SB2059 Enrolled

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by 5 changing Sections 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

Sec. 4.34. Acts and Section repealed on January 1, 2024.
The following Acts and Section of an Act are repealed on
January 1, 2024:

10 The Crematory Regulation Act.

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of 13 1984.

14 The Illinois Occupational Therapy Practice Act.

15 The Illinois Public Accounting Act.

16The Private Detective, Private Alarm, Private17Security, Fingerprint Vendor, and Locksmith Act of 2004.

The Registered Surgical Assistant and Registered
 Surgical Technologist Title Protection Act.

20 Section 2.5 of the Illinois Plumbing License Law.

21 The Veterinary Medicine and Surgery Practice Act of 22 2004.

23 (Source: P.A. 102-291, eff. 8-6-21.)

1	(5 ILCS 80/4.39)		
2	Sec. 4.39. Acts repealed on January 1, 2029 and December		
3	31, 2029.		
4	(a) The following Act is repealed on January 1, 2029:		
5	The Environmental Health Practitioner Licensing Act.		
6	The Veterinary Medicine and Surgery Practice Act of		
7	<u>2004.</u>		
8	(b) The following Act is repealed on December 31, 2029:		
9	The Structural Pest Control Act.		
10	(Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;		
11	101-81, eff. 7-12-19.)		
12	Section 10. The Veterinary Medicine and Surgery Practice		
13	Act of 2004 is amended by changing Sections 3, 4, 8, 10, 10.5,		
14	11, 12, 14.1, 25, 25.2, 25.6, 25.7, 25.9, 25.15, 25.17, and 27		
15	and by adding Sections 3.5 and 4.5 as follows:		
16	(225 ILCS 115/3) (from Ch. 111, par. 7003)		
17	(Section scheduled to be repealed on January 1, 2024)		
18	Sec. 3. Definitions. The following terms have the meanings		
19	indicated, unless the context requires otherwise:		
20	"Accredited college of veterinary medicine" means a		
21	veterinary college, school, or division of a university or		
22	college that offers the degree of Doctor of Veterinary		
23	Medicine or its equivalent and that is accredited by the		

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Council on Education of the American Veterinary Medical
 Association (AVMA).

3 "Address of record" means the designated address recorded 4 by the Department in the applicant's or licensee's application 5 file or license file as maintained by the Department's 6 licensure maintenance unit. It is the duty of the applicant or 7 licensee to inform the Department of any change of address, 8 and those changes must be made either through the Department's 9 website or by contacting the Department.

10 "Accredited program in veterinary technology" means any 11 post-secondary educational program that is accredited by the 12 AVMA's Committee on Veterinary Technician Education and 13 Activities or any veterinary technician program that is 14 recognized as its equivalent by the AVMA's Committee on 15 Veterinary Technician Education and Activities.

16 "Animal" means any animal, vertebrate or invertebrate,17 other than a human.

18 "Board" means the Veterinary Licensing and Disciplinary 19 Board.

20 "Certified veterinary technician" means a person who is 21 validly and currently licensed to practice veterinary 22 technology in this State.

"Client" means an entity, person, group, or corporation that has entered into an agreement with a veterinarian for the purposes of obtaining veterinary medical services.

26 "Complementary, alternative, and integrative therapies"

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means a heterogeneous group of diagnostic and therapeutic 1 2 philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or 3 whose theoretical basis and techniques may diverge from 4 5 veterinary medicine routinely taught in accredited veterinary medical colleges, or both. "Complementary, alternative, and 6 7 integrative therapies" include, but are not limited to, 8 veterinary acupuncture, acutherapy, and acupressure; 9 veterinary homeopathy; veterinary manual or manipulative 10 therapy or therapy based on techniques practiced in 11 osteopathy, chiropractic medicine, or physical medicine and 12 therapy; veterinary nutraceutical therapy; veterinary 13 phytotherapy; and other therapies as defined by rule.

"Consultation" means when a veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the veterinarian, would benefit a patient. Under any circumstance, the responsibility for the welfare of the patient remains with the veterinarian receiving consultation.

21 "Department" means the Department of Financial and 22 Professional Regulation.

23 "Direct supervision" means the supervising veterinarian is 24 readily available on the premises where the animal is being 25 treated.

26

"Email address of record" means the designated email

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1 <u>address recorded by the Department in the applicant's</u>
2 <u>application file or the licensee's license file, as maintained</u>
3 <u>by the Department's licensure maintenance unit.</u>

Immediate supervision" means the supervising veterinarian
is in the immediate area, within audible and visual range of
the animal patient and the person treating the patient.

"Impaired veterinarian" means a veterinarian who is unable 7 to practice veterinary medicine with reasonable skill and 8 9 safety because of a physical or mental disability as evidenced 10 by a written determination or written consent based on clinical evidence, including deterioration through the aging 11 12 process, loss of motor skills, or abuse of drugs or alcohol of 13 sufficient degree to diminish a person's ability to deliver 14 competent patient care.

15 "Indirect supervision" means the supervising veterinarian 16 need not be on the premises, but has given either written or 17 oral instructions for the treatment of the animal and is 18 available by telephone or other form of communication.

"Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this State.

22 "Patient" means an animal <u>or group of animals</u> that is
23 examined or treated by a veterinarian.

24 "Person" means an individual, firm, partnership (general, 25 limited, or limited liability), association, joint venture, 26 cooperative, corporation, limited liability company, or any SB2059 Enrolled - 6 - LRB103 28981 AMQ 55367 b

1 other group or combination acting in concert, whether or not 2 acting as a principal, partner, member, trustee, fiduciary, 3 receiver, or any other kind of legal or personal 4 representative, or as the successor in interest, assignee, 5 agent, factor, servant, employee, director, officer, or any 6 other representative of such person.

