



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5040

Introduced 2/8/2024, by Rep. Tom Weber

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Acupuncture Practice Act, the Illinois Athletic Trainers Practice Act, the Illinois Dental Practice Act, the Massage Licensing Act, the Medical Practice Act of 1987, the Nurse Practice Act, the Illinois Optometric Practice Act of 1987, the Orthotics, Prosthetics, and Pedorthics Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act, and the Rights of Crime Victims and Witnesses Act. Provides that any Department of Financial and Professional Regulation process under statute or rule used to verify the criminal history of an applicant for licensure shall be used for all applicants for licensure, applicants for renewal of a license, or persons whose conviction of a crime or other behavior warrants review of a license. Provides that a finding of guilt by a judge or jury, a guilty plea, or plea of no contest to specified offenses entered after the effective date of the amendatory Act is a disqualifying offense, and the individual's license shall be automatically revoked when the Department is notified that the individual has been found guilty or has pled guilty or no contest. Provides that the individual may appeal the revocation to the Department only upon the reversal of the criminal conviction. Provides that crime victims have the right to file a complaint against the accused with the agency or department that licensed, certified, permitted, or registered the accused if the accused holds a license, certificate, permit, or registration to practice a profession. Effective 6 months after becoming law.

LRB103 37791 RTM 67920 b

1 AN ACT concerning regulation.

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

4 Section 1. Findings. The General Assembly finds that:

5 (1) The health, safety, and peace of mind of the  
6 citizens of Illinois are of paramount concern.

7 (2) Health care professionals entrusted with the  
8 health of the citizens of Illinois should be held to the  
9 highest standards of conduct so that these professions can  
10 build bonds of trust with current and future patients,  
11 clients, and residents.

12 (3) The background check requirements for these  
13 professions vary widely, leading to unequal treatment by  
14 the State of licensees in these professions.

15 (4) Incidents of improper action, including sexual  
16 assault, by health care professionals across the State and  
17 nation have been underreported, and, in some cases,  
18 persons charged with, and found guilty of, these crimes  
19 have continued to practice and their licenses have  
20 remained active without prompt and thorough review.

21 (5) It is right and fitting that any Department of  
22 Financial and Professional Regulation process under  
23 statute or rule currently used to verify the criminal  
24 history of an applicant for licensure under a health care

1 professional's licensing act shall be used for all  
2 applicants and licensees thereunder whose conviction of a  
3 crime or other behavior warrants review of a license  
4 thereunder.

5 (6) Under the Health Care Worker Background Check Act,  
6 unlicensed health care personnel are already required to  
7 submit to rigorous background check protocols before they  
8 can be considered by a health care employer.

9 (7) It is right and fitting that licensed health care  
10 professionals be subject to the same criminal background  
11 check requirements as their unlicensed counterparts.

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

14 (225 ILCS 2/40.5 new)

15 Sec. 40.5. Criminal history. Any Department process under  
16 statute or rule used to verify the criminal history of an  
17 applicant for licensure under this Act shall be used for all  
18 applicants for licensure, applicants for renewal of a license,  
19 or persons whose conviction of a crime or other behavior  
20 warrants review of a license under this Act.

21 (225 ILCS 2/110)

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

23 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 Act to the contrary, a  
20 finding of guilt by a judge or jury, a guilty plea, or plea of  
21 no contest entered after the effective date of this amendatory  
22 Act of the 103rd General Assembly of any of the offenses listed  
23 in subsection (a) or (a-1) of Section 25 of the Health Care  
24 Worker Background Check Act, except for Section 16-25 of the  
25 Criminal Code of 2012, is a disqualifying offense, and the  
26 individual's license shall be automatically revoked when the



1 Department is notified that the individual has been found  
2 guilty or has pled guilty or no contest. The individual may  
3 appeal the revocation to the Department only upon the reversal  
4 of the criminal conviction.

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

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

25 In enforcing this Section, the Department upon a showing  
26 of a possible violation may compel an individual licensed to

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

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

1 discipline the license of the individual. An individual whose  
2 license was granted, continued, restored, renewed, disciplined  
3 or supervised subject to such terms, conditions, or  
4 restrictions, and who fails to comply with such terms,  
5 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 that he or she can resume practice in  
21 compliance with acceptable and prevailing standards under the  
22 provisions of his or her license.

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

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

1 (225 ILCS 5/9) (from Ch. 111, par. 7609)

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

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

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

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

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

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

22 Any Department process under statute or rule used to  
23 verify the criminal history of an applicant for licensure  
24 under this Act shall be used for all applicants for licensure,  
25 applicants for renewal of a license, or persons whose

1 conviction of a crime or other behavior warrants review of a  
2 license under this Act.

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

4 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

6 Sec. 16. Grounds for discipline.

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

13 (A) Material misstatement in furnishing information to  
14 the Department;

15 (B) Violations of this Act, or of the rules or  
16 regulations promulgated hereunder;

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

23 (D) Fraud or any misrepresentation in applying for or  
24 procuring a license under this Act, or in connection with  
25 applying for renewal of a license under this Act;

- 1 (E) Professional incompetence or gross negligence;
- 2 (F) Malpractice;
- 3 (G) Aiding or assisting another person, firm,  
4 partnership, or corporation in violating any provision of  
5 this Act or rules;
- 6 (H) Failing, within 60 days, to provide information in  
7 response to a written request made by the Department;
- 8 (I) Engaging in dishonorable, unethical, or  
9 unprofessional conduct of a character likely to deceive,  
10 defraud or harm the public;
- 11 (J) Habitual or excessive use or abuse of drugs  
12 defined in law as controlled substances, alcohol, or any  
13 other substance that results in the inability to practice  
14 with reasonable judgment, skill, or safety;
- 15 (K) Discipline by another state, unit of government,  
16 government agency, the District of Columbia, territory, or  
17 foreign nation, if at least one of the grounds for the  
18 discipline is the same or substantially equivalent to  
19 those set forth herein;
- 20 (L) Directly or indirectly giving to or receiving from  
21 any person, firm, corporation, partnership, or association  
22 any fee, commission, rebate, or other form of compensation  
23 for any professional services not actually or personally  
24 rendered. Nothing in this subparagraph (L) affects any  
25 bona fide independent contractor or employment  
26 arrangements among health care professionals, health

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

10 (M) A finding by the Department that the licensee  
11 after having his or her license disciplined has violated  
12 the terms of probation;

13 (N) Abandonment of an athlete;

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

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

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

24 (R) Solicitation of professional services other than  
25 by permitted institutional policy;

26 (S) The use of any words, abbreviations, figures or

1 letters with the intention of indicating practice as an  
2 athletic trainer without a valid license as an athletic  
3 trainer under this Act;

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

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

14 (V) Willfully violating or knowingly assisting in the  
15 violation of any law of this State relating to the  
16 practice of abortion;

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

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

26 (X-5) Failure to provide a monthly report on the



1 patient's progress to the referring physician, physician  
2 assistant, advanced practice registered nurse, podiatric  
3 physician, or dentist;

4 (Y) (Blank);

5 (Z) Failure to fulfill continuing education  
6 requirements;

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

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

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

14 (DD) Gross, willful, or continued overcharging for  
15 professional services;

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

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

21 (GG) Violation of the Health Care Worker Self-Referral  
22 Act; or

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

1 All fines imposed under this Section shall be paid within  
2 60 days after the effective date of the order imposing the fine  
3 or in accordance with the terms set forth in the order imposing  
4 the fine.

5 (1.5) Notwithstanding anything in this Act to the  
6 contrary, a finding of guilt by a judge or jury, a guilty plea,  
7 or plea of no contest entered after the effective date of this  
8 amendatory Act of the 103rd General Assembly of any of the  
9 offenses listed in subsection (a) or (a-1) of Section 25 of the  
10 Health Care Worker Background Check Act, except for Section  
11 16-25 of the Criminal Code of 2012, is a disqualifying  
12 offense, and the individual's license shall be automatically  
13 revoked when the Department is notified that the individual  
14 has been found guilty or has pled guilty or no contest. The  
15 individual may appeal the revocation to the Department only  
16 upon the reversal of the criminal conviction.

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

25 (3) The Department may refuse to issue or may suspend  
26 without hearing, as provided for in the Code of Civil

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

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

1 administrative staff. Any examining physician or member of the  
2 multidisciplinary team may require any person ordered to  
3 submit to an examination and evaluation pursuant to this  
4 Section to submit to any additional supplemental testing  
5 deemed necessary to complete any examination or evaluation  
6 process, including, but not limited to, blood testing,  
7 urinalysis, psychological testing, or neuropsychological  
8 testing.

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

1 information, reports, records, or other documents or to  
2 provide any testimony regarding the examination and  
3 evaluation. The individual to be examined may have, at his or  
4 her own expense, another physician of his or her choice  
5 present during all aspects of the examination.

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

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

25 Individuals licensed under this Act who are affected under  
26 this Section shall be afforded an opportunity to demonstrate

1 to the Department that they can resume practice in compliance  
2 with acceptable and prevailing standards under the provisions  
3 of their license.

4 (5) (Blank).

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

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

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

20 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

22 Sec. 23. Refusal, revocation or suspension of dental  
23 licenses. The Department may refuse to issue or renew, or may  
24 revoke, suspend, place on probation, reprimand or take other

1 disciplinary or non-disciplinary action as the Department may  
2 deem proper, including imposing fines not to exceed \$10,000  
3 per violation, with regard to any license for any one or any  
4 combination of the following causes:

5 1. Fraud or misrepresentation in applying for or  
6 procuring a license under this Act, or in connection with  
7 applying for renewal of a license under this Act.

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

12 3. Willful or repeated violations of the rules of the  
13 Department of Public Health or Department of Nuclear  
14 Safety.

15 4. Acceptance of a fee for service as a witness,  
16 without the knowledge of the court, in addition to the fee  
17 allowed by the court.

18 5. Division of fees or agreeing to split or divide the  
19 fees received for dental services with any person for  
20 bringing or referring a patient, except in regard to  
21 referral services as provided for under Section 45, or  
22 assisting in the care or treatment of a patient, without  
23 the knowledge of the patient or his or her legal  
24 representative. Nothing in this item 5 affects any bona  
25 fide independent contractor or employment arrangements  
26 among health care professionals, health facilities, health

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

9 6. Employing, procuring, inducing, aiding or abetting  
10 a person not licensed or registered as a dentist or dental  
11 hygienist to engage in the practice of dentistry or dental  
12 hygiene. The person practiced upon is not an accomplice,  
13 employer, procurer, inducer, aider, or abetter within the  
14 meaning of this Act.

