HB4730

LRB094 17286 RAS 52579 b

94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4730

Introduced 01/12/06, by Rep. Joe Dunn

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.27 new

Creates the Clinical Laboratory Science Practice Act. Provides for the regulation of categorical scientists, medical laboratory scientists, and medical laboratory analysts through title protection licensure by the Department of Financial and Professional Regulation. Preempts home rule. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2017 for the Clinical Laboratory Science Practice Act. Effective immediately.

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CORRECTIONAL BUDGET AND IMPACT NOTE ACT MAY APPLY

FISCAL NOTE ACT MAY APPLY

HOME RULE NOTE ACT MAY APPLY

A BILL FOR

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Clinical Laboratory Science Practice Act.

Section 5. Declaration of policy; purpose. It is hereby declared to be a policy of this State that the practice of clinical laboratory science by health care professionals affects the public health, safety, and welfare and is subject to control and regulation in the public interest. It is further declared that clinical laboratories and clinical laboratory practitioners provide essential services to practitioners of the healing arts by furnishing vital information that may be used in the diagnosis, prevention, and treatment of disease or impairment and the assessment of the health of humans. The purpose of this Act is to assure better protection of public health by setting standards of qualifications, education, training, and experience for clinical laboratory practitioners who seek to hold the title of categorical scientist, medical laboratory scientist, or medical laboratory analyst.

Section 10. Definitions. The following words and terms when used in the Act shall have the following meaning unless otherwise indicated within the context:

"Accredited clinical laboratory education program" means a program planned to provide a predetermined amount of instruction and experience in clinical laboratory science or medical technology that has been accredited by one of the accrediting agencies approved by the U.S. Department of Health and Human Services.

"Board" means the Clinical Laboratory Science Board appointed by the Secretary of Financial and Professional

Regulation.

"Categorical scientist" means an individual eligible under this Act who is qualified to perform clinical laboratory testing in one or more categories of laboratory testing, such as microbiology, clinical chemistry, immunology, hematology, immunohematology, or other areas specified by the Board. The categorical scientist is responsible for the establishment and implementation of protocols, quality assessment, method development and selection, equipment selection and maintenance, and all activities related to the pre-analytical, analytical, and post-analytical phases of testing. The categorical scientist may also direct, supervise, consult, educate, and perform research functions in their specialty area.

"CLIA '88" means the Clinical Laboratory Improvement Amendments of 1988.

"Clinical laboratory" or "laboratory" means a site or location in which clinical laboratory tests or examinations are performed.

"Clinical laboratory practitioner" means an individual who has the authority to perform clinical laboratory tests.

"Clinical laboratory test" or "laboratory test" means a microbiological, serological, molecular, chemical, biological, hematological, immunological, immunohematological, cytological, biophysical, or any other test or procedure performed on material derived from a human body that provides information for the diagnosis, prevention, or monitoring of a disease or impairment or assessment of a clinical condition. Clinical laboratory testing encompasses the pre-analytical, analytical, and post-analytical phases of testing.

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

"Medical laboratory analyst" means an individual eligible under this Act who is qualified to perform clinical laboratory tests pursuant to established and approved protocols that require limited exercise of independent judgment and which are

performed with oversight from a medical laboratory scientist, technical consultant, technical supervisor, or laboratory director as defined by the CLIA '88. "Medical laboratory analyst" includes a clinical laboratory technician and a medical laboratory technician.

"Medical laboratory scientist" means an individual eligible under this Act that performs any clinical laboratory test including those that require the exercise of independent judgment. In addition, this individual is responsible for the establishment and implementation of protocols, quality assessment, method development and selection, equipment selection and maintenance, and all activities related to the pre-analytical, analytical and post-analytical phases of testing. A medical laboratory scientist may also direct, supervise, consult, educate, and perform research functions. "Medical laboratory scientist" includes a clinical laboratory scientist and a medical technologist.

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

Section 15. Exemptions.

(a) Nothing in this Act shall be construed to prohibit any of the following:

(1) A person licensed in this State under any other Act from engaging in the practice for which he or she is authorized, as long as he or she does not represent himself or herself by the title of "categorical scientist", "medical laboratory scientist", or "medical laboratory analyst".

