

1 AMENDMENT TO SENATE BILL 386

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 386 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.14 and 4.24 as follows:

6 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

7 Sec. 4.14. Acts repealed.

8 (a) The following Acts are repealed December 31, 2003:

9 The Private Detective, Private Alarm, and Private  
10 Security Act of 1993.

11 The Illinois Occupational Therapy Practice Act.

12 (b) The following Acts are repealed January 1, 2004:

13 The Illinois Certified Shorthand Reporters Act of  
14 1984.

15 ~~The Veterinary Medicine and Surgery Practice Act of~~  
16 ~~1994.~~

17 (Source: P.A. 92-457, eff 8-21-01.)

18 (5 ILCS 80/4.24)

19 Sec. 4.24. Acts repealed on January 1, 2014. The  
20 following Acts are repealed on January 1, 2014:

21 The Electrologist Licensing Act.

1 The Illinois Public Accounting Act.

2 The Veterinary Medicine and Surgery Practice Act of 2004.

3 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

4 Section 10. The Environmental Health Practitioner  
5 Licensing Act is amended by changing Section 16 as follows:

6 (225 ILCS 37/16)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 16. Exemptions. This Act does not prohibit or  
9 restrict any of the following:

10 (1) A person performing the functions and duties of an  
11 environmental health practitioner under the general  
12 supervision of a licensed environmental health practitioner  
13 or licensed professional engineer if that person (i) is not  
14 responsible for the administration or supervision of one or  
15 more employees engaged in an environmental health program,  
16 (ii) establishes a method of verbal communication with the  
17 licensed environmental health practitioner or licensed  
18 professional engineer to whom they can refer and report  
19 questions, problems, and emergency situations encountered in  
20 environmental health practice, and (iii) has his or her  
21 written reports reviewed monthly by a licensed environmental  
22 health practitioner or licensed professional engineer.

23 (2) A person licensed in this State under any other Act  
24 from engaging in the practice for which he or she is  
25 licensed.

26 (3) A person working in laboratories licensed by,  
27 registered with, or operated by the State of Illinois.

28 (4) A person employed by a State-licensed health care  
29 facility who engages in the practice of environmental health  
30 or whose job responsibilities include ensuring that the  
31 environment in the health care facility is healthy and safe  
32 for employees, patients, and visitors.

1 (5) A person employed with the Illinois Department of  
2 Agriculture who engages in meat and poultry inspections or  
3 environmental inspections under the authority of the  
4 Department of Agriculture.

5 (6) A person holding a degree of Doctor of Veterinary  
6 Medicine and Surgery and licensed under the Veterinary  
7 Medicine and Surgery Practice Act of 2004.

8 (Source: P.A. 92-837, eff. 8-22-02.)

9 Section 15. The Veterinary Medicine and Surgery Practice  
10 Act of 1994 is amended by changing Sections 2, 3, 4, 5, 8,  
11 8.1, 11, 12, 15, 24.1, and 25 and adding Section 25.19 as  
12 follows:

13 (225 ILCS 115/2) (from Ch. 111, par. 7002)

14 (Section scheduled to be repealed on January 1, 2004)

15 Sec. 2. This Act may be cited as the Veterinary Medicine  
16 and Surgery Practice Act of 2004 ~~1994~~.

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

18 (225 ILCS 115/3) (from Ch. 111, par. 7003)

19 (Section scheduled to be repealed on January 1, 2004)

20 Sec. 3. Definitions: ~~---unlicensed---practice-prohibited.~~

21 ~~(a)~~ The following terms have the meanings indicated, unless  
22 the context requires otherwise:

23 "Accredited college of veterinary medicine" means a  
24 veterinary college, school, or division of a university or  
25 college that offers the degree of Doctor of Veterinary  
26 Medicine or its equivalent and that is accredited by the  
27 Council on Education of the American Veterinary Medical  
28 Association.

29 "Animal" means any animal, vertebrate or invertebrate,  
30 other than a human.

31 "Board" means the Veterinary Licensing and Disciplinary

1 Board.

2 "Certified veterinary technician" means a person who has  
3 graduated from a veterinary technology program accredited by  
4 the Committee on Veterinary Technician Education and  
5 Activities of the American Veterinary Medical Association who  
6 has filed an application with the Department, paid the fee,  
7 passed the examination as prescribed by rule, and works under  
8 a supervising veterinarian.

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

12 "Complementary, alternative, and integrative therapies"  
13 means preventative, diagnostic, and therapeutic practices  
14 that, at the time they are performed, may differ from current  
15 scientific knowledge or for which the theoretical basis and  
16 techniques may diverge from veterinary medicine routinely  
17 taught in approved veterinary medical programs. This  
18 includes but is not limited to veterinary acupuncture,  
19 acupuncture, acupressure, veterinary homeopathy, veterinary  
20 manual or manipulative therapy (i.e. therapies based on  
21 techniques practiced in osteopathy, chiropractic medicine, or  
22 physical medicine and therapy), veterinary nutraceutical  
23 therapy, veterinary phytotherapy, or other therapies as  
24 defined by rule.

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

32 "Department" means the Department of Professional  
33 Regulation.

34 "Direct supervision" means the supervising veterinarian

1 is on the premises where the animal is being treated.

2 "Director" means the Director of Professional Regulation.

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

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

15 "Patient" means an animal that is examined or treated by  
16 a veterinarian.

17 "Person" means an individual, firm, partnership (general,  
18 limited, or limited liability), association, joint venture,  
19 cooperative, corporation, limited liability company, or any  
20 other group or combination acting in concert, whether or not  
21 acting as a principal, partner, member, trustee, fiduciary,  
22 receiver, or any other kind of legal or personal  
23 representative, or as the successor in interest, assignee,  
24 agent, factor, servant, employee, director, officer, or any  
25 other representative of such person.

26 "Practice of veterinary medicine" means the performance  
27 of one or more of the following:

28 (1) Directly or indirectly consulting, diagnosing,  
29 prognosing, correcting, supervising, or recommending  
30 treatment of an animal for the prevention, cure, or  
31 relief of a wound, fracture, bodily injury, defect,  
32 disease, or physical or mental condition by any method or  
33 mode.