15 7. Making any misrepresentations or false promises,  
16 directly or indirectly, to influence, persuade or induce  
17 dental patronage.

18 8. Professional connection or association with or  
19 lending his or her name to another for the illegal  
20 practice of dentistry by another, or professional  
21 connection or association with any person, firm or  
22 corporation holding himself, herself, themselves, or  
23 itself out in any manner contrary to this Act.

24 9. Obtaining or seeking to obtain practice, money, or  
25 any other things of value by false or fraudulent  
26 representations, but not limited to, engaging in such



1 fraudulent practice to defraud the medical assistance  
2 program of the Department of Healthcare and Family  
3 Services (formerly Department of Public Aid) under the  
4 Illinois Public Aid Code.

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

7 11. Engaging in dishonorable, unethical, or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud, or harm the public.

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

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

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

24 15. A violation of any provision of this Act or any  
25 rules promulgated under this Act.

26 16. Taking impressions for or using the services of

1 any person, firm or corporation violating this Act.

2 17. Violating any provision of Section 45 relating to  
3 advertising.

4 18. Discipline by another U.S. jurisdiction or foreign  
5 nation, if at least one of the grounds for the discipline  
6 is the same or substantially equivalent to those set forth  
7 within this Act.

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

11 20. Gross negligence in practice under this Act.

12 21. The use or prescription for use of narcotics or  
13 controlled substances or designated products as listed in  
14 the Illinois Controlled Substances Act, in any way other  
15 than for therapeutic purposes.

16 22. Willfully making or filing false records or  
17 reports in his or her practice as a dentist, including,  
18 but not limited to, false records to support claims  
19 against the dental assistance program of the Department of  
20 Healthcare and Family Services (formerly Illinois  
21 Department of Public Aid).

22 23. Professional incompetence as manifested by poor  
23 standards of care.

24 24. Physical or mental illness, including, but not  
25 limited to, deterioration through the aging process, or  
26 loss of motor skills which results in a dentist's

1 inability to practice dentistry with reasonable judgment,  
2 skill or safety. In enforcing this paragraph, the  
3 Department may compel a person licensed to practice under  
4 this Act to submit to a mental or physical examination  
5 pursuant to the terms and conditions of Section 23b.

6 25. Gross or repeated irregularities in billing for  
7 services rendered to a patient. For purposes of this  
8 paragraph 25, "irregularities in billing" shall include:

9 (a) Reporting excessive charges for the purpose of  
10 obtaining a total payment in excess of that usually  
11 received by the dentist for the services rendered.

12 (b) Reporting charges for services not rendered.

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

15 26. Continuing the active practice of dentistry while  
16 knowingly having any infectious, communicable, or  
17 contagious disease proscribed by rule or regulation of the  
18 Department.

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

26 28. Violating the Health Care Worker Self-Referral

1 Act.

2 29. Abandonment of a patient.

3 30. Mental incompetency as declared by a court of  
4 competent jurisdiction.

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

8 32. Material misstatement in furnishing information to  
9 the Department.

10 33. Failing, within 60 days, to provide information in  
11 response to a written request by the Department in the  
12 course of an investigation.

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

16 35. Cheating on or attempting to subvert the licensing  
17 examination administered under this Act.

18 36. A pattern of practice or other behavior that  
19 demonstrates incapacity or incompetence to practice under  
20 this Act.

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

23 38. Failure to provide copies of dental records as  
24 required by law.

25 39. Failure of a licensed dentist who owns or is  
26 employed at a dental office to give notice of an office

1 closure to his or her patients at least 30 days prior to  
2 the office closure pursuant to Section 50.1.

3 40. Failure to maintain a sanitary work environment.

4 All proceedings to suspend, revoke, place on probationary  
5 status, or take any other disciplinary action as the  
6 Department may deem proper, with regard to a license on any of  
7 the foregoing grounds, must be commenced within 5 years after  
8 receipt by the Department of a complaint alleging the  
9 commission of or notice of the conviction order for any of the  
10 acts described herein. Except for fraud in procuring a  
11 license, no action shall be commenced more than 7 years after  
12 the date of the incident or act alleged to have violated this  
13 Section. The time during which the holder of the license was  
14 outside the State of Illinois shall not be included within any  
15 period of time limiting the commencement of disciplinary  
16 action by the Department.

17 Notwithstanding anything in this Act to the contrary, a  
18 finding of guilt by a judge or jury, a guilty plea, or plea of  
19 no contest entered after the effective date of this amendatory  
20 Act of the 103rd General Assembly of any of the offenses listed  
21 in subsection (a) or (a-1) of Section 25 of the Health Care  
22 Worker Background Check Act, except for Section 16-25 of the  
23 Criminal Code of 2012, is a disqualifying offense, and the  
24 individual's license shall be automatically revoked when the  
25 Department is notified that the individual has been found  
26 guilty or has pled guilty or no contest. The individual may

1 appeal the revocation to the Department only upon the reversal  
2 of the criminal conviction.

3 All fines imposed under this Section shall be paid within  
4 60 days after the effective date of the order imposing the fine  
5 or in accordance with the terms set forth in the order imposing  
6 the fine.

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

14 Any dentist who has had his or her license suspended or  
15 revoked for more than 5 years must comply with the  
16 requirements for restoration set forth in Section 16 prior to  
17 being eligible for reinstatement from the suspension or  
18 revocation.

19 (Source: P.A. 103-425, eff. 1-1-24.)

20 (225 ILCS 25/23d new)

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

1 warrants review of a license under this Act.

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

4 (225 ILCS 57/15)

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

6 Sec. 15. Licensure requirements.

7 (a) Persons engaged in massage for compensation must be  
8 licensed by the Department. The Department shall issue a  
9 license to an individual who meets all of the following  
10 requirements:

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

13 (2) The applicant is at least 18 years of age and of  
14 good moral character. In determining good moral character,  
15 the Department may take into consideration conviction of  
16 any crime under the laws of the United States or any state  
17 or territory thereof that is a felony or a misdemeanor or  
18 any crime that is directly related to the practice of the  
19 profession. Such a conviction shall not operate  
20 automatically as a complete bar to a license, except in  
21 the case of any conviction for prostitution, rape, or  
22 sexual misconduct, or where the applicant is a registered  
23 sex offender.

24 (3) The applicant has successfully completed a massage

1 therapy program approved by the Department that requires a  
2 minimum of 500 hours, except applicants applying on or  
3 after January 1, 2014 shall meet a minimum requirement of  
4 600 hours, and has passed a competency examination  
5 approved by the Department.

6 (b) Each applicant for licensure as a massage therapist  
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 vendor. The Department, in its  
23 discretion, may allow an applicant who does not have  
24 reasonable access to a designated vendor to provide his or her  
25 fingerprints in an alternative manner. The Department may  
26 adopt any rules necessary to implement this Section.



1 (Source: P.A. 102-20, eff. 1-1-22; 102-538, eff. 8-20-21;  
2 102-813, eff. 5-13-22.)

3 (225 ILCS 57/45)

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

5 Sec. 45. Grounds for discipline.

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

12 (1) violations of this Act or of the rules adopted  
13 under this Act;

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

23 (3) professional incompetence;

24 (4) advertising in a false, deceptive, or misleading  
25 manner, including failing to use the massage therapist's

1 own license number in an advertisement;

2 (5) aiding, abetting, assisting, procuring, advising,  
3 employing, or contracting with any unlicensed person to  
4 practice massage contrary to any rules or provisions of  
5 this Act;

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

9 (7) engaging in dishonorable, unethical, or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud, or harm the public;

12 (8) practicing or offering to practice beyond the  
13 scope permitted by law or accepting and performing  
14 professional responsibilities which the licensee knows or  
15 has reason to know that he or she is not competent to  
16 perform;

17 (9) knowingly delegating professional  
18 responsibilities to a person unqualified by training,  
19 experience, or licensure to perform;

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

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

26 (12) having a pattern of practice or other behavior

1 that demonstrates incapacity or incompetence to practice  
2 under this Act;

3 (13) discipline by another state, District of  
4 Columbia, territory, or foreign nation, if at least one of  
5 the grounds for the discipline is the same or  
6 substantially equivalent to those set forth in this  
7 Section;

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

11 (15) 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  
14 departments;

15 (16) making a material misstatement in furnishing  
16 information to the Department or otherwise making  
17 misleading, deceptive, untrue, or fraudulent  
18 representations in violation of this Act or otherwise in  
19 the practice of the profession;

20 (17) fraud or 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 (18) inability to practice the profession with  
24 reasonable judgment, skill, or safety as a result of  
25 physical illness, including, but not limited to,  
26 deterioration through the aging process, loss of motor

1 skill, or a mental illness or disability;

2 (19) charging for professional services not rendered,  
3 including filing false statements for the collection of  
4 fees for which services are not rendered;

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

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

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

11 (a-5) Notwithstanding anything in this Act to the  
12 contrary, a finding of guilt by a judge or jury, a guilty plea,  
13 or plea of no contest entered after the effective date of this  
14 amendatory Act of the 103rd General Assembly of any of the  
15 offenses listed in subsection (a) or (a-1) of Section 25 of the  
16 Health Care Worker Background Check Act, except for Section  
17 16-25 of the Criminal Code of 2012, is a disqualifying  
18 offense, and the individual's license shall be automatically  
19 revoked when the Department is notified that the individual  
20 has been found guilty or has pled guilty or no contest. The  
21 individual may appeal the revocation to the Department only  
22 upon the reversal of the criminal conviction.

23 (b) A person not licensed under this Act and engaged in the  
24 business of offering massage therapy services through others,  
25 shall not aid, abet, assist, procure, advise, employ, or  
26 contract with any unlicensed person to practice massage

1 therapy contrary to any rules or provisions of this Act. A  
2 person violating this subsection (b) shall be treated as a  
3 licensee for the purposes of disciplinary action under this  
4 Section and shall be subject to cease and desist orders as  
5 provided in Section 90 of this Act.

