice because of the reasons set forth in this Section, the
20 Department or Board may require that individual to submit to
21 care, counseling, or treatment by physicians approved or
22 designated by the Department or Board, as a condition, term,
23 or restriction for continued, restored, or renewed licensure
24 to practice; or, in lieu of care, counseling, or treatment,
25 the Department may file, or the Board may recommend to the
26 Department to file, a complaint to immediately suspend,

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

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

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

23 (Source: P.A. 100-525, eff. 9-22-17.)

24 Section 65. The Respiratory Care Practice Act is amended
25 by changing Section 95 and by adding Section 55.5 as follows:

1 (225 ILCS 106/55.5 new)

2 Sec. 55.5. Criminal history. Any Department process under
3 statute or rule used to verify the criminal history of an
4 applicant for licensure under this Act shall be used for all
5 applicants for licensure, applicants for renewal of a license,
6 or persons whose conviction of a crime or other behavior
7 warrants review of a license under this Act.

8 (225 ILCS 106/95)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 95. Grounds for discipline.

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

17 (1) Material misstatement in furnishing information to
18 the Department or to any other State or federal agency.

19 (2) Violations of this Act, or any of the rules
20 adopted under this Act.

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

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

7 (4) Making any misrepresentation for the purpose of
8 obtaining a license.

9 (5) Professional incompetence or negligence in the
10 rendering of respiratory care services.

11 (6) Malpractice.

12 (7) Aiding or assisting another person in violating
13 any rules or provisions of this Act.

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

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

19 (10) Violating the rules of professional conduct
20 adopted by the Department.

21 (11) Discipline by another jurisdiction, if at least
22 one of the grounds for the discipline is the same or
23 substantially equivalent to those set forth in this Act.

24 (12) Directly or indirectly giving to or receiving
25 from any person, firm, corporation, partnership, or
26 association any fee, commission, rebate, or other form of

1 compensation for any professional services not actually
2 rendered. Nothing in this paragraph (12) affects any bona
3 fide independent contractor or employment arrangements
4 among health care professionals, health facilities, health
5 care providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this
10 Act. Nothing in this paragraph (12) shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered.

13 (13) A finding that the licensee, after having her or
14 his license placed on probationary status or subject to
15 conditions or restrictions, has violated the terms of
16 probation or failed to comply with such terms or
17 conditions.

18 (14) Abandonment of a patient.

19 (15) Willfully filing false records or reports
20 relating to a licensee's practice including, but not
21 limited to, false records filed with a federal or State
22 agency or department.

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

26 (17) Providing respiratory care, other than pursuant

1 to an order.

2 (18) Physical or mental disability including, but not
3 limited to, deterioration through the aging process or
4 loss of motor skills that results in the inability to
5 practice the profession with reasonable judgment, skill,
6 or safety.

7 (19) Solicitation of professional services by using
8 false or misleading advertising.

9 (20) Failure to file a tax return, or to pay the tax,
10 penalty, or interest shown in a filed return, or to pay any
11 final assessment of tax penalty, or interest, as required
12 by any tax Act administered by the Illinois Department of
13 Revenue or any successor agency or the Internal Revenue
14 Service or any successor agency.

15 (21) Irregularities in billing a third party for
16 services rendered or in reporting charges for services not
17 rendered.

18 (22) 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 (23) Habitual or excessive use or addiction to
26 alcohol, narcotics, stimulants, or any other chemical

1 agent or drug that results in an inability to practice
2 with reasonable skill, judgment, or safety.

3 (24) Being named as a perpetrator in an indicated
4 report by the Department on Aging under the Adult
5 Protective Services Act, and upon proof by clear and
6 convincing evidence that the licensee has caused an adult
7 with disabilities or an older adult to be abused or
8 neglected as defined in the Adult Protective Services Act.

9 (25) Willfully failing to report an instance of
10 suspected abuse, neglect, financial exploitation, or
11 self-neglect of an adult with disabilities or an older
12 adult as required by the Adult Protective Services Act.

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

19 (27) Practicing under a false or assumed name, except
20 as provided by law.

21 (28) Willfully or negligently violating the
22 confidentiality between licensee and patient, except as
23 required by law.