7 "Practice of veterinary medicine" means to diagnose, 8 prognose, treat, correct, change, alleviate, or prevent animal 9 disease, illness, pain, deformity, defect, injury, or other 10 physical, dental, or mental conditions by any method or mode<u>,</u> 11 <u>such as telemedicine,</u>; including the performance of one or 12 more of the following:

(1) Prescribing, dispensing, administering, applying,
or ordering the administration of any drug, medicine,
biologic, apparatus, anesthetic, or other therapeutic or
diagnostic substance, or medical or surgical technique.

17

(2) (Blank).

18 (3) Performing upon an animal a surgical or dental19 operation.

20 (3.5) Performing upon an animal complementary,
 21 alternative, or integrative therapy.

(4) Performing upon an animal any manual or mechanical
 procedure for reproductive management, including the
 diagnosis or treatment of pregnancy, sterility, or
 infertility.

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(4.5) The rendering of advice or recommendation by any

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1 means, including telephonic and other electronic 2 communications, with regard to the performing upon an 3 animal any manual or mechanical procedure for reproductive 4 management, including the diagnosis or treatment of 5 pregnancy, sterility, or infertility.

6

(5) Determining the health and fitness of an animal.

7 (6) Representing oneself, directly or indirectly, as
8 engaging in the practice of veterinary medicine.

9 (7) Using any word, letters, or title under such 10 circumstances as to induce the belief that the person 11 using them is qualified to engage in the practice of 12 veterinary medicine or any of its branches. Such use shall 13 be prima facie evidence of the intention to represent 14 oneself as engaging in the practice of veterinary 15 medicine.

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

"Supervising veterinarian" means a veterinarian 18 who 19 assumes responsibility for the professional care given to an 20 animal by a person working under his or her direction in either 21 an immediate, direct, or indirect supervision arrangement. The 22 supervising veterinarian must have examined the animal at such 23 time as acceptable veterinary medical practices requires, consistent with the particular delegated animal health care 24 25 task.

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"Therapeutic" means the treatment, control, and prevention

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1 of disease.

2 "Veterinarian" means a person who is validly and currently
3 licensed to practice veterinary medicine in this State.

4 "Veterinarian-client-patient relationship" means that all
5 of the following conditions have been met:

6 (1) The veterinarian has assumed the responsibility 7 for making clinical judgments regarding the health of an 8 animal and the need for medical treatment and the client, 9 owner, or other caretaker has agreed to follow the 10 instructions of the veterinarian;

(2) There is sufficient knowledge of an animal by the 11 12 veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This 13 14 means that the veterinarian has recently seen and is 15 personally acquainted with the keeping and care of the 16 animal by virtue of an in-person examination of the animal or by medically appropriate and timely visits to the 17 premises where the animal is kept, or the veterinarian has 18 19 access to the animal patient's records and has been 20 designated by the veterinarian with the prior relationship 21 to provide reasonable and appropriate medical care if the 22 veterinarian with the prior relationship he or she is 23 unavailable; and

(3) The practicing veterinarian is readily available
for follow-up in case of adverse reactions or failure of
the treatment regimen or, if unavailable, has designated

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another available veterinarian who has access to the
 animal patient's records to provide reasonable and
 appropriate medical care.

4 "Veterinarian-client-patient relationship" does not mean a
5 relationship solely based on telephonic or other electronic
6 communications.

7 "Veterinary medicine" means all branches and specialties8 included within the practice of veterinary medicine.

9 "Veterinary premises" means any premises or facility where 10 the practice of veterinary medicine occurs, including, but not 11 limited to, a mobile clinic, outpatient clinic, satellite 12 clinic, or veterinary hospital or clinic. "Veterinary 13 premises" does not mean the premises of a veterinary client, 14 research facility, a federal military base, or an accredited 15 college of veterinary medicine.

16 "Veterinary prescription drugs" means those drugs 17 restricted to use by or on the order of a licensed veterinarian 18 in accordance with Section 503(f) of the Federal Food, Drug, 19 and Cosmetic Act (21 U.S.C. 353).

20 "Veterinary specialist" means <u>a veterinarian: (1) who has</u>
21 <u>been awarded and maintains certification from a veterinary</u>
22 <u>specialty organization recognized by the American Board of</u>
23 <u>Veterinary Specialties; (2) who has been awarded and maintains</u>
24 <u>certification from a veterinary certifying organization whose</u>
25 <u>standards have been found by the Board to be equivalent to or</u>
26 <u>more stringent than those of American Board of Veterinary</u>

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Specialties-recognized veterinary specialty organizations; or
(3) who otherwise meets criteria that may be established by
the Board to support a claim to be a veterinary specialist that
a veterinarian is a diplomate within an AVMA-recognized
veterinary specialty organization.

6 "Veterinary technology" means the performance of services 7 within the field of veterinary medicine by a person who, for compensation or personal profit, is employed by a licensed 8 9 veterinarian to perform duties that require an understanding 10 of veterinary medicine necessary to carry out the orders of 11 the veterinarian. Those services, however, shall not include 12 diagnosing, prognosing, prescribing writing prescriptions, or 13 surgery.

14 (Source: P.A. 98-339, eff. 12-31-13.)

