



Sen. Carol Ronen

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09500HB1284sam001

LRB095 10552 RAS 39704 a

1 AMENDMENT TO HOUSE BILL 1284

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1284 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 The Clinical Social Work and Social Work Practice Act.

12 ~~The Home Medical Equipment and Services Provider~~  
13 ~~License Act.~~

14 The Nursing and Advanced Practice Nursing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

1 ~~The Marriage and Family Therapy Licensing Act.~~

2 ~~The Nursing Home Administrators Licensing and~~  
3 ~~Disciplinary Act.~~

4 The Pharmacy Practice Act of 1987.

5 ~~The Physician Assistant Practice Act of 1987.~~

6 The Podiatric Medical Practice Act of 1987.

7 The Structural Pest Control Act.

8 (b) The following Acts are repealed on December 31, 2008:

9 The Medical Practice Act of 1987.

10 The Environmental Health Practitioner Licensing Act.

11 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
12 94-1085, eff. 1-19-07; revised 1-22-07.)

13 (5 ILCS 80/4.28 new)

14 Sec. 4.28. Acts repealed on January 1, 2018. The following  
15 Acts are repealed on January 1, 2018:

16 The Home Medical Equipment and Services Provider License  
17 Act.

18 The Marriage and Family Therapy Licensing Act.

19 The Nursing Home Administrators Licensing and Disciplinary  
20 Act.

21 The Physician Assistant Practice Act of 1987.

22 Section 10. The Home Medical Equipment and Services  
23 Provider License Act is amended by changing Sections 10, 20,  
24 25, 65, 75, 80, 85, 90, 95, 110, 115, 120, 125, 130, 135, and

1 145 as follows:

2 (225 ILCS 51/10)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 10. Definitions. As used in this Act:

5 (1) "Department" means the Department of Financial and  
6 Professional Regulation.

7 (2) "Secretary" ~~"Director"~~ means the Secretary  
8 ~~Director~~ of Financial and Professional Regulation.

9 (3) "Board" means the Home Medical Equipment and  
10 Services Board.

11 (4) "Home medical equipment and services provider" or  
12 "provider" means a legal entity, as defined by State law,  
13 engaged in the business of providing home medical equipment  
14 and services, whether directly or through a contractual  
15 arrangement, to an unrelated sick or disabled individual  
16 where that individual resides.

17 (5) "Home medical equipment and services" means the  
18 delivery, installation, maintenance, replacement, or  
19 instruction in the use of medical equipment used by a sick  
20 or disabled individual to allow the individual to be  
21 maintained in his or her residence.

22 (6) "Home medical equipment" means technologically  
23 sophisticated medical devices, apparatuses, machines, or  
24 other similar articles bearing a label that states  
25 "Caution: federal law requires dispensing by or on the

1 order of a physician.", which are usable in a home care  
2 setting, including but not limited to:

3 (A) oxygen and oxygen delivery systems;

4 (B) ventilators;

5 (C) respiratory disease management devices,  
6 excluding compressor driven nebulizers;

7 (D) wheelchair seating systems;

8 (E) apnea monitors;

9 (F) transcutaneous electrical nerve stimulator  
10 (TENS) units;

11 (G) low air-loss cutaneous pressure management  
12 devices;

13 (H) sequential compression devices;

14 (I) neonatal home phototherapy devices;

15 (J) enteral feeding pumps; and

16 (K) other similar equipment as defined by the  
17 Board.

18 "Home medical equipment" also includes hospital beds and  
19 electronic and computer-driven wheelchairs, excluding  
20 scooters.

21 (7) "Address of record" means the designated address  
22 recorded by the Department in the applicant's or licensee's  
23 application file or license file maintained by the  
24 Department's licensure maintenance unit. It is the duty of  
25 the applicant or licensee to inform the Department of any  
26 change of address, and such changes must be made either

1           through the Department's website or by contacting the  
2           Department's licensure maintenance unit.

3           (Source: P.A. 90-532, eff. 11-14-97.)

4           (225 ILCS 51/20)

5           (Section scheduled to be repealed on January 1, 2008)

6           Sec. 20. Powers and duties of the Department.

7           (a) The Department shall exercise the powers and duties  
8           prescribed by the Civil Administrative Code of Illinois for the  
9           administration of licensure Acts and shall exercise other  
10          powers and duties necessary for effectuating the purposes of  
11          this Act.

12          (b) The Department may adopt rules to administer and  
13          enforce this Act, including but not limited to fees for  
14          original licensure and renewal and restoration of licenses, and  
15          may prescribe forms to be issued to implement this Act. At a  
16          minimum, the rules adopted by the Department shall include  
17          standards and criteria for licensure and for professional  
18          conduct and discipline. The Department shall consult with the  
19          Board in adopting rules. Notice of proposed rulemaking shall be  
20          transmitted to the Board, and the Department shall review the  
21          Board's response and any recommendations made in the response.  
22          The Department shall notify the Board in writing with proper  
23          explanation of deviations from the Board's recommendations and  
24          response.

25          (c) The Department may at any time seek the advice and

1 expert knowledge of the Board on any matter relating to the  
2 administration of this Act.

3 (d) (Blank). ~~The Department shall issue a quarterly report~~  
4 ~~to the Board of the status of all complaints related to the~~  
5 ~~profession and filed with the Department.~~

6 (Source: P.A. 90-532, eff. 11-14-97.)

7 (225 ILCS 51/25)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 25. Home Medical Equipment and Services Board. The  
10 Secretary Director shall appoint a Home Medical Equipment and  
11 Services Board, in consultation with a state association  
12 representing the home medical equipment and services industry,  
13 to serve in an advisory capacity to the Secretary Director. The  
14 Board shall consist of 7 members. Four members shall be home  
15 medical equipment and services provider representatives, ~~2 of~~  
16 ~~whom represent businesses grossing less than \$500,000 per year~~  
17 ~~in revenues, 2 of whom represent businesses grossing \$500,000~~  
18 ~~or more per year in revenues, and at least one of whom shall~~  
19 ~~also~~ be a pharmacy-based provider. The 3 remaining members  
20 shall include one home care clinical specialist, one  
21 respiratory care practitioner, and one public member ~~consumer~~  
22 ~~of home medical equipment and services.~~

23 Members shall serve 4 year terms and until their successors  
24 are appointed and qualified, ~~except that of the initial~~  
25 ~~appointments, the consumer member shall be appointed to serve~~

1 ~~for one year, 2 members shall be appointed to serve for 2~~  
2 ~~years, 3 members shall be appointed to serve for 3 years, and~~  
3 ~~one member who is a home medical equipment and services~~  
4 ~~provider representative shall be appointed to serve for 4~~  
5 ~~years, and until their successors are appointed and qualified.~~

6 No member shall be reappointed to the Board for a term that  
7 would cause continuous service on the Board to exceed 8 years.  
8 Appointments to fill vacancies shall be made in the same manner  
9 as original appointments, for the unexpired portion of the  
10 vacated term.

11 The home medical equipment and services provider  
12 representatives appointed to the Board shall have engaged in  
13 the provision of home medical equipment and services or related  
14 home care services for at least 3 years prior to their  
15 appointment, shall be currently engaged in providing home  
16 medical equipment and services in the State of Illinois, and  
17 must have no record of convictions related to fraud or abuse  
18 under either State or federal law.

19 The membership of the Board should reasonably reflect  
20 representation from the geographic areas in this State.

21 The Board shall annually elect one of its members as  
22 chairperson and vice chairperson.

23 Members of the Board shall receive as compensation a  
24 reasonable sum as determined by the Secretary ~~Director~~ for each  
25 day actually engaged in the duties of the office, and shall be  
26 reimbursed for authorized expenses incurred in performing the

1 duties of the office.

2 The Secretary ~~Director~~ may terminate the appointment of any  
3 member for cause which in the opinion of the Secretary ~~Director~~  
4 reasonably justifies the termination.

5 ~~Through consultation with members of a state association~~  
6 ~~for the home medical equipment and services industry, the Board~~  
7 ~~may recommend to the Department rules that specify the medical~~  
8 ~~equipment to be included under this Act, that set standards for~~  
9 ~~the licensure, professional conduct, and discipline of~~  
10 ~~entities that provide home medical equipment and services, and~~  
11 ~~that govern the safety and quality of home medical equipment~~  
12 ~~and services. The Director shall consider the recommendations~~  
13 ~~of the Board.~~

14 Members of the Board shall be immune from suit in an action  
15 based upon any disciplinary proceedings or other activities  
16 performed in good faith as members of the Board.

17 A majority of Board members currently appointed shall  
18 constitute a quorum. A vacancy in the membership of the Board  
19 shall not impair the rights of a quorum to exercise the rights  
20 and perform all of the duties of the Board.

21 (Source: P.A. 90-532, eff. 11-14-97.)

22 (225 ILCS 51/65)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 65. Fees; returned checks. An entity who delivers a  
25 check or other payment to the Department that is returned to



1 the Department unpaid by the financial institution upon which  
2 it is drawn shall pay to the Department, in addition to the  
3 amount already owed to the Department, a fine of \$50. The fines  
4 imposed by this Section are in addition to any other discipline  
5 provided under this Act for unlicensed practice or practice on  
6 a nonrenewed license. The Department shall notify the entity  
7 that fees and fines shall be paid to the Department by  
8 certified check or money order within 30 calendar days of the  
9 notification. If, after the expiration of 30 days from the date  
10 of the notification, the entity has failed to submit the  
11 necessary remittance, the Department shall automatically  
12 terminate the license or deny the application without a  
13 hearing. If the entity seeks a license after termination or  
14 denial, the entity shall apply to the Department for  
15 restoration or issuance of the license and pay all fees and  
16 fines owed to the Department. The Department may establish a  
17 fee for the processing of an application for restoration of a  
18 license to pay all expenses of processing that application. The  
19 Secretary ~~Director~~ may waive the fines due under this Section  
20 in individual cases where the Secretary ~~Director~~ finds that the  
21 fines would be unreasonable or unnecessarily burdensome.

22 (Source: P.A. 92-146, eff. 1-1-02.)

23 (225 ILCS 51/75)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 75. Refused issuance, suspension, or revocation of

1 license. The Department may refuse to issue, renew, or restore  
2 a license, or may revoke, suspend, place on probation,  
3 reprimand, impose a fine not to exceed \$10,000 ~~\$1,000~~ for each  
4 violation, or take other disciplinary or non-disciplinary  
5 action as the Department may deem proper with regard to a  
6 licensee for any one or combination of the following reasons:

7 (1) Making a material misstatement in furnishing  
8 information to the Department.

9 (2) Violation ~~Negligent or intentional disregard~~ of  
10 this Act or its rules.

11 (3) Conviction of or entry of a plea of guilty or nolo  
12 contendere to any ~~a~~ crime that is a felony under the laws  
13 of the United States or any state or territory thereof ~~that~~  
14 ~~is a felony~~ or a misdemeanor, an essential element of which  
15 is dishonesty, ~~or conviction of a crime~~ that is directly  
16 related to the practice of the profession ~~provision of home~~  
17 ~~medical equipment and services.~~

18 (4) Making a misrepresentation to obtain licensure or  
19 to violate a provision of this Act.

20 (5) Gross negligence in practice under this Act.

21 (6) Engaging in a pattern of practice or other behavior  
22 that demonstrates incapacity or incompetence to practice  
23 under this Act.

24 (7) Aiding, assisting, or willingly permitting another  
25 person in violating any provision of this Act or its rules.

26 (8) Failing, within 30 ~~60~~ days, to provide information

1 in response to a written request made by the Department.

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

5 (10) Discipline by another state, District of  
6 Columbia, territory, or foreign nation, if at least one of  
7 the grounds for the discipline is the same or substantially  
8 equivalent to one set forth in this Act.

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

13 (12) A finding that the licensee, after having its  
14 license placed on probationary status, has violated the  
15 terms of probation.

16 (13) Willfully making or filing false records or  
17 reports in the course of providing home medical equipment  
18 and services, including but not limited to false records or  
19 reports filed with State agencies or departments.

20 (14) Solicitation of business services, other than  
21 according to permitted advertising.

22 (15) The use of any words, abbreviations, figures, or  
23 letters with the intention of indicating practice as a home  
24 medical equipment and services provider without a license  
25 issued under this Act.

26 (16) Failure to file a return, or to pay the tax,

1 penalty, or interest shown in a filed return, or to pay any  
2 final assessment of tax, penalty, or interest, as required  
3 by any tax Act administered by the Department of Revenue,  
4 until such time as the requirements of any such tax Act are  
5 satisfied.

6 (17) Failure to comply with federal or State laws and  
7 regulations concerning home medical equipment and services  
8 providers.

9 (18) Solicitation of professional services using false  
10 or misleading advertising.

11 (19) Failure to display a license in accordance with  
12 Section 45.

13 (20) Habitual or excessive use or addiction to alcohol,  
14 narcotics, stimulants, or any other chemical agent or drug  
15 that results in the inability to practice with reasonable  
16 judgment, skill, or safety.

17 (21) Physical illness, mental illness, or disability,  
18 including without limitation deterioration through the  
19 aging process and loss of motor skill, that results in the  
20 inability to practice the profession with reasonable  
21 judgment, skill, or safety.

22 (Source: P.A. 90-532, eff. 11-14-97.)

23 (225 ILCS 51/80)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 80. Cease and desist order.

1           (a) If any entity violates a provision of this Act, the  
2 Secretary ~~Director~~ may, in the name of the People of the State  
3 of Illinois, through the Attorney General of the State of  
4 Illinois, petition for an order enjoining the violation or for  
5 an order enforcing compliance with this Act. Upon the filing of  
6 a verified petition in court, the court may issue a temporary  
7 restraining order, without notice or bond, and may  
8 preliminarily and permanently enjoin the violation, and if it  
9 is established that the entity has violated or is violating the  
10 injunction, the court may punish the offender for contempt of  
11 court. Proceedings under this Section shall be in addition to,  
12 and not in lieu of, all other remedies and penalties provided  
13 by this Act.

14           (b) If an entity holds itself out as a provider of home  
15 medical equipment and services without a license issued under  
16 this Act, an interested party or any person injured thereby, in  
17 addition to the Secretary ~~Director~~, may petition for relief as  
18 provided in subsection (a) of this Section.

19           (c) Whenever in the opinion of the Department an entity  
20 violates a provision of this Act, the Department may issue a  
21 rule to show cause why an order to cease and desist should not  
22 be entered against the entity. The rule shall clearly set forth  
23 the grounds relied upon by the Department and shall provide a  
24 period of 7 days from the date of the rule to file an answer to  
25 the satisfaction of the Department. Failure to answer to the  
26 satisfaction of the Department shall cause an order to cease

1 and desist to be issued immediately.

2 (Source: P.A. 90-532, eff. 11-14-97.)

3 (225 ILCS 51/85)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 85. Unlicensed practice; civil penalty.

6 (a) An entity who practices, offers to practice, attempts  
7 to practice, or holds itself out to practice as a home medical  
8 equipment and services provider without being licensed under  
9 this Act shall, in addition to any other penalty provided by  
10 law, pay a civil penalty to the Department in an amount not to  
11 exceed \$10,000 ~~\$5,000~~ for each offense as determined by the  
12 Department. The civil penalty shall be assessed by the  
13 Department after a hearing is held in accordance with the  
14 provisions set forth in this Act regarding the provision of a  
15 hearing for the discipline of a licensee. The civil penalty  
16 shall be paid within 60 days after the effective date of the  
17 order imposing the civil penalty. The order shall constitute a  
18 judgment and may be filed and executed in the same manner as  
19 any judgment from any court of record.

20 (b) The Department may investigate any unlicensed  
21 activity.

22 (Source: P.A. 90-532, eff. 11-14-97.)