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

1 (a-5) Notwithstanding anything in this Section to the
2 contrary, a felony conviction after the effective date of this
3 amendatory Act of the 103rd General Assembly of any of the
4 offenses listed in subsections (a) and (a-1) of Section 25 of
5 the Health Care Worker Background Check Act, except for
6 Section 16-25 of the Criminal Code of 2012, is a disqualifying
7 offense and requires immediate review of an individual's
8 license, subject to the notice and hearing requirements set
9 forth in this Act.

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

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the fine
22 or in accordance with the terms set forth in the order imposing
23 the fine.

24 (Source: P.A. 98-49, eff. 7-1-13; 99-230, eff. 8-3-15.)

25 Section 70. The Registered Surgical Assistant and

1 Registered Surgical Technologist Title Protection Act is
2 amended by changing Section 75 and by adding Section 60.5 as
3 follows:

4 (225 ILCS 130/60.5 new)

5 Sec. 60.5. Criminal history. Any Department process under
6 statute or rule used to verify the criminal history of an
7 applicant for licensure under this Act shall be used for all
8 applicants for licensure, applicants for renewal of a license,
9 or persons whose conviction of a crime or other behavior
10 warrants review of a license under this Act.

11 (225 ILCS 130/75)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 75. Grounds for disciplinary action.

14 (a) The Department may refuse to issue, renew, or restore
15 a registration, may revoke or suspend a registration, or may
16 place on probation, reprimand, or take other disciplinary or
17 non-disciplinary action with regard to a person registered
18 under this Act, including but not limited to the imposition of
19 fines not to exceed \$10,000 for each violation and the
20 assessment of costs as provided for in Section 90, for any one
21 or combination of the following causes:

22 (1) Making a material misstatement in furnishing
23 information to the Department.

24 (2) Violating a provision of this Act or rules adopted

1 under this Act.

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

11 (4) Fraud or misrepresentation in applying for,
12 renewing, restoring, reinstating, or procuring a
13 registration under this Act.

14 (5) Aiding or assisting another person in violating a
15 provision of this Act or its rules.

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

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

22 (8) Discipline by another United States jurisdiction,
23 governmental agency, unit of government, or foreign
24 nation, if at least one of the grounds for discipline is
25 the same or substantially equivalent to those set forth in
26 this Section.

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

16 (10) A finding by the Department that the registrant,
17 after having his or her registration placed on
18 probationary status, has violated the terms of probation.

19 (11) Willfully making or filing false records or
20 reports in his or her practice, including but not limited
21 to false records or reports filed with State agencies.

22 (12) Willfully making or signing a false statement,
23 certificate, or affidavit to induce payment.

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

1 (14) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act and
4 upon proof by clear and convincing evidence that the
5 registrant has caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (15) (Blank).

9 (16) Failure to report to the Department (A) any
10 adverse final action taken against the registrant by
11 another registering or licensing jurisdiction, government
12 agency, law enforcement agency, or any court or (B)
13 liability for conduct that would constitute grounds for
14 action as set forth in this Section.

15 (17) Habitual or excessive use or abuse of drugs
16 defined in law as controlled substances, alcohol, or any
17 other substance that results in the inability to practice
18 with reasonable judgment, skill, or safety.

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

24 (19) Gross malpractice.

25 (20) Immoral conduct in the commission of an act
26 related to the registrant's practice, including but not

1 limited to sexual abuse, sexual misconduct, or sexual
2 exploitation.

3 (21) Violation of the Health Care Worker Self-Referral
4 Act.

5 (a-5) Notwithstanding anything in this Section to the
6 contrary, a felony conviction after the effective date of this
7 amendatory Act of the 103rd General Assembly of any of the
8 offenses listed in subsections (a) and (a-1) of Section 25 of
9 the Health Care Worker Background Check Act, except for
10 Section 16-25 of the Criminal Code of 2012, is a disqualifying
11 offense and requires immediate review of an individual's
12 license, subject to the notice and hearing requirements set
13 forth in this Act.

14 (b) The Department may refuse to issue or may suspend
15 without hearing the registration of a person who fails to file
16 a return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay a final assessment of the tax, penalty, or
18 interest as required by a tax Act administered by the
19 Department of Revenue, until the requirements of the tax Act
20 are satisfied in accordance with subsection (g) of Section
21 2105-15 of the Department of Regulation Law of the Civil
22 Administrative Code of Illinois.