(2) The activities and services of a person who is not regulated under this Act from performing clinical laboratory testing as long as he or she does not represent himself or herself as, or use the title of, "categorical scientist", "medical laboratory scientist", or "medical laboratory analyst".

(3) The practice of clinical laboratory testing by a

person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(4) The practice of clinical laboratory testing by a person engaged in teaching or research, provided that the results of any examination performed are not used in health maintenance, diagnosis, or treatment of disease.

(5) The activities and services of students or trainees enrolled in a clinical laboratory education program, provided that these activities constitute a part of a supervised course of study and that the persons are designated by title such as intern, trainee, or student.

(b) Nothing in this Act shall be construed to require any hospital, clinic, physician's office, independent laboratory, or any other organization or institution that provides health or illness care to employ a person regulated under this Act to perform clinical laboratory testing or to prohibit such entity from employing a person regulated under this Act to perform clinical laboratory testing. Organizations providing clinical laboratory testing may decide who is competent to perform such testing.

(c) Nothing in this Act shall be construed to limit the ability of an employer to utilize a clinical laboratory practitioner within the employment setting consistent with the individual's skill and training.

Section 20. Title protection licensure required.

(a) Beginning July 1, 2007, no person shall, without a valid title protection license as a categorical scientist, medical laboratory scientist, or medical laboratory analyst, (i) hold himself or herself out to the public as a categorical scientist, medical laboratory scientist, or medical laboratory analyst, or (ii) use the title of categorical scientist, medical laboratory scientist, or medical laboratory analyst.

(b) Nothing in this Act shall be construed as permitting title protection licensed categorical scientists, medical

laboratory scientists, or medical laboratory analysts to engage, in any manner, in the practice of medicine in all its branches, as defined by State law.

(c) Before July 1, 2007, a person not meeting the education, training, and experience qualifications for a title protection license under this Act may be granted title protection if they have 3 years of acceptable experience at the professional level for which title protection is sought immediately prior to the effective date of this Act and submit to the Board the job description of the position that the applicant has most recently performed, attested to by his or her employer.

(d) Beginning July 1, 2007, no initial title protection license shall be issued until an applicant meets all of the requirements under this Act and successfully completes a national certification examination authorized by the Department.

Section 25. Administration.

(a) The Department shall adopt rules consistent with the provisions of this Act for the administration and enforcement thereof and may prescribe the forms that shall be issued in connection with this Act. The rules shall include standards and criteria for title protection licensure and professional conduct and discipline. The Department shall consult with the Board in adopting rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and any recommendations the Board makes. The Department shall notify the Board in writing with an explanation of its deviations from the Board's recommendations and response.

(b) The Department may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(c) The Department shall issue to the Board a quarterly report of the status of all complaints related to the

profession received by the Department.

Section 30. Clinical Laboratory Science Board.

(a) There is hereby created a Clinical Laboratory Science Board within the Department of Financial and Professional Regulation which shall consist of 7 persons who have been residents of this State for at least 2 years prior to their appointment and who are actively engaged in their areas of practice. The Secretary may make appointments to the Board from lists submitted by organizations of clinical laboratory science practitioners and organizations of physician pathologists.

(b) The Board shall be composed of the following members: (i) one physician certified by the American Board of Pathology or the American Board of Osteopathic Pathology; (ii) 5 clinical laboratory practitioners who, except for initial appointments, hold active and valid title protection licenses as clinical laboratory practitioners in this State, at least one of whom is a non-physician laboratory director, as defined by the CLIA '88, 2 of whom are medical laboratory scientists, and one of whom is a medical laboratory analyst; and (iii) one public member who is not associated with or financially interested in the practice of clinical laboratory science.

(c) Board members shall serve for a term of 3 years and until their successors are appointed and qualified, except that the initial appointments, which shall be made within 60 days after the effective date of this Act, shall be as follows:

(1) A pathologist, a non-physician laboratory director, as defined by the CLIA '88, and 2 clinical laboratory practitioners shall be appointed to serve for 3 years.

(2) A public representative shall be appointed to serve for 2 years.

(3) The remaining members shall be appointed to serve for one year.