6 (c) The Department shall revoke any license issued under  
7 this Act of any person who is convicted of prostitution, rape,  
8 sexual misconduct, or any crime that subjects the licensee to  
9 compliance with the requirements of the Sex Offender  
10 Registration Act and any such conviction shall operate as a  
11 permanent bar in the State of Illinois to practice as a massage  
12 therapist.

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

21 (e) (Blank).

22 (f) In cases where the Department of Healthcare and Family  
23 Services has previously determined that a licensee or a  
24 potential licensee is more than 30 days delinquent in the  
25 payment of child support and has subsequently certified the  
26 delinquency to the Department, the Department may refuse to

1 issue or renew or may revoke or suspend that person's license  
2 or may take other disciplinary action against that person  
3 based solely upon the certification of delinquency made by the  
4 Department of Healthcare and Family Services in accordance  
5 with item (5) of subsection (a) of Section 2105-15 of the Civil  
6 Administrative Code of Illinois.

7 (g) The determination by a circuit court that a licensee  
8 is subject to involuntary admission or judicial admission, as  
9 provided in the Mental Health and Developmental Disabilities  
10 Code, operates as an automatic suspension. The suspension will  
11 end only upon a finding by a court that the patient is no  
12 longer subject to involuntary admission or judicial admission  
13 and the issuance of a court order so finding and discharging  
14 the patient.

15 (h) In enforcing this Act, the Department or Board, 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, as required by and at the expense of the  
20 Department. The Department or Board may order the examining  
21 physician to present testimony concerning the mental or  
22 physical examination of the licensee or applicant. No  
23 information shall be excluded by reason of any common law or  
24 statutory privilege relating to communications between the  
25 licensee or applicant and the examining physician. The  
26 examining physicians shall be specifically designated by the

1 Board or Department. The individual to be examined may have,  
2 at his or her own expense, another physician of his or her  
3 choice present during all aspects of this examination. The  
4 examination shall be performed by a physician licensed to  
5 practice medicine in all its branches. Failure of an  
6 individual to submit to a mental or physical examination, when  
7 directed, shall result in an automatic suspension without  
8 hearing.

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

1 mental illness or impairment.

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

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

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

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

19 (225 ILCS 60/9.7)

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

21 Sec. 9.7. Criminal history records background check. Each  
22 applicant for licensure or permit under Sections 9, 18, and 19  
23 shall have his or her fingerprints submitted to the Illinois  
24 State Police in an electronic format that complies with the



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

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

21 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

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

23 Sec. 22. Disciplinary action.

24 (A) The Department may revoke, suspend, place on  
25 probation, reprimand, refuse to issue or renew, or take any

1 other disciplinary or non-disciplinary action as the  
2 Department may deem proper with regard to the license or  
3 permit of any person issued under this Act, including imposing  
4 fines not to exceed \$10,000 for each violation, upon any of the  
5 following grounds:

6 (1) (Blank).

7 (2) (Blank).

8 (3) A plea of guilty or nolo contendere, finding of  
9 guilt, jury verdict, or entry of judgment or sentencing,  
10 including, but not limited to, convictions, preceding  
11 sentences of supervision, conditional discharge, or first  
12 offender probation, under the laws of any jurisdiction of  
13 the United States of any crime that is a felony.

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

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

18 (6) Obtaining any fee by fraud, deceit, or  
19 misrepresentation.

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

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

26 (9) Fraud or misrepresentation in applying for, or

1           procuring, a license under this Act or in connection with  
2           applying for renewal of a license under this Act.

3           (10) Making a false or misleading statement regarding  
4           their skill or the efficacy or value of the medicine,  
5           treatment, or remedy prescribed by them at their direction  
6           in the treatment of any disease or other condition of the  
7           body or mind.

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

10          (12) Adverse action taken by another state or  
11          jurisdiction against a license or other authorization to  
12          practice as a medical doctor, doctor of osteopathy, doctor  
13          of osteopathic medicine, or doctor of chiropractic, a  
14          certified copy of the record of the action taken by the  
15          other state or jurisdiction being prima facie evidence  
16          thereof. This includes any adverse action taken by a State  
17          or federal agency that prohibits a medical doctor, doctor  
18          of osteopathy, doctor of osteopathic medicine, or doctor  
19          of chiropractic from providing services to the agency's  
20          participants.

21          (13) Violation of any provision of this Act or of the  
22          Medical Practice Act prior to the repeal of that Act, or  
23          violation of the rules, or a final administrative action  
24          of the Secretary, after consideration of the  
25          recommendation of the Medical Board.

26          (14) Violation of the prohibition against fee

1 splitting in Section 22.2 of this Act.

2 (15) A finding by the Medical Board that the  
3 registrant after having his or her license placed on  
4 probationary status or subjected to conditions or  
5 restrictions violated the terms of the probation or failed  
6 to comply with such terms or conditions.

7 (16) Abandonment of a patient.

8 (17) Prescribing, selling, administering,  
9 distributing, giving, or self-administering any drug  
10 classified as a controlled substance (designated product)  
11 or narcotic for other than medically accepted therapeutic  
12 purposes.

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

17 (19) Offering, undertaking, or agreeing to cure or  
18 treat disease by a secret method, procedure, treatment, or  
19 medicine, or the treating, operating, or prescribing for  
20 any human condition by a method, means, or procedure which  
21 the licensee refuses to divulge upon demand of the  
22 Department.

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

26 (21) Willfully making or filing false records or

1 reports in his or her practice as a physician, including,  
2 but not limited to, false records to support claims  
3 against the medical assistance program of the Department  
4 of Healthcare and Family Services (formerly Department of  
5 Public Aid) under the Illinois Public Aid Code.

6 (22) Willful omission to file or record, or willfully  
7 impeding the filing or recording, or inducing another  
8 person to omit to file or record, medical reports as  
9 required by law, or willfully failing to report an  
10 instance of suspected abuse or neglect as required by law.

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

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

21 (25) Gross and willful and continued overcharging for  
22 professional services, including filing false statements  
23 for collection of fees for which services are not  
24 rendered, including, but not limited to, filing such false  
25 statements for collection of monies for services not  
26 rendered from the medical assistance program of the

1 Department of Healthcare and Family Services (formerly  
2 Department of Public Aid) under the Illinois Public Aid  
3 Code.

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

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

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

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

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

19 (31) The use of any false, fraudulent, or deceptive  
20 statement in any document connected with practice under  
21 this Act.

22 (32) Aiding and abetting an individual not licensed  
23 under this Act in the practice of a profession licensed  
24 under this Act.

25 (33) Violating State or federal laws or regulations  
26 relating to controlled substances, legend drugs, or

1 ephedra as defined in the Ephedra Prohibition Act.

2 (34) Failure to report to the Department any adverse  
3 final action taken against them by another licensing  
4 jurisdiction (any other state or any territory of the  
5 United States or any foreign state or country), by any  
6 peer review body, by any health care institution, by any  
7 professional society or association related to practice  
8 under this Act, by any governmental agency, by any law  
9 enforcement agency, or by any court for acts or conduct  
10 similar to acts or conduct which would constitute grounds  
11 for action as defined in this Section.

12 (35) Failure to report to the Department surrender of  
13 a license or authorization to practice as a medical  
14 doctor, a doctor of osteopathy, a doctor of osteopathic  
15 medicine, or doctor of chiropractic in another state or  
16 jurisdiction, or surrender of membership on any medical  
17 staff or in any medical or professional association or  
18 society, while under disciplinary investigation by any of  
19 those authorities or bodies, for acts or conduct similar  
20 to acts or conduct which would constitute grounds for  
21 action as defined in this Section.

22 (36) Failure to report to the Department any adverse  
23 judgment, settlement, or award arising from a liability  
24 claim related to acts or conduct similar to acts or  
25 conduct which would constitute grounds for action as  
26 defined in this Section.

1           (37) Failure to provide copies of medical records as  
2 required by law.

3           (38) Failure to furnish the Department, its  
4 investigators or representatives, relevant information,  
5 legally requested by the Department after consultation  
6 with the Chief Medical Coordinator or the Deputy Medical  
7 Coordinator.

8           (39) Violating the Health Care Worker Self-Referral  
9 Act.

10          (40) (Blank).

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

13          (42) Entering into an excessive number of written  
14 collaborative agreements with licensed advanced practice  
15 registered nurses resulting in an inability to adequately  
16 collaborate.

17          (43) Repeated failure to adequately collaborate with a  
18 licensed advanced practice registered nurse.

19          (44) Violating the Compassionate Use of Medical  
20 Cannabis Program Act.

21          (45) Entering into an excessive number of written  
22 collaborative agreements with licensed prescribing  
23 psychologists resulting in an inability to adequately  
24 collaborate.

25          (46) Repeated failure to adequately collaborate with a  
26 licensed prescribing psychologist.



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

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

11          (49) Entering into an excessive number of written  
12          collaborative agreements with licensed physician  
13          assistants resulting in an inability to adequately  
14          collaborate.

15          (50) Repeated failure to adequately collaborate with a  
16          physician assistant.

17          Except for actions involving the ground numbered (26), all  
18          proceedings to suspend, revoke, place on probationary status,  
19          or take any other disciplinary action as the Department may  
20          deem proper, with regard to a license on any of the foregoing  
21          grounds, must be commenced within 5 years next after receipt  
22          by the Department of a complaint alleging the commission of or  
23          notice of the conviction order for any of the acts described  
24          herein. Except for the grounds numbered (8), (9), (26), and  
25          (29), no action shall be commenced more than 10 years after the  
26          date of the incident or act alleged to have violated this

1 Section. For actions involving the ground numbered (26), a  
2 pattern of practice or other behavior includes all incidents  
3 alleged to be part of the pattern of practice or other behavior  
4 that occurred, or a report pursuant to Section 23 of this Act  
5 received, within the 10-year period preceding the filing of  
6 the complaint. In the event of the settlement of any claim or  
7 cause of action in favor of the claimant or the reduction to  
8 final judgment of any civil action in favor of the plaintiff,  
9 such claim, cause of action, or civil action being grounded on  
10 the allegation that a person licensed under this Act was  
11 negligent in providing care, the Department shall have an  
12 additional period of 2 years from the date of notification to  
13 the Department under Section 23 of this Act of such settlement  
14 or final judgment in which to investigate and commence formal  
15 disciplinary proceedings under Section 36 of this Act, except  
16 as otherwise provided by law. The time during which the holder  
17 of the license was outside the State of Illinois shall not be  
18 included within any period of time limiting the commencement  
19 of disciplinary action by the Department.