15 (225 ILCS 115/3.5 new)

Sec. 3.5. Address of record; email address of record. All applicants and licensees shall:

18 (1) provide a valid address and email address to the Department, which shall serve as the address of record and 19 email address of record, respectively, at the time of 20 21 application for licensure or renewal of a license; and 22 (2) inform the Department of any change of address of 23 record or email address of record within 14 days after 24 such change either through the Department's website or by contacting the Department's licensure maintenance unit. 25

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(225 ILCS 115/4) (from Ch. 111, par. 7004)

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

3 Sec. 4. Exemptions. Nothing in this Act shall apply to any4 of the following:

5 (1) Veterinarians employed by the federal or State 6 government while engaged in their official duties.

7 (2) Licensed veterinarians from other states who are
8 invited to Illinois for consultation by a veterinarian
9 licensed in Illinois.

10 (3) Veterinarians employed by colleges or universities
11 while engaged in the performance of their official duties,
12 or faculty engaged in animal husbandry or animal
13 management programs of colleges or universities.

14 (3.5) A veterinarian or veterinary technician from 15 another state or country who (A) is not licensed under 16 this Act; (B) is currently licensed as a veterinarian or veterinary technician in another state or country, or 17 18 otherwise exempt from licensure in the other state; (C) is 19 an invited quest of a professional veterinary association, veterinary training program, or continuing education 20 21 provider approved by the Department; and (D) engages in 22 professional education through lectures, clinics, or demonstrations. 23

24 (4) A veterinarian employed by an accredited college
 25 of veterinary medicine providing assistance requested by a

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veterinarian licensed in Illinois, acting with informed 1 2 consent from the client and acting under the direct or 3 indirect supervision and control of the licensed veterinarian. Providing assistance involves 4 hands-on 5 active participation in the treatment and care of the licensed veterinarian 6 patient. The shall maintain 7 responsibility for the veterinarian-client-patient 8 relationship.

9 (5) Veterinary students in an accredited college of 10 veterinary medicine, university, department of a 11 university, or other institution of veterinary medicine 12 and surgery engaged in duties assigned by their 13 instructors or working under the immediate or direct 14 supervision of a licensed veterinarian.

15 (5.5) Students of an accredited program in veterinary 16 technology performing veterinary technology duties or 17 actions assigned by instructors or working under the 18 immediate or direct supervision of a licensed 19 veterinarian.

20 (6) Any person engaged in bona fide scientific
 21 research which requires the use of animals.

(7) An owner of livestock and any of the owner's employees or the owner and employees of a service and care provider of livestock caring for and treating livestock belonging to the owner or under a provider's care, including but not limited to, the performance of husbandry SB2059 Enrolled - 13 - LRB103 28981 AMQ 55367 b

1 and livestock management practices such as dehorning, castration, emasculation, or docking of cattle, horses, 2 3 sheep, goats, and swine, artificial insemination, and drawing of semen. Nor shall this Act be construed to 4 5 prohibit any person from administering in a humane manner 6 medicinal or surgical treatment to any livestock in the care of such person. However, any such services shall 7 8 comply with the Humane Care for Animals Act.

9 (8) An owner of an animal, or an agent of the owner 10 acting with the owner's approval, in caring for, training, 11 or treating an animal belonging to the owner, so long as 12 that individual or agent does not represent himself or herself as a veterinarian or use any title associated with 13 14 practice of veterinary medicine or the surgery or 15 diagnose, prescribe drugs, or perform surgery. The agent 16 shall provide the owner with a written statement 17 summarizing the nature of the services provided and obtain a signed acknowledgment from the owner that they accept 18 19 the services provided. The services shall comply with the Humane Care for Animals Act. The provisions of this item 20 21 (8) do not apply to a person who is exempt under item (7).

(9) A member in good standing of another licensed or regulated profession within any state or a member of an organization or group approved by the Department by rule providing assistance that is requested in writing by a veterinarian licensed in this State acting within a SB2059 Enrolled - 14 - LRB103 28981 AMQ 55367 b

veterinarian-client-patient relationship 1 and with 2 informed consent from the client and the member is acting under the immediate, direct, or indirect supervision and 3 control of the licensed veterinarian. Providing assistance 4 5 involves hands-on active participation in the treatment 6 and care of the patient, as defined by rule. The licensed 7 veterinarian shall maintain responsibility for the 8 veterinarian-client-patient relationship, but shall be 9 immune from liability, except for willful and wanton 10 conduct, in any civil or criminal action if a member 11 providing assistance does not meet the requirements of 12 this item (9).

(10) A graduate of a non-accredited college of veterinary medicine who is in the process of obtaining a certificate of educational equivalence and is performing duties or actions assigned by instructors in an approved college of veterinary medicine.

veterinarian who is 18 (10.5)A enrolled in а 19 postgraduate instructional program in an accredited college of veterinary medicine performing duties or 20 21 actions assigned by instructors or working under the 22 immediate or direct supervision of a licensed veterinarian 23 or a faculty member of the College of Veterinary Medicine at the University of Illinois. 24

(11) A certified euthanasia technician who is
 authorized to perform euthanasia in the course and scope

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of his or her employment only as permitted by the Humane
 Euthanasia in Animal Shelters Act.

3 (12)А who, without expectation person of compensation, provides emergency veterinary care in an 4 5 emergency or disaster situation so long as the person he or she does not represent <u>oneself</u> himself or herself as a 6 veterinarian or use a title or degree pertaining to the 7 8 practice of veterinary medicine and surgery.