(d) Whenever a vacancy shall occur on the Board by reason

other than the expiration of a term of office, the Secretary shall appoint a successor of like qualifications for the remainder of the unexpired term. No person shall be appointed to serve more than 2 successive 3-year terms.

(e) The Secretary shall have the authority to remove any member of the Board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

(f) The Secretary shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of applicants or title protection licensees under this Act.

Section 35. Licensure requirements.

(a) The Department shall issue a medical laboratory scientist title protection license to an individual who meets the qualifications promulgated by the Department, including successful performance on a national certification examination at the clinical laboratory scientist or medical technologist level authorized by the Department and at least one of the following:

(1) Baccalaureate degree in clinical laboratory science or medical technology or the equivalent from an accredited college or university and successful completion of an accredited clinical laboratory science or medical technology education program.

(2) Baccalaureate degree from an accredited college or university and completion of 36 semester hours in the biological, chemical, or medical laboratory sciences in addition to or part of the baccalaureate degree and successful completion of an accredited clinical laboratory science or medical technology education program or successful completion of a 50-week or more military medical laboratory training program.

(3) Baccalaureate degree from an accredited college or university and completion of 36 semester hours in the

biological, chemical, or medical laboratory sciences in addition to or part of the baccalaureate degree, certified as a clinical laboratory technician or medical laboratory technician, and completion of the equivalent of 2 years of full-time clinical laboratory work experience within the last 4 years. This experience must have included a minimum of 4 months in each of the 4 major clinical laboratory disciplines (chemistry or urinalysis, hematology, immunohematology, and microbiology).

(4) Baccalaureate degree from an accredited college or university and completion of 36 semester hours in the biological, chemical, or medical laboratory sciences in addition to or part of the baccalaureate degree and completion of the equivalent of 4 years of full-time clinical laboratory work experience within the last 8 years. This experience must have included a minimum of 4 months in each of the 4 major clinical laboratory disciplines (chemistry or urinalysis, hematology, immunohematology, and microbiology).

(b) The Department shall issue a categorical scientist title protection license to an individual who meets such qualifications as promulgated by the Department, including successful performance on a categorical examination offered by a national certification organization authorized by the Department and at least one of the following:

(1) For the categories of microbiology and chemistry, (i) a baccalaureate degree from an accredited college or university, (ii) successful completion of 30 semester hours in the biological, chemical, or medical laboratory sciences, and (iii) one year of full-time experience within the last 10 years in the category for which licensure is sought or successful completion of a structured training program that is under the auspices of an accredited medical technology or clinical laboratory science education program in the category for which licensure is sought.

(2) For the categories of hematology, immunology, and

immunohematology, (i) a baccalaureate degree from an accredited college or university, (ii) successful completion of 30 semester hours in the biological, chemical or medical laboratory sciences, and (iii) 2 years of full-time experience within the last 10 years in the category for which licensure is sought or successful completion of a structured training program that is under the auspices of an accredited medical technology or clinical laboratory science education program in the category for which licensure is sought.

(3) A masters or doctorate in a chemical, biological, or medical laboratory science from an accredited college or university and 6 months of full time acceptable clinical laboratory experience or clinical laboratory training within the last 10 years in the category for which licensure is sought.

The Department may establish other categorical scientist licenses as necessary, provided that the licenses require a baccalaureate or graduate degree in an appropriate field, clinical training or work experience, and national certification.

(c) The Department shall issue a medical laboratory analyst title protection license to an individual who meets such qualifications as promulgated by the Department, which shall include successful performance on a national certification examination at the clinical laboratory technician or medical laboratory technician level authorized by the Department and at least one of the following:

(1) Associate's degree or 60 semester hours from an accredited post-secondary academic institution and successful completion of an accredited clinical laboratory technician or medical laboratory technician education program.

(2) Associate's degree or 60 semester hours from an accredited post-secondary academic institution with 24 semester hours of college course work in the biological,

chemical, or medical laboratory sciences, including 6 semester hours of chemistry and 6 semester hours of biology and successful completion of a 50-week or more military medical laboratory training program.

