



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3499

Introduced 2/23/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act to extend the repeal of the Illinois Physical Therapy Act to January 1, 2016. Amends the Physical Therapy Act. Changes all references from the Physical Therapy Licensing and Disciplinary Committee and the Physical Therapy Examining Committee to the Physical Therapy Licensing and Disciplinary Board. Changes the definition of "physical therapy" to mean and include (A) examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, determining a treatment diagnosis for these disorders and rehabilitation prognosis and plan of therapeutic intervention, and assessing the on-going effects of the interventions, (B) alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability, (C) reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness, and (D) engaging in administration, consultation, education, and research. Provides that a majority of Board members then appointed constitutes a quorum and that a majority vote of the quorum is required for a Board decision. Changes references to a physical therapy assistant program to a physical therapist assistant program. Provides that a person must have graduated from and attained an associate's degree from an approved physical therapist assistant program in order to be qualified to receive a license as a physical therapist assistant (now, a person is required to have graduated from a 2-year college level physical therapy assistant program). Provides that following notification of eligibility for examination, an applicant who fails to take the examination for a license under the Act within 60 days of the notification shall forfeit his or her fee and right to practice as a physical therapist or physical therapist assistant until such time as the applicant has passed the appropriate examination (now, an applicant who fails to take the next-scheduled examination forfeits his fee and right to practice). Effective immediately.

LRB094 10877 RAS 41421 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Barber, Cosmetology, Esthetics, and Nail Technology
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 ~~The Illinois Physical Therapy Act.~~

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following
24 Act is repealed on January 1, 2016:

25 The Illinois Physical Therapy Act.

26 Section 10. The Illinois Physical Therapy Act is amended by
27 changing Sections 1, 6, 8, 8.1, 12, 15, 17, 19, 20, 22, 23, 25,
28 26, 27, and 29 as follows:

29 (225 ILCS 90/1) (from Ch. 111, par. 4251)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 1. Definitions. As used in this Act:

3 (1) "Physical therapy" means all of the following:

4 (A) Examining, evaluating, and testing individuals who
5 may have mechanical, physiological, or developmental
6 impairments, functional limitations, disabilities, or
7 other health and movement-related conditions, and
8 determining a treatment diagnosis for these disorders and a
9 rehabilitation prognosis and plan of therapeutic
10 intervention, and assessing the on-going effects of the
11 interventions.

12 (B) Alleviating impairments, functional limitations,
13 or disabilities by designing, implementing, and modifying
14 therapeutic interventions that may include, but are not
15 limited to, the evaluation or treatment of a person through
16 the use of the effective properties of physical measures
17 and heat, cold, light, water, radiant energy, electricity,
18 sound, and air and use of therapeutic massage, therapeutic
19 exercise, functional training, mobilization, and
20 rehabilitative procedures, with or without assistive
21 devices, for the purposes of preventing, correcting, or
22 alleviating a physical or mental impairment, functional
23 limitation, or disability.

24 (C) Reducing the risk of injury, impairment,
25 functional limitation, or disability, including the
26 promotion and maintenance of fitness, health, and
27 wellness.

28 (D) Engaging in administration, consultation,
29 education, and research. ~~the evaluation or treatment of a~~
30 ~~person by the use of the effective properties of physical~~
31 ~~measures and heat, cold, light, water, radiant energy,~~
32 ~~electricity, sound, and air; and the use of therapeutic~~
33 ~~massage, therapeutic exercise, mobilization, and the~~
34 ~~rehabilitative procedures with or without assistive~~
35 ~~devices for the purposes of preventing, correcting, or~~
36 ~~alleviating a physical or mental disability, or promoting~~