9 (13) Any certified veterinary technician or other 10 employee of a licensed veterinarian performing permitted 11 duties other than diagnosis, prognosis, <u>prescribing</u> 12 prescription, or surgery under the appropriate direction 13 and supervision of the veterinarian, who shall be 14 responsible for the performance of the employee.

(13.5) Any pharmacist licensed in the State, merchant, or manufacturer selling at <u>a</u> his or her regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases as permitted by law and provided that the services <u>provided</u> <u>he or she provides</u> do not include diagnosing, prognosing, prescribing writing prescriptions, or surgery.

(14) An approved humane investigator regulated under
the Humane Care for Animals Act or employee of a shelter
licensed under the Animal Welfare Act, working under the
indirect supervision of a licensed veterinarian.

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(15) An individual providing equine dentistry services

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requested by a veterinarian licensed to practice in this State, an owner, or an owner's agent. For the purposes of this item (15), "equine dentistry services" means floating teeth without the use of drugs or extraction.

5 (15.5) In the event of an emergency or disaster, a veterinarian or veterinary technician not licensed in this 6 7 State who (A) is responding to a request for assistance from the Illinois Department of Agriculture, the Illinois 8 9 Department of Public Health, the Illinois Emergency 10 Management Agency, or other State agency as determined by 11 the Department; (B) is licensed and in good standing in 12 another state; and (C) has been granted a temporary waiver 13 from licensure by the Department.

14 (16) Private treaty sale of animals unless otherwise15 provided by law.

16 (Source: P.A. 98-339, eff. 12-31-13.)

17 (225 ILCS 115/4.5 new)

18 Sec. 4.5. Telemedicine. Telemedicine occurs when either the animal who is receiving the care is located in the State 19 20 when receiving telemedicine treatment or the veterinarian 21 providing the care to the animal is located in the State when providing telemedicine treatment, pursuant to the provisions 22 23 of Section 5. Telemedicine may only be used when a 24 veterinarian has an established veterinarian-client-patient relationship. Telemedicine may be used in the following 25

1 circumstances:

2	(1) when a physical examination of the patient has		
3	been conducted within one year; and		
4	(2) if it is possible to make a diagnosis and create a		
5	treatment plan without a recent physical examination based		
6	on professional standards of care.		
7	<u>A veterinarian shall not substitute telehealth,</u>		
8	teleadvice, telemedicine, or teletriage when a physical		
9	examination is warranted or necessary for an accurate		
10	diagnosis of any medical condition or creation of an		
11	appropriate treatment plan. All minimum standards of practice		
12	and provisions under this Act and rules shall be maintained.		
13	A veterinarian shall ensure that any technology used in		
14	the provision of telemedicine is sufficient and of appropriate		
15	quality to provide accurate remote assessment and diagnosis. A		
16	veterinarian shall meet all recordkeeping requirements		
17	pursuant to subsection (c) of Section 25.17.		
18	A supervising veterinarian may delegate telemedicine		
19	services to a certified veterinary technician who is acting		
20	under direct or indirect supervision and in accordance with		
21	the Act and rules. A valid veterinarian-client-patient		
22	relationship established by a physical examination conducted		
23	by the supervising veterinarian must exist for the certified		
24	veterinary technician to provide delegated telemedicine		
25	services.		
26	A veterinarian and a certified veterinary technician		

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providing telemedicine services shall, at the time of service,
provide the veterinarian or certified veterinary technician's
contact information, including the veterinarian or certified
veterinary technician's full name, to the client or practice
using the service. All telemedicine records shall be provided
to the client upon request.

7 (225 ILCS 115/8) (from Ch. 111, par. 7008)

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

9 Sec. 8. Qualifications. A person is qualified to receive a 10 license if <u>the applicant</u> he or she: (1) is of good moral 11 character; (2) has graduated from an accredited college or 12 school of veterinary medicine; and (3) has passed the 13 examination authorized by the Department to determine fitness 14 to hold a license.

15 Applicants for licensure from non-accredited veterinary 16 schools are required to successfully complete a program of 17 educational equivalency as established by rule. At a minimum, 18 this program shall include all of the following:

(1) A certified transcript indicating graduation from
 such college.

(2) Successful completion of a communication ability
 examination designed to assess communication skills,
 including a command of the English language.

24 (3) Successful completion of an examination or
 25 assessment mechanism designed to evaluate educational

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equivalence, including both preclinical and clinical
 competencies.

3 (4) Any other reasonable assessment mechanism designed 4 to ensure an applicant possesses the educational 5 background necessary to protect the public health and 6 safety.

Successful completion of the criteria set forth in this Section shall establish education equivalence as one of the criteria for licensure set forth in this Act. Applicants under this Section must also meet all other statutory criteria for licensure prior to the issuance of any such license, including graduation from veterinary school.

13 A graduate of a non-approved veterinary school who was 14 issued a work permit by the Department before the effective 15 date of this amendatory Act of the 93rd General Assembly may 16 continue to work under the direct supervision of a licensed 17 veterinarian until the expiration of his or her permit.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to obtaining a license. The Department may also request the applicant to submit and may consider as evidence of moral character, endorsements from 2 individuals licensed under this Act.

25 (Source: P.A. 93-281, eff. 12-31-03.)

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1 (225 ILCS 115/10) (from Ch. 111, par. 7010)

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

3 Sec. 10. Application for licensure. A person who desires 4 to obtain a license as a veterinarian or a certificate as a 5 veterinary technician shall apply to the Department on forms 6 provided by the Department. Each application shall be 7 accompanied by proof of qualifications and shall be verified 8 by the applicant under oath and be accompanied by the required 9 fee.

