

1 AMENDMENT TO SENATE BILL 385

2 AMENDMENT NO. _____. Amend Senate Bill 385, AS AMENDED,
3 with reference to page and line numbers of House Amendment
4 No. 1, on page 2, line 6, by replacing "and 15" with "11.1,
5 15, and 19"; and

6 on page 12, immediately below line 3, by inserting the
7 following:

8 "(225 ILCS 75/11.1)

9 (Section scheduled to be repealed on December 31, 2003)

10 Sec. 11.1. Continuing education requirement. All
11 renewal applicants shall provide proof of having met the
12 continuing competency requirements set forth in the rules of
13 the Department. ~~At--a--minimum,--the-rules-shall-require-a~~
14 ~~renewal-applicant-to-provide-proof-of-completing-at-least--12~~
15 ~~units--of--continuing-competency-activities-during-the-2-year~~
16 ~~licensing-cycle-for-which-he-or-she--is--currently--licensed.~~
17 The Department shall provide by rule for an orderly process
18 for the reinstatement of licenses that have not been renewed
19 for failure to meet the continuing competency requirements.
20 The continuing competency requirements may be waived in cases
21 of extreme hardship as defined by rule.

22 The Department shall establish by rule a means for

1 verifying the completion of the continuing competency
 2 required by this Section. This verification may be
 3 accomplished through audits of records maintained by
 4 licensees, by requiring the filing of continuing competency
 5 certificates with the Department, or by any other means
 6 established by the Department.

7 (Source: P.A. 92-297, eff. 1-1-02.)"; and

8 on page 12, immediately below line 20, by inserting the
 9 following:

10 "(225 ILCS 75/19) (from Ch. 111, par. 3719)

11 (Section scheduled to be repealed on December 31, 2003)

12 Sec. 19. (a) The Department may refuse to issue or
 13 renew, or may revoke, suspend, place on probation, reprimand
 14 or take other disciplinary action as the Department may deem
 15 proper, including fines not to exceed \$2,500 for each
 16 violation, with regard to any license for any one or
 17 combination of the following:

18 (1) Material misstatement in furnishing information
 19 to the Department;

20 (2) Wilfully violating this Act, or of the rules
 21 promulgated thereunder;

22 (3) Conviction of any crime under the laws of the
 23 United States or any state or territory thereof which is
 24 a felony or which is a misdemeanor, an essential element
 25 of which is dishonesty, or of any crime which is directly
 26 related to the practice of occupational therapy;

27 (4) Making any misrepresentation for the purpose of
 28 obtaining certification, or violating any provision of
 29 this Act or the rules promulgated thereunder pertaining
 30 to advertising;

31 (5) Having demonstrated unworthiness, or
 32 incompetency to act as an occupational therapist or
 33 occupational therapy assistant in such manner as to

1 safeguard the interest of the public;

2 (6) Wilfully aiding or assisting another person,
3 firm, partnership or corporation in violating any
4 provision of this Act or rules;

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

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

10 (9) Habitual intoxication or addiction to the use
11 of drugs;

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

16 (11) Directly or indirectly giving to or receiving
17 from any person, firm, corporation, partnership or
18 association any fee, commission, rebate or other form of
19 compensation for professional services not actually or
20 personally rendered;

21 (12) A finding by the Department that the license
22 holder, after having his license disciplined, has
23 violated the terms of the discipline;

24 (13) Wilfully making or filing false records or
25 reports in the practice of occupational therapy,
26 including but not limited to false records filed with the
27 State agencies or departments;

28 (14) Physical illness, including but not limited
29 to, deterioration through the aging process, or loss of
30 motor skill which results in the inability to practice
31 the profession with reasonable judgment, skill or safety;

32 (15) Solicitation of professional services other
33 than by permitted advertising;

34 (16) Wilfully exceeding the scope of practice

1 customarily undertaken by persons licensed under this
2 Act, which conduct results in, or may result in, harm to
3 the public;

4 (17) Holding one's self out to practice
5 occupational therapy under any name other than his own or
6 impersonation of any other occupational therapy licensee;

7 (18) Gross negligence;

8 (19) Malpractice;

9 (20) Obtaining a fee in money or gift in kind of
10 any other items of value or in the form of financial
11 profit or benefit as personal compensation, or as
12 compensation, or charge, profit or gain for an employer
13 or for any other person or persons, on the fraudulent
14 misrepresentation that a manifestly incurable condition
15 of sickness, disease or injury to any person can be
16 cured;

17 (21) Accepting commissions or rebates or other
18 forms of remuneration for referring persons to other
19 professionals;

20 (22) Failure to file a return, or to pay the tax,
21 penalty or interest shown in a filed return, or to pay
22 any final assessment of tax, penalty or interest, as
23 required by any tax Act administered by the Illinois
24 Department of Revenue, until such time as the
25 requirements of any such tax Act are satisfied;

26 (23) Violating the Health Care Worker Self-Referral
27 Act; and

28 (24) Having treated patients other than by the
29 practice of occupational therapy as defined in this Act,
30 or having treated patients as a licensed occupational
31 therapist independent of a referral from a physician,
32 dentist, podiatrist, or optometrist, or having failed to
33 notify the physician, dentist, podiatrist, or optometrist
34 who established a diagnosis that the patient is receiving

1 occupational therapy pursuant to that diagnosis.

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

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

20 (d) In enforcing this Section, the Board, upon a showing
21 of a possible violation, may compel a licensee or applicant
22 to submit to a mental or physical examination, or both, as
23 required by and at the expense of the Department. The
24 examining physicians or clinical psychologists shall be those
25 specifically designated by the Board. The Board or the
26 Department may order (i) the examining physician to present
27 testimony concerning the mental or physical examination of a
28 licensee or applicant or (ii) the examining clinical
29 psychologist to present testimony concerning the mental
30 examination of a licensee or applicant. No information shall
31 be excluded by reason of any common law or statutory
32 privilege relating to communications between a licensee or
33 applicant and the examining physician or clinical
34 psychologist. An individual to be examined may have, at his

1 or her own expense, another physician or clinical
2 psychologist of his or her choice present during all aspects
3 of the examination. Failure of an individual to submit to a
4 mental or physical examination, when directed, is grounds for
5 suspension of his or her license. The license must remain
6 suspended until the person submits to the examination or the
7 Board finds, after notice and hearing, that the refusal to
8 submit to the examination was with reasonable cause.

9 If the Board finds an individual unable to practice
10 because of the reasons set forth in this Section, the Board
11 must require the individual to submit to care, counseling, or
12 treatment by a physician or clinical psychologist approved by
13 the Board, as a condition, term, or restriction for
14 continued, reinstated, or renewed licensure to practice. In
15 lieu of care, counseling, or treatment, the Board may
16 recommend that the Department file a complaint to immediately
17 suspend or revoke the license of the individual or otherwise
18 discipline the licensee.

19 Any individual whose license was granted, continued,
20 reinstated, or renewed subject to conditions, terms, or
21 restrictions, as provided for in this Section, or any
22 individual who was disciplined or placed on supervision
23 pursuant to this Section must be referred to the Director for
24 a determination as to whether the person shall have his or
25 her license suspended immediately, pending a hearing by the
26 Board.

27 (Source: P.A. 91-357, eff. 7-29-99.)".