1 ~~physical fitness and well being.~~

2 Physical therapy includes, but is not limited to: (a)
3 performance of specialized tests and measurements, (b)
4 administration of specialized treatment procedures, (c)
5 interpretation of referrals from physicians, dentists,
6 advanced practice nurses, physician assistants, and
7 podiatrists, (d) establishment, and modification of physical
8 therapy treatment programs, (e) administration of topical
9 medication used in generally accepted physical therapy
10 procedures when such medication is prescribed by the patient's
11 physician, licensed to practice medicine in all its branches,
12 the patient's physician licensed to practice podiatric
13 medicine, the patient's advanced practice nurse, the patient's
14 physician assistant, or the patient's dentist, and (f)
15 supervision or teaching of physical therapy. Physical therapy
16 does not include radiology, electrosurgery, chiropractic
17 technique or determination of a differential medical
18 diagnosis; provided, however, the limitation on determining a
19 differential medical diagnosis shall not in any manner limit a
20 physical therapist licensed under this Act from performing an
21 evaluation pursuant to such license. Nothing in this Section
22 shall limit a physical therapist from employing appropriate
23 physical therapy techniques that he or she is educated and
24 licensed to perform. A physical therapist shall refer to a
25 licensed physician, advanced practice nurse, physician
26 assistant, dentist, or podiatrist any patient whose medical
27 condition should, at the time of evaluation or treatment, be
28 determined to be beyond the scope of practice of the physical
29 therapist.

30 (2) "Physical therapist" means a person who practices
31 physical therapy and who has met all requirements as provided
32 in this Act.

33 (3) "Department" means the Department of Professional
34 Regulation.

35 (4) "Director" means the Director of Professional
36 Regulation.

1 (5) "Board" ~~"Committee"~~ means the Physical Therapy
2 Licensing and Disciplinary Board ~~Examining Committee~~ approved
3 by the Director.

4 (6) "Referral" means a written or oral authorization for
5 physical therapy services for a patient by a physician,
6 dentist, advanced practice nurse, physician assistant, or
7 podiatrist who maintains medical supervision of the patient and
8 makes a diagnosis or verifies that the patient's condition is
9 such that it may be treated by a physical therapist.

10 (7) "Documented current and relevant diagnosis" for the
11 purpose of this Act means a diagnosis, substantiated by
12 signature or oral verification of a physician, dentist,
13 advanced practice nurse, physician assistant, or podiatrist,
14 that a patient's condition is such that it may be treated by
15 physical therapy as defined in this Act, which diagnosis shall
16 remain in effect until changed by the physician, dentist,
17 advanced practice nurse, physician assistant, or podiatrist.

18 (8) "State" includes:

19 (a) the states of the United States of America;

20 (b) the District of Columbia; and

21 (c) the Commonwealth of Puerto Rico.

22 (9) "Physical therapist assistant" means a person licensed
23 to assist a physical therapist and who has met all requirements
24 as provided in this Act and who works under the supervision of
25 a licensed physical therapist to assist in implementing the
26 physical therapy treatment program as established by the
27 licensed physical therapist. The patient care activities
28 provided by the physical therapist assistant shall not include
29 the interpretation of referrals, evaluation procedures, or the
30 planning or major modification of patient programs.

31 (10) "Physical therapy aide" means a person who has
32 received on the job training, specific to the facility in which
33 he is employed, but who has not completed an approved physical
34 therapist assistant program.

35 (11) "Advanced practice nurse" means a person licensed
36 under the Nursing and Advanced Practice Nursing Act who has a

1 collaborative agreement with a collaborating physician that
2 authorizes referrals to physical therapists.

3 (12) "Physician assistant" means a person licensed under
4 the Physician Assistant Practice Act of 1987 who has been
5 delegated authority to make referrals to physical therapists.
6 (Source: P.A. 92-651, eff. 7-11-02; 93-1010, eff. 8-24-04.)

7 (225 ILCS 90/6) (from Ch. 111, par. 4256)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 6. Duties and functions of Director and Board
10 ~~Committee~~. The Director shall appoint a Physical Therapy
11 Licensing and Disciplinary Board ~~Committee~~ as follows: Seven
12 persons who shall be appointed by and shall serve in an
13 advisory capacity to the Director. Six members must be actively
14 engaged in the practice of physical therapy in this State for a
15 minimum of 5 years and one member must be a member of the
16 public who is not licensed under this Act, or a similar Act of
17 another jurisdiction.

