



Rep. Elizabeth Coulson

**Filed: 5/29/2007**

09500SB0509ham003

LRB095 10560 RAS 37218 a

1 AMENDMENT TO SENATE BILL 509

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 509, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 2, on page 1, line 4, by replacing "Section 5." with the  
5 following:

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

8 (5 ILCS 80/4.18)

9 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
10 2008.

11 (a) The following Acts are repealed on January 1, 2008:

12 The Acupuncture Practice Act.

13 The Clinical Social Work and Social Work Practice Act.

14 The Home Medical Equipment and Services Provider  
15 License Act.

16 The Nursing and Advanced Practice Nursing Act.

1           The Illinois Speech-Language Pathology and Audiology  
2           Practice Act.

3           The Marriage and Family Therapy Licensing Act.

4           The Nursing Home Administrators Licensing and  
5           Disciplinary Act.

6           ~~The Pharmacy Practice Act of 1987.~~

7           The Physician Assistant Practice Act of 1987.

8           The Podiatric Medical Practice Act of 1987.

9           The Structural Pest Control Act.

10           (b) The following Acts are repealed on December 31, 2008:

11           The Medical Practice Act of 1987.

12           The Environmental Health Practitioner Licensing Act.

13           (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
14           94-1085, eff. 1-19-07; revised 1-22-07.)

15           (5 ILCS 80/4.28 new)

16           Sec. 4.28. Act repealed on January 1, 2018. The following  
17           Act is repealed on January 1, 2018:

18           The Pharmacy Practice Act.

19           Section 10. The Illinois Act on the Aging is amended by  
20           changing Section 4.01 as follows:

21           (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

22           Sec. 4.01. Additional powers and duties of the Department.

23           In addition to powers and duties otherwise provided by law, the

1 Department shall have the following powers and duties:

2 (1) To evaluate all programs, services, and facilities for  
3 the aged and for minority senior citizens within the State and  
4 determine the extent to which present public or private  
5 programs, services and facilities meet the needs of the aged.

6 (2) To coordinate and evaluate all programs, services, and  
7 facilities for the Aging and for minority senior citizens  
8 presently furnished by State agencies and make appropriate  
9 recommendations regarding such services, programs and  
10 facilities to the Governor and/or the General Assembly.

11 (3) To function as the sole State agency to develop a  
12 comprehensive plan to meet the needs of the State's senior  
13 citizens and the State's minority senior citizens.

14 (4) To receive and disburse State and federal funds made  
15 available directly to the Department including those funds made  
16 available under the Older Americans Act and the Senior  
17 Community Service Employment Program for providing services  
18 for senior citizens and minority senior citizens or for  
19 purposes related thereto, and shall develop and administer any  
20 State Plan for the Aging required by federal law.

21 (5) To solicit, accept, hold, and administer in behalf of  
22 the State any grants or legacies of money, securities, or  
23 property to the State of Illinois for services to senior  
24 citizens and minority senior citizens or purposes related  
25 thereto.

26 (6) To provide consultation and assistance to communities,

1 area agencies on aging, and groups developing local services  
2 for senior citizens and minority senior citizens.

3 (7) To promote community education regarding the problems  
4 of senior citizens and minority senior citizens through  
5 institutes, publications, radio, television and the local  
6 press.

7 (8) To cooperate with agencies of the federal government in  
8 studies and conferences designed to examine the needs of senior  
9 citizens and minority senior citizens and to prepare programs  
10 and facilities to meet those needs.

11 (9) To establish and maintain information and referral  
12 sources throughout the State when not provided by other  
13 agencies.

14 (10) To provide the staff support as may reasonably be  
15 required by the Council and the Coordinating Committee of State  
16 Agencies Serving Older Persons.

17 (11) To make and enforce rules and regulations necessary  
18 and proper to the performance of its duties.

19 (12) To establish and fund programs or projects or  
20 experimental facilities that are specially designed as  
21 alternatives to institutional care.

22 (13) To develop a training program to train the counselors  
23 presently employed by the Department's aging network to provide  
24 Medicare beneficiaries with counseling and advocacy in  
25 Medicare, private health insurance, and related health care  
26 coverage plans. The Department shall report to the General

1 Assembly on the implementation of the training program on or  
2 before December 1, 1986.

3 (14) To make a grant to an institution of higher learning  
4 to study the feasibility of establishing and implementing an  
5 affirmative action employment plan for the recruitment,  
6 hiring, training and retraining of persons 60 or more years old  
7 for jobs for which their employment would not be precluded by  
8 law.

9 (15) To present one award annually in each of the  
10 categories of community service, education, the performance  
11 and graphic arts, and the labor force to outstanding Illinois  
12 senior citizens and minority senior citizens in recognition of  
13 their individual contributions to either community service,  
14 education, the performance and graphic arts, or the labor  
15 force. The awards shall be presented to four senior citizens  
16 and minority senior citizens selected from a list of 44  
17 nominees compiled annually by the Department. Nominations  
18 shall be solicited from senior citizens' service providers,  
19 area agencies on aging, senior citizens' centers, and senior  
20 citizens' organizations. The Department shall consult with the  
21 Coordinating Committee of State Agencies Serving Older Persons  
22 to determine which of the nominees shall be the recipient in  
23 each category of community service. The Department shall  
24 establish a central location within the State to be designated  
25 as the Senior Illinoisans Hall of Fame for the public display  
26 of all the annual awards, or replicas thereof.