23 (225 ILCS 51/90)

24 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 90. Inspections ~~Mandatory inspections~~. The Department  
2 ~~may shall~~ inspect a licensee for compliance with the  
3 requirements of this Act and ~~within 3 years after the date of~~  
4 ~~initial licensure and at least once every 3 years thereafter,~~  
5 ~~unless the licensee can demonstrate proof of renewal of~~  
6 ~~accreditation with a recognized national accrediting body. The~~  
7 ~~Department shall~~ conduct random inspections upon renewal of a  
8 license, for cause or as necessary to assure the integrity and  
9 effectiveness of the licensing process. ~~Upon failure to pass~~  
10 ~~inspection, a provider's license shall be suspended or denied~~  
11 ~~as applicable, pending review by the Board. The Department may~~  
12 ~~authorize qualified individuals to conduct inspections. The~~  
13 ~~Department shall set by rule, and pay to an inspector, a fee~~  
14 ~~for each inspection. An entity that fails to pass an inspection~~  
15 ~~is subject to penalties under Section 80. Upon notice of~~  
16 ~~failure to pass an inspection, a provider shall have 30 days to~~  
17 ~~appeal the inspection results. On appeal, a provider shall have~~  
18 ~~the right to an inspection review or to a new inspection in~~  
19 ~~accordance with procedures adopted by the Department. A home~~  
20 ~~medical equipment and services provider licensed within 2 years~~  
21 ~~after the effective date of this Act is exempt from the~~  
22 ~~inspection requirements of this Section during that 2-year~~  
23 ~~period.~~

24           (Source: P.A. 90-532, eff. 11-14-97.)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 95. Investigations; notice and hearing.

3 (a) The Department may investigate the actions of an  
4 applicant or of an entity holding or claiming to hold a  
5 license.

6 (b) The Department shall, before refusing to issue or renew  
7 a license or disciplining a licensee, at least 30 days prior to  
8 the date set for the hearing, notify in writing the applicant  
9 or licensee of the nature of the charges and that a hearing  
10 will be held on the date designated. The Department shall  
11 direct the applicant or licensee to file a written answer to  
12 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 may be suspended,  
16 revoked, placed on probationary status, or other disciplinary  
17 action may be taken, including limiting the scope, nature, or  
18 extent of business, as the Secretary ~~Director~~ may deem proper.  
19 Written notice may be served by personal delivery or certified  
20 or registered mail to the applicant or licensee ~~respondent~~ at  
21 his or her ~~the~~ address of record ~~the entity's last notification~~  
22 ~~to the Department~~. If the entity fails to file an answer after  
23 receiving notice, the entity's license may, in the discretion  
24 of the Department, be suspended, revoked, or placed on  
25 probationary status, or the Department may take whatever  
26 disciplinary action it deems proper, including limiting the



1 scope, nature, or extent of the entity's business, or imposing  
2 a fine, without a hearing, if the act or acts charged  
3 constitute sufficient grounds for such action under this Act.  
4 At the time and place fixed in the notice, the Board shall  
5 proceed to hear the charges, and the parties or their counsel  
6 shall be accorded ample opportunity to present such statements,  
7 testimony, evidence, and argument as may be pertinent to the  
8 charges or to their defense. The Board may continue a hearing  
9 from time to time.

10 (Source: P.A. 90-532, eff. 11-14-97.)

11 (225 ILCS 51/110)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 110. Findings and recommendations. At the conclusion  
14 of the hearing the Board shall present to the Secretary  
15 ~~Director~~ a written report of its findings and recommendations.  
16 The report shall contain a finding of whether or not the  
17 accused entity violated this Act or failed to comply with the  
18 conditions required in this Act. The Board shall specify the  
19 nature of the violation or failure to comply, and shall make  
20 its recommendations to the Secretary ~~Director~~.

21 The report of findings and recommendations of the Board may  
22 ~~shall~~ be the basis for the Department's order of refusal or for  
23 the granting of licensure unless the Secretary ~~Director~~ shall  
24 determine that the Board's report is contrary to the manifest  
25 weight of the evidence, in which case the Secretary ~~Director~~

1 may issue an order in contravention of the Board's report. The  
2 finding is not admissible in evidence against the entity in a  
3 criminal prosecution brought for the violation of this Act, but  
4 the hearing and finding are not a bar to a criminal prosecution  
5 brought for the violation of this Act.

6 (Source: P.A. 90-532, eff. 11-14-97.)

7 (225 ILCS 51/115)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 115. Rehearing on motion. In a case involving the  
10 refusal to issue or renew a license or the discipline of a  
11 licensee, a copy of the Board's report shall be served upon the  
12 respondent by the Department, either personally or as provided  
13 in this Act for the service of the notice of hearing. Within 20  
14 days after such service, the respondent may present to the  
15 Department a motion in writing for a rehearing, which shall  
16 specify the particular grounds for the rehearing. If no motion  
17 for rehearing is filed, then upon the expiration of the time  
18 specified for filing the motion, or if a motion for rehearing  
19 is denied, then upon such denial the Secretary ~~Director~~ may  
20 enter an order in accordance with recommendations of the Board  
21 except as provided in Section 120 of this Act. ~~If the~~  
22 ~~respondent shall order from the reporting service and pay for a~~  
23 ~~transcript of the record with the time for filing a motion for~~  
24 ~~rehearing, the 20 day period within which such a motion may be~~  
25 ~~filed shall commence upon the delivery of the transcript to the~~

1 ~~respondent.~~

2 (Source: P.A. 90-532, eff. 11-14-97.)

3 (225 ILCS 51/120)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 120. Rehearing on order of Secretary ~~Director~~.

6 Whenever the Secretary ~~Director~~ is satisfied that substantial  
7 justice has not been done in the revocation or suspension of a  
8 license or refusal to issue or renew a license, the Secretary  
9 ~~Director~~ may order a rehearing by the same or another Board.

10 (Source: P.A. 90-532, eff. 11-14-97.)

11 (225 ILCS 51/125)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 125. Hearing officer. The Secretary ~~Director~~ has the  
14 authority to appoint an attorney duly licensed to practice law  
15 in the State of Illinois to serve as the hearing officer in an  
16 action for refusal to issue or renew a license, or for the  
17 discipline of a licensee. The Secretary ~~Director~~ shall notify  
18 the Board of an appointment. The hearing officer shall have  
19 full authority to conduct the hearing. The hearing officer  
20 shall report his or her findings and recommendations to the  
21 Board and the Secretary ~~Director~~. The Board shall have 60 days  
22 from receipt of the report to review the report of the hearing  
23 officer and present its findings of fact, conclusions of law  
24 and recommendation to the Secretary ~~Director~~. If the Board

1 fails to present its report within the 60 day period, the  
2 respondent may request in writing a direct appeal to the  
3 Secretary, in which case the Secretary shall, within 7 calendar  
4 days after the request, issue an order directing the Board to  
5 issue its findings of fact, conclusions of law, and  
6 recommendations to the Secretary within 30 calendar days after  
7 such order. If the Board fails to issue its findings of fact,  
8 conclusions of law, and recommendations within that time frame  
9 to the Secretary after the entry of such order, the Secretary  
10 shall, within 30 calendar days thereafter, issue an order based  
11 upon the report of the hearing officer and the record of the  
12 proceedings or issue an order remanding the matter back to the  
13 hearing officer for additional proceedings in accordance with  
14 the order. If (i) a direct appeal is requested, (ii) the Board  
15 fails to issue its findings of fact, conclusions of law, and  
16 recommendations within the 30-day mandate from the Secretary or  
17 the Secretary fails to order the Board to do so, and (iii) the  
18 Secretary fails to issue an order within 30 calendar days  
19 thereafter, then the hearing officer's report is deemed  
20 accepted and a final decision of the Secretary. Notwithstanding  
21 any other provision of this Section, if the Secretary, upon  
22 review, determines that substantial justice has not been done  
23 in the revocation, suspension, or refusal to issue or renew a  
24 license or other disciplinary action taken as the result of the  
25 entry of the hearing officer's report, the Secretary may order  
26 a rehearing by the same or other examiners ~~the Director shall~~

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

5 (Source: P.A. 90-532, eff. 11-14-97.)

6 (225 ILCS 51/130)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 130. Order or certified copy. An order or a certified  
9 copy of an order, over the seal of the Department and  
10 purporting to be signed by the Secretary Director, shall be  
11 prima facie proof that:

12 (1) the signature is the genuine signature of the  
13 Secretary Director;

14 (2) the Secretary Director is duly appointed and  
15 qualified; and

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

17 This proof may be rebutted.

18 (Source: P.A. 90-532, eff. 11-14-97.)

19 (225 ILCS 51/135)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 135. Restoration of license. At any time after the  
22 suspension or revocation of a license, the Department may  
23 restore the license to the accused entity upon the written  
24 recommendation of the Board unless, after an investigation and

1 a hearing, the Board determines that restoration is not in the  
2 public interest. Restoration under this Section requires the  
3 filing of all applications and payment of all fees required by  
4 the Department.

5 (Source: P.A. 90-532, eff. 11-14-97.)

6 (225 ILCS 51/145)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 145. Temporary suspension of a license. The Secretary  
9 ~~Director~~ may temporarily suspend the license of a home medical  
10 equipment and services provider without a hearing,  
11 simultaneously with the institution of proceedings for a  
12 hearing provided for in Section 95 of this Act, if the  
13 Secretary ~~Director~~ finds that evidence in his or her possession  
14 indicates that the home medical equipment and services  
15 provider's continuation in business would constitute an  
16 imminent danger to the public. If the Secretary ~~Director~~  
17 temporarily suspends the license of a home medical equipment  
18 and services provider without a hearing, a hearing by the Board  
19 must be held within 30 days of the suspension.

20 (Source: P.A. 90-532, eff. 11-14-97.)

21 Section 15. The Marriage and Family Therapy Licensing Act  
22 is amended by changing Sections 10, 25, 30, 60, 85, 90, 95,  
23 105, 110, 115, 120, 125, 130, and 145 and by adding Section 91  
24 as follows:

1 (225 ILCS 55/10) (from Ch. 111, par. 8351-10)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 10. Definitions. As used in this Act:

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

11 "Advertise" means, but is not limited to, issuing or  
12 causing to be distributed any card, sign or device to any  
13 person; or causing, permitting or allowing any sign or marking  
14 on or in any building, structure, newspaper, magazine or  
15 directory, or on radio or television; or advertising by any  
16 other means designed to secure public attention.

17 "Approved program" means an approved comprehensive program  
18 of study in marriage and family therapy in a regionally  
19 accredited educational institution approved by the Department  
20 for the training of marriage and family therapists.

21 "Associate licensed marriage and family therapist" means a  
22 person to whom an associate marriage and family therapist  
23 license has been issued under this Act.

24 "Board" means the Illinois Marriage and Family Therapy  
25 Licensing and Disciplinary Board.

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

3 ~~"Director" means the Director of the Department of~~  
4 ~~Professional Regulation.~~

5 "License" means that which is required to practice marriage  
6 and family therapy under this Act, the qualifications for which  
7 include specific education, acceptable experience and  
8 examination requirements.

9 "Licensed marriage and family therapist" means a person to  
10 whom a marriage and family therapist license has been issued  
11 under this Act.

12 "Marriage and family therapy" means the evaluation and  
13 treatment of mental and emotional problems within the context  
14 of human relationships. Marriage and family therapy involves  
15 the use of psychotherapeutic methods to ameliorate  
16 interpersonal and intrapersonal conflict and to modify  
17 perceptions, beliefs and behavior in areas of human life that  
18 include, but are not limited to, premarriage, marriage,  
19 sexuality, family, divorce adjustment, and parenting.

20 "Person" means any individual, firm, corporation,  
21 partnership, organization, or body politic.

22 "Practice of marriage and family therapy" means the  
23 rendering of marriage and family therapy services to  
24 individuals, couples, and families as defined in this Section,  
25 either singly or in groups, whether the services are offered  
26 directly to the general public or through organizations, either



1 public or private, for a fee, monetary or otherwise.

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

4 "Title or description" means to hold oneself out as a  
5 licensed marriage and family therapist or an associate licensed  
6 marriage and family therapist to the public by means of stating  
7 on signs, mailboxes, address plates, stationery,  
8 announcements, calling cards or other instruments of  
9 professional identification.

10 (Source: P.A. 91-362, eff. 1-1-00.)

11 (225 ILCS 55/25) (from Ch. 111, par. 8351-25)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 25. Marriage and Family Therapy Licensing and  
14 Disciplinary Board.

15 (a) There is established within the Department the Marriage  
16 and Family Therapy Licensing and Disciplinary Board to be  
17 appointed by the Secretary ~~Director~~. The Board shall be  
18 composed of 7 persons who shall serve in an advisory capacity  
19 to the Secretary ~~Director~~. The Board shall elect a chairperson  
20 and a vice chairperson.

21 (b) In appointing members of the Board, the Secretary  
22 ~~Director~~ shall give due consideration to recommendations by  
23 members of the profession of marriage and family therapy and by  
24 the statewide organizations solely representing the interests  
25 of marriage and family therapists.

1           (c) Five members of the Board shall be marriage and family  
2 therapists who have been in active practice for at least 5  
3 years immediately preceding their appointment, or engaged in  
4 the education and training of masters, doctoral, or  
5 post-doctoral students of marriage and family therapy, or  
6 engaged in marriage and family therapy research. Each marriage  
7 or family therapy teacher or researcher shall have spent the  
8 majority of the time devoted to the study or research of  
9 marriage and family therapy during the 2 years immediately  
10 preceding his or her appointment to the Board. The appointees  
11 shall be licensed under this Act.

12           (d) Two members shall be representatives of the general  
13 public who have no direct affiliation or work experience with  
14 the practice of marriage and family therapy and who clearly  
15 represent consumer interests.

16           (e) Board members shall be appointed for terms of 4 years  
17 each, except that any person chosen to fill a vacancy shall be  
18 appointed only for the unexpired term of the Board member whom  
19 he or she shall succeed. Upon the expiration of this term of  
20 office, a Board member shall continue to serve until a  
21 successor is appointed and qualified. No member shall be  
22 reappointed to the Board for a term that would cause continuous  
23 service on the Board to be longer than 8 years.

24           (f) The membership of the Board shall reasonably reflect  
25 representation from the various geographic areas of the State.

26           (g) Members of the Board shall be immune from suit in any

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

3 (h) The Secretary ~~Director~~ may remove any member of the  
4 Board for any cause that, in the opinion of the Secretary  
5 ~~Director~~, reasonably justifies termination.

6 (i) The Secretary ~~Director~~ may consider the  
7 recommendations of the Board on questions of standards of  
8 professional conduct, discipline, and qualification of  
9 candidates or licensees under this Act.

10 (j) The members of the Board shall be reimbursed for all  
11 legitimate, necessary, and authorized expenses.

12 (k) A majority of the Board members currently appointed  
13 shall constitute a quorum. A vacancy in the membership of the  
14 Board shall not impair the right of a quorum to exercise all  
15 the rights and perform all the duties of the Board.

16 (Source: P.A. 90-61, eff. 12-30-97.)

17 (225 ILCS 55/30) (from Ch. 111, par. 8351-30)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 30. Application.

20 (a) Applications for original licensure shall be made to  
21 the Department in writing on forms prescribed by the Department  
22 and shall be accompanied by the appropriate documentation and  
23 the required fee, which fee is nonrefundable. Any application  
24 shall require such information as, in the judgment of the  
25 Department, will enable the Department to pass on the

1 qualifications of the applicant for licensing.

2 (b) Applicants have 3 years from the date of application to  
3 complete the application process. If the application has not  
4 been completed within 3 years, the application shall be denied,  
5 the fee shall be forfeited, and the applicant must reapply and  
6 meet the requirements in effect at the time of reapplication.