18 Members shall serve 4 year terms and until their successors
19 are appointed and qualified, except that of the initial
20 appointments, 2 members shall be appointed to serve for 2
21 years, 2 shall be appointed to serve for 3 years and the
22 remaining shall be appointed to serve for 4 years and until
23 their successors are appointed and qualified. No member shall
24 be reappointed to the Board ~~Committee~~ for a term which would
25 cause his continuous service on the Board ~~Committee~~ to be
26 longer than 9 successive years. Appointments to fill vacancies
27 shall be made in the same manner as original appointments, for
28 the unexpired portion of the vacated term. Initial terms shall
29 begin upon the effective date of this amendatory Act of 1987
30 and Board ~~Committee~~ members in office on that date shall be
31 eligible for appointment to specific terms as indicated herein.

32 For the initial appointment of the Board ~~Committee~~, the
33 Director shall give priority to filling the public member terms
34 as vacancies become available.

35 Members of the Board ~~Committee~~ shall be immune from suit in

1 any action based upon any disciplinary proceedings or other
2 activities performed in good faith as members of the Board
3 Committee.

4 A majority of Board members then appointed constitutes a
5 quorum. A majority vote of the quorum is required for a Board
6 decision.

7 A vacancy in the membership of the Board ~~Committee~~ shall
8 not impair the right of a quorum to exercise all the rights and
9 perform all the duties of the Board ~~Committee~~.

10 The members of the Board ~~Committee~~ are entitled to receive
11 as compensation a reasonable sum as determined by the Director
12 for each day actually engaged in the duties of the office and
13 all legitimate and necessary expenses incurred in attending the
14 meetings of the Board ~~Committee~~.

15 The membership of the Board ~~Committee~~ should reasonably
16 reflect representation from the geographic areas in this State.

17 The Director may terminate the appointment of any member
18 for cause which in the opinion of the Director reasonably
19 justifies such termination.

20 The Director shall consider the recommendations of the
21 Board ~~Committee~~ on questions involving standards of
22 professional conduct, discipline and qualifications of
23 candidates and licensees under this Act.

24 Nothing shall limit the ability of the Board ~~Committee~~ to
25 provide recommendations to the Director in regard to any matter
26 affecting the administration of this Act. The Director shall
27 give due consideration to all recommendations of the Board
28 ~~Committee~~. If the Director takes action contrary to a
29 recommendation of the Board ~~Committee~~, the Director shall
30 promptly provide a written explanation of that action.

31 (Source: P.A. 89-387, eff. 1-1-96.)

32 (225 ILCS 90/8) (from Ch. 111, par. 4258)

33 (Section scheduled to be repealed on January 1, 2006)

34 Sec. 8. Qualifications for licensure as a Physical
35 Therapist.

1 (a) A person is qualified to receive a license as a
2 physical therapist if that person has applied in writing, on
3 forms prescribed by the Department, has paid the required fees,
4 and meets all of the following requirements:

5 (1) He or she is at least 18 years of age and of good
6 moral character. In determining moral character, the
7 Department may take into consideration any felony
8 conviction of the applicant, but such a conviction shall
9 not operate automatically as a complete bar to a license.

10 (2) He or she has graduated from a curriculum in
11 physical therapy approved by the Department. In approving a
12 curriculum in physical therapy, the Department shall
13 consider, but not be bound by, accreditation by the
14 Commission on Accreditation in Physical Therapy Education.
15 A person who graduated from a physical therapy program
16 outside the United States or its territories shall have his
17 or her degree validated as equivalent to a physical therapy
18 degree conferred by a regionally accredited college or
19 university in the United States. The Department may
20 establish by rule a method for the completion of course
21 deficiencies.