34 (2) Prescribing, dispensing, or administering a

1 drug, medicine, biologic appliance, application, or  
2 treatment of whatever nature.

3 (3) Performing upon an animal a surgical or dental  
4 operation or a complementary, alternative, or integrative  
5 veterinary medical procedure.

6 (4) Performing upon an animal any manual procedure  
7 for the diagnoses or treatment of pregnancy, sterility,  
8 or infertility.

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

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

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

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

27 "Veterinarian-client-patient relationship" means:

28 (1) The veterinarian has assumed the responsibility  
29 for making clinical judgments regarding the health of an  
30 animal and the need for medical treatment and the client,  
31 owner, or other caretaker has agreed to follow the  
32 instructions of the veterinarian;

33 (2) There is sufficient knowledge of an animal by  
34 the veterinarian to initiate at least a general or

1 preliminary diagnosis of the medical condition of the  
 2 animal. This means that the veterinarian has recently  
 3 seen and is personally acquainted with the keeping and  
 4 care of the animal by virtue of an examination of the  
 5 animal or by medically appropriate and timely visits to  
 6 the premises where the animal is kept; and

7 (3) The practicing veterinarian is readily  
 8 available for follow-up in case of adverse reactions or  
 9 failure of the regimen of therapy.

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

17 (A) ~~--"Department"--means--the--Department--of--Professional~~  
 18 ~~Regulation.~~

19 (B) ~~--"Board"---means---the---Veterinary---Licensing---and~~  
 20 ~~Disciplinary-Board.~~

21 (C) ~~--"Director"--means--the--Director--of--the--Department--of~~  
 22 ~~Professional-Regulation.~~

23 (D) ~~--"Veterinarian"--means--a--person--holding--the--degree--of~~  
 24 ~~Doctor--of--Veterinary--Medicine--and--Surgery--and--licensed--under~~  
 25 ~~this--Act.~~

26 (E) ~~--The--practice--of--veterinary--medicine--and--surgery~~  
 27 ~~occurs--when--a--person:~~

28 (1) ~~--Directly--or--indirectly--diagnoses,~~ ~~--prognoses,~~  
 29 ~~treats,~~ ~~--administers--to,~~ ~~--prescribes--for,~~ ~~--operates--on,~~  
 30 ~~manipulates--or--applies--any--apparatus--or--appliance--for--any~~  
 31 ~~disease,~~ ~~--pain,~~ ~~--deformity,~~ ~~--defect,~~ ~~--injury,~~ ~~--wound---~~ ~~or~~  
 32 ~~physical--or--mental--condition--of--any--animal--or--bird--or--for~~  
 33 ~~the--prevention--of,~~ ~~--or--to--test--for--the--presence--of--any~~  
 34 ~~disease--of--any--animal--or--bird.---~~ ~~The---practice---of~~

1 veterinary--medicine--and--surgery--includes--veterinarian  
2 dentistry.

3 (2)--Represents--himself--or--herself--as--engaged--in--the  
4 practice--of--veterinary--medicine--and--surgery--as--defined--in  
5 paragraph--(1)--of--this--subsection,--or--uses--any--words,  
6 letters--or--titles--in--such--connection--and--under--such  
7 circumstances--as--to--induce--the--belief--that--the--person  
8 using--them--is--engaged--in--the--practice--of--veterinary  
9 medicine--and--surgery--in--any--of--its--branches,--or--that--such  
10 person--is--a--Doctor--of--Veterinary--Medicine.

11 (F)--"Animal"--means--any--bird,--fish,--reptile,--or--mammal  
12 other--than--man.

13 (G)--"Veterinarian--client--patient--relationship"--means:

14 (1)--The--veterinarian--has--assumed--the--responsibility  
15 for--making--medical--judgments--regarding--the--health--of--an  
16 animal--and--the--need--for--medical--treatment--and--the--client,  
17 owner,--or--other--caretaker--has--agreed--to--follow--the  
18 instructions--of--the--veterinarian.

19 (2)--There--is--sufficient--knowledge--of--an--animal--by  
20 the--veterinarian--to--initiate--at--least--a--general--or  
21 preliminary--diagnosis--of--the--medical--condition--of--the  
22 animal.--This--means--that--the--veterinarian--has--recently  
23 seen--and--is--personally--acquainted--with--the--keeping--and  
24 care--of--the--animal--by--virtue--of--an--examination--of--the  
25 animal--or--by--medically--appropriate--and--timely--visits--to  
26 the--premises--where--the--animal--is--kept.

27 (3)--The--practicing--veterinarian--is--readily  
28 available--for--follow-up--in--case--of--adverse--reactions--or  
29 failure--of--the--regimen--of--therapy.

30 (b)--Subject--to--the--exemptions--in--Section--4--of--this--Act,  
31 no--person--shall--practice--veterinary--medicine--and--surgery--in  
32 any--of--its--branches--without--a--valid--license--to--do--so.

33 (Source: P.A. 90-655, eff. 7-30-98.)



1 (225 ILCS 115/4) (from Ch. 111, par. 7004)

2 (Section scheduled to be repealed on January 1, 2004)

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

5 (1) Veterinarians employed by the federal or State  
6 government ~~Federal-Government~~ while actually engaged in  
7 their official duties.

8 (2) Licensed veterinarians from other states who  
9 are invited to Illinois for consultation or lecturing.

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

15 (4) A veterinarian employed by an accredited  
16 college of veterinary medicine providing assistance  
17 requested by a veterinarian licensed in Illinois, acting  
18 with informed consent from the client and acting under  
19 the direct or indirect supervision and control of the  
20 licensed veterinarian. Providing assistance involves  
21 hands-on active participation in the treatment and care  
22 of the patient. The licensed veterinarian shall maintain  
23 responsibility for the veterinarian-client-patient  
24 relationship.

25 (5)(4) Veterinary students in an accredited  
26 approved college, university, department of a university,  
27 or other institution of veterinary medicine and surgery  
28 engaged in ~~while-in-the-performance-of~~ duties assigned by  
29 their instructors.

30 (6)(5) Any person engaged in bona fide scientific  
31 research which requires the use of animals.