7 (c) A license shall not be denied to an applicant because  
8 of the applicant's race, religion, creed, national origin,  
9 political beliefs or activities, age, sex, sexual orientation,  
10 or physical disability that does not affect a person's ability  
11 to practice with reasonable judgment, skill, or safety  
12 impairment.

13 (Source: P.A. 90-61, eff. 12-30-97.)

14 (225 ILCS 55/60) (from Ch. 111, par. 8351-60)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 60. Payments; penalty for insufficient funds. Any  
17 person who delivers a check or other payment to the Department  
18 that is returned to the Department unpaid by the financial  
19 institution upon which it is drawn shall pay to the Department,  
20 in addition to the amount already owed to the Department, a  
21 fine of \$50. The fines imposed by this Section are in addition  
22 to any other discipline provided under this Act prohibiting  
23 unlicensed practice or practice on a nonrenewed license. The  
24 Department shall notify the person that payment of fees and  
25 fines shall be paid to the Department by certified check or

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

15 (Source: P.A. 92-146, eff. 1-1-02.)

16 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 85. Refusal, revocation, or suspension.

19 (a) The Department may refuse to issue or renew, or may  
20 revoke a license, or may suspend, place on probation, fine, or  
21 take any disciplinary or non-disciplinary action as the  
22 Department may deem proper, including fines not to exceed  
23 \$10,000 ~~\$1000~~ for each violation, with regard to any licensee  
24 for any one or combination of the following causes:

25 (1) Material misstatement in furnishing information to

1 the Department.

2 (2) Violations of this Act or its rules.

3 (3) Conviction of or entry of a plea of guilty or nolo  
4 contendere to any crime that is a felony under the laws of  
5 the United States or any state or territory thereof or that  
6 ~~is (i) a felony, (ii) a misdemeanor,~~ of which an essential  
7 element ~~of which~~ is dishonesty, or ~~(iii) a crime~~ that is  
8 directly related to the practice of the profession.

9 (4) Making any misrepresentation for the purpose of  
10 obtaining a license or violating any provision of this Act  
11 or its rules.

12 (5) Professional incompetence ~~or gross negligence~~.

13 (6) Gross negligence ~~Malpractice~~.

14 (7) Aiding or assisting another person in violating any  
15 provision of this Act or its rules.

16 (8) Failing, within 30 ~~60~~ days, to provide information  
17 in response to a written request made by the Department.

18 (9) Engaging in dishonorable, unethical, or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud or harm the public as defined by the rules of the  
21 Department, or violating the rules of professional conduct  
22 adopted by the Board and published by the Department.

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

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

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

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

13          (14) Abandonment of a patient without cause.

14          (15) Willfully making or filing false records or  
15 reports relating to a licensee's practice, including but  
16 not limited to false records filed with State agencies or  
17 departments.

18          (16) Wilfully failing to report an instance of  
19 suspected child abuse or neglect as required by the Abused  
20 and Neglected Child Reporting Act.

21          (17) Being named as a perpetrator in an indicated  
22 report by the Department of Children and Family Services  
23 under the Abused and Neglected Child Reporting Act and upon  
24 proof by clear and convincing evidence that the licensee  
25 has caused a child to be an abused child or neglected child  
26 as defined in the Abused and Neglected Child Reporting Act.

1           (18) Physical illness or mental illness or impairment  
2 ~~disability~~, including, but not limited to, deterioration  
3 through the aging process, or loss of motor skill abilities  
4 ~~and skills~~ that results in the inability to practice the  
5 profession with reasonable judgment, skill, or safety.

6           (19) Solicitation of professional services by using  
7 false or misleading advertising.

8           (20) A finding that licensure has been applied for or  
9 obtained by fraudulent means.

10          (21) Practicing or attempting to practice under a name  
11 other than the full name as shown on the license or any  
12 other legally authorized name.

13          (22) Gross overcharging for professional services  
14 including filing statements for collection of fees or  
15 moneys for which services are not rendered.

16          (b) The Department shall deny any application for a  
17 license, ~~without hearing~~, or renewal, without hearing, under  
18 this Act to any person who has defaulted on an educational loan  
19 guaranteed by the Illinois Student Assistance Commission;  
20 however, the Department may issue a license or renewal if the  
21 person in default has established a satisfactory repayment  
22 record as determined by the Illinois Student Assistance  
23 Commission.

24          (c) The determination by a circuit court that a licensee is  
25 subject to involuntary admission or judicial admission, as  
26 provided in the Mental Health and Developmental Disabilities



1 Code, operates as an automatic suspension. The suspension will  
2 terminate only upon a finding by a court that the patient is no  
3 longer subject to involuntary admission or judicial admission  
4 and the issuance of an order so finding and discharging the  
5 patient, and upon the recommendation of the Board to the  
6 Secretary ~~Director~~ that the licensee be allowed to resume his  
7 or her practice as a licensed marriage and family therapist or  
8 an associate marriage and family therapist.

9 (d) The Department may refuse to issue or may suspend the  
10 license of any person who fails to file a return, pay the tax,  
11 penalty, or interest shown in a filed return or pay any final  
12 assessment of tax, penalty, or interest, as required by any tax  
13 Act administered by the Illinois Department of Revenue, until  
14 the time the requirements of the tax Act are satisfied.

15 (e) In enforcing this Section, the Department or Board upon  
16 a showing of a possible violation may compel an individual  
17 licensed to practice under this Act, or who has applied for  
18 licensure under this Act, to submit to a mental or physical  
19 examination, or both, as required by and at the expense of the  
20 Department. The Department or Board may order the examining  
21 physician to present testimony concerning the mental or  
22 physical examination of the licensee or applicant. No  
23 information shall be excluded by reason of any common law or  
24 statutory privilege relating to communications between the  
25 licensee or applicant and the examining physician. The  
26 examining physicians shall be specifically designated by the

1 Board or Department. The individual to be examined may have, at  
2 his or her own expense, another physician of his or her choice  
3 present during all aspects of this examination. Failure of an  
4 individual to submit to a mental or physical examination, when  
5 directed, shall be grounds for suspension of his or her license  
6 until the individual submits to the examination if the  
7 Department finds, after notice and hearing, that the refusal to  
8 submit to the examination was without reasonable cause.

9 If the Department or Board finds an individual unable to  
10 practice because of the reasons set forth in this Section, the  
11 Department or Board may require that individual to submit to  
12 care, counseling, or treatment by physicians approved or  
13 designated by the Department or Board, as a condition, term, or  
14 restriction for continued, reinstated, or renewed licensure to  
15 practice; or, in lieu of care, counseling, or treatment, the  
16 Department may file, or the Board may recommend to the  
17 Department to file, a complaint to immediately suspend, revoke,  
18 or otherwise discipline the license of the individual. An  
19 individual whose license was granted, continued, reinstated,  
20 renewed, disciplined or supervised subject to such terms,  
21 conditions, or restrictions, and who fails to comply with such  
22 terms, conditions, or restrictions, shall be referred to the  
23 Secretary ~~Director~~ for a determination as to whether the  
24 individual shall have his or her license suspended immediately,  
25 pending a hearing by the Department.

26 In instances in which the Secretary ~~Director~~ immediately

1 suspends a person's license under this Section, a hearing on  
2 that person's license must be convened by the Department within  
3 30 ~~15~~ days after the suspension and completed without  
4 appreciable delay. The Department and Board shall have the  
5 authority to review the subject individual's record of  
6 treatment and counseling regarding the impairment to the extent  
7 permitted by applicable federal statutes and regulations  
8 safeguarding the confidentiality of medical records.

9 An individual licensed under this Act and affected under  
10 this Section shall be afforded an opportunity to demonstrate to  
11 the Department or Board that he or she can resume practice in  
12 compliance with acceptable and prevailing standards under the  
13 provisions of his or her license.

14 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

15 (225 ILCS 55/90) (from Ch. 111, par. 8351-90)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 90. Violations; injunctions; cease and desist order.

18 (a) If any person violates a provision of this Act, the  
19 Secretary ~~Director~~ may, in the name of the People of the State  
20 of Illinois, through the Attorney General of the State of  
21 Illinois, petition for an order enjoining the violation or for  
22 an order enforcing compliance with this Act. Upon the filing of  
23 a verified petition in court, the court may issue a temporary  
24 restraining order, without notice or bond, and may  
25 preliminarily and permanently enjoin the violation. If it is

1 established that the person has violated or is violating the  
2 injunction, the Court may punish the offender for contempt of  
3 court. Proceedings under this Section are in addition to, and  
4 not in lieu of, all other remedies and penalties provided by  
5 this Act.

6 (b) If any person practices as a marriage and family  
7 therapist or an associate marriage and family therapist or  
8 holds himself or herself out as such without having a valid  
9 license under this Act, then any licensee, any interested party  
10 or any person injured thereby may, in addition to the Secretary  
11 ~~Director~~, petition for relief as provided in subsection (a) of  
12 this Section.

13 (c) Whenever in the opinion of the Department any person  
14 violates any provision of this Act, the Department may issue a  
15 rule to show cause why an order to cease and desist should not  
16 be entered against him or her. The rule shall clearly set forth  
17 the grounds relied upon by the Department and shall provide a  
18 period of 7 days from the date of the rule to file an answer to  
19 the satisfaction of the Department. Failure to answer to the  
20 satisfaction of the Department shall cause an order to cease  
21 and desist to be issued immediately.

22 (Source: P.A. 90-61, eff. 12-30-97; 91-362, eff. 1-1-00.)

23 (225 ILCS 55/91 new)

24 Sec. 91. Unlicensed practice; violation; civil penalty.

25 (a) Any person who practices, offers to practice, attempts

1 to practice, or holds himself or herself out to practice as a  
2 licensed marriage and family therapist without being licensed  
3 under this Act shall, in addition to any other penalty provided  
4 by law, pay a civil penalty to the Department in an amount not  
5 to exceed \$10,000 for each offense, as determined by the  
6 Department. The civil penalty shall be assessed by the  
7 Department after a hearing is held in accordance with the  
8 provisions set forth in this Act regarding the provision of a  
9 hearing for the discipline of a licensee.

10 (b) The Department may investigate any and all unlicensed  
11 activity.

12 (c) The civil penalty shall be paid within 60 days after  
13 the effective date of the order imposing the civil penalty. The  
14 order shall constitute a judgment and may be filed and  
15 execution had thereon in the same manner as any judgment from  
16 any court of record.

17 (225 ILCS 55/95) (from Ch. 111, par. 8351-95)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 95. Investigation; notice and hearing. The Department  
20 may investigate the actions or qualifications of any person or  
21 persons holding or claiming to hold a license. Before  
22 suspending, revoking, placing on probationary status, or  
23 taking any other disciplinary action as the Department may deem  
24 proper with regard to any license, at least 30 days before the  
25 date set for the hearing, the Department shall (i) notify the

1 accused in writing of any charges made and the time and place  
2 for a hearing on the charges before the Board, (ii) direct him  
3 or her to file a written answer to the charges with the Board  
4 under oath within 20 days after the service on him or her of  
5 such notice, and (iii) inform him or her that if he or she  
6 fails to file an answer, default will be taken against him or  
7 her and his or her license may be suspended, revoked, placed on  
8 probationary status, or other disciplinary action taken with  
9 regard to the license, including limiting the scope, nature, or  
10 extent of his or her practice, as the Department may deem  
11 proper. In case the person, after receiving notice, fails to  
12 file an answer, his or her license may, in the discretion of  
13 the Department, be suspended, revoked, placed on probationary  
14 status, or the Department may take whatever disciplinary action  
15 deemed proper, including limiting the scope, nature, or extent  
16 of the person's practice or the imposition of a fine, without a  
17 hearing, if the act or acts charged constitute sufficient  
18 grounds for such action under this Act. Written ~~This written~~  
19 ~~notice and any notice in the subsequent proceedings~~ may be  
20 served by personal delivery ~~to the accused person,~~ or by  
21 registered or certified mail to the applicant or licensee at  
22 his or her last address of record with ~~address last specified~~  
23 ~~by the accused in his last notification to~~ the Department. In  
24 case the person fails to file an answer after receiving notice,  
25 his or her license may, in the discretion of the Department, be  
26 suspended, revoked, or placed on probationary status, or the

1 Department may take whatever disciplinary action deemed  
2 proper, including limiting the scope, nature, or extent of the  
3 person's practice or the imposition of a fine, without a  
4 hearing, if the act or acts charged constitute sufficient  
5 grounds for such action under this Act. The written answer  
6 shall be served by personal delivery, certified delivery, or  
7 certified or registered mail to the Department. At the time and  
8 place fixed in the notice, the Department shall proceed to hear  
9 the charges and the parties or their counsel shall be accorded  
10 ample opportunity to present such statements, testimony,  
11 evidence, and argument as may be pertinent to the charges or to  
12 the defense thereto. The Department may continue such hearing  
13 from time to time. At the discretion of the Secretary ~~Director~~  
14 after having first received the recommendation of the Board,  
15 the accused person's license may be suspended or revoked, if  
16 the evidence constitutes sufficient grounds for such action  
17 under this Act.

18 (Source: P.A. 90-61, eff. 12-30-97; 90-655, eff. 7-30-98.)

19 (225 ILCS 55/105) (from Ch. 111, par. 8351-105)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 105. Subpoenas; oaths; attendance of witnesses. The  
22 Department has the power to subpoena and to bring before it any  
23 person and to take testimony either orally or by deposition, or  
24 both, with the same fees and mileage and in the same manner as  
25 prescribed in civil cases in the courts of this State.

1           The Secretary ~~Director~~, the designated hearing officer,  
2 and every member of the Board has power to administer oaths to  
3 witnesses at any hearing that the Department is authorized to  
4 conduct and any other oaths authorized in any Act administered  
5 by the Department. Any circuit court may, upon application of  
6 the Department or its designee, or of the applicant or licensee  
7 against whom proceedings under this Act are pending, enter an  
8 order requiring the attendance of witnesses and their  
9 testimony, and the production of documents, papers, files,  
10 books and records in connection with any hearing or  
11 investigation. The court may compel obedience to its order by  
12 proceedings for contempt.

13           (Source: P.A. 87-783; 87-1237.)

14           (225 ILCS 55/110) (from Ch. 111, par. 8351-110)

15           (Section scheduled to be repealed on January 1, 2008)

16           Sec. 110. Recommendations for disciplinary action. At the  
17 conclusion of the hearing, the Board shall present to the  
18 Secretary ~~Director~~ a written report of its findings and  
19 recommendations. The report shall contain a finding whether or  
20 not the accused person violated this Act or failed to comply  
21 with the conditions required in this Act. The Board shall  
22 specify the nature of the violation or failure to comply, and  
23 shall make its recommendations to the Secretary ~~Director~~.

24           The report of findings and recommendations of the Board  
25 shall be the basis for the Department's order for refusal or



1 for the granting of a license, or for any disciplinary action,  
2 unless the Secretary ~~Director~~ shall determine that the Board's  
3 report is contrary to the manifest weight of the evidence, in  
4 which case the Secretary ~~Director~~ may issue an order in  
5 contravention of the Board's report. The finding is not  
6 admissible in evidence against the person in a criminal  
7 prosecution brought for the violation of this Act, but the  
8 hearing and finding are not a bar to a criminal prosecution  
9 brought for the violation of this Act.

10 (Source: P.A. 87-783.)