22 (3) He or she has passed an examination approved by the
23 Department to determine his fitness for practice as a
24 physical therapist, or is entitled to be licensed without
25 examination as provided in Sections 10 and 11 of this Act.
26 A person who graduated from a physical therapy program
27 outside the United States or its territories and whose
28 first language is not English shall submit certification of
29 passage of the Test of English as a Foreign Language
30 (TOEFL) and the Test of Spoken English (TSE) as defined by
31 rule prior to taking the licensure examination.

32 (b) The Department reserves the right and may request a
33 personal interview of an applicant before the Board ~~Committee~~
34 to further evaluate his or her qualifications for a license.

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

1 (225 ILCS 90/8.1) (from Ch. 111, par. 4258.1)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 8.1. Qualifications for licensure as a physical
4 therapist assistant. A person is qualified to receive a license
5 as a physical therapist assistant if that person has applied in
6 writing, on forms prescribed by the Department, has paid the
7 required fees and:

8 (1) Is at least 18 years of age and of good moral
9 character. In determining moral character, the Department
10 may take into consideration any felony conviction of the
11 applicant, but such a conviction shall not operate
12 automatically as a complete bar to a license;

13 (2) Has graduated from a ~~2-year college-level~~ physical
14 therapist therapy assistant program approved by the
15 Department and attained, at a minimum, an associate's
16 degree from the program. In approving such a physical
17 therapist assistant program the Department shall consider
18 but not be bound by accreditation by the Commission on
19 Accreditation in Physical Therapy Education. Any person
20 who graduated from a physical therapist therapy assistant
21 program outside the United States or its territories shall
22 have his or her degree validated as equivalent to a
23 physical therapy assistant degree conferred by a
24 regionally accredited college or university in the United
25 States. The Department may establish by rule a method for
26 the completion of course deficiencies; and

27 (3) Has successfully completed the examination
28 authorized by the Department. A person who graduated from a
29 physical therapist therapy assistant program outside the
30 United States or its territories and whose first language
31 is not English shall submit certification of passage of the
32 Test of English as a Foreign Language (TOEFL) and the Test
33 of Spoken English (TSE) as defined by rule prior to taking
34 the licensure examination.

35 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 90/12) (from Ch. 111, par. 4262)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 12. Examinations. The Department shall examine
4 applicants for licenses as physical therapists or physical
5 therapist assistants at such times and places as it may
6 determine. At least 2 written examinations shall be given
7 during each calendar year for both physical therapists and
8 physical therapist assistants. The examination shall be
9 approved by the Department.

10 Following notification of eligibility for examination, an
11 applicant who fails to take the ~~next scheduled~~ examination for
12 a license under this Act within 60 days of the notification⁷
13 shall forfeit his or her fee⁷ and his or her right to practice
14 as a physical therapist or physical therapist assistant until
15 such time as the applicant has passed the appropriate
16 examination. Any applicant failing the examination three times
17 in any jurisdiction will not be allowed to sit for another
18 examination until the applicant has presented satisfactory
19 evidence to the Board ~~committee~~ of appropriate remedial work as
20 set forth in the rules and regulations.

21 If an applicant neglects, fails or refuses to take an
22 examination or fails to pass an examination for a license or
23 otherwise fails to complete the application process under this
24 Act within 3 years after filing his application, the
25 application shall be denied. However, such applicant may make a
26 new application for examination accompanied by the required
27 fee, and must furnish proof of meeting qualifications for
28 examination in effect at the time of new application.

29 (Source: P.A. 89-387, eff. 1-1-96.)

30 (225 ILCS 90/15) (from Ch. 111, par. 4265)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 15. Restoration of expired licenses. A physical
33 therapist or physical therapist assistant who has permitted his
34 or her license to expire or who has had his or her license on
35 inactive status may have his or her license restored by making

1 application to the Department and filing proof acceptable to
2 the Department of his or her fitness to have his or her license
3 restored, including sworn evidence certifying to active
4 practice in another jurisdiction satisfactory to the
5 Department and by paying the required restoration fee.