32 (7) An owner of livestock and any of the owner's  
33 employees or the owner and employees of a service and  
34 care provider of livestock caring for and treating

1 livestock belonging to the owner or under a provider's  
2 care, including but not limited to, the performance of  
3 husbandry and livestock management practices such as  
4 dehorning, castration, emasculation, or docking of  
5 cattle, horses, sheep, goats, and swine, artificial  
6 insemination, and drawing of semen. Nor shall this Act be  
7 construed to prohibit any person from administering in a  
8 humane manner medicinal or surgical treatment to any  
9 livestock in the care of such person. However, any such  
10 services shall comply with the Humane Care for Animals  
11 Act.

12 (8) An owner of a companion animal caring for and  
13 treating an animal belonging to such owner. Such  
14 services shall comply with the Humane Care for Animals  
15 Act.

16 (9) A member in good standing of another licensed  
17 or regulated profession within any state or a member of  
18 an organization or group approved by the Department by  
19 rule providing assistance requested by a veterinarian  
20 licensed in this State acting with informed consent from  
21 the client and acting under the direct or indirect  
22 supervision and control of the licensed veterinarian.  
23 Providing assistance involves hands-on active  
24 participation in the treatment and care of the patient,  
25 as defined by rule. The licensed veterinarian shall  
26 maintain responsibility for the  
27 veterinarian-client-patient relationship.

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

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

1 of his or her employment.

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

8 (13) An employee of a licensed veterinarian  
9 performing duties other than diagnosis, prognosis,  
10 prescription, or surgery under the direction and  
11 supervision of the veterinarian, who shall be responsible  
12 for the performance of the employee.

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

18 (15) Private treaty sale of animals unless  
19 otherwise provided by law. (6)--The---dehorning,  
20 castration,--emasculation--or--docking-of-cattle,-horses,  
21 sheep,-goats-and-swine-in-the-course-or-exchange-of--work  
22 for---which--no--monetary--compensation--is--paid--or--to  
23 artificial-insemination-and-the--drawing--of--semen.--Nor  
24 shall--this--Act-be-construed-to-prohibit-any-person-from  
25 administering,-in-a-humane-manner,-medicinal-or--surgical  
26 treatment--to-any-animal-belonging-to-such-person,-unless  
27 title--has--been---transferred---for---the---purpose---of  
28 circumventing-this-Act.--However,-any-such-services-shall  
29 comply-with-the-Humane-Care-for-Animals-Act.

30 (7)--Members--of--other--licensed-professions-or-any  
31 other--individuals--when--called--for--consultation---and  
32 assistance--by--a--veterinarian--licensed-in-the-State-of  
33 Illinois-and-who-act-under--the--supervision,-direction,  
34 and--control--of--the-veterinarian,-as-further-defined-by

~~rule-of-the-Department.~~

~~(8)--Certified-euthanasia-technicians.~~

(Source: P.A. 92-449, eff. 1-1-02.)

(225 ILCS 115/5) (from Ch. 111, par. 7005)

(Section scheduled to be repealed on January 1, 2004)

Sec. 5. No person shall practice veterinary medicine and surgery in any of its branches without a valid license to do so. Any person not licensed under this Act who performs any of the functions described as the practice of veterinary medicine or surgery as defined in this Act, who announces to the public in any way an intention to practice veterinary medicine and surgery, who uses the title Doctor of Veterinary Medicine or the initials D.V.M. or V.M.D., or who opens an office, hospital, or clinic for such purposes is considered to have violated this Act and may be subject to all the penalties provided for such violations.

It shall be unlawful for any person who is not licensed in this State to provide veterinary medical services from any state to a client or patient in this State through telephonic, electronic, or other means, except where a bonafide veterinarian-client-patient relationship exists.

Nothing in this Act shall be construed to prevent members of other professions from performing functions for which they are duly licensed. Other professionals may not, however, hold themselves out or refer to themselves by any title or descriptions stating or implying that they are engaged in the practice of veterinary medicine or that they are licensed to engage in the practice of veterinary medicine.

(Source: P.A. 83-1016.)

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

(Section scheduled to be repealed on January 1, 2004)

Sec. 8. Qualifications. A person is qualified to receive

1 a license if he or she: (1) is of good moral character; (2)  
 2 has graduated from an accredited college or school of  
 3 veterinary medicine ~~has--received--at--least--2--years--of~~  
 4 ~~preveterinary-collegiate-training;-(3)-has-graduated--from--a~~  
 5 ~~veterinary--school--that-requires-for-graduation-a-4-year,-or~~  
 6 ~~equivalent,-course--in--veterinary--medicine---and---surgery~~  
 7 ~~approved--by--the--Department;~~ and (3)(4) has passed the  
 8 examination authorized by the Department to determine fitness  
 9 to hold a license.

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

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

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

19 (3) Successful completion of an examination or  
 20 assessment mechanism designed to evaluate educational  
 21 equivalence, including both preclinical and clinical  
 22 competencies.

23 (4) Any other reasonable assessment mechanism  
 24 designed to ensure an applicant possesses the educational  
 25 background necessary to protect the public health and  
 26 safety.

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

33 A graduate of a non-approved veterinary school who was  
 34 issued a work permit by the Department before the effective

1 date of this amendatory Act of the 93rd General Assembly may  
2 continue to work under the direct supervision of a licensed  
3 veterinarian until the expiration of his or her permit.

4 With---respect--to--graduates--of--unapproved--veterinary  
5 programs,--the-Department-shall--determine--if--such--programs  
6 meet--standards-equivalent-to-those-set-forth-in-clauses-(2),  
7 (3),--and-(4)--of-Section-9-of-this-Act.

8 Graduates-of-non-approved-veterinary-schools-are-required  
9 to-pass-a-proficiency-examination-specified-by-the-Department  
10 or-to-provide-one-year-of-evaluated-clinical-experience-as-an  
11 employee-of-a-licensed-veterinarian.--Prior--to--hiring--such  
12 person,--the-licensed-veterinarian-shall-notify-the-Board,--in  
13 writing,--and-shall-employ-such-persons-only-upon-the--written  
14 approval--of--the-Board.--Such-approval-shall-be-for-one-year  
15 only-and-is-not-renewable.---Such--clinical--employees--shall  
16 treat--animals--only--under--the--direct--supervision--of-the  
17 licensed-veterinarian.