11 (225 ILCS 55/115) (from Ch. 111, par. 8351-115)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 115. Rehearing. In any hearing involving disciplinary  
14 action against a licensee, a copy of the Board's report shall  
15 be served upon the respondent by the Department, either  
16 personally or as provided in this Act for the service of the  
17 notice of hearing. Within 20 calendar days after service, the  
18 respondent may present to the Department a motion in writing  
19 for a rehearing that shall specify the particular grounds for  
20 rehearing. If no motion for rehearing is filed, then upon the  
21 expiration of the time specified for filing a motion, or if a  
22 motion for rehearing is denied, then upon denial, the Secretary  
23 ~~Director~~ may enter an order in accordance with recommendations  
24 of the Board, except as provided in this Act. If the respondent  
25 orders from the reporting service, and pays for, a transcript

1 of the record within the time for filing a motion for  
2 rehearing, the 20 calendar day period within which a motion may  
3 be filed shall commence upon the delivery of the transcript to  
4 the respondent.

5 (Source: P.A. 87-783; 87-1237; 88-45.)

6 (225 ILCS 55/120) (from Ch. 111, par. 8351-120)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 120. Hearing by other hearing officer ~~examiner~~.  
9 Whenever the Secretary ~~Director~~ is not satisfied that  
10 substantial justice has been done in the revocation, suspension  
11 or refusal to issue or renew a license, the Secretary ~~Director~~  
12 may order a rehearing by the same or other hearing officer  
13 ~~examiners~~.

14 (Source: P.A. 87-783.)

15 (225 ILCS 55/125) (from Ch. 111, par. 8351-125)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 125. Appointment of a hearing officer. The Secretary  
18 ~~Director~~ has the authority to appoint any attorney duly  
19 licensed to practice law in the State of Illinois to serve as  
20 the hearing officer in any action for refusal to issue or renew  
21 a license, or to discipline a licensee. The hearing officer has  
22 full authority to conduct the hearing. The hearing officer  
23 shall report his findings and recommendations to the Board and  
24 the Secretary ~~Director~~. The Board has 60 calendar days from

1 receipt of the report to review the report of the hearing  
2 officer and present its findings of fact, conclusions of law  
3 and recommendations to the Secretary ~~Director~~. If the Board  
4 fails to present its report within the 60 calendar day period,  
5 the respondent may request in writing a direct appeal to the  
6 Secretary, in which case the Secretary shall, within 7 calendar  
7 days after the request, issue an order directing the Board to  
8 issue its findings of fact, conclusions of law, and  
9 recommendations to the Secretary within 30 calendar days after  
10 such order. If the Board fails to issue its findings of fact,  
11 conclusions of law, and recommendations within that time frame  
12 to the Secretary after the entry of such order, the Secretary  
13 shall, within 30 calendar days thereafter, issue an order based  
14 upon the report of the hearing officer and the record of the  
15 proceedings or issue an order remanding the matter back to the  
16 hearing officer for additional proceedings in accordance with  
17 the order. If (i) a direct appeal is requested, (ii) the Board  
18 fails to issue its findings of fact, conclusions of law, and  
19 recommendations within the 30-day mandate from the Secretary or  
20 the Secretary fails to order the Board to do so, and (iii) the  
21 Secretary fails to issue an order within 30 calendar days  
22 thereafter, then the hearing officer's report is deemed  
23 accepted and a final decision of the Secretary. Notwithstanding  
24 any other provision of this Section, if the Secretary, upon  
25 review, determines that substantial justice has not been done  
26 in the revocation, suspension, or refusal to issue or renew a

1 license or other disciplinary action taken as the result of the  
2 entry of the hearing officer's report, the Secretary may order  
3 a rehearing by the same or other examiners ~~the Director may~~  
4 ~~issue an order based on the report of the hearing officer.~~ If  
5 the Secretary ~~Director~~ disagrees with the recommendation of the  
6 Board or the hearing officer, the Secretary ~~Director~~ may issue  
7 an order in contravention of the recommendation.

8 (Source: P.A. 87-783; 87-1237.)

9 (225 ILCS 55/130) (from Ch. 111, par. 8351-130)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 130. Order; certified copy. An order or a certified  
12 copy thereof, over the seal of the Department and purporting to  
13 be signed by the Secretary ~~Director~~, shall be prima facie  
14 proof:

15 (a) that the signature is the genuine signature of the  
16 Secretary ~~Director~~;

17 (b) that the Secretary ~~Director~~ is duly appointed and  
18 qualified; and

19 (c) that the Board and its members are qualified to act.

20 (Source: P.A. 87-783.)

21 (225 ILCS 55/145) (from Ch. 111, par. 8351-145)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 145. Summary suspension. The Secretary ~~Director~~ may  
24 summarily suspend the license of a marriage and family

1 therapist or an associate marriage and family therapist without  
2 a hearing, simultaneously with the institution of proceedings  
3 for a hearing provided for in this Act, if the Secretary  
4 ~~Director~~ finds that evidence in his or her possession indicates  
5 that a marriage and family therapist's or associate marriage  
6 and family therapist's continuation in practice would  
7 constitute an imminent danger to the public. In the event that  
8 the Secretary ~~Director~~ summarily suspends the license of a  
9 marriage and family therapist or an associate marriage and  
10 family therapist without a hearing, a hearing by the Board must  
11 be held within 30 calendar days after the suspension has  
12 occurred.

13 (Source: P.A. 91-362, eff. 1-1-00.)

14 Section 20. The Nursing Home Administrators Licensing and  
15 Disciplinary Act is amended by changing Sections 4, 5, 5.1, 6,  
16 10.5, 11, 13, 15, 17, 18, 19, 20, 20.1, 21, 22, 24, 24.1, 26,  
17 and 28 as follows:

18 (225 ILCS 70/4) (from Ch. 111, par. 3654)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 4. Definitions. For purposes of this Act, the  
21 following definitions shall have the following meanings,  
22 except where the context requires otherwise:

23 (1) "Act" means the Nursing Home Administrators  
24 Licensing and Disciplinary Act.

1           (2) "Department" means the Department of Financial and  
2 Professional Regulation.

3           (3) "Secretary" ~~"Director"~~ means the Secretary  
4 ~~Director~~ of Financial and Professional Regulation.

5           (4) "Board" means the Nursing Home Administrators  
6 Licensing and Disciplinary Board appointed by the  
7 Governor.

8           (5) "Nursing home administrator" means the individual  
9 licensed under this Act and directly responsible for  
10 planning, organizing, directing and supervising the  
11 operation of a nursing home, or who in fact performs such  
12 functions, whether or not such functions are delegated to  
13 one or more other persons.

14           (6) "Nursing home" or "facility" means any entity that  
15 is required to be licensed by the Department of Public  
16 Health under the Nursing Home Care Act, as amended, other  
17 than a sheltered care home as defined thereunder, and  
18 includes private homes, institutions, buildings,  
19 residences, or other places, whether operated for profit or  
20 not, irrespective of the names attributed to them, county  
21 homes for the infirm and chronically ill operated pursuant  
22 to the County Nursing Home Act, as amended, and any similar  
23 institutions operated by a political subdivision of the  
24 State of Illinois that provide, though their ownership or  
25 management, maintenance, personal care, and nursing for 3  
26 or more persons, not related to the owner by blood or

1 marriage, or any similar facilities in which maintenance is  
2 provided to 3 or more persons who by reason of illness of  
3 physical infirmity require personal care and nursing.

4 (7) "Maintenance" means food, shelter and laundry.

5 (8) "Personal care" means assistance with meals,  
6 dressing, movement, bathing, or other personal needs, or  
7 general supervision of the physical and mental well-being  
8 of an individual who because of age, physical, or mental  
9 disability, emotion or behavior disorder, or mental  
10 retardation is incapable of managing his or her person,  
11 whether or not a guardian has been appointed for such  
12 individual. For the purposes of this Act, this definition  
13 does not include the professional services of a nurse.

14 (9) "Nursing" means professional nursing or practical  
15 nursing, as those terms are defined in the Nursing and  
16 Advanced Practice Nursing Act, for sick or infirm persons  
17 who are under the care and supervision of licensed  
18 physicians or dentists.

19 (10) "Disciplinary action" means revocation,  
20 suspension, probation, supervision, reprimand, required  
21 education, fines or any other action taken by the  
22 Department against a person holding a license.

23 (11) "Impaired" means the inability to practice with  
24 reasonable skill and safety due to physical or mental  
25 disabilities as evidenced by a written determination or  
26 written consent based on clinical evidence including

1 deterioration through the aging process or loss of motor  
2 skill, or abuse of drugs or alcohol, of sufficient degree  
3 to diminish a person's ability to administer a nursing  
4 home.

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

13 (Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

14 (225 ILCS 70/5) (from Ch. 111, par. 3655)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 5. Board.

17 (a) There is hereby created the Nursing Home Administrators  
18 Licensing and Disciplinary Board. The Board shall consist of 7  
19 ~~9~~ members appointed by the Governor. All shall be residents of  
20 the State of Illinois. Two ~~Three~~ members shall be  
21 representatives of the general public. Five ~~Six~~ members shall  
22 be nursing home administrators who for at least 5 years prior  
23 to their appointments were licensed under this Act. The public  
24 members shall have no responsibility for management or  
25 formation of policy of, nor any financial interest in, nursing



1 homes as defined in this Act, nor any other connection with the  
2 profession. In appointing licensed nursing home  
3 administrators, the Governor shall take into consideration the  
4 recommendations of the nursing home professional associations.

5 (b) Members shall be appointed for a term of 4 years by the  
6 Governor. The Governor shall fill any vacancy for the remainder  
7 of the unexpired term. Any member of the Board may be removed  
8 by the Governor for cause. Each member shall serve on the Board  
9 until his or her successor is appointed and qualified. No  
10 member of the Board shall serve more than 2 consecutive 4 year  
11 terms.

12 In making appointments the Governor shall attempt to insure  
13 that the various geographic regions of the State of Illinois  
14 are properly represented.

15 (c) The Board shall annually elect one of its members as  
16 chairperson and one as vice chairperson. No officer shall be  
17 elected more than twice in succession to the same office. Each  
18 officer shall serve until his or her successor has been elected  
19 and qualified.

20 (d) A majority of the Board members currently appointed  
21 shall constitute a quorum. A vacancy in the membership of the  
22 Board shall not impair the right of a quorum to exercise all  
23 the rights and perform all the duties of the Board.

24 (e) Each member and member-officer of the Board ~~may shall~~  
25 receive a per diem stipend as the Secretary ~~Director~~ shall  
26 determine. Each member shall be paid their necessary expenses

1 while engaged in the performance of his or her duties.

2 (f) (Blank).

3 (g) (Blank).

4 (h) Members of the Board shall be immune from suit in any  
5 action based upon any disciplinary proceedings or other acts  
6 performed in good faith as members of the Board.

7 (i) (Blank).

8 (j) The Secretary ~~Director~~ shall give due consideration to  
9 all recommendations of the Board. If the Secretary ~~Director~~  
10 disagrees with or takes action contrary to the recommendation  
11 of the Board, he or she shall provide the Board with a written  
12 and specific explanation of his or her action.

13 (Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97.)

14 (225 ILCS 70/5.1)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 5.1. Powers and duties; rules. The Department shall  
17 exercise the powers and duties prescribed by the Civil  
18 Administrative Code of Illinois for administration of  
19 licensing acts and shall exercise such other powers and duties  
20 necessary for effectuating the purposes of this Act. The  
21 Department shall adopt rules to implement, interpret, or make  
22 specific the provisions and purposes of this Act and may  
23 prescribe forms that shall be issued in connection with  
24 rulemaking. The Department shall transmit the proposed  
25 rulemaking to the Board.

1           The Department may solicit the advice of the Board on any  
2 matter relating to the administration and enforcement of this  
3 Act.

4           ~~The Director shall employ, in conformity with the Personnel~~  
5 ~~Code, professional, technical, investigative, and clerical~~  
6 ~~help on a full time or part time basis as necessary for the~~  
7 ~~proper performance of its duties.~~

8           Upon the written request of the Department, the Department  
9 of Public Health, the Department of Human Services or the  
10 Department of State Police may cooperate and assist in any  
11 investigation undertaken by the Board.

12 (Source: P.A. 90-61, eff. 12-30-97.)

13 (225 ILCS 70/6) (from Ch. 111, par. 3656)

14 (Section scheduled to be repealed on January 1, 2008)

15           Sec. 6. Application procedure. Applications for original  
16 licenses shall be made to the Department in writing on forms  
17 prescribed by the Department and shall be accompanied by the  
18 required fee, which shall not be refundable. The application  
19 shall require information as in the judgment of the Department  
20 will enable the Department to pass on the qualifications of the  
21 applicant for a license.

22           Applicants have 3 years after the date of application to  
23 complete the application process. If the process has not been  
24 completed in 3 years, the application shall be denied, the fee  
25 forfeited, and the applicant must reapply and meet the

1 requirements in effect at the time of reapplication.

2 (Source: P.A. 90-61, eff. 12-30-97.)

3 (225 ILCS 70/10.5)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 10.5. Unlicensed practice; violation; civil penalty.

6 (a) Any person who practices, offers to practice, attempts  
7 to practice, or holds oneself out to practice as a nursing home  
8 administrator without being licensed under this Act shall, in  
9 addition to any other penalty provided by law, pay a civil  
10 penalty to the Department in an amount not to exceed \$10,000  
11 ~~\$5,000~~ for each offense as determined by the Department. The  
12 civil penalty shall be assessed by the Department after a  
13 hearing is held in accordance with the provisions set forth in  
14 this Act regarding the provision of a hearing for the  
15 discipline of a licensee.

16 (b) The Department has the authority and power to  
17 investigate any and all unlicensed activity.

18 (c) The civil penalty shall be paid within 60 days after  
19 the effective date of the order imposing the civil penalty. The  
20 order shall constitute a judgment and may be filed and  
21 execution had thereon in the same manner as any judgment from  
22 any court of record.

23 (Source: P.A. 89-474, eff. 6-18-96.)

24 (225 ILCS 70/11) (from Ch. 111, par. 3661)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 11. Expiration; renewal; continuing education. The  
3 expiration date and renewal period for each license issued  
4 under this Act shall be set by rule.

5 Each licensee shall provide proof of having obtained 36  
6 hours of continuing education in the 2 year period preceding  
7 the renewal date of the license as a condition of license  
8 renewal. The continuing education requirement may be waived in  
9 part or in whole for such good cause as may be determined by  
10 rule.

11 Any continuing education course for nursing home  
12 administrators approved by the National Continuing Education  
13 Review Service of the National Association of Boards of  
14 Examiners of Nursing Home Administrators will be accepted  
15 toward satisfaction of these requirements.

16 Any continuing education course for nursing home  
17 administrators sponsored by the Life Services Network of  
18 Illinois, Illinois Council on Long Term Care, County Nursing  
19 Home Association of Illinois, Illinois Health Care  
20 Association, Illinois Chapter of American College of Health  
21 Care Administrators, and the Illinois Nursing Home  
22 Administrators Association will be accepted toward  
23 satisfaction of these requirements.

24 Any school, college or university, State agency, or other  
25 entity may apply to the Department for approval as a continuing  
26 education sponsor. Criteria for qualification as a continuing

1 education sponsor shall be established by rule.

2 It shall be the responsibility of each continuing education  
3 sponsor to maintain records, as prescribed by rule, to verify  
4 attendance.

5 The Department shall establish by rule a means for the  
6 verification of completion of the continuing education  
7 required by this Section. This verification may be accomplished  
8 through audits of records maintained by registrants; by  
9 requiring the filing of continuing education certificates with  
10 the Department; or by other means established by the  
11 Department.

12 Any nursing home administrator who has permitted his or her  
13 license to expire or who has had his or her license on inactive  
14 status may have his or her license restored by making  
15 application to the Department and filing proof acceptable to  
16 the Department, as defined by rule, of his or her fitness to  
17 have his or her license restored and by paying the required  
18 fee. Proof of fitness may include evidence certifying to active  
19 lawful practice in another jurisdiction satisfactory to the  
20 Department and by paying the required restoration fee.