6 If the physical therapist or physical therapist assistant
7 has not maintained an active practice in another jurisdiction
8 satisfactory to the Department, the Board ~~Committee~~ shall
9 determine, by an evaluation program established by rule his or
10 her fitness to resume active status and may require the
11 physical therapist or physical therapist assistant to complete
12 a period of evaluated clinical experience and may require
13 successful completion of an examination.

14 Any physical therapist or physical therapist assistant
15 whose license has been expired or placed on inactive status for
16 more than 5 years may have his or her license restored by
17 making application to the Department and filing proof
18 acceptable to the Department of his or her fitness to have his
19 or her license restored, including sworn evidence certifying to
20 active practice in another jurisdiction and by paying the
21 required restoration fee.

22 However, any physical therapist or physical therapist
23 assistant whose license has expired while he has been engaged
24 (1) in the federal service in active duty with the Army of the
25 United States, the United States Navy, the Marine Corps, the
26 Air Force, the Coast Guard, or the State Militia called into
27 the service or training of the United States of America, or (2)
28 in training or education under the supervision of the United
29 States preliminary to induction into the military service, may
30 have his license restored without paying any lapsed renewal
31 fees or restoration fee, if within 2 years after termination of
32 such service, training or education, other than by dishonorable
33 discharge, he furnishes the Department with an affidavit to the
34 effect that he has been so engaged and that his service,
35 training or education has been so terminated.

36 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 90/17) (from Ch. 111, par. 4267)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 17. (1) The Department may refuse to issue or to
4 renew, or may revoke, suspend, place on probation, reprimand,
5 or take other disciplinary action as the Department deems
6 appropriate, including the issuance of fines not to exceed
7 \$5000, with regard to a license for any one or a combination of
8 the following:

9 A. Material misstatement in furnishing information to
10 the Department or otherwise making misleading, deceptive,
11 untrue, or fraudulent representations in violation of this
12 Act or otherwise in the practice of the profession;

13 B. Violations of this Act, or of the rules or
14 regulations promulgated hereunder;

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

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

26 E. A pattern of practice or other behavior which
27 demonstrates incapacity or incompetency to practice under
28 this Act;

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

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

33 H. Engaging in dishonorable, unethical or
34 unprofessional conduct of a character likely to deceive,
35 defraud or harm the public. Unprofessional conduct shall

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

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

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

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

19 L. Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership or association
21 any fee, commission, rebate or other form of compensation
22 for any professional services not actually or personally
23 rendered. Nothing contained in this paragraph prohibits
24 persons holding valid and current licenses under this Act
25 from practicing physical therapy in partnership under a
26 partnership agreement, including a limited liability
27 partnership, a limited liability company, or a corporation
28 under the Professional Service Corporation Act or from
29 pooling, sharing, dividing, or apportioning the fees and
30 monies received by them or by the partnership, company, or
31 corporation in accordance with the partnership agreement
32 or the policies of the company or professional corporation;

33 M. A finding by the Board ~~Committee~~ that the licensee
34 after having his or her license placed on probationary
35 status has violated the terms of probation;

36 N. Abandonment of a patient;

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

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

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

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

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

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

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

27 V. Having treated ailments of human beings otherwise
28 than by the practice of physical therapy as defined in this
29 Act, or having treated ailments of human beings as a
30 licensed physical therapist independent of a documented
31 referral or a documented current and relevant diagnosis
32 from a physician, dentist, advanced practice nurse,
33 physician assistant, or podiatrist, or having failed to
34 notify the physician, dentist, advanced practice nurse,
35 physician assistant, or podiatrist who established a
36 documented current and relevant diagnosis that the patient

1 is receiving physical therapy pursuant to that diagnosis;

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

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

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

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

18 (2) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code operates as an automatic suspension. Such suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission
24 and the issuance of an order so finding and discharging the
25 patient; and upon the recommendation of the Board ~~Committee~~ to
26 the Director that the licensee be allowed to resume his
27 practice.