20 The entry of an order or judgment by any circuit court  
21 establishing that any person holding a license under this Act  
22 is a person in need of mental treatment operates as a  
23 suspension of that license. That person may resume his or her  
24 practice only upon the entry of a Departmental order based  
25 upon a finding by the Medical Board that the person has been  
26 determined to be recovered from mental illness by the court

1 and upon the Medical Board's recommendation that the person be  
2 permitted to resume his or her practice.

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

11 The Department, upon the recommendation of the Medical  
12 Board, shall adopt rules which set forth standards to be used  
13 in determining:

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

16 (b) what constitutes dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public;

19 (c) what constitutes immoral conduct in the commission  
20 of any act, including, but not limited to, commission of  
21 an act of sexual misconduct related to the licensee's  
22 practice; and

23 (d) what constitutes gross negligence in the practice  
24 of medicine.

25 However, no such rule shall be admissible into evidence in  
26 any civil action except for review of a licensing or other

1 disciplinary action under this Act.

2 In enforcing this Section, the Medical Board, upon a  
3 showing of a possible violation, may compel any individual who  
4 is licensed to practice under this Act or holds a permit to  
5 practice under this Act, or any individual who has applied for  
6 licensure or a permit pursuant to this Act, to submit to a  
7 mental or physical examination and evaluation, or both, which  
8 may include a substance abuse or sexual offender evaluation,  
9 as required by the Medical Board and at the expense of the  
10 Department. The Medical Board shall specifically designate the  
11 examining physician licensed to practice medicine in all of  
12 its branches or, if applicable, the multidisciplinary team  
13 involved in providing the mental or physical examination and  
14 evaluation, or both. The multidisciplinary team shall be led  
15 by a physician licensed to practice medicine in all of its  
16 branches and may consist of one or more or a combination of  
17 physicians licensed to practice medicine in all of its  
18 branches, licensed chiropractic physicians, licensed clinical  
19 psychologists, licensed clinical social workers, licensed  
20 clinical 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. The Medical Board or the Department may order the  
3 examining physician or any member of the multidisciplinary  
4 team to provide to the Department or the Medical Board any and  
5 all records, including business records, that relate to the  
6 examination and evaluation, including any supplemental testing  
7 performed. The Medical Board or 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, permit holder, or applicant,  
11 including testimony concerning any supplemental testing or  
12 documents relating to the examination and evaluation. No  
13 information, report, record, or other documents in any way  
14 related to the examination and evaluation shall be excluded by  
15 reason of any common law or statutory privilege relating to  
16 communication between the licensee, permit holder, or  
17 applicant and the examining physician or any member of the  
18 multidisciplinary team. No authorization is necessary from the  
19 licensee, permit holder, or applicant ordered to undergo an  
20 evaluation and examination for the examining physician or any  
21 member of the multidisciplinary team to provide information,  
22 reports, records, or other documents or to provide any  
23 testimony regarding the examination and evaluation. The  
24 individual to be examined may have, at his or her own expense,  
25 another physician of his or her choice present during all  
26 aspects of the examination. Failure of any individual to

1 submit to mental or physical examination and evaluation, or  
2 both, when directed, shall result in an automatic suspension,  
3 without hearing, until such time as the individual submits to  
4 the examination. If the Medical Board finds a physician unable  
5 to practice following an examination and evaluation because of  
6 the reasons set forth in this Section, the Medical Board shall  
7 require such physician to submit to care, counseling, or  
8 treatment by physicians, or other health care professionals,  
9 approved or designated by the Medical Board, as a condition  
10 for issued, continued, reinstated, or renewed licensure to  
11 practice. Any physician, whose license was granted pursuant to  
12 Section 9, 17, or 19 of this Act, or, continued, reinstated,  
13 renewed, disciplined, or supervised, subject to such terms,  
14 conditions, or restrictions who shall fail to comply with such  
15 terms, conditions, or restrictions, or to complete a required  
16 program of care, counseling, or treatment, as determined by  
17 the Chief Medical Coordinator or Deputy Medical Coordinators,  
18 shall be referred to the Secretary for a determination as to  
19 whether the licensee shall have his or her license suspended  
20 immediately, pending a hearing by the Medical Board. In  
21 instances in which the Secretary immediately suspends a  
22 license under this Section, a hearing upon such person's  
23 license must be convened by the Medical Board within 15 days  
24 after such suspension and completed without appreciable delay.  
25 The Medical Board shall have the authority to review the  
26 subject physician's record of treatment and counseling

1 regarding the impairment, to the extent permitted by  
2 applicable federal statutes and regulations safeguarding the  
3 confidentiality of medical records.

4 An individual licensed under this Act, affected under this  
5 Section, shall be afforded an opportunity to demonstrate to  
6 the Medical Board that he or she can resume practice in  
7 compliance with acceptable and prevailing standards under the  
8 provisions of his or her license.

9 The Medical Board, in determining mental capacity of an  
10 individual licensed under this Act, shall consider the latest  
11 recommendations of the Federation of State Medical Boards.

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

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 (B) The Department shall revoke the license or permit  
25 issued under this Act to practice medicine or a chiropractic  
26 physician who has been convicted a second time of committing

1 any felony under the Illinois Controlled Substances Act or the  
2 Methamphetamine Control and Community Protection Act, or who  
3 has been convicted a second time of committing a Class 1 felony  
4 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
5 person whose license or permit is revoked under this  
6 subsection B shall be prohibited from practicing medicine or  
7 treating human ailments without the use of drugs and without  
8 operative surgery.

9 (C) The Department shall not revoke, suspend, place on  
10 probation, reprimand, refuse to issue or renew, or take any  
11 other disciplinary or non-disciplinary action against the  
12 license or permit issued under this Act to practice medicine  
13 to a physician:

14 (1) based solely upon the recommendation of the  
15 physician to an eligible patient regarding, or  
16 prescription for, or treatment with, an investigational  
17 drug, biological product, or device;

18 (2) for experimental treatment for Lyme disease or  
19 other tick-borne diseases, including, but not limited to,  
20 the prescription of or treatment with long-term  
21 antibiotics;

22 (3) based solely upon the physician providing,  
23 authorizing, recommending, aiding, assisting, referring  
24 for, or otherwise participating in any health care  
25 service, so long as the care was not unlawful under the  
26 laws of this State, regardless of whether the patient was



1 a resident of this State or another state; or

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

13 (D) (Blank).

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

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

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

7 (G) The Department may adopt rules to implement the  
8 changes made by this amendatory Act of the 102nd General  
9 Assembly.

10 (H) Notwithstanding anything in this Act to the contrary,  
11 a finding of guilt by a judge or jury, a guilty plea, or plea  
12 of no contest entered after the effective date of this  
13 amendatory Act of the 103rd General Assembly of any of the  
14 offenses listed in subsection (a) or (a-1) of Section 25 of the  
15 Health Care Worker Background Check Act, except for Section  
16 16-25 of the Criminal Code of 2012, is a disqualifying  
17 offense, and the individual's license shall be automatically  
18 revoked when the Department is notified that the individual  
19 has been found guilty or has pled guilty or no contest. The  
20 individual may appeal the revocation to the Department only  
21 upon the reversal of the criminal conviction.

22 (Source: P.A. 102-20, eff. 1-1-22; 102-558, eff. 8-20-21;  
23 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23; 103-442, eff.  
24 1-1-24.)

25 Section 35. The Nurse Practice Act is amended by changing

1 Sections 50-35 and 70-5 as follows:

2 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

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

4 Sec. 50-35. Criminal history records background check.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 participation in any health care service if that health care  
2 service as provided would not have been unlawful under the  
3 laws of this State and is consistent with the standards of  
4 conduct for the registered nurse or advanced practice  
5 registered nurse practicing in Illinois.

6 (b-15) The conduct specified in subsections (b-5) and  
7 (b-10) shall not trigger reporting requirements under Section  
8 65-65 or constitute grounds for suspension under Section  
9 70-60.

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

24 (c) The determination by a circuit court that a licensee  
25 is subject to involuntary admission or judicial admission as  
26 provided in the Mental Health and Developmental Disabilities

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

8 (d) The Department may refuse to issue or may suspend or  
9 otherwise discipline 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 Department of Revenue, until such time as the  
14 requirements of any such tax Act are satisfied.

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

1 be examined may have, at his or her own expense, another  
2 physician of his or her choice present during all aspects of  
3 this examination. Failure of an individual to submit to a  
4 mental or physical examination, when directed, shall result in  
5 an automatic suspension without hearing.

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

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

1 determination as to whether the individual shall have his or  
2 her license suspended immediately, pending a hearing by the  
3 Department.

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

18 (f) The Department may adopt rules to implement the  
19 changes made by this amendatory Act of the 102nd General  
20 Assembly.

21 (g) Notwithstanding anything in this Act to the contrary,  
22 a finding of guilt by a judge or jury, a guilty plea, or plea  
23 of no contest entered after the effective date of this  
24 amendatory Act of the 103rd General Assembly of any of the  
25 offenses listed in subsection (a) or (a-1) of Section 25 of the  
26 Health Care Worker Background Check Act, except for Section

1 16-25 of the Criminal Code of 2012, is a disqualifying  
2 offense, and the individual's license shall be automatically  
3 revoked when the Department is notified that the individual  
4 has been found guilty or has pled guilty or no contest. The  
5 individual may appeal the revocation to the Department only  
6 upon the reversal of the criminal conviction.

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 Act to the  
11 contrary, a finding of guilt by a judge or jury, a guilty plea,  
12 or plea of no contest entered after the effective date of this  
13 amendatory Act of the 103rd General Assembly of any of the  
14 offenses listed in subsection (a) or (a-1) of Section 25 of the  
15 Health Care Worker Background Check Act, except for Section  
16 16-25 of the Criminal Code of 2012, is a disqualifying  
17 offense, and the individual's license shall be automatically  
18 revoked when the Department is notified that the individual  
19 has been found guilty or has pled guilty or no contest. The  
20 individual may appeal the revocation to the Department only  
21 upon the reversal of the criminal conviction.