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

25 (Source: P.A. 89-387, eff. 8-20-95; 90-52, eff. 7-3-97.)

26 (225 ILCS 115/8.1) (from Ch. 111, par. 7008.1)

27 (Section scheduled to be repealed on January 1, 2004)

28 Sec. 8.1. Certified veterinary technician. "Certified  
29 veterinary--technician"--means-a-person-who-has-graduated-from  
30 a-veterinary-technology-program-accredited--by--the--American  
31 Veterinary--Medical--Association-who-has-filed-an-application  
32 with-the-Department,--paid-the-fee,--and-passed-the-examination  
33 as-prescribed-by-rule.--Veterinary-technology-is--defined--as

1 the--performance--of--services-within-the-field-of-veterinary  
2 medicine-by-a-person-who-for-compensation-or-personal-profit,  
3 is-employed-by-a-licensed-veterinarian-to-perform-duties-that  
4 require-an-understanding-of-veterinary-medicine--as--required  
5 in--carrying--out--the--orders-of-the-veterinarian.---However,  
6 these-services--shall--not--include--diagnosing,--prognosing,  
7 writing--prescriptions,--or--surgery. A person who is a  
8 certified as-a veterinary technician who performs veterinary  
9 technology contrary to this Act is guilty of a Class A  
10 misdemeanor and shall be subject to the revocation of his or  
11 her certificate. However, these penalties and restrictions  
12 shall not apply to a student while performing activities  
13 required as a part of his or her training.

14 The Department and the Board are authorized to hold  
15 hearings, reprimand, suspend, revoke, or refuse to issue or  
16 renew a certificate and to perform any other acts that may be  
17 necessary to regulate certified veterinary technicians in a  
18 manner consistent with the provisions of the Act applicable  
19 to veterinarians.

20 The title "Certified veterinary technician" and the  
21 initials "CVT" may only be used by persons certified by the  
22 Department. A person who uses these titles without the  
23 certification as provided in this Section is guilty of a  
24 Class A misdemeanor.

25 Certified veterinary technicians shall be required to  
26 complete continuing education as prescribed by rule to renew  
27 their certification.

28 (Source: P.A. 88-91; 88-424; 88-670, eff. 12-2-94.)

29 (225 ILCS 115/11) (from Ch. 111, par. 7011)

30 (Section scheduled to be repealed on January 1, 2004)

31 Sec. 11. Temporary permits. A person holding the degree  
32 of Doctor of Veterinary Medicine, or its equivalent, from an  
33 accredited college of veterinary medicine approved-veterinary

1 program, and who has applied in writing to the Department for  
2 a license to practice veterinary medicine and surgery in any  
3 of its branches, and who has fulfilled the requirements of  
4 Section 8 of this Act, with the exception of receipt of  
5 notification of his or her examination results, may receive,  
6 at the discretion of the Department, a temporary permit to  
7 practice under the direct supervision of a specified  
8 veterinarian who is licensed in this State, until: (1) the  
9 applicant has been notified of the results of the examination  
10 authorized by the Department; or (2) the applicant has  
11 withdrawn his or her application.

12 A temporary permit may be issued by the Department to a  
13 person who is a veterinarian licensed under the laws of  
14 another state, a territory of the United States, or a foreign  
15 country, upon application in writing to the Department for a  
16 license under this Act if he or she is qualified to receive a  
17 license and until: (1) the expiration of 6 months after the  
18 filing of the written application, (2) the withdrawal of the  
19 application or (3) the denial of the application by the  
20 Department.

21 A temporary permit issued under this Section shall not be  
22 extended or renewed. The holder of a temporary permit shall  
23 perform only those acts that may be prescribed by and  
24 incidental to his or her employment and that act shall be  
25 performed under the direction of a supervising specified  
26 licensed veterinarian who is licensed in this State. The  
27 holder of the temporary permit He shall not be entitled to  
28 otherwise engage in the practice of veterinary medicine until  
29 fully licensed in this State.

30 Upon the revocation of a temporary permit, the Department  
31 shall immediately notify, by certified mail, the supervising  
32 specified veterinarian employing the holder of a temporary  
33 permit and the holder of the permit. A temporary permit  
34 shall be revoked by the Department upon proof that the holder



1 of the permit has engaged in the practice of veterinary  
2 medicine in this State outside his or her employment under a  
3 licensed veterinarian.

4 (Source: P.A. 90-655, eff. 7-30-98.)

5 (225 ILCS 115/12) (from Ch. 111, par. 7012)

6 (Section scheduled to be repealed on January 1, 2004)

7 Sec. 12. Inactive status. Any veterinarian or certified  
8 veterinary technician who notifies the Department in writing  
9 on the prescribed form may place his or her license or  
10 certification on an inactive status and shall, subject to  
11 rule, be exempt from payment of the renewal fee and  
12 compliance with the continuing education requirements until  
13 he or she notifies the Department in writing of his or her  
14 intention to resume active status.

15 Any veterinarian or certified veterinary technician  
16 requesting restoration from inactive status shall be required  
17 to complete the continuing education requirements for a  
18 single license or certificate renewal period, pursuant to  
19 rule, and pay the current renewal fee to restore his or her  
20 license or certification as provided in this Act.

21 Any veterinarian whose license is in inactive status  
22 shall not practice veterinary medicine and surgery in this  
23 State.

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

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

30 (225 ILCS 115/15) (from Ch. 111, par. 7015)

31 (Section scheduled to be repealed on January 1, 2004)

32 Sec. 15. Expiration and renewal of license. The

1 expiration date and renewal period for each license or  
2 certificate shall be set by rule. A veterinarian or  
3 certified veterinary technician whose license or certificate  
4 has expired may reinstate his or her license or certificate  
5 at any time within 5 years after the expiration thereof, by  
6 making a renewal application and by paying the required fee  
7 and submitting proof of the required continuing education.  
8 However, any veterinarian or certified veterinary technician  
9 whose license or certificate expired while he or she was (1)  
10 on active duty with the Armed Forces of the United States or  
11 called into service or training by the State militia or (2)  
12 in training or education under the supervision of the United  
13 States preliminary to induction into the military service,  
14 may have his license or certificate renewed, reinstated, or  
15 restored without paying any lapsed renewal fees if within 2  
16 years after termination of the service, training, or  
17 education the veterinarian furnishes the Department with  
18 satisfactory evidence of service, training, or education and  
19 it has been terminated under honorable conditions.