(3) Associate's degree or 60 semester hours from an accredited post-secondary academic institution with 24 semester hours of college course work in the biological, chemical, or medical laboratory sciences, including 6 semester hours of chemistry and 6 semester hours of biology and successful completion of an approved laboratory or clinical assistant education program, and completion of the equivalent of one year of full-time clinical laboratory work experience within the last 2 years. This experience must have included a minimum of 3 months in each of the 4 major clinical laboratory disciplines (chemistry or urinalysis, hematology, immunohematology, and microbiology). Laboratory work experience must be under the supervision of a certified clinical laboratory scientist or medical technologist, certified clinical laboratory technician, or medical laboratory technician.

(4) Associate's degree or 60 semester hours from an accredited post-secondary academic institution with 24 semester hours of college course work in the biological, chemical, or medical laboratory sciences, including 6 semester hours of chemistry and 6 semester hours of biology and completion of the equivalent of 2 years of full-time clinical laboratory work experience within the last 4 years. This experience must have included a minimum of 3 months in each of the 4 major clinical laboratory disciplines (chemistry or urinalysis, hematology, immunohematology, and microbiology). Completion of one year of the laboratory work experience must be under the supervision of a certified clinical laboratory scientist or medical technologist, certified clinical laboratory technician, or medical laboratory technician.

Section 40. Waiver of requirements. The Department of Financial and Professional Regulation shall adopt rules providing procedures for waiver of the requirements set forth in Section 35 for all applicants who hold a valid title protection license or equivalent issued by another state if the requirements under which that license or equivalent was issued are equivalent to or exceed the standards required by this Act.

Section 45. Licensure application procedures.

(a) Beginning 6 months after January 1, 2007, and except as provided in Section 15 of this Act, no individual shall hold himself or herself out as a categorical scientist, medical laboratory scientist, or medical laboratory analyst unless he or she is title protected under this Act.

(b) Title protection license applicants shall submit their application for title protection to the Department upon the forms prescribed and furnished by the Department and shall pay the designated application fee.

(c) Upon receipt of an application and payment of a fee, the Department shall issue a title protection license for a categorical scientist, medical laboratory scientist, or medical laboratory analyst to any person who meets the qualifications specified in this Act and the rules adopted pursuant to this Act.

Section 50. Licensure renewal.

(a) A title protection license issued under this Act shall expire 2 years after receipt.

(b) Every person title protected under this Act shall be issued a renewal license upon (i) submission of an application for renewal on a form prescribed by the Department and payment of an appropriate fee determined by the Department and (ii) proof of completion, in the period since the title protection license was first issued or last renewed, of at least 24 hours of continuing education courses, clinics, lectures, training programs, seminars, or other programs related to clinical

laboratory practice that are approved or accepted by the Board or proof of recertification by a national accrediting organization that mandates an annual minimum of 12 hours of continuing education.

(c) The Department may require other such evidence of competency as it shall deem reasonably appropriate as a prerequisite to the renewal of any license provided for in this Act, so long as the requirements are uniform as to application, are reasonably related to the measurement of qualification, performance, or competence, and are desirable and necessary for the protection of the public health.

Section 55. Disciplinary grounds.

(a) The Department may refuse to issue or renew or revoke a title protection license, may suspend, place on probation, censure, or reprimand a licensee, or may take such other disciplinary action as the Department may deem appropriate, including the imposition of a civil penalty not to exceed $5,000 for conduct that may result from but not necessarily be limited to any of the following:

(1) A material misstatement in furnishing information to the Department.

(2) A violation or negligent or intentional disregard of this Act or the rules adopted pursuant to this Act.

(3) A conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or a misdemeanor, an essential element of which is dishonesty or of any crime which is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining registration or violating any provision of this Act.

(5) Professional incompetence.

(6) Malpractice.

(7) Failing to provide information in response to a written request made by the Department within 60 days after

receipt of the request.

(8) Discipline by another state, territory, or country if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(9) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually rendered.

(10) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(11) Wilfully making or filing false records or reports in his or her practice, including but not limited to, false records filed with State agencies or departments.

(12) Violation of any standard of professional conduct adopted by the Department.