22 (b) The determination by a circuit court that a licensee  
23 is subject to involuntary admission or judicial admission as  
24 provided in the Mental Health and Developmental Disabilities  
25 Code operates as an automatic suspension. The suspension will  
26 end only upon a finding by a court that the patient is no



1 longer subject to involuntary admission or judicial admission  
2 and issues an order so finding and discharging the patient;  
3 and upon the recommendation of the Board to the Secretary that  
4 the licensee be allowed to resume his or her practice.

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

6 Section 45. The Orthotics, Prosthetics, and Pedorthics  
7 Practice Act is amended by changing Section 90 and by adding  
8 Section 45.5 as follows:

9 (225 ILCS 84/45.5 new)

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

16 (225 ILCS 84/90)

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

18 Sec. 90. Grounds for discipline.

19 (a) The Department may refuse to issue or renew a license,  
20 or may revoke or suspend a license, or may suspend, place on  
21 probation, or reprimand a licensee or take other disciplinary  
22 or non-disciplinary action as the Department may deem proper,  
23 including, but not limited to, the imposition of fines not to

1 exceed \$10,000 for each violation for one or any combination  
2 of the following:

3 (1) Making a material misstatement in furnishing  
4 information to the Department or the Board.

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

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

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

20 (5) A pattern of practice or other behavior that  
21 demonstrates incapacity or incompetence to practice under  
22 this Act.

23 (6) Gross negligence under this Act.

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

26 (8) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (9) Engaging in dishonorable, unethical, or  
3 unprofessional conduct or conduct of a character likely to  
4 deceive, defraud, or harm the public.

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

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

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

1 paragraph (12) shall be construed to require an employment  
2 arrangement to receive professional fees for services  
3 rendered.

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

8 (14) Abandonment of a patient or client.

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

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

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

23 (18) Solicitation of professional services using false  
24 or misleading advertising.

25 (a-5) Notwithstanding anything in this Act to the  
26 contrary, a finding of guilt by a judge or jury, a guilty plea,

1 or plea of no contest entered after the effective date of this  
2 amendatory Act of the 103rd General Assembly of any of the  
3 offenses listed in subsection (a) or (a-1) of Section 25 of the  
4 Health Care Worker Background Check Act, except for Section  
5 16-25 of the Criminal Code of 2012, is a disqualifying  
6 offense, and the individual's license shall be automatically  
7 revoked when the Department is notified that the individual  
8 has been found guilty or has pled guilty or no contest. The  
9 individual may appeal the revocation to the Department only  
10 upon the reversal of the criminal conviction.

11 (b) In enforcing this Section, the Department or Board  
12 upon a showing of a possible violation, may compel a licensee  
13 or applicant to submit to a mental or physical examination, or  
14 both, as required by and at the expense of the Department. The  
15 Department or Board may order the examining physician to  
16 present testimony concerning the mental or physical  
17 examination of the licensee or applicant. No information shall  
18 be excluded by reason of any common law or statutory privilege  
19 relating to communications between the licensee or applicant  
20 and the examining physician. The examining physicians shall be  
21 specifically designated by the Board or Department. The  
22 individual to be examined may have, at his or her own expense,  
23 another physician of his or her choice present during all  
24 aspects of this examination. Failure of an individual to  
25 submit to a mental or physical examination, when directed,  
26 shall be grounds for the immediate suspension of his or her

1 license until the individual submits to the examination if the  
2 Department finds that the refusal to submit to the examination  
3 was without reasonable cause as defined by rule.

4 If the Secretary immediately suspends a person's license  
5 for his or her failure to submit to a mental or physical  
6 examination, when directed, a hearing on that person's license  
7 must be convened by the Department within 15 days after the  
8 suspension and completed without appreciable delay.

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

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

24 (c) (Blank).

25 (d) If the Department of Healthcare and Family Services  
26 (formerly Department of Public Aid) has previously determined

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

11 (e) The Department shall refuse to issue or renew a  
12 license, or may revoke or suspend a license, for failure to  
13 file a return, to pay the tax, penalty, or interest shown in a  
14 filed return, or to pay any final assessment of tax, penalty,  
15 or interest as required by any tax Act administered by the  
16 Department of Revenue, until the requirements of the tax Act  
17 are satisfied in accordance with subsection (g) of Section  
18 2105-15 of the Department of Professional Regulation Law of  
19 the Civil Administrative Code of Illinois.

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

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

23 (225 ILCS 90/9.5 new)

24 Sec. 9.5. Criminal history records background check. Each

1 applicant for licensure under this Act, or for renewal  
2 thereof, shall have his or her fingerprints submitted to the  
3 Illinois State Police in an electronic format that complies  
4 with the form and manner for requesting and furnishing  
5 criminal history record information as prescribed by the  
6 Illinois State Police. These fingerprints shall be checked  
7 against the Illinois State Police and Federal Bureau of  
8 Investigation criminal history record databases now and  
9 hereafter filed. The Illinois State Police shall charge  
10 applicants a fee for conducting the criminal history records  
11 check, which shall be deposited into the State Police Services  
12 Fund and shall not exceed the actual cost of the records check.  
13 The Illinois State Police shall furnish, pursuant to positive  
14 identification, records of Illinois convictions to the  
15 Department. The Department may require applicants to pay a  
16 separate fingerprinting fee, either to the Department or to a  
17 vendor. The Department, in its discretion, may allow an  
18 applicant who does not have reasonable access to a designated  
19 vendor to provide his or her fingerprints in an alternative  
20 manner. The Department may adopt any rules necessary to  
21 implement this Section.

22 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

24 Sec. 17. (1) The Department may refuse to issue or to  
25 renew, or may revoke, suspend, place on probation, reprimand,



1 or take other disciplinary action as the Department deems  
2 appropriate, including the issuance of fines not to exceed  
3 \$5000, with regard to a license for any one or a combination of  
4 the following:

5 A. Material misstatement in furnishing information to  
6 the Department or otherwise making misleading, deceptive,  
7 untrue, or fraudulent representations in violation of this  
8 Act or otherwise in the practice of the profession;

9 B. Violations of this Act, or of the rules or  
10 regulations promulgated hereunder;

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

19 D. Making any misrepresentation for the purpose of  
20 obtaining licenses, or violating any provision of this Act  
21 or the rules promulgated thereunder pertaining to  
22 advertising;

23 E. A pattern of practice or other behavior which  
24 demonstrates incapacity or incompetency to practice under  
25 this Act;

26 F. Aiding or assisting another person in violating any

1 provision of this Act or Rules;

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

4 H. Engaging in dishonorable, unethical or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud or harm the public. Unprofessional conduct shall  
7 include any departure from or the failure to conform to  
8 the minimal standards of acceptable and prevailing  
9 physical therapy practice, in which proceeding actual  
10 injury to a patient need not be established;

11 I. Unlawful distribution of any drug or narcotic, or  
12 unlawful conversion of any drug or narcotic not belonging  
13 to the person for such person's own use or benefit or for  
14 other than medically accepted therapeutic purposes;

15 J. Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 which results in a physical therapist's or physical  
18 therapist assistant's inability to practice with  
19 reasonable judgment, skill or safety;

20 K. Revocation or suspension of a license to practice  
21 physical therapy as a physical therapist or physical  
22 therapist assistant or the taking of other disciplinary  
23 action by the proper licensing authority of another state,  
24 territory or country;

25 L. Directly or indirectly giving to or receiving from  
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate or other form of compensation  
2 for any professional services not actually or personally  
3 rendered. Nothing contained in this paragraph prohibits  
4 persons holding valid and current licenses under this Act  
5 from practicing physical therapy in partnership under a  
6 partnership agreement, including a limited liability  
7 partnership, a limited liability company, or a corporation  
8 under the Professional Service Corporation Act or from  
9 pooling, sharing, dividing, or apportioning the fees and  
10 monies received by them or by the partnership, company, or  
11 corporation in accordance with the partnership agreement  
12 or the policies of the company or professional  
13 corporation. Nothing in this paragraph (L) affects any  
14 bona fide independent contractor or employment  
15 arrangements among health care professionals, health  
16 facilities, health care providers, or other entities,  
17 except as otherwise prohibited by law. Any employment  
18 arrangements may include provisions for compensation,  
19 health insurance, pension, or other employment benefits  
20 for the provision of services within the scope of the  
21 licensee's practice under this Act. Nothing in this  
22 paragraph (L) shall be construed to require an employment  
23 arrangement to receive professional fees for services  
24 rendered;

25 M. A finding by the Board that the licensee after  
26 having his or her license placed on probationary status

1 has violated the terms of probation;

2 N. Abandonment of a patient;

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

6 P. Willfully failing to report an instance of  
7 suspected elder abuse or neglect as required by the Elder  
8 Abuse Reporting Act;

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

13 R. The use of any words (such as physical therapy,  
14 physical therapist physiotherapy or physiotherapist),  
15 abbreviations, figures or letters with the intention of  
16 indicating practice as a licensed physical therapist  
17 without a valid license as a physical therapist issued  
18 under this Act;

19 S. The use of the term physical therapist assistant,  
20 or abbreviations, figures, or letters with the intention  
21 of indicating practice as a physical therapist assistant  
22 without a valid license as a physical therapist assistant  
23 issued under this Act;

24 T. Willfully violating or knowingly assisting in the  
25 violation of any law of this State relating to the  
26 practice of abortion;

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

3 V. Having treated ailments of human beings otherwise  
4 than by the practice of physical therapy as defined in  
5 this Act, or having treated ailments of human beings as a  
6 licensed physical therapist in violation of Section 1.2;

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

14 X. Interpretation of referrals, performance of  
15 evaluation procedures, planning or making major  
16 modifications of patient programs by a physical therapist  
17 assistant;

18 Y. Failure by a physical therapist assistant and  
19 supervising physical therapist to maintain continued  
20 contact, including periodic personal supervision and  
21 instruction, to insure safety and welfare of patients;

22 Z. Violation of the Health Care Worker Self-Referral  
23 Act.

24 (1.5) Notwithstanding anything in this Act to the  
25 contrary, a finding of guilt by a judge or jury, a guilty plea,  
26 or plea of no contest entered after the effective date of this

1 amendatory Act of the 103rd General Assembly of any of the  
2 offenses listed in subsection (a) or (a-1) of Section 25 of the  
3 Health Care Worker Background Check Act, except for Section  
4 16-25 of the Criminal Code of 2012, is a disqualifying  
5 offense, and the individual's license shall be automatically  
6 revoked when the Department is notified that the individual  
7 has been found guilty or has pled guilty or no contest. The  
8 individual may appeal the revocation to the Department only  
9 upon the reversal of the criminal conviction.