28 (3) The Department may refuse to issue or may suspend the
29 license of any person who fails to file a return, or to pay the
30 tax, penalty or interest shown in a filed return, or to pay any
31 final assessment of tax, penalty or interest, as required by
32 any tax Act administered by the Illinois Department of Revenue,
33 until such time as the requirements of any such tax Act are
34 satisfied.

35 (Source: P.A. 93-1010, eff. 8-24-04.)

1 (225 ILCS 90/19) (from Ch. 111, par. 4269)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 19. Investigations; notice and hearing. The
4 Department may investigate the actions of any applicant or of
5 any person or persons holding or claiming to hold a license.
6 The Department shall, before refusing to issue, to renew or
7 discipline a license pursuant to Section 17, at least 30 days
8 prior to the date set for the hearing, notify in writing the
9 applicant for, or holder of, a license of the nature of the
10 charges, that a hearing will be held on the date designated,
11 and direct the applicant or licensee to file a written answer
12 to the Board under oath within 20 days after the service of the
13 notice and inform the applicant or licensee that failure to
14 file an answer will result in default being taken against the
15 applicant or licensee and that the license or certificate may
16 be suspended, revoked, placed on probationary status, or other
17 disciplinary action may be taken, including limiting the scope,
18 nature or extent of practice, as the Director may deem proper.
19 Written notice may be served by personal delivery or certified
20 or registered mail to the respondent at the address of his last
21 notification to the Department. In case the person fails to
22 file an answer after receiving notice, his or her license or
23 certificate may, in the discretion of the Department, be
24 suspended, revoked, or placed on probationary status, or the
25 Department may take whatever disciplinary action deemed
26 proper, including limiting the scope, nature, or extent of the
27 person's practice or the imposition of a fine, without a
28 hearing, if the act or acts charged constitute sufficient
29 grounds for such action under this Act. At the time and place
30 fixed in the notice, the Board ~~Committee~~ shall proceed to hear
31 the charges and the parties or their counsel shall be accorded
32 ample opportunity to present such statements, testimony,
33 evidence and argument as may be pertinent to the charges or to
34 their defense. The Board ~~Committee~~ may continue a hearing from
35 time to time.

36 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 90/20) (from Ch. 111, par. 4270)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 20. Stenographer - Transcript. The Department, at its
4 expense, shall preserve a record of all proceedings at the
5 formal hearing of any case involving the refusal to issue,
6 renew or discipline of a license. The notice of hearing,
7 complaint and all other documents in the nature of pleadings
8 and written motions filed in the proceedings, the transcript of
9 testimony, the report of the Board ~~Committee~~ and order of the
10 Department shall be the record of such proceeding.

11 (Source: P.A. 84-595.)

12 (225 ILCS 90/22) (from Ch. 111, par. 4272)

13 (Section scheduled to be repealed on January 1, 2006)

14 Sec. 22. Findings and Recommendations. At the conclusion of
15 the hearing the Board ~~Committee~~ shall present to the Director a
16 written report of its findings and recommendations. The report
17 shall contain a finding whether or not the accused person
18 violated this Act or failed to comply with the conditions
19 required in this Act. The Board ~~Committee~~ shall specify the
20 nature of the violation or failure to comply, and shall make
21 its recommendations to the Director.

22 The report of findings and recommendations of the Board
23 ~~Committee~~ shall be the basis for the Department's order or
24 refusal or for the granting of a license or permit unless the
25 Director shall determine that the Board ~~Committee~~ report is
26 contrary to the manifest weight of the evidence, in which case
27 the Director may issue an order in contravention of the Board
28 ~~Committee~~ report. The finding is not admissible in evidence
29 against the person in a criminal prosecution brought for the
30 violation of this Act, but the hearing and finding are not a
31 bar to a criminal prosecution brought for the violation of this
32 Act.