23 (b-1) The Department shall not revoke, suspend, summarily
24 suspend, place on probation, reprimand, refuse to issue or
25 renew, or take any other disciplinary or non-disciplinary
26 action against the license issued under this Act to practice

1 as a registered surgical assistant or registered surgical
2 technologist based solely upon the registered surgical
3 assistant or registered surgical technologist providing,
4 authorizing, recommending, aiding, assisting, referring for,
5 or otherwise participating in any health care service, so long
6 as the care was not unlawful under the laws of this State,
7 regardless of whether the patient was a resident of this State
8 or another state.

9 (b-2) The Department shall not revoke, suspend, summarily
10 suspend, place on prohibition, reprimand, refuse to issue or
11 renew, or take any other disciplinary or non-disciplinary
12 action against the license issued under this Act to practice
13 as a registered surgical assistant or registered surgical
14 technologist based upon the registered surgical assistant's or
15 registered surgical technologist's license being revoked or
16 suspended, or the registered surgical assistant's or
17 registered surgical technologist's being otherwise disciplined
18 by any other state, if that revocation, suspension, or other
19 form of discipline was based solely on the registered surgical
20 assistant or registered surgical technologist violating
21 another state's laws prohibiting the provision of,
22 authorization of, recommendation of, aiding or assisting in,
23 referring for, or participation in any health care service if
24 that health care service as provided would not have been
25 unlawful under the laws of this State and is consistent with
26 the standards of conduct for the registered surgical assistant

1 or registered surgical technologist practicing in this State.

2 (b-3) The conduct specified in subsection (b-1) or (b-2)
3 shall not constitute grounds for suspension under Section 145.

4 (b-4) An applicant seeking licensure, certification, or
5 authorization pursuant to this Act who has been subject to
6 disciplinary action by a duly authorized professional
7 disciplinary agency of another jurisdiction solely on the
8 basis of having provided, authorized, recommended, aided,
9 assisted, referred for, or otherwise participated in health
10 care shall not be denied such licensure, certification, or
11 authorization, unless the Department determines that such
12 action would have constituted professional misconduct in this
13 State. Nothing in this Section shall be construed as
14 prohibiting the Department from evaluating the conduct of such
15 applicant and making a determination regarding the licensure,
16 certification, or authorization to practice a profession under
17 this Act.

18 (c) The determination by a circuit court that a registrant
19 is subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code operates as an automatic suspension. The suspension will
22 end only upon (1) a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission,
24 (2) issuance of an order so finding and discharging the
25 patient, and (3) filing of a petition for restoration
26 demonstrating fitness to practice.

1 (d) (Blank).

2 (e) In cases where the Department of Healthcare and Family
3 Services has previously determined a registrant or a potential
4 registrant is more than 30 days delinquent in the payment of
5 child support and has subsequently certified the delinquency
6 to the Department, the Department may refuse to issue or renew
7 or may revoke or suspend that person's registration or may
8 take other disciplinary action against that person based
9 solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance
11 with paragraph (5) of subsection (a) of Section 2105-15 of the
12 Department of Professional Regulation Law of the Civil
13 Administrative Code of Illinois.

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

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

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

1 physician or any member of the multidisciplinary team. No
2 authorization is necessary from the registrant or applicant
3 ordered to undergo an evaluation and examination for the
4 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. The individual to be examined may
8 have, at his or her own expense, another physician of his or
9 her choice present during all aspects of the examination.

10 Failure of any individual to submit to mental or physical
11 examination and evaluation, or both, when directed, shall
12 result in an automatic suspension without a hearing until such
13 time as the individual submits to the examination. If the
14 Department finds a registrant unable to practice because of
15 the reasons set forth in this Section, the Department shall
16 require such registrant to submit to care, counseling, or
17 treatment by physicians approved or designated by the
18 Department as a condition for continued, reinstated, or
19 renewed registration.

20 When the Secretary immediately suspends a registration
21 under this Section, a hearing upon such person's registration
22 must be convened by the Department within 15 days after such
23 suspension and completed without appreciable delay. The
24 Department shall have the authority to review the registrant's
25 record of treatment and counseling regarding the impairment to
26 the extent permitted by applicable federal statutes and

1 regulations safeguarding the confidentiality of medical
2 records.