10 If an applicant neglects, fails, or refuses to take an 11 examination or fails to pass an examination for a license or 12 otherwise fails to complete the application process under this 13 Act within 3 years after filing the applicant's application, 14 the application shall be denied. However, such applicant may make a new application for examination accompanied by the 15 16 required fee and must furnish proof of meeting qualifications 17 for examination in effect at the time of new application.

18 (Source: P.A. 88-424.)

19 (225 ILCS 115/10.5)

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

Sec. 10.5. Social Security Number <u>or federal individual</u> <u>taxpayer identification number</u> on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security SB2059 Enrolled - 21 - LRB103 28981 AMQ 55367 b

Number <u>or federal individual taxpayer identification number</u>, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall
require the applicant's customer identification number.
(Source: P.A. 97-400, eff. 1-1-12.)

9 (225 ILCS 115/11) (from Ch. 111, par. 7011)

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

11 Sec. 11. Practice pending licensure. A person holding the 12 degree of Doctor of Veterinary Medicine, or its equivalent, from an accredited college of veterinary medicine, and who has 13 14 applied in writing to the Department for a license to practice 15 veterinary medicine and surgery in any of its branches, and 16 who has fulfilled the requirements of Section 8 of this Act, with the exception of receipt of notification of his or her 17 examination results, may practice under the direct supervision 18 19 of a veterinarian who is licensed in this State, until: (1) the applicant has been notified of his or her failure to pass the 20 21 examination authorized by the Department; (2) the applicant 22 has withdrawn his or her application; (3) the applicant has received a license from the Department after successfully 23 24 passing the examination authorized by the Department; or (4) 25 the applicant has been notified by the Department to cease and

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1 desist from practicing.

The applicant shall perform only those acts that may be prescribed by and incidental to his or her employment and those acts shall be performed under the direction of a supervising veterinarian who is licensed in this State. The applicant shall not be entitled to otherwise engage in the practice of veterinary medicine until fully licensed in this State.

9 The Department shall immediately notify, by certified 10 mail, the supervising veterinarian employing the applicant and 11 the applicant that the applicant shall immediately cease and 12 desist from practicing if the applicant (1) practices outside 13 his or her employment under a licensed veterinarian; (2) 14 violates any provision of this Act; or (3) becomes ineligible 15 for licensure under this Act.

16 (Source: P.A. 96-571, eff. 8-18-09; 96-638, eff. 8-24-09; 17 96-1000, eff. 7-2-10.)

18 (225 ILCS 115/12) (from Ch. 111, par. 7012)

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

20 Sec. 12. Renewal and inactive status; restoration; 21 military service.

(a) The expiration date and renewal period for eachlicense or certificate shall be set by rule.

(b) A licensee who has permitted his or her license to
 expire or who has had his or her license on inactive status may

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have the license restored by making application to 1 the Department by filing proof acceptable to the Department of his 2 or her fitness to have the license restored and by paying the 3 required fees. Proof of fitness may include sworn evidence 4 5 certifying to active lawful practice in another jurisdiction. If the licensee has not maintained an active practice in 6 7 another jurisdiction satisfactory to the Department, the 8 shall determine, by an evaluation Department program 9 established by rule, his or her fitness for restoration of the 10 license and shall establish procedures and requirements for 11 restoration.

12 (c) A licensee whose license expired while the licensee he or she was (1) in federal service on active duty with the Armed 13 Forces of the United States or the State Militia called into 14 15 service or training or (2) in training or education under the 16 supervision of the United States before induction into the 17 military service, may have the license restored without paying any lapsed renewal fees if within 2 years after honorable 18 termination of the service, training, or education the 19 20 licensee he or she furnishes the Department with satisfactory 21 evidence to the effect that the licensee he or she has been so 22 engaged and that the licensee's his or her service, training, 23 or education has been so terminated.

(d) Any licensee who notifies the Department in writing on
 the prescribed form may place <u>the licensee'shis or her</u> license
 or certification on an inactive status and shall, subject to

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rule, be exempt from payment of the renewal fee until <u>the</u>
 <u>licensee</u> he or she notifies the Department in writing of <u>the</u>
 <u>licensee's</u> his or her intention to resume active status.

4 (e) Any veterinarian or certified veterinary technician
5 requesting restoration from inactive or expired status shall
6 be required to complete the continuing education requirements
7 for a single license or certificate renewal period, pursuant
8 to rule, and pay the current renewal fee to restore the renewal
9 <u>applicant's his or her</u> license or certification as provided in
10 this Act.

(f) Any licensee whose license is in inactive, expired, or suspended status shall not practice veterinary medicine and surgery in this State.

14 (Source: P.A. 98-339, eff. 12-31-13.)

15 (225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

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

Sec. 14.1. Returned checks; fines. Any person who delivers 17 18 a check or other payment to the Department that is returned to 19 the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the 20 21 amount already owed to the Department, a fine of \$50. The fines 22 imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or 23 24 practice on a nonrenewed license or certificate. The 25 Department shall notify the person that payment of fees and SB2059 Enrolled - 25 - LRB103 28981 AMQ 55367 b

fines shall be paid to the Department by certified check or 1 2 money order within 30 calendar days of the notification. If, 3 after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary 4 5 remittance, the Department shall automatically terminate the 6 license or certificate or deny the application, without 7 hearing. If, after termination or denial, the person seeks a 8 license or certificate, the person he or she shall apply to the 9 Department for restoration or issuance of the license or 10 certificate and pay all fees and fines due to the Department. 11 The Department may establish a fee for the processing of an 12 application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may 13 waive the fines due under this Section in individual cases 14 15 where the Secretary finds that the fines would be unreasonable 16 or unnecessarily burdensome.