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

(14) Providing professional services while mentally incompetent or under the influence of alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or without valid medical indication.

(15) Directly or indirectly contracting to perform clinical laboratory tests in a manner that offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other remuneration.

(16) Aiding or assisting another person in violating any provision of this Act or any rule adopted pursuant to this Act.

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

longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the registrant be allowed to resume practice.

(c) The Department may refuse to issue or may suspend the registration of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of such tax Act are satisfied.

Section 60. Injunction; cease and desist order.

(a) If any person violates a provision of the Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining such violation or for an order enforcing compliance with the Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating this injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by the Act.

(b) If any person shall practice as a clinical laboratory practitioner or hold himself out as such without having a valid title protection license, as required under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of the Section.

(c) Whenever in the opinion of the Department any person violates any provision of the Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the

grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 65. Investigations. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a title protection license to engage in the practice of clinical laboratory science. Before refusing to issue or renew a title protection license, the Department shall notify in writing the applicant or holder of the nature of the charges and that a hearing will be held on the date designated. Such notice shall be sent at least 10 calendar days prior to the date set for the hearing. Such written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his or her last notification to the Department. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Board may continue such hearing.

Section 70. Record of proceedings. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and orders of the Department shall be the record of such proceedings.

Section 75. Compel witnesses. Any circuit court may, upon application of the Department or its designee, or of the applicant or licensee against whom proceedings under Section 60

of the Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 80. Findings of fact, conclusions of law, and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order for refusal or for the granting of a license or for other disciplinary action. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention thereof. The Secretary shall provide a written report to the Board on any deviation and shall specify with particularity the reasons for such action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

Section 85. Motion for rehearing. In any case involving the refusal to issue or renew a license or to discipline a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no

motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with recommendations of the Board, except as provided for in Section 75. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 90. Rehearing. Whenever the Secretary is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license, the Secretary may order a rehearing by the same or other examiners.

Section 95. Hearing officer. The Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action or refusal to issue or renew a license or discipline a licensee. The Secretary shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her finding of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its own findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall provide a written explanation to the Board of any such deviation and shall specify with particularity the reasons for such action in

the final order. At least 2 licensed clinical laboratory practitioner members of the Board shall be present at all formal hearings on the merits of complaints brought under the provisions of this Act.

Section 100. Prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary;

(2) the Secretary is duly appointed and qualified; and

(3) the Board and its members are qualified to act.

Section 105. Restoration. At any time after the suspension or revocation of any license, the Department may restore the license to the accused person, upon the written recommendation of the Board, unless after an investigation and a hearing, the Board determines that restoration is not in the public interest.

Section 110. Surrender of license. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the license.

Section 115. Temporary suspension. The Secretary may temporarily suspend the license of a clinical laboratory practitioner without a hearing, simultaneously with the institution of proceedings for a hearing as provided in Section 60 of this Act, if the Secretary finds that evidence in his or her possession indicates that a clinical laboratory practitioner's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary suspends temporarily the license of a clinical laboratory practitioner without a hearing, a hearing by the Board must be

held within 30 calendar days after such suspension has occurred.

Section 120. Judicial review. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Administrative Review Law. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides. If the party is not a resident of this State, the venue shall be in Sangamon County.

Section 125. Certification of record. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the actual cost per page of such record. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

Section 130. Criminal penalties. Any person who is found to have violated any provision of the Act is guilty of a Class A misdemeanor for the first offense, and a Class 4 felony for second and subsequent offenses.

Section 135. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of such Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of The Illinois Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the

license is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of The Illinois Administrative Procedure Act is deemed sufficient when mailed to the last know address of a party.

Section 140. Home rule. The regulation and licensing of clinical laboratory practitioners are exclusive powers and functions of the State. A unit of local government, including home rule units, may not regulate or license clinical laboratory practitioners. This Section is a denial and limitation under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 998. The Regulatory Sunset Act is amended by adding Section 4.27 as follows:

(5 ILCS 80/4.27 new)

Sec. 4.27. Act repealed on January 1, 2017. The following Act is repealed on January 1, 2017:

The Clinical Laboratory Science Practice Act.

Section 999. Effective date. This Act takes effect upon becoming law.