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

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

1 Section 55. The Physician Assistant Practice Act of 1987  
2 is amended by changing Section 21 and by adding Section 9.9 as  
3 follows:

4 (225 ILCS 95/9.9 new)

5 Sec. 9.9. 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 95/21) (from Ch. 111, par. 4621)

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

13 Sec. 21. Grounds for disciplinary action.

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

21 (1) Material misstatement in furnishing information to  
22 the Department.

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

1 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;  
8 or (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.

13 (5) Professional incompetence.

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

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

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

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

25 (10) Discipline by another U.S. jurisdiction or  
26 foreign nation, if at least one of the grounds for



1 discipline is the same or substantially equivalent to  
2 those set forth in this Section.

3 (11) Directly or indirectly giving to or receiving  
4 from any person, firm, corporation, partnership, or  
5 association any fee, commission, rebate or other form of  
6 compensation for any professional services not actually or  
7 personally rendered. Nothing in this paragraph (11)  
8 affects any bona fide independent contractor or employment  
9 arrangements, which may include provisions for  
10 compensation, health insurance, pension, or other  
11 employment benefits, with persons or entities authorized  
12 under this Act for the provision of services within the  
13 scope of the licensee's practice under this Act.

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

17 (13) Abandonment of a patient.

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

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

24 (16) Physical illness, or mental illness or impairment  
25 that results in the inability to practice the profession  
26 with reasonable judgment, skill, or safety, including, but

1 not limited to, deterioration through the aging process or  
2 loss of motor skill.

3 (17) 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 (18) (Blank).

11 (19) Gross negligence resulting in permanent injury or  
12 death of a patient.

13 (20) Employment of fraud, deception or any unlawful  
14 means in applying for or securing a license as a physician  
15 assistant.

16 (21) Exceeding the authority delegated to him or her  
17 by his or her collaborating physician in a written  
18 collaborative agreement.

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

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

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

26 (25) Making a false or misleading statement regarding

1 his or her skill or the efficacy or value of the medicine,  
2 treatment, or remedy prescribed by him or her in the  
3 course of treatment.

4 (26) Allowing another person to use his or her license  
5 to practice.

6 (27) Prescribing, selling, administering,  
7 distributing, giving, or self-administering a drug  
8 classified as a controlled substance for other than  
9 medically accepted therapeutic purposes.

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

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

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

19 (31) Exceeding the prescriptive authority delegated by  
20 the collaborating physician or violating the written  
21 collaborative agreement delegating that authority.

22 (32) Practicing without providing to the Department a  
23 notice of collaboration or delegation of prescriptive  
24 authority.

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

1           (34) Attempting to subvert or cheat on the examination  
2           of the National Commission on Certification of Physician  
3           Assistants or its successor agency.

4           (35) Willfully or negligently violating the  
5           confidentiality between physician assistant and patient,  
6           except as required by law.

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

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

17          (38) Failure to report to the Department an adverse  
18          final action taken against him or her by another licensing  
19          jurisdiction of the United States or a foreign state or  
20          country, a peer review body, a health care institution, a  
21          professional society or association, a governmental  
22          agency, a law enforcement agency, or a court acts or  
23          conduct similar to acts or conduct that would constitute  
24          grounds for action under this Section.

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

1 (40) Entering into an excessive number of written  
2 collaborative agreements with licensed physicians  
3 resulting in an inability to adequately collaborate.

4 (41) Repeated failure to adequately collaborate with a  
5 collaborating physician.

6 (42) Violating the Compassionate Use of Medical  
7 Cannabis Program Act.

8 (a-5) Notwithstanding anything in this Act to the  
9 contrary, a finding of guilt by a judge or jury, a guilty plea,  
10 or plea of no contest entered after the effective date of this  
11 amendatory Act of the 103rd General Assembly of any of the  
12 offenses listed in subsection (a) or (a-1) of Section 25 of the  
13 Health Care Worker Background Check Act, except for Section  
14 16-25 of the Criminal Code of 2012, is a disqualifying  
15 offense, and the individual's license shall be automatically  
16 revoked when the Department is notified that the individual  
17 has been found guilty or has pled guilty or no contest. The  
18 individual may appeal the revocation to the Department only  
19 upon the reversal of the criminal conviction.

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

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

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

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

4           (b-20) 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; however, 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 licensee  
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 a finding by a court that the patient is no  
23          longer subject to involuntary admission or judicial admission  
24          and issues an order so finding and discharging the patient,  
25          and upon the recommendation of the Board to the Secretary that  
26          the licensee be allowed to resume his or her practice.

1           (d) In enforcing this Section, the Department upon a  
2 showing of a possible violation may compel an individual  
3 licensed to practice under this Act, or who has applied for  
4 licensure under this Act, to submit to a mental or physical  
5 examination, or both, which may include a substance abuse or  
6 sexual offender evaluation, as required by and at the expense  
7 of the Department.

8           The Department shall specifically designate the examining  
9 physician licensed to practice medicine in all of its branches  
10 or, if applicable, the multidisciplinary team involved in  
11 providing the mental or physical examination or both. The  
12 multidisciplinary team shall be led by a physician licensed to  
13 practice medicine in all of its branches and may consist of one  
14 or more or a combination of physicians licensed to practice  
15 medicine in all of its branches, licensed clinical  
16 psychologists, licensed clinical social workers, licensed  
17 clinical professional counselors, and other professional and  
18 administrative staff. Any examining physician or member of the  
19 multidisciplinary team may require any person ordered to  
20 submit to an examination pursuant to this Section to submit to  
21 any additional supplemental testing deemed necessary to  
22 complete any examination or evaluation process, including, but  
23 not limited to, blood testing, urinalysis, psychological  
24 testing, or neuropsychological testing.

25           The Department may order the examining physician or any  
26 member of the multidisciplinary team to provide to the



1 Department any and all records, including business records,  
2 that relate to the examination and evaluation, including any  
3 supplemental testing performed.

4 The Department may order the examining physician or any  
5 member of the multidisciplinary team to present testimony  
6 concerning the mental or physical examination of the licensee  
7 or applicant. No information, report, record, or other  
8 documents in any way related to the examination shall be  
9 excluded by reason of any common law or statutory privilege  
10 relating to communications between the licensee or applicant  
11 and the examining physician or any member of the  
12 multidisciplinary team. No authorization is necessary from the  
13 licensee or applicant ordered to undergo an examination for  
14 the examining physician or any member of the multidisciplinary  
15 team to provide information, reports, records, or other  
16 documents or to provide any testimony regarding the  
17 examination and evaluation.

18 The individual to be examined may have, at his or her own  
19 expense, another physician of his or her choice present during  
20 all aspects of this examination. However, that physician shall  
21 be present only to observe and may not interfere in any way  
22 with the examination.

23 Failure of an individual to submit to a mental or physical  
24 examination, when ordered, shall result in an automatic  
25 suspension of his or her license until the individual submits  
26 to the examination.

1           If the Department finds an individual unable to practice  
2 because of the reasons set forth in this Section, the  
3 Department may require that individual to submit to care,  
4 counseling, or treatment by physicians approved or designated  
5 by the Department, as a condition, term, or restriction for  
6 continued, reinstated, or renewed licensure to practice; or,  
7 in lieu of care, counseling, or treatment, the Department may  
8 file a complaint to immediately suspend, revoke, or otherwise  
9 discipline the license of the individual. An individual whose  
10 license was granted, continued, reinstated, renewed,  
11 disciplined, or supervised subject to such terms, conditions,  
12 or restrictions, and who fails to comply with such terms,  
13 conditions, or restrictions, shall be referred to the  
14 Secretary for a determination as to whether the individual  
15 shall have his or her license suspended immediately, pending a  
16 hearing by the Department.

17           In instances in which the Secretary immediately suspends a  
18 person's license under this Section, a hearing on that  
19 person's license must be convened by the Department within 30  
20 days after the suspension and completed without appreciable  
21 delay. The Department shall have the authority to review the  
22 subject individual's record of treatment and counseling  
23 regarding the impairment to the extent permitted by applicable  
24 federal statutes and regulations safeguarding the  
25 confidentiality of medical records.

26           An individual licensed under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate  
2 to the Department that he or she can resume practice in  
3 compliance with acceptable and prevailing standards under the  
4 provisions of his or her license.

5 (e) An individual or organization acting in good faith,  
6 and not in a willful and wanton manner, in complying with this  
7 Section by providing a report or other information to the  
8 Board, by assisting in the investigation or preparation of a  
9 report or information, by participating in proceedings of the  
10 Board, or by serving as a member of the Board, shall not be  
11 subject to criminal prosecution or civil damages as a result  
12 of such actions.

13 (f) Members of the Board shall be indemnified by the State  
14 for any actions occurring within the scope of services on the  
15 Board, done in good faith and not willful and wanton in nature.  
16 The Attorney General shall defend all such actions unless he  
17 or she determines either that there would be a conflict of  
18 interest in such representation or that the actions complained  
19 of were not in good faith or were willful and wanton.

20 If the Attorney General declines representation, the  
21 member has the right to employ counsel of his or her choice,  
22 whose fees shall be provided by the State, after approval by  
23 the Attorney General, unless there is a determination by a  
24 court that the member's actions were not in good faith or were  
25 willful and wanton.

26 The member must notify the Attorney General within 7 days

1 after receipt of notice of the initiation of any action  
2 involving services of the Board. Failure to so notify the  
3 Attorney General constitutes an absolute waiver of the right  
4 to a defense and indemnification.

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

8 (g) The Department may adopt rules to implement the  
9 changes made by this amendatory Act of the 102nd General  
10 Assembly.

11 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;  
12 102-1117, eff. 1-13-23.)