17 (Source: P.A. 96-1322, eff. 7-27-10.)

18 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

20 Sec. 25. Disciplinary actions.

1. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed \$10,000 for each violation and the assessment of costs as SB2059 Enrolled - 26 - LRB103 28981 AMQ 55367 b

provided for in Section 25.3 of this Act, with regard to any license or certificate for any one or combination of the following:

A. Material misstatement in furnishing information to
the Department.

6 B. Violations of this Act, or of the rules adopted 7 pursuant to this Act.

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

D. Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

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E. Professional incompetence.

21 F. Malpractice.

G. Aiding or assisting another person in violating anyprovision of this Act or rules.

24 H. Failing, within 60 days, to provide information in 25 response to a written request made by the Department.

26 I. Engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive,
 defraud, or harm the public.

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

K. Discipline by another state, unit of government,
government agency, District of Columbia, territory, or
foreign nation, if at least one of the grounds for the
discipline is the same or substantially equivalent to
those set forth herein.

12 L. Charging for professional services not rendered, 13 including filing false statements for the collection of 14 fees for which services are not rendered.

15 M. A finding by the Board that the licensee or 16 certificate holder, after having his license or 17 certificate placed on probationary status, has violated 18 the terms of probation.

N. Willfully making or filing false records or reports
 in his practice, including but not limited to false
 records filed with State agencies or departments.

22 0. Physical illness, including but not limited to, 23 deterioration through the aging process, or loss of motor 24 skill which results in the inability to practice under 25 this Act with reasonable judgment, skill, or safety.

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P. Solicitation of professional services other than

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permitted advertising.

2 Q. Allowing one's license under this Act to be used by 3 an unlicensed person in violation of this Act.

R. Conviction of or cash compromise of a charge or violation of the Harrison Act or the Illinois Controlled Substances Act, regulating narcotics.

S. Fraud or dishonesty in applying, treating, or
 reporting on tuberculin or other biological tests.

- T. Failing to report, as required by law, or making false report of any contagious or infectious diseases.
- U. Fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals dead or alive; or dilatory methods, willful neglect, or misrepresentation in the inspection of milk, meat, poultry, and the by-products thereof.
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V. Conviction on a charge of cruelty to animals.

19 W. Failure to keep one's premises and all equipment20 therein in a clean and sanitary condition.

X. Failure to provide satisfactory proof of having
 participated in approved continuing education programs.

Y. Mental illness or disability that results in the
inability to practice under this Act with reasonable
judgment, skill, or safety.

Z. <u>(Blank).</u> Conviction by any court of competent

jurisdiction, either within or outside this State, of any violation of any law governing the practice of veterinary medicine, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

6 AA. Promotion of the sale of drugs, devices, 7 appliances, or goods provided for a patient in any manner exploit the client for financial gain of 8 the to 9 veterinarian.

10 BB. Gross, willful, or continued overcharging for 11 professional services.

12 CC. Practicing under a false or, except as provided by 13 law, an assumed name.

14 DD. Violating state or federal laws or regulations 15 relating to controlled substances or legend drugs.

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

FF. Using, prescribing, or selling a prescription drug 18 19 or the extra-label use of a prescription drug by any means in the absence of a valid veterinarian-client-patient 20 21 relationship.

22 GG. Failing to report a case of suspected aggravated 23 cruelty, torture, or animal fighting pursuant to Section 3.07 or 4.01 of the Humane Care for Animals Act or Section 24 25 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012. 26

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

5 2. The determination by a circuit court that a licensee or certificate holder is subject to involuntary admission or 6 7 judicial admission as provided in the Mental Health and 8 Developmental Disabilities Code operates as an automatic 9 suspension. The suspension will end only upon a finding by a 10 court that the patient is no longer subject to involuntary 11 admission or judicial admission and issues an order so finding 12 and discharging the patient. In any case where a license is 13 suspended under this provision, the licensee shall file a petition for restoration and shall include evidence acceptable 14 15 to the Department that the licensee can resume practice in 16 compliance with acceptable and prevailing standards of his or 17 her profession.

18 3. All proceedings to suspend, revoke, place on 19 probationary status, or take any other disciplinary action as 20 the Department may deem proper, with regard to a license or 21 certificate on any of the foregoing grounds, must be commenced 22 within 5 years after receipt by the Department of a complaint 23 alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for 24 25 proceedings brought for violations of items (CC), (DD), or 26 (EE), no action shall be commenced more than 5 years after the

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date of the incident or act alleged to have violated this 1 2 Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final 3 judgment of any civil action in favor of the plaintiff, the 4 5 claim, cause of action, or civil action being grounded on the allegation that a person licensed or certified under this Act 6 was negligent in providing care, the Department shall have an 7 8 additional period of one year from the date of the settlement 9 or final judgment in which to investigate and begin formal 10 disciplinary proceedings under Section 25.2 of this Act, 11 except as otherwise provided by law. The time during which the 12 holder of the license or certificate was outside the State of 13 Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the 14 15 Department.

16 4. The Department may refuse to issue or may suspend 17 without hearing, as provided for in the Illinois Code of Civil Procedure, the license of any person who fails to file a 18 19 return, to pay the tax, penalty, or interest shown in a filed 20 return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the 21 Illinois Department of Revenue, until such time as 22 the 23 requirements of any such tax Act are satisfied in accordance subsection (q) of Section 2105-15 of 24 with the Civil 25 Administrative Code of Illinois.