20 Any veterinarian or certified veterinary technician whose  
21 license or certificate has expired for more than 5 years may  
22 have it restored by making application to the Department and  
23 filing acceptable proof of fitness to have the license or  
24 certificate restored. The proof may include sworn evidence  
25 certifying active practice in another jurisdiction. The  
26 veterinarian or certified veterinary technician shall also  
27 pay the required restoration fee and submit proof of the  
28 required continuing education. If the veterinarian or  
29 certified veterinary technician has not practiced for 5 years  
30 or more, the Board shall determine by an evaluation program  
31 established by rule, whether the individual is fit to resume  
32 active status and may require the veterinarian to complete a  
33 period of evaluated clinical experience and may require  
34 successful completion of a clinical examination.

1 (Source: P.A. 92-84, eff. 7-1-02.)

2 (225 ILCS 115/24.1)

3 (Section scheduled to be repealed on January 1, 2004)

4 Sec. 24.1. Impaired veterinarians. "Impaired  
5 veterinarian"--means-a-veterinarian-who-is-unable-to-practice  
6 veterinary-medicine-with-reasonable-skill-and-safety--because  
7 of--a-physical-or-mental-disability-as-evidenced-by-a-written  
8 determination-or-written-consent-based-on-clinical--evidence,  
9 including--deterioration--through--the-aging-process,-loss-of  
10 motor-skills,-or-abuse-of--drugs--or--alcohol--of--sufficient  
11 degree--to--diminish--a-person's-ability-to-deliver-competent  
12 patient-care. The Department shall establish by rule a  
13 program of care, counseling, or treatment for the impaired  
14 veterinarians veterinarian.

15 "Program of care, counseling, or treatment" means a  
16 written schedule of organized treatment, care, counseling,  
17 activities, or education satisfactory to the Board, designed  
18 for the purpose of restoring an impaired person to a  
19 condition whereby the impaired person can practice veterinary  
20 medicine with reasonable skill and safety of a sufficient  
21 degree to deliver competent patient care.

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

23 (225 ILCS 115/25) (from Ch. 111, par. 7025)

24 (Section scheduled to be repealed on January 1, 2004)

25 Sec. 25. Disciplinary actions.

26 1. The Department may refuse to issue or renew, or may  
27 revoke, suspend, place on probation, reprimand, or take other  
28 disciplinary action as the Department may deem appropriate,  
29 including fines not to exceed \$1,000 for each violation, with  
30 regard to any license or certificate for any one or  
31 combination of the following:

32 A. Material misstatement in furnishing information

1 to the Department.

2 B. Violations of this Act, or of the rules  
3 promulgated under this Act.

4 C. Conviction of any crime under the laws of the  
5 United States or any state or territory of the United  
6 States that is a felony or that is a misdemeanor, an  
7 essential element of which is dishonesty, or of any  
8 crime that is directly related to the practice of the  
9 profession.

10 D. Making any misrepresentation for the purpose of  
11 obtaining licensure or certification, or violating any  
12 provision of this Act or the rules promulgated under this  
13 Act pertaining to advertising.

14 E. Professional incompetence.

15 F. Gross malpractice.

16 G. Aiding or assisting another person in violating  
17 any provision of this Act or rules.

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

20 I. Engaging in dishonorable, unethical, or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud or harm the public.

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

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

31 L. Directly or indirectly giving to or receiving  
32 from any person, firm, corporation, partnership or  
33 association any fee, commission, rebate or other form of  
34 compensation for professional services not actually or

1 personally rendered.

2 M. A finding by the Board that the licensee or  
3 certificate holder, after having his license or  
4 certificate placed on probationary status, has violated  
5 the terms of probation.

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

9 O. 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 P. Solicitation of professional services other than  
14 permitted advertising.

15 Q. Having professional connection with or lending  
16 one's name, directly or indirectly, to any illegal  
17 practitioner of veterinary medicine and surgery and the  
18 various branches thereof.

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

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

24 T. Failing to report, as required by law, or making  
25 false report of any contagious or infectious diseases.

26 U. Fraudulent use or misuse of any health  
27 certificate, shipping certificate, brand inspection  
28 certificate, or other blank forms used in practice that  
29 might lead to the dissemination of disease or the  
30 transportation of diseased animals dead or alive; or  
31 dilatory methods, willful neglect, or misrepresentation  
32 in the inspection of milk, meat, poultry, and the  
33 by-products thereof.

34 V. Conviction on a charge of cruelty to animals.

1           W. Failure to keep one's premises and all equipment  
2 therein in a clean and sanitary condition.

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

5           Y. Failure to (i) file a return, (ii) pay the tax,  
6 penalty, or interest shown in a filed return, or (iii)  
7 pay any final assessment of tax, penalty, or interest, as  
8 required by any tax Act administered by the Illinois  
9 Department of Revenue, until the requirements of that tax  
10 Act are satisfied.

11           Z. Conviction by any court of competent  
12 jurisdiction, either within or outside this State, of any  
13 violation of any law governing the practice of veterinary  
14 medicine, if the Department determines, after  
15 investigation, that the person has not been sufficiently  
16 rehabilitated to warrant the public trust.

17           AA. Promotion of the sale of drugs, devices,  
18 appliances, or goods provided for a patient in any manner  
19 to exploit the client for financial gain of the  
20 veterinarian.

21           BB. Gross, willful, or continued overcharging for  
22 professional services, including filing false statements  
23 for collection of fees for which services are not  
24 rendered.

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

27           DD. Fraud or misrepresentation in applying for, or  
28 procuring, a license under this Act or in connection with  
29 applying for renewal of a license under this Act.

30           EE. Cheating on or attempting to subvert the  
31 licensing examination administered under this Act.

32           FF. Using, prescribing, or selling a prescription  
33 drug or the extra-label use of a prescription drug by any  
34 means in the absence of a valid

1 veterinarian-client-patient relationship.