3 Individuals registered under this Act and affected under
4 this Section shall be afforded an opportunity to demonstrate
5 to the Department that they can resume practice in compliance
6 with acceptable and prevailing standards under the provisions
7 of their registration.

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

12 (f) The Department may adopt rules to implement the
13 changes made by this amendatory Act of the 102nd General
14 Assembly.

15 (Source: P.A. 102-1117, eff. 1-13-23.)

16 Section 75. The Rights of Crime Victims and Witnesses Act
17 is amended by changing Section 4 as follows:

18 (725 ILCS 120/4) (from Ch. 38, par. 1404)

19 Sec. 4. Rights of crime victims.

20 (a) Crime victims shall have the following rights:

21 (1) The right to be treated with fairness and respect
22 for their dignity and privacy and to be free from
23 harassment, intimidation, and abuse throughout the
24 criminal justice process.

1 (1.5) The right to notice and to a hearing before a
2 court ruling on a request for access to any of the victim's
3 records, information, or communications which are
4 privileged or confidential by law.

5 (2) The right to timely notification of all court
6 proceedings.

7 (3) The right to communicate with the prosecution.

8 (4) The right to be heard at any post-arraignment
9 court proceeding in which a right of the victim is at issue
10 and any court proceeding involving a post-arraignment
11 release decision, plea, or sentencing.

12 (5) The right to be notified of the conviction, the
13 sentence, the imprisonment and the release of the accused.

14 (6) The right to the timely disposition of the case
15 following the arrest of the accused.

16 (7) The right to be reasonably protected from the
17 accused through the criminal justice process.

18 (7.5) The right to have the safety of the victim and
19 the victim's family considered in determining whether to
20 release the defendant and setting conditions of release
21 after arrest and conviction.

22 (8) The right to be present at the trial and all other
23 court proceedings on the same basis as the accused, unless
24 the victim is to testify and the court determines that the
25 victim's testimony would be materially affected if the
26 victim hears other testimony at the trial.

1 (9) The right to have present at all court
2 proceedings, including proceedings under the Juvenile
3 Court Act of 1987, subject to the rules of evidence, an
4 advocate and other support person of the victim's choice.

5 (10) The right to restitution.

6 (11) The right to file a complaint against the accused
7 with the agency or department that licensed, certified,
8 permitted, or registered the accused if the accused holds
9 a license, certificate, permit, or registration to
10 practice a profession.

11 (b) Any law enforcement agency that investigates an
12 offense committed in this State shall provide a crime victim
13 with a written statement and explanation of the rights of
14 crime victims under this amendatory Act of the 99th General
15 Assembly within 48 hours of law enforcement's initial contact
16 with a victim. The statement shall include information about
17 crime victim compensation, including how to contact the Office
18 of the Illinois Attorney General to file a claim, and
19 appropriate referrals to local and State programs that provide
20 victim services. The content of the statement shall be
21 provided to law enforcement by the Attorney General. Law
22 enforcement shall also provide a crime victim with a sign-off
23 sheet that the victim shall sign and date as an
24 acknowledgement that he or she has been furnished with
25 information and an explanation of the rights of crime victims
26 and compensation set forth in this Act.

1 (b-5) Upon the request of the victim, the law enforcement
2 agency having jurisdiction shall provide a free copy of the
3 police report concerning the victim's incident, as soon as
4 practicable, but in no event later than 5 business days from
5 the request.

6 (c) The Clerk of the Circuit Court shall post the rights of
7 crime victims set forth in Article I, Section 8.1(a) of the
8 Illinois Constitution and subsection (a) of this Section
9 within 3 feet of the door to any courtroom where criminal
10 proceedings are conducted. The clerk may also post the rights
11 in other locations in the courthouse.

12 (d) At any point, the victim has the right to retain a
13 victim's attorney who may be present during all stages of any
14 interview, investigation, or other interaction with
15 representatives of the criminal justice system. Treatment of
16 the victim should not be affected or altered in any way as a
17 result of the victim's decision to exercise this right.

18 (Source: P.A. 100-1087, eff. 1-1-19; 101-652, eff. 1-1-23.)

19 Section 99. Effective date. This Act takes effect 6 months
20 after becoming law."