26 5. In enforcing this Section, the Department, upon a

showing of a possible violation, may compel any individual who 1 2 is registered under this Act or any individual who has applied for registration to submit to a mental or physical examination 3 or evaluation, or both, which may include a substance abuse or 4 5 sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining 6 7 physician licensed to practice medicine in all of its branches 8 or, if applicable, the multidisciplinary team involved in 9 providing the mental or physical examination and evaluation. 10 The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may 11 12 consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, 13 licensed chiropractic physicians, licensed clinical psychologists, 14 15 licensed clinical social workers, licensed clinical 16 professional counselors, and other professional and 17 administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to 18 submit to an examination and evaluation pursuant to this 19 20 Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation 21 22 process, including, but not limited to, blood testing, 23 urinalysis, psychological testing, or neuropsychological 24 testing.

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

Department any and all records, including business records, 1 2 that relate to the examination and evaluation, including any 3 supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary 4 5 team to present testimony concerning this examination and evaluation of the registrant or applicant, including testimony 6 7 concerning any supplemental testing or documents relating to the examination and evaluation. No 8 information, report, 9 record, or other documents in any way related to the 10 examination and evaluation shall be excluded by reason of any 11 common law or statutory privilege relating to communication 12 between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization 13 14 is necessary from the registrant or applicant ordered to 15 undergo an evaluation and examination for the examining 16 physician or any member of the multidisciplinary team to 17 provide information, reports, records, or other documents or to provide any testimony regarding the examination and 18 evaluation. The individual to be examined may have, at his or 19 her own expense, another physician of his or her choice 20 present during all aspects of the examination. 21

Failure of any individual to submit to mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing, until such time as the individual submits to the examination. If the Department finds a registrant unable to practice because of SB2059 Enrolled - 34 - LRB103 28981 AMQ 55367 b

the reasons set forth in this Section, the Department shall require such registrant to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed registration.

In instances in which the Secretary immediately suspends a 6 7 registration under this Section, a hearing upon such person's 8 registration must be convened by the Department within 15 days 9 after such suspension and completed without appreciable delay. 10 The Department shall have the authority to review the 11 registrant's record of treatment and counseling regarding the 12 impairment to the extent permitted by applicable federal 13 statutes and regulations safeguarding the confidentiality of 14 medical records.

15 Individuals registered under this Act who are affected 16 under this Section, shall be afforded an opportunity to 17 demonstrate to the Department that they can resume practice in 18 compliance with acceptable and prevailing standards under the 19 provisions of their registration.

20 6. (Blank).

7. In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take SB2059 Enrolled - 35 - LRB103 28981 AMQ 55367 b

1 other disciplinary action against that person based solely 2 upon the certification of delinquency made by the Department 3 of Healthcare and Family Services in accordance with paragraph 4 (5) of subsection (a) of Section 2105-15 of the Civil 5 Administrative Code of Illinois.

6 (Source: P.A. 99-78, eff. 7-20-15; 100-872, eff. 8-14-18.)

7 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

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

9 Sec. 25.2. Investigation; notice and hearing. The 10 Department may investigate the actions of any applicant or of 11 any person or persons holding or claiming to hold a license or 12 certificate. The Department shall, before refusing to issue, 13 to renew or discipline a license or certificate under Section 14 25, at least 30 days prior to the date set for the hearing, 15 notify the applicant or licensee in writing of the nature of 16 the charges and the time and place for a hearing on the shall 17 charges. The Department direct the applicant, 18 certificate holder, or licensee to file a written answer to the charges with the Board under oath within 20 days after the 19 service of the notice and inform the applicant, certificate 20 21 holder, or licensee that failure to file an answer will result 22 in default being taken against the applicant, certificate 23 holder, or licensee. At the time and place fixed in the notice, 24 the Department shall proceed to hear the charges and the 25 parties or their counsel shall be accorded ample opportunity SB2059 Enrolled - 36 - LRB103 28981 AMQ 55367 b

to present any pertinent statements, testimony, evidence, and 1 2 arguments. The Department may continue the hearing from time 3 to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of 4 5 the Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary 6 7 action considered proper, including limiting the scope, 8 nature, or extent of the person's practice or the imposition 9 of a fine, without a hearing, if the act or acts charged 10 constitute sufficient grounds for that action under the Act. 11 The written notice and any notice in the subsequent proceeding 12 may be served by registered or certified mail to the licensee's address of record or, if in the course of the 13 14 administrative proceeding the party has previously designated a specific email address at which to accept electronic service 15 16 for that specific proceeding, by sending a copy by email to the 17 party's email address on record.

18 (Source: P.A. 98-339, eff. 12-31-13.)

19 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

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

Sec. 25.6. Board report. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the SB2059 Enrolled - 37 - LRB103 28981 AMQ 55367 b

1 conditions required in this Act. The Board shall specify the 2 nature of the violation or failure to comply, and shall make 3 its recommendations to the Secretary.

The report of findings of fact, conclusions of law and 4 5 recommendation of the Board shall be the basis for the Secretary's Department's order for refusing to issue, restore, 6 7 or renew a license, or otherwise disciplining a licensee, or 8 for the granting of a license, certificate, or permit. If the 9 Secretary disagrees in any regard with the report of the 10 Board, then the Secretary may issue an order in contravention 11 thereof. The finding is not admissible in evidence against the 12 person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a 13 criminal prosecution brought for the violation of this Act. 14 (Source: P.A. 98-339, eff. 12-31-13.) 15

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(225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

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

Sec. 25.7. Motion for rehearing; procedure upon refusal to 18 license or issue certificate. In any hearing involving the 19 20 refusal to issue, renew, or discipline a license or 21 certificate, a copy of the Board's report shall be served upon 22 the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. 23 24 Within 20 days after service, the respondent may present to 25 the Secretary Department a motion in writing for a rehearing.