2 GG. Failing to report a case of suspected  
3 aggravated cruelty, torture, or animal fighting pursuant  
4 to Section 3.07 or 4.01 of the Humane Care for Animals  
5 Act or Section 26-5 of the Criminal Code of 1961.

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

16 3. All proceedings to suspend, revoke, place on  
17 probationary status, or take any other disciplinary action as  
18 the Department may deem proper, with regard to a license or  
19 certificate on any of the foregoing grounds, must be  
20 commenced within 3 years after receipt by the Department of a  
21 complaint alleging the commission of or notice of the  
22 conviction order for any of the acts described in this  
23 Section. Except for proceedings brought for violations of  
24 items (CC), (DD), or (EE), no action shall be commenced more  
25 than 5 years after the date of the incident or act alleged to  
26 have violated this Section. In the event of the settlement  
27 of any claim or cause of action in favor of the claimant or  
28 the reduction to final judgment of any civil action in favor  
29 of the plaintiff, the claim, cause of action, or civil action  
30 being grounded on the allegation that a person licensed or  
31 certified under this Act was negligent in providing care, the  
32 Department shall have an additional period of one year from  
33 the date of the settlement or final judgment in which to  
34 investigate and begin formal disciplinary proceedings under

1 Section 25.2 of this Act, except as otherwise provided by  
2 law. The time during which the holder of the license or  
3 certificate was outside the State of Illinois shall not be  
4 included within any period of time limiting the commencement  
5 of disciplinary action by the Department.

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

14 5. In enforcing this Section, the Board, upon a showing  
15 of a possible violation, may compel a licensee or applicant  
16 to submit to a mental or physical examination, or both, as  
17 required by and at the expense of the Department. The  
18 examining physicians or clinical psychologists shall be those  
19 specifically designated by the Board. The Board or the  
20 Department may order (i) the examining physician to present  
21 testimony concerning the mental or physical examination of a  
22 licensee or applicant or (ii) the examining clinical  
23 psychologist to present testimony concerning the mental  
24 examination of a licensee or applicant. No information shall  
25 be excluded by reason of any common law or statutory  
26 privilege relating to communications between a licensee or  
27 applicant and the examining physician or clinical  
28 psychologist. An individual to be examined may have, at his  
29 or her own expense, another physician or clinical  
30 psychologist of his or her choice present during all aspects  
31 of the examination. Failure of an individual to submit to a  
32 mental or physical examination, when directed, is grounds for  
33 suspension of his or her license. The license must remain  
34 suspended until the person submits to the examination or the



1 Board finds, after notice and hearing, that the refusal to  
2 submit to the examination was with reasonable cause.

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

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

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

22 (225 ILCS 115/25.19 new)

23 (Section scheduled to be repealed on January 1, 2004)

24 Sec. 25.19. Mandatory reporting. Nothing in this Act  
25 exempts a licensee from the mandatory reporting requirements  
26 regarding suspected acts of aggravated cruelty, torture, and  
27 animal fighting imposed under Sections 3.07 and 4.01 of the  
28 Humane Care for Animals Act and Section 26-5 of the Criminal  
29 Code of 1961.

30 (225 ILCS 115/9 rep.)

31 Section 18. The Veterinary Medicine and Surgery Practice  
32 Act of 1994 is amended by repealing Section 9.

1 Section 20. The Animal Welfare Act is amended by  
2 changing Section 2 as follows:

3 (225 ILCS 605/2) (from Ch. 8, par. 302)

4 Sec. 2. Definitions. As used in this Act unless the  
5 context otherwise requires:

6 "Department" means the Illinois Department of  
7 Agriculture.

8 "Director" means the Director of the Illinois Department  
9 of Agriculture.

10 "Pet shop operator" means any person who sells, offers to  
11 sell, exchange, or offers for adoption with or without charge  
12 or donation dogs, cats, birds, fish, reptiles, or other  
13 animals customarily obtained as pets in this State. However,  
14 a person who sells only such animals that he has produced and  
15 raised shall not be considered a pet shop operator under this  
16 Act, and a veterinary hospital or clinic operated by a  
17 veterinarian or veterinarians licensed under the Veterinary  
18 Medicine and Surgery Practice Act of 2004 ~~1994~~ shall not be  
19 considered a pet shop operator under this Act.

20 "Dog dealer" means any person who sells, offers to sell,  
21 exchange, or offers for adoption with or without charge or  
22 donation dogs in this State. However, a person who sells only  
23 dogs that he has produced and raised shall not be considered  
24 a dog dealer under this Act, and a veterinary hospital or  
25 clinic operated by a veterinarian or veterinarians licensed  
26 under the Veterinary Medicine and Surgery Practice Act of  
27 2004 ~~1994~~ shall not be considered a dog dealer under this  
28 Act.

29 "Secretary of Agriculture" or "Secretary" means the  
30 Secretary of Agriculture of the United States Department of  
31 Agriculture.

32 "Person" means any person, firm, corporation,  
33 partnership, association or other legal entity, any public or

1 private institution, the State of Illinois, or any municipal  
2 corporation or political subdivision of the State.

3 "Kennel operator" means any person who operates an  
4 establishment, other than an animal control facility,  
5 veterinary hospital, or animal shelter, where dogs or dogs  
6 and cats are maintained for boarding, training or similar  
7 purposes for a fee or compensation; or who sells, offers to  
8 sell, exchange, or offers for adoption with or without charge  
9 dogs or dogs and cats which he has produced and raised. A  
10 person who owns, has possession of, or harbors 5 or less  
11 females capable of reproduction shall not be considered a  
12 kennel operator.

13 "Cattery operator" means any person who operates an  
14 establishment, other than an animal control facility or  
15 animal shelter, where cats are maintained for boarding,  
16 training or similar purposes for a fee or compensation; or  
17 who sells, offers to sell, exchange, or offers for adoption  
18 with or without charges cats which he has produced and  
19 raised. A person who owns, has possession of, or harbors 5  
20 or less females capable of reproduction shall not be  
21 considered a cattery operator.