13 Section 60. The Podiatric Medical Practice Act of 1987 is  
14 amended by changing Section 24 and by adding Section 13.5 as  
15 follows:

16 (225 ILCS 100/13.5 new)

17 Sec. 13.5. Criminal history. Any Department process under  
18 statute or rule used to verify the criminal history of an  
19 applicant for licensure under this Act shall be used for all  
20 applicants for licensure, applicants for renewal of a license,  
21 or persons whose conviction of a crime or other behavior  
22 warrants review of a license under this Act.

23 (225 ILCS 100/24) (from Ch. 111, par. 4824)

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

2 Sec. 24. Grounds for disciplinary action. The Department  
3 may refuse to issue, may refuse to renew, may refuse to  
4 restore, may suspend, or may revoke any license, or may place  
5 on probation, reprimand or take other disciplinary or  
6 non-disciplinary action as the Department may deem proper,  
7 including fines not to exceed \$10,000 for each violation upon  
8 anyone licensed under this Act for any of the following  
9 reasons:

10 (1) Making a material misstatement in furnishing  
11 information to the Department.

12 (2) Violations of this Act, or of the rules adopted  
13 under this Act.

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

23 (4) Making any misrepresentation for the purpose of  
24 obtaining licenses, or violating any provision of this Act  
25 or the rules promulgated thereunder pertaining to  
26 advertising.

- 1 (5) Professional incompetence.
- 2 (6) Gross or repeated malpractice or negligence.
- 3 (7) Aiding or assisting another person in violating  
4 any provision of this Act or rules.
- 5 (8) Failing, within 30 days, to provide information in  
6 response to a written request made by the Department.
- 7 (9) Engaging in dishonorable, unethical or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud or harm the public.
- 10 (10) Habitual or excessive use of alcohol, narcotics,  
11 stimulants or other chemical agent or drug that results in  
12 the inability to practice podiatric medicine with  
13 reasonable judgment, skill or safety.
- 14 (11) Discipline by another United States jurisdiction  
15 if at least one of the grounds for the discipline is the  
16 same or substantially equivalent to those set forth in  
17 this Section.
- 18 (12) Violation of the prohibition against fee  
19 splitting in Section 24.2 of this Act.
- 20 (13) A finding by the Board that the licensee, after  
21 having his or her license placed on probationary status,  
22 has violated the terms of probation.
- 23 (14) Abandonment of a patient.
- 24 (15) Willfully making or filing false records or  
25 reports in his or her practice, including but not limited  
26 to false records filed with state agencies or departments.

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

4           (17) Physical illness, mental illness, or other  
5           impairment, including, but not limited to, deterioration  
6           through the aging process, or loss of motor skill that  
7           results in the inability to practice the profession with  
8           reasonable judgment, skill or safety.

9           (18) Solicitation of professional services other than  
10          permitted advertising.

11          (19) The determination by a circuit court that a  
12          licensed podiatric physician is subject to involuntary  
13          admission or judicial admission as provided in the Mental  
14          Health and Developmental Disabilities Code operates as an  
15          automatic suspension. Such suspension will end only upon a  
16          finding by a court that the patient is no longer subject to  
17          involuntary admission or judicial admission and issues an  
18          order so finding and discharging the patient; and upon the  
19          recommendation of the Board to the Secretary that the  
20          licensee be allowed to resume his or her practice.

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

24          (21) Revocation or suspension or other action taken  
25          with respect to a podiatric medical license in another  
26          jurisdiction that would constitute disciplinary action

1 under this Act.

2 (22) Promotion of the sale of drugs, devices,  
3 appliances or goods provided for a patient in such manner  
4 as to exploit the patient for financial gain of the  
5 podiatric physician.

6 (23) Gross, willful, and continued overcharging for  
7 professional services including filing false statements  
8 for collection of fees for those services, including, but  
9 not limited to, filing false statement for collection of  
10 monies for services not rendered from the medical  
11 assistance program of the Department of Healthcare and  
12 Family Services (formerly Department of Public Aid) under  
13 the Illinois Public Aid Code or other private or public  
14 third party payor.

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

22 (25) Willfully making or filing false records or  
23 reports in the practice of podiatric medicine, including,  
24 but not limited to, false records to support claims  
25 against the medical assistance program of the Department  
26 of Healthcare and Family Services (formerly Department of



1 Public Aid) under the Illinois Public Aid Code.

2 (26) (Blank).

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

6 (28) Violation of the Health Care Worker Self-Referral  
7 Act.

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

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

21 (31) Being named as a perpetrator in an indicated  
22 report by the Department on Aging under the Adult  
23 Protective Services Act, and upon proof by clear and  
24 convincing evidence that the licensee has caused an  
25 eligible adult to be abused, neglected, or financially  
26 exploited as defined in the Adult Protective Services Act.

1        Notwithstanding anything in this Act to the contrary, a  
2        finding of guilt by a judge or jury, a guilty plea, or plea of  
3        no contest entered after the effective date of this amendatory  
4        Act of the 103rd General Assembly of any of the offenses listed  
5        in subsection (a) or (a-1) of Section 25 of the Health Care  
6        Worker Background Check Act, except for Section 16-25 of the  
7        Criminal Code of 2012, is a disqualifying offense, and the  
8        individual's license shall be automatically revoked when the  
9        Department is notified that the individual has been found  
10       guilty or has pled guilty or no contest. The individual may  
11       appeal the revocation to the Department only upon the reversal  
12       of the criminal conviction.

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

20       Upon receipt of a written communication from the Secretary  
21       of Human Services, the Director of Healthcare and Family  
22       Services (formerly Director of Public Aid), or the Director of  
23       Public Health that continuation of practice of a person  
24       licensed under this Act constitutes an immediate danger to the  
25       public, the Secretary may immediately suspend the license of  
26       such person without a hearing. In instances in which the

1 Secretary immediately suspends a license under this Section, a  
2 hearing upon such person's license must be convened by the  
3 Board within 15 days after such suspension and completed  
4 without appreciable delay, such hearing held to determine  
5 whether to recommend to the Secretary that the person's  
6 license be revoked, suspended, placed on probationary status  
7 or restored, or such person be subject to other disciplinary  
8 action. In such hearing, the written communication and any  
9 other evidence submitted therewith may be introduced as  
10 evidence against such person; provided, however, the person or  
11 his counsel shall have the opportunity to discredit or impeach  
12 such evidence and submit evidence rebutting the same.

13 Except for fraud in procuring a license, all proceedings  
14 to suspend, revoke, place on probationary status, or take any  
15 other disciplinary action as the Department may deem proper,  
16 with regard to a license on any of the foregoing grounds, must  
17 be commenced within 5 years after receipt by the Department of  
18 a complaint alleging the commission of or notice of the  
19 conviction order for any of the acts described in this  
20 Section. Except for the grounds set forth in items (8), (9),  
21 (26), and (29) of this Section, no action shall be commenced  
22 more than 10 years after the date of the incident or act  
23 alleged to have been a violation of this Section. In the event  
24 of the settlement of any claim or cause of action in favor of  
25 the claimant or the reduction to final judgment of any civil  
26 action in favor of the plaintiff, such claim, cause of action,

1 or civil action being grounded on the allegation that a person  
2 licensed under this Act was negligent in providing care, the  
3 Department shall have an additional period of 2 years from the  
4 date of notification to the Department under Section 26 of  
5 this Act of such settlement or final judgment in which to  
6 investigate and commence formal disciplinary proceedings under  
7 Section 24 of this Act, except as otherwise provided by law.  
8 The time during which the holder of the license was outside the  
9 State of Illinois shall not be included within any period of  
10 time limiting the commencement of disciplinary action by the  
11 Department.

12 In enforcing this Section, the Department or Board upon a  
13 showing of a possible violation may compel an individual  
14 licensed to practice under this Act, or who has applied for  
15 licensure under this Act, to submit to a mental or physical  
16 examination, or both, as required by and at the expense of the  
17 Department. The Department or Board may order the examining  
18 physician to present testimony concerning the mental or  
19 physical examination of the licensee or applicant. No  
20 information shall be excluded by reason of any common law or  
21 statutory privilege relating to communications between the  
22 licensee or applicant and the examining physician. The  
23 examining physicians shall be specifically designated by the  
24 Board or Department. The individual to be examined may have,  
25 at his or her own expense, another physician of his or her  
26 choice present during all aspects of this examination. Failure

1 of an individual to submit to a mental or physical  
2 examination, when directed, shall be grounds for suspension of  
3 his or her license until the individual submits to the  
4 examination if the Department finds, after notice and hearing,  
5 that the refusal to submit to the examination was without  
6 reasonable cause.

7 If the Department or Board finds an individual unable to  
8 practice because of the reasons set forth in this Section, the  
9 Department or Board may require that individual to submit to  
10 care, counseling, or treatment by physicians approved or  
11 designated by the Department or Board, as a condition, term,  
12 or restriction for continued, restored, or renewed licensure  
13 to practice; or, in lieu of care, counseling, or treatment,  
14 the Department may file, or the Board may recommend to the  
15 Department to file, a complaint to immediately suspend,  
16 revoke, or otherwise discipline the license of the individual.  
17 An individual whose license was granted, continued, restored,  
18 renewed, disciplined or supervised subject to such terms,  
19 conditions, or restrictions, and who fails to comply with such  
20 terms, conditions, or restrictions, shall be referred to the  
21 Secretary for a determination as to whether the individual  
22 shall have his or her license suspended immediately, pending a  
23 hearing by the Department.

24 In instances in which the Secretary immediately suspends a  
25 person's license under this Section, a hearing on that  
26 person's license must be convened by the Department within 30

1 days after the suspension and completed without appreciable  
2 delay. The Department and Board shall have the authority to  
3 review the subject individual's record of treatment and  
4 counseling regarding the impairment to the extent permitted by  
5 applicable federal statutes and regulations safeguarding the  
6 confidentiality of medical records.

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

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

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

15 (225 ILCS 106/55.5 new)

16 Sec. 55.5. Criminal history. Any Department process under  
17 statute or rule used to verify the criminal history of an  
18 applicant for licensure under this Act shall be used for all  
19 applicants for licensure, applicants for renewal of a license,  
20 or persons whose conviction of a crime or other behavior  
21 warrants review of a license under this Act.

22 (225 ILCS 106/95)

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

1           Sec. 95. Grounds for discipline.

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

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

10                   (2) Violations of this Act, or any of the rules  
11                   adopted under this Act.

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

22                   (4) Making any misrepresentation for the purpose of  
23                   obtaining a license.