21 However, any nursing home administrator whose license  
22 expired while he or she was (1) in federal service on active  
23 duty with the Armed Forces of the United States, or the State  
24 Militia called into service or training, or (2) in training or  
25 education under the supervision of the United States  
26 preliminary to induction into the military services, may have

1 his or her license renewed or restored without paying any  
2 lapsed renewal fees if within 2 years after honorable  
3 termination of such service, training or education, he or she  
4 furnishes the Department with satisfactory evidence to the  
5 effect that he or she has been so engaged and that his or her  
6 service, training or education has been so terminated.

7 (Source: P.A. 90-61, eff. 12-30-97.)

8 (225 ILCS 70/13) (from Ch. 111, par. 3663)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 13. Endorsement. The Department may, in its  
11 discretion, license as a nursing home administrator, without  
12 examination, on payment of the required fee, an applicant who  
13 is so licensed under the laws of another U.S. jurisdiction, if  
14 the requirements for licensure in the other jurisdiction in  
15 which the applicant was licensed were, at the date of his or  
16 her licensure, substantially equivalent to the requirements  
17 then in force in this State; or if the applicant's  
18 qualifications were, at the date of his or her licensure in the  
19 other jurisdiction, substantially equivalent to the  
20 requirements then in force in this State.

21 Notwithstanding the provisions of this Section, all  
22 applicants seeking licensure under this Section shall be  
23 required to take and pass an examination testing the  
24 applicant's knowledge of Illinois law relating to the practice  
25 of nursing home administration.

1       ~~Applicants have 3 years from the date of application to~~  
2 ~~complete the application process. If the process has not been~~  
3 ~~completed in 3 years, the application shall be denied, the fee~~  
4 ~~shall be forfeited, and the applicant must reapply and meet the~~  
5 ~~requirements in effect at the time of reapplication.~~

6       (Source: P.A. 90-61, eff. 12-30-97.)

7           (225 ILCS 70/15) (from Ch. 111, par. 3665)

8           (Section scheduled to be repealed on January 1, 2008)

9       Sec. 15. Returned checks; fines. Any person who delivers a  
10 check or other payment to the Department that is returned to  
11 the Department unpaid by the financial institution upon which  
12 it is drawn shall pay to the Department, in addition to the  
13 amount already owed to the Department, a fine of \$50. The fines  
14 imposed by this Section are in addition to any other discipline  
15 provided under this Act for unlicensed practice or practice on  
16 a nonrenewed license. The Department shall notify the person  
17 that payment of fees and fines shall be paid to the Department  
18 by certified check or money order within 30 calendar days of  
19 the notification. If, after the expiration of 30 days from the  
20 date of the notification, the person has failed to submit the  
21 necessary remittance, the Department shall automatically  
22 terminate the license or deny the application, without hearing.  
23 If, after termination or denial, the person seeks a license, he  
24 or she shall apply to the Department for restoration or  
25 issuance of the license and pay all fees and fines due to the



1 Department. The Department may establish a fee for the  
2 processing of an application for restoration of a license to  
3 pay all expenses of processing this application. The Secretary  
4 ~~Director~~ may waive the fines due under this Section in  
5 individual cases where the Secretary ~~Director~~ finds that the  
6 fines would be unreasonable or unnecessarily burdensome.

7 (Source: P.A. 92-146, eff. 1-1-02.)

8 (225 ILCS 70/17) (from Ch. 111, par. 3667)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 17. Grounds for disciplinary action.

11 (a) The Department may impose fines not to exceed \$10,000  
12 ~~\$1,000~~, or may refuse to issue or to renew, or may revoke,  
13 suspend, place on probation, censure, reprimand or take other  
14 disciplinary or non-disciplinary action with regard to the  
15 license of any person, for any one or combination of the  
16 following causes:

17 (1) Intentional material misstatement in furnishing  
18 information to the Department.

19 (2) Conviction of or entry of a plea of guilty or nolo  
20 contendere to any crime that is a felony under the laws of  
21 the United States or any state or territory thereof ~~that is~~  
22 ~~a felony~~ or a misdemeanor of which an essential element is  
23 dishonesty, ~~or of any crime~~ that is directly related to the  
24 practice of the profession of nursing home administration.

25 (3) Making any misrepresentation for the purpose of

1 obtaining a license, or violating any provision of this  
2 Act.

3 (4) Immoral conduct in the commission of any act, such  
4 as sexual abuse or sexual misconduct, related to the  
5 licensee's practice.

6 (5) Failing to respond within 30 ~~60~~ days, to a written  
7 request made by the Department for information.

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

11 (7) Habitual use or addiction to alcohol, narcotics,  
12 stimulants, or any other chemical agent or drug which  
13 results in the inability to practice with reasonable  
14 judgment, skill or safety.

15 (8) Discipline by another U.S. jurisdiction if at least  
16 one of the grounds for the discipline is the same or  
17 substantially equivalent to those set forth herein.

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

21 (10) Willfully making or filing false records or  
22 reports in his or her practice, including but not limited  
23 to false records filed with State agencies or departments.

24 (11) Physical illness, mental illness, or other  
25 impairment or disability, including, but not limited to,  
26 deterioration through the aging process, or loss of motor

1 skill that results in the inability to practice the  
2 profession with reasonable judgment, skill or safety.

3 (12) Disregard or violation of this Act or of any rule  
4 issued pursuant to this Act.

5 (13) Aiding or abetting another in the violation of  
6 this Act or any rule or regulation issued pursuant to this  
7 Act.

8 (14) Allowing one's license to be used by an unlicensed  
9 person.

10 (15) (Blank). ~~Conviction of any crime an essential~~  
11 ~~element of which is misstatement, fraud or dishonesty, or~~  
12 ~~conviction in this State or another state of any crime that~~  
13 ~~is a felony under the laws of this State or conviction of a~~  
14 ~~felony in a federal court.~~

15 (16) Professional incompetence in the practice of  
16 nursing home administration.

17 (17) Conviction of a violation of Section 12-19 of the  
18 Criminal Code of 1961 for the abuse and gross neglect of a  
19 long term care facility resident.

20 (18) Violation of the Nursing Home Care Act or of any  
21 rule issued under the Nursing Home Care Act.

22 All proceedings to suspend, revoke, place on probationary  
23 status, or take any other disciplinary action as the Department  
24 may deem proper, with regard to a license on any of the  
25 foregoing grounds, must be commenced within 5 ~~3~~ years next  
26 after receipt by the Department of (i) a complaint alleging the

1 commission of or notice of the conviction order for any of the  
2 acts described herein or (ii) a referral for investigation  
3 under Section 3-108 of the Nursing Home Care Act.

4 The entry of an order or judgment by any circuit court  
5 establishing that any person holding a license under this Act  
6 is a person in need of mental treatment operates as a  
7 suspension of that license. That person may resume their  
8 practice only upon the entry of a Department order based upon a  
9 finding by the Board that they have been determined to be  
10 recovered from mental illness by the court and upon the Board's  
11 recommendation that they be permitted to resume their practice.

12 The Department, upon the recommendation of the Board, may  
13 ~~shall~~ adopt rules which set forth standards to be used in  
14 determining what constitutes:

15 (i) ~~(a)~~ when a person will be deemed sufficiently  
16 rehabilitated to warrant the public trust;

17 (ii) ~~(b)~~ dishonorable, unethical or unprofessional  
18 conduct of a character likely to deceive, defraud, or harm  
19 the public;

20 (iii) ~~(c)~~ immoral conduct in the commission of any act  
21 related to the licensee's practice; and

22 (iv) ~~(d)~~ professional incompetence in the practice of  
23 nursing home administration.

24 However, no such rule shall be admissible into evidence in  
25 any civil action except for review of a licensing or other  
26 disciplinary action under this Act.

1           In enforcing this Section, the Department or Board, upon a  
2 showing of a possible violation, may compel any individual  
3 licensed to practice under this Act, or who has applied for  
4 licensure pursuant to this Act, to submit to a mental or  
5 physical examination, or both, as required by and at the  
6 expense of the Department. The examining physician or  
7 physicians shall be those specifically designated by the  
8 Department or Board. The Department or Board may order the  
9 examining physician to present testimony concerning this  
10 mental or physical examination of the licensee or applicant. No  
11 information shall be excluded by reason of any common law or  
12 statutory privilege relating to communications between the  
13 licensee or applicant and the examining physician. The  
14 individual to be examined may have, at his or her own expense,  
15 another physician of his or her choice present during all  
16 aspects of the examination. Failure of any individual to submit  
17 to mental or physical examination, when directed, shall be  
18 grounds for suspension of his or her license until such time as  
19 the individual submits to the examination if the Department  
20 finds, after notice and hearing, that the refusal to submit to  
21 the examination was without reasonable cause.

22           If the Department or Board finds an individual unable to  
23 practice because of the reasons set forth in this Section, the  
24 Department or Board shall require such individual to submit to  
25 care, counseling, or treatment by physicians approved or  
26 designated by the Department or Board, as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to  
2 practice; or in lieu of care, counseling, or treatment, the  
3 Department may file, or the Board may recommend to the  
4 Department to file, a complaint to immediately suspend, revoke,  
5 or otherwise discipline the license of the individual. Any  
6 individual whose license was granted pursuant to this Act or  
7 continued, reinstated, renewed, disciplined or supervised,  
8 subject to such terms, conditions or restrictions who shall  
9 fail to comply with such terms, conditions or restrictions  
10 shall be referred to the Secretary ~~Director~~ for a determination  
11 as to whether the licensee shall have his or her license  
12 suspended immediately, pending a hearing by the Department. In  
13 instances in which the Secretary ~~Director~~ immediately suspends  
14 a license under this Section, a hearing upon such person's  
15 license must be convened by the Board within 30 ~~15~~ days after  
16 such suspension and completed without appreciable delay. The  
17 Department and Board shall have the authority to review the  
18 subject administrator's record of treatment and counseling  
19 regarding the impairment, to the extent permitted by applicable  
20 federal statutes and regulations safeguarding the  
21 confidentiality of medical records.

22 An individual licensed under this Act, affected under this  
23 Section, shall be afforded an opportunity to demonstrate to the  
24 Department or Board that he or she can resume practice in  
25 compliance with acceptable and prevailing standards under the  
26 provisions of his or her license.

1           (b) Any individual or organization acting in good faith,  
2 and not in a wilful and wanton manner, in complying with this  
3 Act by providing any report or other information to the  
4 Department, or assisting in the investigation or preparation of  
5 such information, or by participating in proceedings of the  
6 Department, or by serving as a member of the Board, shall not,  
7 as a result of such actions, be subject to criminal prosecution  
8 or civil damages.

9           (c) Members of the Board, and persons retained under  
10 contract to assist and advise in an investigation, shall be  
11 indemnified by the State for any actions occurring within the  
12 scope of services on or for the Board, done in good faith and  
13 not wilful and wanton in nature. The Attorney General shall  
14 defend all such actions unless he or she determines either that  
15 there would be a conflict of interest in such representation or  
16 that the actions complained of were not in good faith or were  
17 wilful and wanton.

18           Should the Attorney General decline representation, a  
19 person entitled to indemnification under this Section shall  
20 have the right to employ counsel of his or her choice, whose  
21 fees shall be provided by the State, after approval by the  
22 Attorney General, unless there is a determination by a court  
23 that the member's actions were not in good faith or were wilful  
24 and wanton.

25           A person entitled to indemnification under this Section  
26 must notify the Attorney General within 7 days of receipt of

1 notice of the initiation of any action involving services of  
2 the Board. Failure to so notify the Attorney General shall  
3 constitute an absolute waiver of the right to a defense and  
4 indemnification.

5 The Attorney General shall determine within 7 days after  
6 receiving such notice, whether he or she will undertake to  
7 represent a person entitled to indemnification under this  
8 Section.

9 (d) The determination by a circuit court that a licensee is  
10 subject to involuntary admission or judicial admission as  
11 provided in the Mental Health and Developmental Disabilities  
12 Code, as amended, operates as an automatic suspension. Such  
13 suspension will end only upon a finding by a court that the  
14 patient is no longer subject to involuntary admission or  
15 judicial admission and issues an order so finding and  
16 discharging the patient; and upon the recommendation of the  
17 Board to the Secretary ~~Director~~ that the licensee be allowed to  
18 resume his or her practice.

19 (e) The Department may refuse to issue or may suspend the  
20 license of any person who fails to file a return, or to pay the  
21 tax, penalty or interest shown in a filed return, or to pay any  
22 final assessment of tax, penalty or interest, as required by  
23 any tax Act administered by the Department of Revenue, until  
24 such time as the requirements of any such tax Act are  
25 satisfied.

26 (f) The Department of Public Health shall transmit to the



1 Department a list of those facilities which receive an "A"  
2 violation as defined in Section 1-129 of the Nursing Home Care  
3 Act.

4 (Source: P.A. 89-197, eff. 7-21-95; 90-61, eff. 12-30-97.)

5 (225 ILCS 70/18) (from Ch. 111, par. 3668)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 18. Cease and desist order.

8 (a) If any person who is not a licensed nursing home  
9 administrator violates a provision of this Act, the Secretary  
10 ~~Director~~ may, in the name of the People of the State of  
11 Illinois, through the Attorney General of the State of Illinois  
12 or the State's Attorney of any county in which the action is  
13 brought, petition for an order enjoining such violation or for  
14 an order enforcing compliance with this Act. Upon the filing of  
15 a verified petition in court, the court may issue a temporary  
16 restraining order, without notice or bond, and may  
17 preliminarily and permanently enjoin such violation. If it is  
18 established that such person has violated or is violating the  
19 injunction, the Court may punish the offender for contempt of  
20 court. Proceedings under this Section shall be in addition to,  
21 and not in lieu of, all other remedies and penalties provided  
22 by this Act.

23 (b) If any person shall practice as a nursing home  
24 administrator or hold himself or herself out as a nursing home  
25 administrator without being licensed under the provisions of

1 this Act, then any licensed nursing home administrator, any  
2 interested party, or any person injured thereby may, in  
3 addition to the Secretary ~~Director~~, petition for relief as  
4 provided in subsection (a) of this Section.

5 Whoever knowingly practices or offers to practice nursing  
6 home administration in this State without being licensed for  
7 that purpose shall be guilty of a Class A misdemeanor and for  
8 each subsequent conviction shall be guilty of a Class 4 felony.

9 (c) Whenever in the opinion of the Department any person  
10 not licensed in good standing violates any provision of this  
11 Act, the Department may issue a rule to show cause why an order  
12 to cease and desist should not be entered against him or her.  
13 The rule shall clearly set forth the grounds relied upon by the  
14 Department and shall provide a period of 7 working days from  
15 the date of the rule to file an answer to the satisfaction of  
16 the Department. Failure to answer to the satisfaction of the  
17 Department shall cause an order to cease and desist to be  
18 issued immediately.

19 (Source: P.A. 90-61, eff. 12-30-97.)

20 (225 ILCS 70/19) (from Ch. 111, par. 3669)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 19. Investigation; hearing notification. Upon the  
23 motion of either the Department or the Board or upon the  
24 verified complaint in writing of any person setting forth facts  
25 that, if proven, would constitute grounds for suspension or

1 revocation under Section 17 of this Act, the Department shall  
2 investigate the actions of any person, so accused, who holds or  
3 represents that he or she holds a license. Such a person is  
4 hereinafter called the accused.