22 "Animal control facility" means any facility operated by  
23 or under contract for the State, county, or any municipal  
24 corporation or political subdivision of the State for the  
25 purpose of impounding or harboring seized, stray, homeless,  
26 abandoned or unwanted dogs, cats, and other animals. "Animal  
27 control facility" also means any veterinary hospital or  
28 clinic operated by a veterinarian or veterinarians licensed  
29 under the Veterinary Medicine and Surgery Practice Act of  
30 2004 ~~1994~~ which operates for the above mentioned purpose in  
31 addition to its customary purposes.

32 "Animal shelter" means a facility operated, owned, or  
33 maintained by a duly incorporated humane society, animal  
34 welfare society, or other non-profit organization for the

1 purpose of providing for and promoting the welfare,  
2 protection, and humane treatment of animals. "Animal  
3 shelter" also means any veterinary hospital or clinic  
4 operated by a veterinarian or veterinarians licensed under  
5 the Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~  
6 which operates for the above mentioned purpose in addition to  
7 its customary purposes.

8 "Foster home" means an entity that accepts the  
9 responsibility for stewardship of animals that are the  
10 obligation of an animal shelter, not to exceed 4 animals at  
11 any given time. Permits to operate as a "foster home" shall  
12 be issued through the animal shelter.

13 "Guard dog service" means an entity that, for a fee,  
14 furnishes or leases guard or sentry dogs for the protection  
15 of life or property. A person is not a guard dog service  
16 solely because he or she owns a dog and uses it to guard his  
17 or her home, business, or farmland.

18 "Guard dog" means a type of dog used primarily for the  
19 purpose of defending, patrolling, or protecting property or  
20 life at a commercial establishment other than a farm. "Guard  
21 dog" does not include stock dogs used primarily for handling  
22 and controlling livestock or farm animals, nor does it  
23 include personally owned pets that also provide security.

24 "Sentry dog" means a dog trained to work without  
25 supervision in a fenced facility other than a farm, and to  
26 deter or detain unauthorized persons found within the  
27 facility.

28 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;  
29 90-403, eff. 8-15-97.)

30 Section 25. The Elder Abuse and Neglect Act is amended  
31 by changing Section 2 as follows:

32 (320 ILCS 20/2) (from Ch. 23, par. 6602)

1           Sec. 2. Definitions. As used in this Act, unless the  
2 context requires otherwise:

3           (a) "Abuse" means causing any physical, mental or sexual  
4 injury to an eligible adult, including exploitation of such  
5 adult's financial resources.

6           Nothing in this Act shall be construed to mean that an  
7 eligible adult is a victim of abuse or neglect for the sole  
8 reason that he or she is being furnished with or relies upon  
9 treatment by spiritual means through prayer alone, in  
10 accordance with the tenets and practices of a recognized  
11 church or religious denomination.

12           Nothing in this Act shall be construed to mean that an  
13 eligible adult is a victim of abuse because of health care  
14 services provided or not provided by licensed health care  
15 professionals.

16           (a-5) "Abuser" means a person who abuses, neglects, or  
17 financially exploits an eligible adult.

18           (a-7) "Caregiver" means a person who either as a result  
19 of a family relationship, voluntarily, or in exchange for  
20 compensation has assumed responsibility for all or a portion  
21 of the care of an eligible adult who needs assistance with  
22 activities of daily living.

23           (b) "Department" means the Department on Aging of the  
24 State of Illinois.

25           (c) "Director" means the Director of the Department.

26           (d) "Domestic living situation" means a residence where  
27 the eligible adult lives alone or with his or her family or a  
28 caregiver, or others, or a board and care home or other  
29 community-based unlicensed facility, but is not:

30           (1) A licensed facility as defined in Section 1-113  
31 of the Nursing Home Care Act;

32           (2) A "life care facility" as defined in the Life  
33 Care Facilities Act;

34           (3) A home, institution, or other place operated by

1 the federal government or agency thereof or by the State  
2 of Illinois;

3 (4) A hospital, sanitarium, or other institution,  
4 the principal activity or business of which is the  
5 diagnosis, care, and treatment of human illness through  
6 the maintenance and operation of organized facilities  
7 therefor, which is required to be licensed under the  
8 Hospital Licensing Act;

9 (5) A "community living facility" as defined in the  
10 Community Living Facilities Licensing Act;

11 (6) A "community residential alternative" as  
12 defined in the Community Residential Alternatives  
13 Licensing Act; and

14 (7) A "community-integrated living arrangement" as  
15 defined in the Community-Integrated Living Arrangements  
16 Licensure and Certification Act.

17 (e) "Eligible adult" means a person 60 years of age or  
18 older who resides in a domestic living situation and is, or  
19 is alleged to be, abused, neglected, or financially exploited  
20 by another individual.

21 (f) "Emergency" means a situation in which an eligible  
22 adult is living in conditions presenting a risk of death or  
23 physical, mental or sexual injury and the provider agency has  
24 reason to believe the eligible adult is unable to consent to  
25 services which would alleviate that risk.

26 (f-5) "Mandated reporter" means any of the following  
27 persons while engaged in carrying out their professional  
28 duties:

29 (1) a professional or professional's delegate while  
30 engaged in: (i) social services, (ii) law enforcement,  
31 (iii) education, (iv) the care of an eligible adult or  
32 eligible adults, or (v) any of the occupations required  
33 to be licensed under the Clinical Psychologist Licensing  
34 Act, the Clinical Social Work and Social Work Practice

1 Act, the Illinois Dental Practice Act, the Dietetic and  
2 Nutrition Services Practice Act, the Marriage and Family  
3 Therapy Licensing Act, the Medical Practice Act of 1987,  
4 the Naprapathic Practice Act, the Nursing and Advanced  
5 Practice Nursing Act, the Nursing Home Administrators  
6 Licensing and Disciplinary Act, the Illinois Occupational  
7 Therapy Practice Act, the Illinois Optometric Practice  
8 Act of 1987, the Pharmacy Practice Act of 1987, the  
9 Illinois Physical Therapy Act, the Physician Assistant  
10 Practice Act of 1987, the Podiatric Medical Practice Act  
11 of 1987, the Respiratory Care Practice Act, the  
12 Professional Counselor and Clinical Professional  
13 Counselor Licensing Act, the Illinois Speech-Language  
14 Pathology and Audiology Practice Act, the Veterinary  
15 Medicine and Surgery Practice Act of 2004 ~~1994~~, and the  
16 Illinois Public Accounting Act;