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The motion shall specify the particular grounds for the 1 2 rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a 3 motion for rehearing is denied, then upon the denial, then the 4 5 Secretary mav enter an order in accordance with 6 recommendations of the Board except as provided in Section 7 25.6 of this Act. If the respondent orders from the reporting 8 service, and pays for a transcript of the record within the 9 time for filing a motion for rehearing, the 20-day 20 day 10 period within which such a motion may be filed shall commence 11 upon the delivery of the transcript to the respondent.

12 (Source: P.A. 98-339, eff. 12-31-13.)

13 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

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

15 Sec. 25.9. Hearing officers; reports; review. The 16 Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve 17 as the hearing officer in any action for refusal to issue, 18 renew, or discipline of a license, certificate, or permit. The 19 20 hearing officer shall have full authority to conduct the 21 hearing. The hearing officer shall report his or her findings 22 of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of 23 24 the report to review the report of the hearing officer and present its findings of fact, conclusions of law, 25 and

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1 recommendations to the Secretary. If the Board fails to 2 present its report within the <u>60-day</u> 60 day period, then the 3 Secretary may issue an order based on the report of the hearing 4 officer. If the Secretary disagrees with the recommendation of 5 the Board or hearing officer, then the Secretary may issue an 6 order in contravention of the report.

7 (Source: P.A. 98-339, eff. 12-31-13.)

8 (225 ILCS 115/25.15) (from Ch. 111, par. 7025.15)

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

10 Sec. 25.15. Certification of record. The Department shall 11 not be required to certify any record to the Court or file any 12 answer in court or otherwise appear in any court in a judicial 13 review proceeding, unless and until the Department has 14 received from the plaintiff payment of the costs of furnishing 15 and certifying the record, which costs shall be determined by 16 the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in Court 17 shall be grounds for dismissal of the action. 18

19 (Source: P.A. 98-339, eff. 12-31-13.)

20 (225 ILCS 115/25.17)

9

(Section scheduled to be repealed on January 1, 2024)
Sec. 25.17. Disclosure of patient records; maintenance.
(a) No veterinarian shall be required to disclose any

24 information concerning the veterinarian's care of an animal

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except on written authorization or other waiver by the 1 2 veterinarian's client or on appropriate court order or 3 subpoena. Any veterinarian releasing information under written authorization, or other waiver by the client, or court order 4 5 of subpoena is not liable to the client or any other person. The privilege provided by this Section is waived to the extent 6 7 that the veterinarian's client or the owner of the animal places the care and treatment or the nature and extent of 8 9 injuries to the animal at issue in any civil or criminal 10 proceeding. When communicable disease laws, cruelty to animal 11 laws, or laws providing for public health and safety are 12 involved, the privilege provided by this Section is waived.

13 (b) Copies of patient records must be released to the14 client upon written request as provided for by rule.

(c) Each person who provides veterinary medical services shall maintain appropriate patient records as defined by rule. The patient records are the property of the practice and the practice owner. Patient records shall, if applicable, include the following:

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(1) patient identification;

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(2) client identification;

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(3) dated reason for visit and pertinent history;

23 (4) physical exam findings;

24 (5) diagnostic, medical, surgical or therapeutic
 25 procedures performed;

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(6) all medical treatment must include identification

- 1 of each medication given in the practice, together with 2 the date, dosage, and route of administration and 3 frequency and duration of treatment;
- 4 (7) all medicines dispensed or prescribed must be 5 recorded, including directions for use and quantity;
- 6 (8) any changes in medications or dosages, including 7 telephonically or electronically initiated changes, must 8 be recorded;
- 9 (9) if a necropsy is performed, then the record must 10 reflect the findings;
- (10) any written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports;
- 14 (11) other information received as the result of 15 consultation;
- 16 (12) identification of any designated agent of the
 17 client for the purpose of authorizing veterinary medical
 18 or animal health care decisions; and
- (13) any authorizations, releases, waivers, or other
 related documents.
- (d) Patient records must be maintained for a minimum of 5
 years from the date of the last known contact with <u>a</u> an animal
 patient.
- (e) Information and records related to patient care shall
 remain confidential except as provided in subsections (a) and
 (b) of this Section.

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1 (Source: P.A. 96-1322, eff. 7-27-10.)

2 (225 ILCS 115/27) (from Ch. 111, par. 7027) 3 (Section scheduled to be repealed on January 1, 2024) 4 Sec. 27. Administrative Procedure Act. The Illinois 5 Administrative Procedure Act is hereby expressly adopted and 6 incorporated into this Act as if all of the provisions of that 7 Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative 8 9 Procedure Act that provides that at hearings the licensee or 10 certificate holder has the right to show compliance with all 11 lawful requirements for retention, continuation, or renewal of 12 the license or certificate is specifically excluded. For the 13 purpose of this Act the notice required under Section 10-25 of 14 the Illinois Administrative Procedure Act is considered 15 sufficient when mailed to the last known address of record or 16 sent electronically to the last known email address of record. (Source: P.A. 98-339, eff. 12-31-13.) 17

18 (225 ILCS 115/23 rep.)

Section 15. The Veterinary Medicine and Surgery Practice
 Act of 2004 is amended by repealing Section 23.

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

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