33 (Source: P.A. 84-595.)

1 (225 ILCS 90/23) (from Ch. 111, par. 4273)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 23. Rehearing. In any case involving the refusal to
4 issue, renew or discipline of a license, a copy of the Board's
5 ~~Committee's~~ report shall be served upon the respondent by the
6 Department, either personally or as provided in this Act for
7 the service of the notice of hearing. Within 20 days after such
8 service, the respondent may present to the Department a motion
9 in writing for a rehearing, which motion shall specify the
10 particular grounds therefor. If no motion for rehearing is
11 filed, then upon the expiration of the time specified for
12 filing such a motion, or if a motion for rehearing is denied,
13 then upon such denial the Director may enter an order in
14 accordance with recommendations of the Board ~~Committee~~ except
15 as provided in Section 22 of this Act. If the respondent shall
16 order from the reporting service, and pay for a transcript of
17 the record within the time for filing a motion for rehearing,
18 the 20 day period within which such a motion may be filed shall
19 commence upon the delivery of the transcript to the respondent.
20 (Source: P.A. 90-655, eff. 7-30-98.)

21 (225 ILCS 90/25) (from Ch. 111, par. 4275)

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 25. Appointment of a Hearing Officer. The Director
24 shall have the authority to appoint any attorney duly licensed
25 to practice law in the State of Illinois to serve as the
26 hearing officer in any action for refusal to issue, renew or
27 discipline of a license or permit. The hearing officer shall
28 have full authority to conduct the hearing. At least one member
29 of the Board ~~Committee~~ shall attend each hearing. The hearing
30 officer shall report his findings and recommendations to the
31 Board ~~Committee~~ and the Director. The Board ~~Committee~~ shall
32 have 60 days from receipt of the report to review the report of
33 the hearing officer and present their findings of fact,
34 conclusions of law and recommendations to the Director. If the
35 Board ~~Committee~~ fails to present its report within the 60 day

1 period, the Director shall issue an order based on the report
2 of the hearing officer. If the Director determines that the
3 Board's ~~Committee's~~ report is contrary to the manifest weight
4 of the evidence, he may issue an order in contravention of the
5 Board's ~~Committee's~~ report.

6 (Source: P.A. 89-387, eff. 1-1-96.)

7 (225 ILCS 90/26) (from Ch. 111, par. 4276)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 26. Order or certified copy; prima facie proof. An
10 order or a certified copy thereof, over the seal of the
11 Department and purporting to be signed by the Director, shall
12 be prima facie proof that:

13 (a) the signature is the genuine signature of the
14 Director;

15 (b) the Director is duly appointed and qualified; and

16 (c) the Board ~~Committee~~ and the members thereof are
17 qualified to act.

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

19 (225 ILCS 90/27) (from Ch. 111, par. 4277)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 27. Restoration of Suspended or Revoked License. At
22 any time after the suspension or revocation of any license, the
23 Department may restore it to the accused person, upon the
24 written recommendation of the Board ~~Committee~~ unless after an
25 investigation and a hearing, the Board ~~Committee~~ determines
26 that restoration is not in the public interest.

27 (Source: P.A. 84-595.)

28 (225 ILCS 90/29) (from Ch. 111, par. 4279)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 29. Temporary Suspension of a License. The Director
31 may temporarily suspend the license of a physical therapist or
32 physical therapist assistant without a hearing, simultaneously
33 with the institution of proceedings for a hearing provided for

1 in Section 19 of this Act, if the Director finds that evidence
2 in his possession indicates that a physical therapist's or a
3 physical therapist assistant's continuation in practice would
4 constitute an imminent danger to the public. In the event that
5 the Director suspends, temporarily, the license of a physical
6 therapist or physical therapist assistant without a hearing, a
7 hearing by the Board ~~Committee~~ must be held within 30 calendar
8 days after such suspension has occurred.

9 (Source: P.A. 89-387, eff. 1-1-96.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.

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