5 The Department shall, before suspending, revoking, placing  
6 on probationary status, or taking any other disciplinary action  
7 as the Department may deem proper with regard to any license at  
8 least 30 days prior to the date set for the hearing, notify the  
9 accused in writing of any charges made and the time and place  
10 for a hearing of the charges before the Board, direct them to  
11 file their written answer to such notice to the Board under  
12 oath within 30 days after the service on them of such notice  
13 and inform them that if they fail to file such answer default  
14 will be taken against them and their license may be suspended,  
15 revoked, placed on probationary status, or have other  
16 disciplinary action, including limiting the scope, nature or  
17 extent of their practice, as the Department may deem proper  
18 taken with regard thereto.

19 Written ~~Such written notice and any notice in such~~  
20 ~~proceedings thereafter~~ may be served by personal delivery ~~of~~  
21 ~~the same, personally, to the accused,~~ or by mailing the same by  
22 registered or certified mail to the applicant or licensee at  
23 his or her last address of record with ~~address specified by the~~  
24 ~~accused in their last notification to~~ the Department.

25 (Source: P.A. 90-61, eff. 12-30-97.)

1 (225 ILCS 70/20) (from Ch. 111, par. 3670)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 20. Board hearing; recommendation. At the time and  
4 place fixed in the notice, the Board shall proceed to hear the  
5 charges and the parties ~~both the accused person and the~~  
6 ~~complainant~~ shall be accorded ample opportunity to present in  
7 person, or by counsel, such statements, testimony, evidence and  
8 argument as may be pertinent to the charges or to any defense  
9 thereto. The Board may continue such hearing from time to time.  
10 If the Board is not sitting at the time and place fixed in the  
11 notice or at the time and place to which the hearing has been  
12 continued, the Department shall continue such hearing for a  
13 period not to exceed 30 days.

14 In case the accused person, after receiving notice, fails  
15 to file an answer, the Board may recommend that his or her  
16 license be suspended, revoked or placed on probationary status,  
17 or the Board may recommend whatever disciplinary action as it  
18 may deem proper, without a hearing, if the act or acts charged  
19 constitute sufficient grounds for such action under this Act.

20 The Board has the authority to recommend to the Secretary  
21 ~~Director~~ that probation be granted or that other disciplinary  
22 action be taken as it deems proper. If disciplinary action,  
23 other than suspension or revocation, is taken the Board may  
24 recommend that the Secretary ~~Director~~ impose reasonable  
25 limitations and requirements upon the accused to insure  
26 compliance with the terms of the probation or other

1 disciplinary action, including but not limited to regular  
2 reporting by the accused to the Department of their actions,  
3 placing themselves under the care of a qualified physician for  
4 treatment, or limiting their practice in such manner as the  
5 Secretary ~~Director~~ may require.

6 (Source: P.A. 90-61, eff. 12-30-97.)

7 (225 ILCS 70/20.1)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 20.1. Summary suspension. The Secretary ~~Director~~ may  
10 summarily suspend the license of a nursing home administrator  
11 without a hearing, simultaneously with the institution of  
12 proceedings for a hearing provided under this Act ~~Section~~ if  
13 the Secretary ~~Director~~ finds that evidence in his or her  
14 possession indicates that an administrator's continuation in  
15 practice would constitute an immediate danger to the public. If  
16 the Secretary ~~Director~~ summarily suspends the license of an  
17 administrator without a hearing, a hearing shall be held within  
18 30 days after the suspension has occurred.

19 (Source: P.A. 90-61, eff. 12-30-97.)

20 (225 ILCS 70/21) (from Ch. 111, par. 3671)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 21. Appointment of hearing officer. The Secretary  
23 ~~Director~~ shall have the authority to appoint an attorney duly  
24 licensed to practice law in the State of Illinois to serve as

1 the hearing officer in any action for refusal to issue, renew,  
2 or discipline a license. The hearing officer shall have full  
3 authority to conduct the hearing. ~~There shall be present at~~  
4 ~~least one member of the Board at any such hearing.~~ The hearing  
5 officer shall report his or her findings of fact, conclusions  
6 of law, and recommendations to the Board. The Board shall have  
7 60 days after receipt of the report to review the report of the  
8 hearing officer and present its findings of fact, conclusions  
9 of law, and recommendations to the Secretary ~~Director~~. If the  
10 Board fails to present its report to the Secretary within the  
11 60 day period, the respondent may request in writing a direct  
12 appeal to the Secretary, in which case the Secretary shall,  
13 within 7 calendar days after the request, issue an order  
14 directing the Board to issue its findings of fact, conclusions  
15 of law, and recommendations to the Secretary within 30 calendar  
16 days after such order. If the Board fails to issue its findings  
17 of fact, conclusions of law, and recommendations within that  
18 time frame to the Secretary after the entry of such order, the  
19 Secretary shall, within 30 calendar days thereafter, issue an  
20 order based upon the report of the hearing officer and the  
21 record of the proceedings or issue an order remanding the  
22 matter back to the hearing officer for additional proceedings  
23 in accordance with the order. If (i) a direct appeal is  
24 requested, (ii) the Board fails to issue its findings of fact,  
25 conclusions of law, and recommendations within the 30-day  
26 mandate from the Secretary or the Secretary fails to order the

1 Board to do so, and (iii) the Secretary fails to issue an order  
2 within 30 calendar days thereafter, then the hearing officer's  
3 report is deemed accepted and a final decision of the  
4 Secretary. Notwithstanding any other provision of this  
5 Section, if the Secretary, upon review, determines that  
6 substantial justice has not been done in the revocation,  
7 suspension, or refusal to issue or renew a license or other  
8 disciplinary action taken as the result of the entry of the  
9 hearing officer's report, the Secretary may order a rehearing  
10 by the same or other examiners ~~the Director may issue an order~~  
11 ~~based on the report of the hearing officer. However, if the~~  
12 ~~Board does present its report within the specified 60 days, the~~  
13 ~~Director's order shall be based upon the report of the Board.~~  
14 If the Secretary ~~Director~~ disagrees with the recommendation of  
15 the Board or the hearing officer, the Secretary ~~Director~~ may  
16 issue an order in contravention of the Board's report. The  
17 Secretary ~~Director~~ shall promptly provide a written  
18 explanation to the Board on any such disagreement.

19 (Source: P.A. 90-61, eff. 12-30-97.)

20 (225 ILCS 70/22) (from Ch. 111, par. 3672)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 22. Subpoena power. The Board or Department has power  
23 to subpoena and bring before it any person in this State and to  
24 take testimony either orally or by deposition, or both, with  
25 the same fees and mileage and in the same manner as is

1 prescribed by law for judicial proceedings in civil cases.

2 The Department, upon a determination that probable cause  
3 exists that a violation of one or more of the grounds for  
4 discipline listed in Section 17 has occurred or is occurring,  
5 may subpoena the records of an individual licensed under this  
6 Act provided that prior to the submission of such records to  
7 the Board, all information indicating the identity of any  
8 resident shall be removed and deleted. The use of such records  
9 shall be restricted to members of the Board and appropriate  
10 staff of the Department for the purpose of determining the  
11 existence of one or more grounds for discipline of the nursing  
12 home administrator as provided for by Section 17 of this Act.  
13 Any such review of individual residents' records shall be  
14 conducted by the Board in strict confidentiality, provided that  
15 such resident records shall be admissible in a disciplinary  
16 hearing, before the Department, when necessary to substantiate  
17 the grounds for discipline alleged against the administrator  
18 licensed under this Act, and provided further that nothing  
19 herein shall be deemed to supersede the provisions of Part 21  
20 of Article VIII of the Code of Civil Procedure, as now or  
21 hereafter amended, to the extent applicable.

22 The Secretary ~~Director~~, the designated hearing officer,  
23 and any member of the Board have the power to administer oaths  
24 at any hearing that the Department is authorized to conduct and  
25 any other oaths authorized in an Act administered by the  
26 Department.



1 (Source: P.A. 90-61, eff. 12-30-97.)

2 (225 ILCS 70/24) (from Ch. 111, par. 3674)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 24. Motion for rehearing. The Board shall present to  
5 the Secretary ~~Director~~ a written report of its findings and  
6 recommendations. A copy of such report shall be served upon the  
7 accused person, either personally or by certified mail. Within  
8 20 days after such service, the accused person may present to  
9 the Department a motion, in writing, for a rehearing, which  
10 shall specify the particular grounds for rehearing. If the  
11 accused person orders and pays for a transcript of the record  
12 as provided in Section 23, the time elapsing thereafter and  
13 before such transcript is ready for delivery to them shall not  
14 be counted as part of such 30 days.

15 (Source: P.A. 90-61, eff. 12-30-97.)

16 (225 ILCS 70/24.1)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 24.1. Surrender of license; record; list of  
19 disciplined licensees ~~disciplines~~. Upon the suspension,  
20 revocation, placement on probationary status, or the taking of  
21 any other disciplinary action deemed proper by the Board with  
22 regard to a license, the accused shall surrender his or her  
23 license to the Department, if ordered to do so by the  
24 Department, and upon his or her failure or refusal to do so,

1 the Department may seize the license.

2 Each order of revocation, suspension, or other  
3 disciplinary action shall contain a brief, concise statement of  
4 the ground or grounds upon which the Department's action is  
5 based, as well as the specific terms and conditions of such  
6 action. This document shall be retained as a permanent record  
7 by the Board and the Secretary ~~Director~~.

8 The Department shall at least annually publish a list of  
9 the names of all persons disciplined under this Act in the  
10 preceding 12 months. Such lists shall be mailed by the  
11 Department to any person in the State upon request.

12 ~~In those instances where an order of revocation,~~  
13 ~~suspension, or other disciplinary action has been rendered by~~  
14 ~~virtue of a nursing home administrator's physical illness,~~  
15 ~~including but not limited to deterioration through the aging~~  
16 ~~process, or loss of motor skill that results in an inability to~~  
17 ~~practice with reasonable judgment, skill, or safety, the~~  
18 ~~Department shall only permit this document, and the record of~~  
19 ~~the hearing incident thereto, to be observed, inspected,~~  
20 ~~viewed, or copied pursuant to court order.~~

21 (Source: P.A. 90-61, eff. 12-30-97.)

22 (225 ILCS 70/26) (from Ch. 111, par. 3676)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 26. An order of revocation, suspension, placing the  
25 license on probationary status, or other formal disciplinary

1 action as the Department may deem proper, or a certified copy  
2 thereof, over the seal of the Department and purporting to be  
3 signed by the Secretary ~~Director~~, is prima facie proof that:

4 (a) Such signature is the genuine signature of the  
5 Secretary ~~Director~~;

6 (b) The Secretary ~~Director~~ is duly appointed and qualified;  
7 and

8 (c) The Board and the members thereof are qualified.

9 Such proof may be rebutted.

10 (Source: P.A. 85-932.)

11 (225 ILCS 70/28) (from Ch. 111, par. 3678)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 28. Rehearing on order of Secretary ~~Director~~. Whenever  
14 the Secretary ~~Director~~ believes justice has not been done in  
15 the refusal to issue or renew a license or revocation,  
16 suspension, or discipline of a license, he or she may order a  
17 rehearing.

18 (Source: P.A. 90-61, eff. 12-30-97.)

19 Section 25. The Physician Assistant Practice Act of 1987 is  
20 amended by changing Sections 3, 4, 7, 10.5, 11, 12, 14.1, 15,  
21 21, 22, 22.1, 22.2, 22.5, 22.6, 22.7, 22.8, 22.9, 22.10, and  
22 22.13 as follows:

23 (225 ILCS 95/3) (from Ch. 111, par. 4603)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 3. Administrative Procedure Act. The Illinois  
3 Administrative Procedure Act is hereby expressly adopted and  
4 incorporated herein as if all of the provisions of that Act  
5 were included in this Act, except that the provision of  
6 subsection (d) of Section 10-65 of the Illinois Administrative  
7 Procedure Act that provides that at hearings the licensee has  
8 the right to show compliance with all lawful requirements for  
9 retention, continuation or renewal of the license is  
10 specifically excluded. For the purposes of this Act the notice  
11 required under Section 10-25 of the Administrative Procedure  
12 Act is deemed sufficient when mailed to the last known address  
13 of a party. The Secretary ~~Director~~ may promulgate rules for the  
14 administration and enforcement of this Act and may prescribe  
15 forms to be issued in connection with this Act.

16 (Source: P.A. 88-45.)

17 (225 ILCS 95/4) (from Ch. 111, par. 4604)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 4. In this Act:

20 1. "Department" means the Department of Financial and  
21 Professional Regulation.

22 2. "Secretary ~~Director~~" means the Secretary ~~Director~~ of  
23 Financial and Professional Regulation.

24 3. "Physician assistant" means any person not a physician  
25 who has been certified as a physician assistant by the National

1 Commission on the Certification of Physician Assistants or  
2 equivalent successor agency and performs procedures under the  
3 supervision of a physician as defined in this Act. A physician  
4 assistant may perform such procedures within the specialty of  
5 the supervising physician, except that such physician shall  
6 exercise such direction, supervision and control over such  
7 physician assistants as will assure that patients shall receive  
8 quality medical care. Physician assistants shall be capable of  
9 performing a variety of tasks within the specialty of medical  
10 care under the supervision of a physician. Supervision of the  
11 physician assistant shall not be construed to necessarily  
12 require the personal presence of the supervising physician at  
13 all times at the place where services are rendered, as long as  
14 there is communication available for consultation by radio,  
15 telephone or telecommunications within established guidelines  
16 as determined by the physician/physician assistant team. The  
17 supervising physician may delegate tasks and duties to the  
18 physician assistant. Delegated tasks or duties shall be  
19 consistent with physician assistant education, training, and  
20 experience. The delegated tasks or duties shall be specific to  
21 the practice setting and shall be implemented and reviewed  
22 under guidelines established by the physician or  
23 physician/physician assistant team. A physician assistant,  
24 acting as an agent of the physician, shall be permitted to  
25 transmit the supervising physician's orders as determined by  
26 the institution's by-laws, policies, procedures, or job

1 description within which the physician/physician assistant  
2 team practices. Physician assistants shall practice only  
3 within the established guidelines.

4 4. "Board" means the Medical Licensing Board constituted  
5 under the Medical Practice Act of 1987.

6 5. "Disciplinary Board" means the Medical Disciplinary  
7 Board constituted under the Medical Practice Act of 1987.

8 6. "Physician" means, for purposes of this Act, a person  
9 licensed to practice medicine in all its branches under the  
10 Medical Practice Act of 1987.

11 7. "Supervising Physician" means, for the purposes of this  
12 Act, the primary supervising physician of a physician  
13 assistant, who, within his specialty and expertise may delegate  
14 a variety of tasks and procedures to the physician assistant.  
15 Such tasks and procedures shall be delegated within established  
16 guidelines. The supervising physician maintains the final  
17 responsibility for the care of the patient and the performance  
18 of the physician assistant.

19 8. "Alternate supervising physician" means, for the  
20 purpose of this Act, any physician designated by the  
21 supervising physician to provide supervision in the event that  
22 he or she is unable to provide that supervision ~~for a period~~  
23 ~~not to exceed 30 days unless the Department is notified in~~  
24 ~~writing.~~ The Department may further define "alternate  
25 supervising physician" by rule.

26 The alternate supervising physicians shall maintain all

1 the same responsibilities as the supervising physician.  
2 Nothing in this Act shall be construed as relieving any  
3 physician of the professional or legal responsibility for the  
4 care and treatment of persons attended by him or by physician  
5 assistants under his supervision. Nothing in this Act shall be  
6 construed as to limit the reasonable number of alternate  
7 supervising physicians, provided they are designated by the  
8 supervising physician.

9 9. "Address of record" means the designated address  
10 recorded by the Department in the applicant's or licensee's  
11 application file or license file maintained by the Department's  
12 licensure maintenance unit. It is the duty of the applicant or  
13 licensee to inform the Department of any change of address, and  
14 such changes must be made either through the Department's  
15 website or by contacting the Department's licensure  
16 maintenance unit.