24                   (5) Professional incompetence or negligence in the  
25                   rendering of respiratory care services.

26                   (6) Malpractice.

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

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

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

8           (10) Violating the rules of professional conduct  
9 adopted by the Department.

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

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



1 fees for services rendered.

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

7 (14) Abandonment of a patient.

8 (15) Willfully filing false records or reports  
9 relating to a licensee's practice including, but not  
10 limited to, false records filed with a federal or State  
11 agency or department.

12 (16) 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 (17) Providing respiratory care, other than pursuant  
16 to an order.

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

22 (19) Solicitation of professional services by using  
23 false or misleading advertising.

24 (20) Failure to file a tax return, or to pay the tax,  
25 penalty, or interest shown in a filed return, or to pay any  
26 final assessment of tax penalty, or interest, as required

1 by any tax Act administered by the Illinois Department of  
2 Revenue or any successor agency or the Internal Revenue  
3 Service or any successor agency.

4 (21) Irregularities in billing a third party for  
5 services rendered or in reporting charges for services not  
6 rendered.

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

14 (23) Habitual or excessive use or addiction to  
15 alcohol, narcotics, stimulants, or any other chemical  
16 agent or drug that results in an inability to practice  
17 with reasonable skill, judgment, or safety.

18 (24) Being named as a perpetrator in an indicated  
19 report by the Department on Aging under the Adult  
20 Protective Services Act, and upon proof by clear and  
21 convincing evidence that the licensee has caused an adult  
22 with disabilities or an older adult to be abused or  
23 neglected as defined in the Adult Protective Services Act.

24 (25) Willfully failing to report an instance of  
25 suspected abuse, neglect, financial exploitation, or  
26 self-neglect of an adult with disabilities or an older

1 adult as required by the Adult Protective Services Act.

2 (26) Willful omission to file or record, or willfully  
3 impeding the filing or recording, or inducing another  
4 person to omit to file or record medical reports as  
5 required by law or willfully failing to report an instance  
6 of suspected child abuse or neglect as required by the  
7 Abused and Neglected Child Reporting Act.

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

10 (28) Willfully or negligently violating the  
11 confidentiality between licensee and patient, except as  
12 required by law.

13 (29) The use of any false, fraudulent, or deceptive  
14 statement in any document connected with the licensee's  
15 practice.

16 (a-5) Notwithstanding anything in this Act to the  
17 contrary, a finding of guilt by a judge or jury, a guilty plea,  
18 or plea of no contest entered after the effective date of this  
19 amendatory Act of the 103rd General Assembly of any of the  
20 offenses listed in subsection (a) or (a-1) of Section 25 of the  
21 Health Care Worker Background Check Act, except for Section  
22 16-25 of the Criminal Code of 2012, is a disqualifying  
23 offense, and the individual's license shall be automatically  
24 revoked when the Department is notified that the individual  
25 has been found guilty or has pled guilty or no contest. The  
26 individual may appeal the revocation to the Department only

1 upon the reversal of the criminal conviction.

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

12 All fines imposed under this Section shall be paid within  
13 60 days after the effective date of the order imposing the fine  
14 or in accordance with the terms set forth in the order imposing  
15 the fine.

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

17 Section 70. The Registered Surgical Assistant and  
18 Registered Surgical Technologist Title Protection Act is  
19 amended by changing Section 75 and by adding Section 60.5 as  
20 follows:

21 (225 ILCS 130/60.5 new)

22 Sec. 60.5. 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 130/75)

5 (Section scheduled to be repealed on January 1, 2029)

6 Sec. 75. Grounds for disciplinary action.

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

15 (1) Making a material misstatement in furnishing  
16 information to the Department.

17 (2) Violating a provision of this Act or rules adopted  
18 under this Act.

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

1 of which is dishonesty, or that is directly related to the  
2 practice of the profession.

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

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

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

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

14 (8) Discipline by another United States jurisdiction,  
15 governmental agency, unit of government, or foreign  
16 nation, if at least one of the grounds for discipline is  
17 the same or substantially equivalent to those set forth in  
18 this Section.

19 (9) Directly or indirectly giving to or receiving from  
20 a person, firm, corporation, partnership, or association a  
21 fee, commission, rebate, or other form of compensation for  
22 professional services not actually or personally rendered.  
23 Nothing in this paragraph (9) affects any bona fide  
24 independent contractor or employment arrangements among  
25 health care professionals, health facilities, health care  
26 providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include  
2 provisions for compensation, health insurance, pension, or  
3 other employment benefits for the provision of services  
4 within the scope of the registrant's practice under this  
5 Act. Nothing in this paragraph (9) shall be construed to  
6 require an employment arrangement to receive professional  
7 fees for services rendered.

8 (10) A finding by the Department that the registrant,  
9 after having the registration placed on probationary  
10 status, has violated the terms of probation.

11 (11) Willfully making or filing false records or  
12 reports in the practice, including, but not limited to,  
13 false records or reports filed with State agencies.

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

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

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

26 (15) (Blank).

1           (16) Failure to report to the Department (A) any  
2           adverse final action taken against the registrant by  
3           another registering or licensing jurisdiction, government  
4           agency, law enforcement agency, or any court or (B)  
5           liability for conduct that would constitute grounds for  
6           action as set forth in this Section.

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

11          (18) Physical or mental illness, including, but not  
12          limited to, deterioration through the aging process or  
13          loss of motor skills, which results in the inability to  
14          practice the profession for which the person is registered  
15          with reasonable judgment, skill, or safety.

16          (19) Gross malpractice.

17          (20) Immoral conduct in the commission of an act  
18          related to the registrant's practice, including, but not  
19          limited to, sexual abuse, sexual misconduct, or sexual  
20          exploitation.

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

23          (a-5) Notwithstanding anything in this Act to the  
24          contrary, a finding of guilt by a judge or jury, a guilty plea,  
25          or plea of no contest entered after the effective date of this  
26          amendatory Act of the 103rd General Assembly of any of the



1 offenses listed in subsection (a) or (a-1) of Section 25 of the  
2 Health Care Worker Background Check Act, except for Section  
3 16-25 of the Criminal Code of 2012, is a disqualifying  
4 offense, and the individual's license shall be automatically  
5 revoked when the Department is notified that the individual  
6 has been found guilty or has pled guilty or no contest. The  
7 individual may appeal the revocation to the Department only  
8 upon the reversal of the criminal conviction.

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

18 (b-1) The Department shall not revoke, suspend, summarily  
19 suspend, place on probation, reprimand, refuse to issue or  
20 renew, or take any other disciplinary or non-disciplinary  
21 action against the license issued under this Act to practice  
22 as a registered surgical assistant or registered surgical  
23 technologist based solely upon the registered surgical  
24 assistant or registered surgical technologist providing,  
25 authorizing, recommending, aiding, assisting, referring for,  
26 or otherwise participating in any health care service, so long

1 as the care was not unlawful under the laws of this State,  
2 regardless of whether the patient was a resident of this State  
3 or another state.

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

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

25 (b-4) An applicant seeking licensure, certification, or  
26 authorization pursuant to this Act 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 such  
7 action would have constituted professional misconduct in this  
8 State. Nothing in this Section shall be construed as  
9 prohibiting the Department from evaluating the conduct of such  
10 applicant and making a determination regarding the licensure,  
11 certification, or authorization to practice a profession under  
12 this Act.

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

22 (d) (Blank).

23 (e) In cases where the Department of Healthcare and Family  
24 Services has previously determined a registrant or a potential  
25 registrant is more than 30 days delinquent in the payment of  
26 child support and has subsequently certified the delinquency

1 to the Department, the Department may refuse to issue or renew  
2 or may revoke or suspend that person's registration or may  
3 take other disciplinary action against that person based  
4 solely upon the certification of delinquency made by the  
5 Department of Healthcare and Family Services in accordance  
6 with paragraph (5) of subsection (a) of Section 2105-15 of the  
7 Department of Professional Regulation Law of the Civil  
8 Administrative Code of Illinois.

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

1 multidisciplinary team may require any person ordered to  
2 submit to an examination and evaluation pursuant to this  
3 Section to submit to any additional supplemental testing  
4 deemed necessary to complete any examination or evaluation  
5 process, including, but not limited to, blood testing,  
6 urinalysis, psychological testing, or neuropsychological  
7 testing.

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

1 documents or to provide any testimony regarding the  
2 examination and evaluation. The individual to be examined may  
3 have, at the individual's own expense, another physician of  
4 the individual's choice present during all aspects of the  
5 examination.

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

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

25 Individuals registered under this Act and affected under  
26 this Section shall be afforded an opportunity to demonstrate

1 to the Department that they can resume practice in compliance  
2 with acceptable and prevailing standards under the provisions  
3 of their registration.

4 (g) All fines imposed under this Section shall be paid  
5 within 60 days after the effective date of the order imposing  
6 the fine or in accordance with the terms set forth in the order  
7 imposing the fine.

8 (f) The Department may adopt rules to implement the  
9 changes made by Public Act 102-1117 ~~this amendatory Act of the~~  
10 ~~102nd General Assembly.~~

11 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;  
12 revised 12-15-23.)

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

15 (725 ILCS 120/4) (from Ch. 38, par. 1404)

16 Sec. 4. Rights of crime victims.

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

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

22 (1.5) The right to notice and to a hearing before a  
23 court ruling on a request for access to any of the victim's  
24 records, information, or communications which are

1 privileged or confidential by law.

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

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

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

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

11 (6) The right to the timely disposition of the case  
12 following the arrest of the accused.

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

15 (7.5) The right to have the safety of the victim and  
16 the victim's family considered in determining whether to  
17 release the defendant and setting conditions of release  
18 after arrest and conviction.

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

24 (9) The right to have present at all court  
25 proceedings, including proceedings under the Juvenile  
26 Court Act of 1987, subject to the rules of evidence, an



1 advocate and other support person of the victim's choice.

2 (10) The right to restitution.

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

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

24 (b-5) Upon the request of the victim, the law enforcement  
25 agency having jurisdiction shall provide a free copy of the  
26 police report concerning the victim's incident, as soon as

1 practicable, but in no event later than 5 business days from  
2 the request.

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

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

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

16 Section 99. Effective date. This Act takes effect 6 months  
17 after becoming law.

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