17 (2) an employee of a vocational rehabilitation  
18 facility prescribed or supervised by the Department of  
19 Human Services;

20 (3) an administrator, employee, or person providing  
21 services in or through an unlicensed community based  
22 facility;

23 (4) a Christian Science Practitioner;

24 (5) field personnel of the Department of Public  
25 Aid, Department of Public Health, and Department of Human  
26 Services, and any county or municipal health department;

27 (6) personnel of the Department of Human Services,  
28 the Guardianship and Advocacy Commission, the State Fire  
29 Marshal, local fire departments, the Department on Aging  
30 and its subsidiary Area Agencies on Aging and provider  
31 agencies, and the Office of State Long Term Care  
32 Ombudsman;

33 (7) any employee of the State of Illinois not  
34 otherwise specified herein who is involved in providing

1 services to eligible adults, including professionals  
2 providing medical or rehabilitation services and all  
3 other persons having direct contact with eligible adults;  
4 or

5 (8) a person who performs the duties of a coroner  
6 or medical examiner.

7 (g) "Neglect" means another individual's failure to  
8 provide an eligible adult with or willful withholding from an  
9 eligible adult the necessities of life including, but not  
10 limited to, food, clothing, shelter or medical care. This  
11 subsection does not create any new affirmative duty to  
12 provide support to eligible adults. Nothing in this Act  
13 shall be construed to mean that an eligible adult is a victim  
14 of neglect because of health care services provided or not  
15 provided by licensed health care professionals.

16 (h) "Provider agency" means any public or nonprofit  
17 agency in a planning and service area appointed by the  
18 regional administrative agency with prior approval by the  
19 Department on Aging to receive and assess reports of alleged  
20 or suspected abuse, neglect, or financial exploitation.

21 (i) "Regional administrative agency" means any public or  
22 nonprofit agency in a planning and service area so designated  
23 by the Department, provided that the designated Area Agency  
24 on Aging shall be designated the regional administrative  
25 agency if it so requests. The Department shall assume the  
26 functions of the regional administrative agency for any  
27 planning and service area where another agency is not so  
28 designated.

29 (j) "Substantiated case" means a reported case of  
30 alleged or suspected abuse, neglect, or financial  
31 exploitation in which a provider agency, after assessment,  
32 determines that there is reason to believe abuse, neglect, or  
33 financial exploitation has occurred.

34 (Source: P.A. 91-259, eff. 1-1-00; 91-357, eff. 7-29-99;



1 91-533, eff. 8-13-99; 92-16, eff. 6-28-01.)

2 Section 30. The Illinois Food, Drug and Cosmetic Act is  
3 amended by changing Section 3.21 as follows:

4 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

5 Sec. 3.21. Except as authorized by this Act, the  
6 Controlled Substances Act, the Pharmacy Practice Act of 1987,  
7 the Dental Practice Act, the Medical Practice Act of 1987,  
8 the Veterinary Medicine and Surgery Practice Act of 2004  
9 ~~1994~~, or the Podiatric Medical Practice Act of 1987, to sell  
10 or dispense a prescription drug without a prescription.

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

12 Section 35. The Humane Care for Animals Act is amended  
13 by changing Section 2.01h as follows:

14 (510 ILCS 70/2.01h)

15 Sec. 2.01h. Animal shelter. "Animal shelter" means a  
16 facility operated, owned, or maintained by a duly  
17 incorporated humane society, animal welfare society, or other  
18 non-profit organization for the purpose of providing for and  
19 promoting the welfare, protection, and humane treatment of  
20 animals. "Animal shelter" also means any veterinary hospital  
21 or clinic operated by a veterinarian or veterinarians  
22 licensed under the Veterinary Medicine and Surgery Practice  
23 Act of 2004 ~~1994~~ which operates for the above mentioned  
24 purpose in addition to its customary purposes.

25 (Source: P.A. 92-454, eff. 1-1-02.)

26 Section 40. The Humane Euthanasia in Animal Shelters Act  
27 is amended by changing Section 5 as follows:

28 (510 ILCS 72/5)

1           Sec. 5. Definitions.

2           The following terms have the meanings indicated, unless the  
3           context requires otherwise:

4           "Animal" means any bird, fish, reptile, or mammal other  
5           than man.

6           "DEA" means the United States Department of Justice Drug  
7           Enforcement Administration.

8           "Department" means the Department of Professional  
9           Regulation.

10          "Director" means the Director of the Department of  
11          Professional Regulation.

12          "Euthanasia agency" means an entity certified by the  
13          Department for the purpose of animal euthanasia that holds an  
14          animal control facility or animal shelter license under the  
15          Animal Welfare Act.

16          "Euthanasia drugs" means Schedule II or Schedule III  
17          substances (nonnarcotic controlled substances) as set forth  
18          in the Illinois Controlled Substances Act that are used by a  
19          euthanasia agency for the purpose of animal euthanasia.

20          "Euthanasia technician" or "technician" means a person  
21          employed by a euthanasia agency or working under the direct  
22          supervision of a veterinarian and who is certified by the  
23          Department to administer euthanasia drugs to euthanize  
24          animals.

25          "Veterinarian" means a person holding the degree of  
26          Doctor of Veterinary Medicine who is licensed under the  
27          Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~.

28          (Source: P.A. 92-449, eff. 1-1-02.)

29          Section 45. The Good Samaritan Act is amended by  
30          changing Section 60 as follows:

31                   (745 ILCS 49/60)

32          Sec. 60. Veterinarians; exemption from civil liability

1 for emergency care to humans. Any person licensed under the  
2 Veterinary Medicine and Surgery Practice Act of 2004 ~~1994~~ or  
3 any person licensed as a veterinarian in any other state or  
4 territory of the United States who in good faith provides  
5 emergency care to a human victim of an accident, at the scene  
6 of an accident or in a catastrophe shall not be liable for  
7 civil damages as a result of his or her acts or omissions,  
8 except for willful or wanton misconduct on the part of the  
9 person in providing the care.

10 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

11 Section 99. Effective date. This Act takes effect on  
12 December 31, 2003."