17 (Source: P.A. 89-361, eff. 8-17-95.)

18 (225 ILCS 95/7) (from Ch. 111, par. 4607)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 7. Supervision requirements. No more than 2 physician  
21 assistants shall be supervised by the supervising physician,  
22 although a physician assistant shall be able to hold more than  
23 one professional position. Each supervising physician shall  
24 file a notice of supervision of such physician assistant  
25 according to the rules of the Department. However, the

1 alternate supervising physician may supervise more than 2  
2 physician assistants when the supervising physician is unable  
3 to provide such supervision consistent with the definition of  
4 alternate physician in Section 4. It is the responsibility of  
5 the supervising physician to maintain documentation each time  
6 he or she has designated an alternative supervising physician.  
7 This documentation shall include the date alternate  
8 supervisory control began, the date alternate supervisory  
9 control ended, and any other changes. A supervising physician  
10 shall provide a copy of this documentation to the Department,  
11 upon request.

12 Physician assistants shall be supervised only by  
13 physicians as defined in this Act who are engaged in clinical  
14 practice, or in clinical practice in public health or other  
15 community health facilities.

16 Nothing in this Act shall be construed to limit the  
17 delegation of tasks or duties by a physician to a nurse or  
18 other appropriately trained personnel.

19 Nothing in this Act shall be construed to prohibit the  
20 employment of physician assistants by a hospital, nursing home  
21 or other health care facility where such physician assistants  
22 function under the supervision of a supervising physician.

23 Physician assistants may be employed by the Department of  
24 Corrections or the Department of Human Services (as successor  
25 to the Department of Mental Health and Developmental  
26 Disabilities) for service in facilities maintained by such



1 Departments and affiliated training facilities in programs  
2 conducted under the authority of the Director of Corrections or  
3 the Secretary of Human Services. Each physician assistant  
4 employed by the Department of Corrections or the Department of  
5 Human Services (as successor to the Department of Mental Health  
6 and Developmental Disabilities) shall be under the supervision  
7 of a physician engaged in clinical practice and direct patient  
8 care. Duties of each physician assistant employed by such  
9 Departments are limited to those within the scope of practice  
10 of the supervising physician who is fully responsible for all  
11 physician assistant activities.

12 A physician assistant may be employed by a practice group  
13 or other entity employing multiple physicians at one or more  
14 locations. In that case, one of the physicians practicing at a  
15 location shall be designated the supervising physician. The  
16 other physicians with that practice group or other entity who  
17 practice in the same general type of practice or specialty as  
18 the supervising physician may supervise the physician  
19 assistant with respect to their patients without being deemed  
20 alternate supervising physicians for the purpose of this Act.

21 (Source: P.A. 93-149, eff. 7-10-03.)

22 (225 ILCS 95/10.5)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 10.5. Unlicensed practice; violation; civil penalty.

25 (a) Any person who practices, offers to practice, attempts

1 to practice, or holds oneself out to practice as a physician's  
2 assistant without being licensed under this Act shall, in  
3 addition to any other penalty provided by law, pay a civil  
4 penalty to the Department in an amount not to exceed \$10,000  
5 ~~\$5,000~~ for each offense as determined by the Department. The  
6 civil penalty shall be assessed by the Department after a  
7 hearing is held in accordance with the provisions set forth in  
8 this Act regarding the provision of a hearing for the  
9 discipline of a licensee.

10 (b) The Department has the authority and power to  
11 investigate any and all unlicensed activity.

12 (c) The civil penalty shall be paid within 60 days after  
13 the effective date of the order imposing the civil penalty. The  
14 order shall constitute a judgment and may be filed and  
15 execution had thereon in the same manner as any judgment from  
16 any court of record.

17 (Source: P.A. 89-474, eff. 6-18-96.)

18 (225 ILCS 95/11) (from Ch. 111, par. 4611)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 11. Committee. There is established a physician  
21 assistant advisory committee to the Medical Licensing Board.  
22 The physician assistant advisory committee shall review and  
23 make recommendations to the Board regarding all matters  
24 relating to physician assistants. The physician assistant  
25 advisory committee shall be composed of 7 members. Three of the

1 7 members shall be physicians, 2 of whom shall be members of  
2 the Board and appointed to the advisory committee by the  
3 chairman. One physician, not a member of the Board, shall be a  
4 supervisor of a certified physician assistant and shall be  
5 approved by the Governor from a list of Illinois physicians  
6 supervising certified physician assistants. Three members  
7 shall be physician assistants, certified under the law and  
8 appointed by the Governor from a list of 10 names recommended  
9 by the Board of Directors of the Illinois Academy of Physician  
10 Assistants. One member, not employed or having any material  
11 interest in any health care field, shall be appointed by the  
12 Governor and represent the public. The chairman of the  
13 physician assistant advisory committee shall be a member  
14 elected by a majority vote of the physician assistant advisory  
15 committee unless already a member of the Board. The physician  
16 assistant advisory committee is required to meet and report to  
17 the Board as physician assistant issues arise. The terms of  
18 office of each of the original 7 members shall be at staggered  
19 intervals. One physician and one physician assistant shall  
20 serve for a 2 year term. One physician and one physician  
21 assistant shall serve a 3 year term. One physician, one  
22 physician assistant and the public member shall serve a 4 year  
23 term. Upon the expiration of the term of any member, his  
24 successor shall be appointed for a term of 4 years in the same  
25 manner as the initial appointment. No member shall serve more  
26 than 2 consecutive terms.

1       ~~The members of the physician assistant advisory committee~~  
2 ~~shall be reimbursed for all authorized legitimate and necessary~~  
3 ~~expenses incurred in attending the meetings of the committee.~~

4       A majority of the physician assistant advisory committee  
5 members currently appointed shall constitute a quorum. A  
6 vacancy in the membership of the committee shall not impair the  
7 right of a quorum to perform all of the duties of the  
8 committee.

9       Members of the physician assistant advisory committee  
10 shall have no liability for any action based upon a  
11 disciplinary proceeding or other activity performed in good  
12 faith as a member of the committee.

13       (Source: P.A. 90-61, eff. 12-30-97; 91-827, eff. 6-13-00.)

14       (225 ILCS 95/12) (from Ch. 111, par. 4612)

15       (Section scheduled to be repealed on January 1, 2008)

16       Sec. 12. A person shall be qualified for licensure as a  
17 physician assistant and the Department may issue a physician  
18 assistant license to a ~~if that~~ person who:

19       1. Has applied in writing in form and substance  
20 satisfactory to the Department and has not violated any of the  
21 provisions of Section 21 of this Act or the rules promulgated  
22 hereunder. The Department may take into consideration any  
23 felony conviction of the applicant but such conviction shall  
24 not operate as an absolute bar to licensure; ~~and~~

25       2. Has successfully completed the examination provided by

1 the National Commission on the Certification of Physician's  
2 Assistant or its successor agency; ~~and~~

3 3. Holds a certificate issued by the National Commission on  
4 the Certification of Physician Assistants or an equivalent  
5 successor agency; and

6 4. Complies with all applicable rules of the Department.

7 (Source: P.A. 85-981.)

8 (225 ILCS 95/14.1)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 14.1. Fees.

11 (a) Fees collected for the administration of this Act shall  
12 be set by the ~~The~~ Department by rule ~~shall provide by rule for~~  
13 ~~a schedule of fees to be paid for licenses by all applicants.~~  
14 All fees are not refundable.

15 (b) (Blank). ~~Except as provided in subsection (c) below,~~  
16 ~~the fees for the administration and enforcement of this Act,~~  
17 ~~including but not limited to original licensure, renewal, and~~  
18 ~~restoration, shall be set by rule.~~

19 (c) All moneys collected under this Act by the Department  
20 shall be deposited in the Illinois State Medical Disciplinary  
21 Fund in the State Treasury and used (1) in the exercise of its  
22 powers and performance of its duties under this Act, as such  
23 use is made by the Department; (2) for costs directly related  
24 to license renewal of persons licensed under this Act; and (3)  
25 ~~for the costs incurred by the physician assistant advisory~~

1 ~~committee in the exercise of its powers and performance of its~~  
2 ~~duties under this Act, as such use is made by the Department;~~  
3 ~~and (4) for direct and allocable indirect costs related to the~~  
4 ~~public purposes of the Department of Professional Regulation.~~

5 All earnings received from investment of moneys in the  
6 Illinois State Medical Disciplinary Fund shall be deposited  
7 into the Illinois State Medical Disciplinary Fund and shall be  
8 used for the same purposes as fees deposited in the Fund.

9 (Source: P.A. 90-61, eff. 12-30-97.)

10 (225 ILCS 95/15) (from Ch. 111, par. 4615)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 15. Endorsement. Upon payment of the required fee, the  
13 Department may, in its discretion, license as a physician  
14 assistant, an ~~An~~ applicant who is ~~may be approved as~~ a  
15 physician assistant ~~who has been~~ licensed ~~or approved~~ in  
16 another jurisdiction, if the requirements for licensure in that  
17 jurisdiction were, at the time of licensure, state which has  
18 substantially equivalent to the requirements in force in this  
19 State on that date or equivalent to the requirements of this  
20 Act ~~the same requirements, and to whom the applicant applies~~  
21 ~~and pays a fee determined by the Department.~~

22 (Source: P.A. 85-981.)

23 (225 ILCS 95/21) (from Ch. 111, par. 4621)

24 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 21. Grounds for disciplinary action.

2           (a) The Department may refuse to issue or to renew, or may  
3           revoke, suspend, place on probation, censure or reprimand, or  
4           take other disciplinary or non-disciplinary action with regard  
5           to any license issued under this Act as the Department may deem  
6           proper, including the issuance of fines not to exceed \$10,000  
7           ~~\$5000~~ for each violation, for any one or combination of the  
8           following causes:

9                   (1) Material misstatement in furnishing information to  
10                  the Department.

11                   (2) Violations of this Act, or the rules adopted under  
12                  this Act.

13                   (3) Conviction of or entry of a plea of guilty or nolo  
14                  contendere to any crime that is a felony under the laws of  
15                  the United States or any state or territory thereof ~~any~~  
16                  ~~U.S. jurisdiction that is a felony~~ or that is a  
17                  misdemeanor, of which an essential element ~~of which~~ is  
18                  dishonesty, ~~or of any crime that~~ which is directly related  
19                  to the practice of the profession.

20                   (4) Making any misrepresentation for the purpose of  
21                  obtaining licenses.

22                   (5) Professional incompetence.

23                   (6) Aiding or assisting another person in violating any  
24                  provision of this Act or its rules.

25                   (7) Failing, within 60 days, to provide information in  
26                  response to a written request made by the Department.

1           (8) Engaging in dishonorable, unethical, or  
2 unprofessional conduct, as defined by rule, of a character  
3 likely to deceive, defraud, or harm the public.

4           (9) Habitual or excessive use or addiction to alcohol,  
5 narcotics, stimulants, or any other chemical agent or drug  
6 that results in a physician assistant's inability to  
7 practice with reasonable judgment, skill, or safety.

8           (10) Discipline by another U.S. jurisdiction or  
9 foreign nation, if at least one of the grounds for  
10 discipline is the same or substantially equivalent to those  
11 set forth in this Section.

12           (11) Directly or indirectly giving to or receiving from  
13 any person, firm, corporation, partnership, or association  
14 any fee, commission, rebate or other form of compensation  
15 for any professional services not actually or personally  
16 rendered.

17           (12) A finding by the Disciplinary Board that the  
18 licensee, after having his or her license placed on  
19 probationary status has violated the terms of probation.

20           (13) Abandonment of a patient.

21           (14) Willfully making or filing false records or  
22 reports in his or her practice, including but not limited  
23 to false records filed with state agencies or departments.

24           (15) Willfully failing to report an instance of  
25 suspected child abuse or neglect as required by the Abused  
26 and Neglected Child Reporting Act.



1           (16) Physical illness, or mental illness or impairment  
2 ~~including but not limited to deterioration through the~~  
3 ~~aging process, or loss of motor skill, mental illness, or~~  
4 ~~disability~~ that results in the inability to practice the  
5 profession with reasonable judgment, skill, or safety,  
6 including, but not limited to, deterioration through the  
7 aging process or loss of motor skill.

8           (17) Being named as a perpetrator in an indicated  
9 report by the Department of Children and Family Services  
10 under the Abused and Neglected Child Reporting Act, and  
11 upon proof by clear and convincing evidence that the  
12 licensee has caused a child to be an abused child or  
13 neglected child as defined in the Abused and Neglected  
14 Child Reporting Act.

15           (18) (Blank). ~~Conviction in this State or another state~~  
16 ~~of any crime that is a felony under the laws of this State,~~  
17 ~~or conviction of a felony in a federal court.~~

18           (19) Gross negligence ~~malpractice~~ resulting in  
19 permanent injury or death of a patient.

20           (20) Employment of fraud, deception or any unlawful  
21 means in applying for or securing a license as a physician  
22 assistant.

23           (21) Exceeding the authority delegated to him or her by  
24 his or her supervising physician in guidelines established  
25 by the physician/physician assistant team.

26           (22) Immoral conduct in the commission of any act, such

1 as sexual abuse, sexual misconduct or sexual exploitation  
2 related to the licensee's practice.

3 (23) Violation of the Health Care Worker Self-Referral  
4 Act.

5 (24) Practicing under a false or assumed name, except  
6 as provided by law.

7 (25) Making a false or misleading statement regarding  
8 his or her skill or the efficacy or value of the medicine,  
9 treatment, or remedy prescribed by him or her in the course  
10 of treatment.

11 (26) Allowing another person to use his or her license  
12 to practice.

13 (27) Prescribing, selling, administering,  
14 distributing, giving, or self-administering a drug  
15 classified as a controlled substance (designated product)  
16 or narcotic for other than medically-accepted therapeutic  
17 purposes.

18 (28) Promotion of the sale of drugs, devices,  
19 appliances, or goods provided for a patient in a manner to  
20 exploit the patient for financial gain.

21 (29) A pattern of practice or other behavior that  
22 demonstrates incapacity or incompetence to practice under  
23 this Act.

24 (30) Violating State or federal laws or regulations  
25 relating to controlled substances or other legend drugs.

26 (31) Exceeding the limited prescriptive authority

1 delegated by the supervising physician or violating the  
2 written guidelines delegating that authority.

3 (32) Practicing without providing to the Department a  
4 notice of supervision or delegation of prescriptive  
5 authority.

6 (b) The Department may, without a hearing, refuse to issue  
7 or renew or may suspend the license of any person who fails to  
8 file a return, or to pay the tax, penalty or interest shown in  
9 a filed return, or to pay any final assessment of the tax,  
10 penalty, or interest as required by any tax Act administered by  
11 the Illinois Department of Revenue, until such time as the  
12 requirements of any such tax Act are satisfied.

13 (c) The determination by a circuit court that a licensee is  
14 subject to involuntary admission or judicial admission as  
15 provided in the Mental Health and Developmental Disabilities  
16 Code operates as an automatic suspension. The suspension will  
17 end only upon a finding by a court that the patient is no  
18 longer subject to involuntary admission or judicial admission  
19 and issues an order so finding and discharging the patient, and  
20 upon the recommendation of the Disciplinary Board to the  
21 Secretary ~~Director~~ that the licensee be allowed to resume his  
22 or her practice.

23 (d) In enforcing this Section, the Department upon a  
24 showing of a possible violation may compel an individual  
25 licensed to practice under this Act, or who has applied for  
26 licensure under this Act, to submit to a mental or physical

1 examination, or both, as required by and at the expense of the  
2 Department. The Department may order the examining physician to  
3 present testimony concerning the mental or physical  
4 examination of the licensee or applicant. No information shall  
5 be excluded by reason of any common law or statutory privilege  
6 relating to communications between the licensee or applicant  
7 and the examining physician. The examining physicians shall be  
8 specifically designated by the Department. The individual to be  
9 examined may have, at his or her own expense, another physician  
10 of his or her choice present during all aspects of this  
11 examination. Failure of an individual to submit to a mental or  
12 physical examination, when directed, shall be grounds for  
13 suspension of his or her license until the individual submits  
14 to the examination if the Department finds, after notice and  
15 hearing, that the refusal to submit to the examination was  
16 without reasonable cause.

17 If the Department finds an individual unable to practice  
18 because of the reasons set forth in this Section, the  
19 Department may require that individual to submit to care,  
20 counseling, or treatment by physicians approved or designated  
21 by the Department, as a condition, term, or restriction for  
22 continued, reinstated, or renewed licensure to practice; or, in  
23 lieu of care, counseling, or treatment, the Department may file  
24 a complaint to immediately suspend, revoke, or otherwise  
25 discipline the license of the individual. An individual whose  
26 license was granted, continued, reinstated, renewed,

1 disciplined, or supervised subject to such terms, conditions,  
2 or restrictions, and who fails to comply with such terms,  
3 conditions, or restrictions, shall be referred to the Secretary  
4 ~~Director~~ for a determination as to whether the individual shall  
5 have his or her license suspended immediately, pending a  
6 hearing by the Department.

7 In instances in which the Secretary ~~Director~~ immediately  
8 suspends a person's license under this Section, a hearing on  
9 that person's license must be convened by the Department within  
10 30 ~~15~~ days after the suspension and completed without  
11 appreciable delay. The Department shall have the authority to  
12 review the subject individual's record of treatment and  
13 counseling regarding the impairment to the extent permitted by  
14 applicable federal statutes and regulations safeguarding the  
15 confidentiality of medical records.

16 An individual licensed under this Act and affected under  
17 this Section shall be afforded an opportunity to demonstrate to  
18 the Department that he or she can resume practice in compliance  
19 with acceptable and prevailing standards under the provisions  
20 of his or her license.

21 (Source: P.A. 90-61, eff. 12-30-97; 90-116, eff. 7-14-97;  
22 90-655, eff. 7-30-98.)

23 (225 ILCS 95/22) (from Ch. 111, par. 4622)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 22. Returned checks; fines. Any person who delivers a

1 check or other payment to the Department that is returned to  
2 the Department unpaid by the financial institution upon which  
3 it is drawn shall pay to the Department, in addition to the  
4 amount already owed to the Department, a fine of \$50. The fines  
5 imposed by this Section are in addition to any other discipline  
6 provided under this Act for unlicensed practice or practice on  
7 a nonrenewed license. The Department shall notify the person  
8 that payment of fees and fines shall be paid to the Department  
9 by certified check or money order within 30 calendar days of  
10 the notification. If, after the expiration of 30 days from the  
11 date of the notification, the person has failed to submit the  
12 necessary remittance, the Department shall automatically  
13 terminate the license or certificate or deny the application,  
14 without hearing. If, after termination or denial, the person  
15 seeks a license or certificate, he or she shall apply to the  
16 Department for restoration or issuance of the license or  
17 certificate and pay all fees and fines due to the Department.  
18 The Department may establish a fee for the processing of an  
19 application for restoration of a license or certificate to pay  
20 all expenses of processing this application. The Secretary  
21 ~~Director~~ may waive the fines due under this Section in  
22 individual cases where the Secretary ~~Director~~ finds that the  
23 fines would be unreasonable or unnecessarily burdensome.

24 (Source: P.A. 92-146, eff. 1-1-02.)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 22.1. Injunction.

3 (a) If any person violates the provision of this Act, the  
4 Secretary ~~Director~~ may, in the name of the People of the State  
5 of Illinois, through the Attorney General of the State of  
6 Illinois, or the State's Attorney of any county in which the  
7 action is brought, petition for an order enjoining the  
8 violation or for an order enforcing compliance with this Act.  
9 Upon the filing of a verified petition in court, the court may  
10 issue a temporary restraining order, without notice or bond,  
11 and may preliminarily and permanently enjoin such violation,  
12 and if it is established that such person has violated or is  
13 violating the injunction, the Court may punish the offender for  
14 contempt of court. Proceedings under this Section shall be in  
15 addition to, and not in lieu of, all other remedies and  
16 penalties provided by this Act.

17 (b) If any person shall practice as a physician assistant  
18 or hold himself or herself out as a physician assistant without  
19 being licensed under the provisions of this Act, then any  
20 licensed physician assistant, any interested party or any  
21 person injured thereby may, in addition to the Secretary  
22 ~~Director~~, petition for relief as provided in subsection (a) of  
23 this Section.

24 (c) Whenever in the opinion of the Department any person  
25 violates any provision of this Act, the Department may issue a  
26 rule to show cause why an order to cease and desist should not

1 be entered against him. The rule shall clearly set forth the  
2 grounds relied upon by the Department and shall provide a  
3 period of 7 days from the date of the rule to file an answer to  
4 the satisfaction of the Department. Failure to answer to the  
5 satisfaction of the Department shall cause an order to cease  
6 and desist to be issued forthwith.

7 (Source: P.A. 90-61, eff. 12-30-97.)

8 (225 ILCS 95/22.2) (from Ch. 111, par. 4622.2)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 22.2. Investigation; notice; hearing. The Department  
11 may investigate the actions of any applicant or of any person  
12 or persons holding or claiming to hold a license. The  
13 Department shall, before suspending, revoking, placing on  
14 probationary status, or taking any other disciplinary action as  
15 the Department may deem proper with regard to any license, at  
16 least 30 days prior to the date set for the hearing, notify the  
17 applicant or licensee in writing of any charges made and the  
18 time and place for a hearing of the charges before the  
19 Disciplinary Board, direct him or her to file his or her  
20 written answer thereto to the Disciplinary Board under oath  
21 within 20 days after the service on him or her of such notice  
22 and inform him or her that if he or she fails to file such  
23 answer default will be taken against him or her and his or her  
24 license may be suspended, revoked, placed on probationary  
25 status, or have other disciplinary action, including limiting



1 the scope, nature or extent of his or her practice, as the  
2 Department may deem proper taken with regard thereto. Written  
3 ~~Such written~~ notice may be served by personal delivery or  
4 certified or registered mail ~~at the last address of his or her~~  
5 ~~last notification~~ to the applicant or licensee at his or her  
6 last address of record with the Department. At the time and  
7 place fixed in the notice, the Department shall proceed to hear  
8 the charges and the parties or their counsel shall be accorded  
9 ample opportunity to present such statements, testimony,  
10 evidence, and argument as may be pertinent to the charges or to  
11 the defense thereto. The Department may continue such hearing  
12 from time to time. In case the applicant or licensee, after  
13 receiving notice, fails to file an answer, his or her license  
14 may in the discretion of the Secretary ~~Director~~, having  
15 received first the recommendation of the Disciplinary Board, be  
16 suspended, revoked, placed on probationary status, or the  
17 Secretary ~~Director~~ may take whatever disciplinary action as he  
18 or she may deem proper, including limiting the scope, nature,  
19 or extent of such person's practice, without a hearing, if the  
20 act or acts charged constitute sufficient grounds for such  
21 action under this Act.

22 (Source: P.A. 90-61, eff. 12-30-97.)

23 (225 ILCS 95/22.5) (from Ch. 111, par. 4622.5)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 22.5. Subpoena power; oaths. The Department shall have

1 power to subpoena and bring before it any person and to take  
2 testimony either orally or by deposition or both, with the same  
3 fees and mileage and in the same manner as prescribed by law in  
4 judicial proceedings in civil cases in circuit courts of this  
5 State.

6 The Secretary ~~Director~~, the designated hearing officer,  
7 and any member of the Disciplinary Board designated by the  
8 Secretary ~~Director~~ shall each have power to administer oaths to  
9 witnesses at any hearing which the Department is authorized to  
10 conduct under this Act and any other oaths required or  
11 authorized to be administered by the Department under this Act.

12 (Source: P.A. 90-61, eff. 12-30-97.)

13 (225 ILCS 95/22.6) (from Ch. 111, par. 4622.6)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 22.6. At the conclusion of the hearing the  
16 Disciplinary Board shall present to the Secretary ~~Director~~ a  
17 written report of its findings of fact, conclusions of law and  
18 recommendations. The report shall contain a finding whether or  
19 not the accused person violated this Act or failed to comply  
20 with the conditions required in this Act. The Disciplinary  
21 Board shall specify the nature of the violation or failure to  
22 comply, and shall make its recommendations to the Secretary  
23 ~~Director~~.

24 The report of findings of fact, conclusions of law and  
25 recommendation of the Disciplinary Board shall be the basis for

1 the Department's order or refusal or for the granting of a  
2 license or permit. If the Secretary ~~Director~~ disagrees in any  
3 regard with the report of the Disciplinary Board, the Secretary  
4 ~~Director~~ may issue an order in contravention thereof. The  
5 Secretary ~~Director~~ shall provide a written report to the  
6 Disciplinary Board on any deviation, and shall specify with  
7 particularity the reasons for such action in the final order.  
8 The finding is not admissible in evidence against the person in  
9 a criminal prosecution brought for the violation of this Act,  
10 but the hearing and finding are not a bar to a criminal  
11 prosecution brought for the violation of this Act.

12 (Source: P.A. 85-981.)

13 (225 ILCS 95/22.7) (from Ch. 111, par. 4622.7)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 22.7. Hearing officer. Notwithstanding the provisions  
16 of Section 22.2 of this Act, the Secretary ~~Director~~ shall have  
17 the authority to appoint any attorney duly licensed to practice  
18 law in the State of Illinois to serve as the hearing officer in  
19 any action for refusal to issue or renew, or for discipline of,  
20 a license. The Secretary ~~Director~~ shall notify the Disciplinary  
21 Board of any such appointment. The hearing officer shall have  
22 full authority to conduct the hearing. The hearing officer  
23 shall report his or her findings of fact, conclusions of law,  
24 and recommendations to the Disciplinary Board and the Secretary  
25 ~~Director~~. The Disciplinary Board shall have 60 days from

1 receipt of the report to review the report of the hearing  
2 officer and present their findings of fact, conclusions of law,  
3 and recommendations to the Secretary ~~Director~~. If the  
4 Disciplinary Board fails to present its report within the 60  
5 day period, the respondent may request in writing a direct  
6 appeal to the Secretary, in which case the Secretary shall,  
7 within 7 calendar days after the request, issue an order  
8 directing the Disciplinary Board to issue its findings of fact,  
9 conclusions of law, and recommendations to the Secretary within  
10 30 calendar days after such order. If the Disciplinary Board  
11 fails to issue its findings of fact, conclusions of law, and  
12 recommendations within that time frame to the Secretary after  
13 the entry of such order, the Secretary shall, within 30  
14 calendar days thereafter, issue an order based upon the report  
15 of the hearing officer and the record of the proceedings or  
16 issue an order remanding the matter back to the hearing officer  
17 for additional proceedings in accordance with the order. If (i)  
18 a direct appeal is requested, (ii) the Disciplinary Board fails  
19 to issue its findings of fact, conclusions of law, and  
20 recommendations within the 30-day mandate from the Secretary or  
21 the Secretary fails to order the Disciplinary Board to do so,  
22 and (iii) the Secretary fails to issue an order within 30  
23 calendar days thereafter, then the hearing officer's report is  
24 deemed accepted and a final decision of the Secretary.  
25 Notwithstanding any other provision of this Section, if the  
26 Secretary, upon review, determines that substantial justice

1 has not been done in the revocation, suspension, or refusal to  
2 issue or renew a license or other disciplinary action taken as  
3 the result of the entry of the hearing officer's report, the  
4 Secretary may order a rehearing by the same or other examiners  
5 ~~the Director shall issue an order based on the report of the~~  
6 ~~hearing officer.~~ If the Secretary ~~Director~~ disagrees in any  
7 regard with the report of the Disciplinary Board or hearing  
8 officer, he or she may issue an order in contravention thereof.  
9 The Secretary ~~Director~~ shall provide a written explanation to  
10 the Disciplinary Board on any such deviation, and shall specify  
11 with particularity the reasons for such action in the final  
12 order.

13 (Source: P.A. 90-61, eff. 12-30-97.)

14 (225 ILCS 95/22.8) (from Ch. 111, par. 4622.8)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 22.8. In any case involving the refusal to issue,  
17 renew or discipline of a license, a copy of the Disciplinary  
18 Board's report shall be served upon the respondent by the  
19 Department, either personally or as provided in this Act for  
20 the service of the notice of hearing. Within 20 days after such  
21 service, the respondent may present to the Department a motion  
22 in writing for a rehearing, which motion shall specify the  
23 particular grounds therefor. If no motion for rehearing is  
24 filed, then upon the expiration of the time specified for  
25 filing such a motion, or if a motion for rehearing is denied,

1 then upon such denial the Secretary ~~Director~~ may enter an order  
2 in accordance with recommendations of the Disciplinary Board  
3 except as provided in Section 22.6 or 22.7 of this Act. If the  
4 respondent shall order from the reporting service, and pay for  
5 a transcript of the record within the time for filing a motion  
6 for rehearing, the 20 day period within which such a motion may  
7 be filed shall commence upon the delivery of the transcript to  
8 the respondent.

9 (Source: P.A. 85-981.)

10 (225 ILCS 95/22.9) (from Ch. 111, par. 4622.9)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 22.9. Whenever the Secretary ~~Director~~ is satisfied  
13 that substantial justice has not been done in the revocation,  
14 suspension or refusal to issue or renew a license, the  
15 Secretary ~~Director~~ may order a rehearing by the same or another  
16 hearing officer or Disciplinary Board.

17 (Source: P.A. 85-981.)

18 (225 ILCS 95/22.10) (from Ch. 111, par. 4622.10)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 22.10. Order or certified copy; prima facie proof. An  
21 order or a certified copy thereof, over the seal of the  
22 Department and purporting to be signed by the Secretary  
23 ~~Director~~, shall be prima facie proof that:

24 (a) the signature is the genuine signature of the

1           Secretary ~~Director~~;

2           (b) the Secretary ~~Director~~ is duly appointed and  
3           qualified; and

4           (c) the Disciplinary Board and the members thereof are  
5           qualified to act.

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

7           (225 ILCS 95/22.13) (from Ch. 111, par. 4622.13)

8           (Section scheduled to be repealed on January 1, 2008)

9           Sec. 22.13. The Secretary ~~Director~~ may temporarily suspend  
10          the license of a physician assistant without a hearing,  
11          simultaneously with the institution of proceedings for a  
12          hearing provided for in Section 22.2 of this Act, if the  
13          Secretary ~~Director~~ finds that evidence in his possession  
14          indicates that continuation in practice would constitute an  
15          imminent danger to the public. In the event that the Secretary  
16          ~~Director~~ suspends, temporarily, this license without a  
17          hearing, a hearing by the Department must be held within 30  
18          days after such suspension has occurred, and concluded without  
19          appreciable delay.

20          (Source: P.A. 85-981.)

21          (225 ILCS 51/40 rep.)

22          (225 ILCS 51/175 rep.)

23          Section 30. The Home Medical Equipment and Services  
24          Provider License Act is amended by repealing Sections 40 and

1 175.

2 (225 ILCS 70/27 rep.)

3 (225 ILCS 70/30 rep.)

4 Section 35. The Nursing Home Administrators Licensing and  
5 Disciplinary Act is amended by repealing Sections 27 and 30.

6 (225 ILCS 95/14 rep.)

7 Section 40. The Physician Assistant Practice Act of 1987 is  
8 amended by repealing Section 14.

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