1           (16) To establish multipurpose senior centers through area  
2 agencies on aging and to fund those new and existing  
3 multipurpose senior centers through area agencies on aging, the  
4 establishment and funding to begin in such areas of the State  
5 as the Department shall designate by rule and as specifically  
6 appropriated funds become available.

7           (17) To develop the content and format of the  
8 acknowledgment regarding non-recourse reverse mortgage loans  
9 under Section 6.1 of the Illinois Banking Act; to provide  
10 independent consumer information on reverse mortgages and  
11 alternatives; and to refer consumers to independent counseling  
12 services with expertise in reverse mortgages.

13           (18) To develop a pamphlet in English and Spanish which may  
14 be used by physicians licensed to practice medicine in all of  
15 its branches pursuant to the Medical Practice Act of 1987,  
16 pharmacists licensed pursuant to the Pharmacy Practice Act ~~of~~  
17 ~~1987~~, and Illinois residents 65 years of age or older for the  
18 purpose of assisting physicians, pharmacists, and patients in  
19 monitoring prescriptions provided by various physicians and to  
20 aid persons 65 years of age or older in complying with  
21 directions for proper use of pharmaceutical prescriptions. The  
22 pamphlet may provide space for recording information including  
23 but not limited to the following:

24                   (a) name and telephone number of the patient;

25                   (b) name and telephone number of the prescribing  
26 physician;

1 (c) date of prescription;

2 (d) name of drug prescribed;

3 (e) directions for patient compliance; and

4 (f) name and telephone number of dispensing pharmacy.

5 In developing the pamphlet, the Department shall consult  
6 with the Illinois State Medical Society, the Center for  
7 Minority Health Services, the Illinois Pharmacists Association  
8 and senior citizens organizations. The Department shall  
9 distribute the pamphlets to physicians, pharmacists and  
10 persons 65 years of age or older or various senior citizen  
11 organizations throughout the State.

12 (19) To conduct a study by April 1, 1994 of the feasibility  
13 of implementing the Senior Companion Program throughout the  
14 State for the fiscal year beginning July 1, 1994.

15 (20) With respect to contracts in effect on July 1, 1994,  
16 the Department shall increase the grant amounts so that the  
17 reimbursement rates paid through the community care program for  
18 chore housekeeping services and homemakers are at the same  
19 rate, which shall be the higher of the 2 rates currently paid.  
20 With respect to all contracts entered into, renewed, or  
21 extended on or after July 1, 1994, the reimbursement rates paid  
22 through the community care program for chore housekeeping  
23 services and homemakers shall be the same.

24 (21) From funds appropriated to the Department from the  
25 Meals on Wheels Fund, a special fund in the State treasury that  
26 is hereby created, and in accordance with State and federal

1 guidelines and the intrastate funding formula, to make grants  
2 to area agencies on aging, designated by the Department, for  
3 the sole purpose of delivering meals to homebound persons 60  
4 years of age and older.

5 (22) To distribute, through its area agencies on aging,  
6 information alerting seniors on safety issues regarding  
7 emergency weather conditions, including extreme heat and cold,  
8 flooding, tornadoes, electrical storms, and other severe storm  
9 weather. The information shall include all necessary  
10 instructions for safety and all emergency telephone numbers of  
11 organizations that will provide additional information and  
12 assistance.

13 (23) To develop guidelines for the organization and  
14 implementation of Volunteer Services Credit Programs to be  
15 administered by Area Agencies on Aging or community based  
16 senior service organizations. The Department shall hold public  
17 hearings on the proposed guidelines for public comment,  
18 suggestion, and determination of public interest. The  
19 guidelines shall be based on the findings of other states and  
20 of community organizations in Illinois that are currently  
21 operating volunteer services credit programs or demonstration  
22 volunteer services credit programs. The Department shall offer  
23 guidelines for all aspects of the programs including, but not  
24 limited to, the following:

25 (a) types of services to be offered by volunteers;

26 (b) types of services to be received upon the



1 redemption of service credits;

2 (c) issues of liability for the volunteers and the  
3 administering organizations;

4 (d) methods of tracking service credits earned and  
5 service credits redeemed;

6 (e) issues of time limits for redemption of service  
7 credits;

8 (f) methods of recruitment of volunteers;

9 (g) utilization of community volunteers, community  
10 service groups, and other resources for delivering  
11 services to be received by service credit program clients;

12 (h) accountability and assurance that services will be  
13 available to individuals who have earned service credits;  
14 and

15 (i) volunteer screening and qualifications.

16 The Department shall submit a written copy of the guidelines to  
17 the General Assembly by July 1, 1998.

18 (Source: P.A. 92-651, eff. 7-11-02.)

19 Section 15. The Mental Health and Developmental  
20 Disabilities Administrative Act is amended by changing Section  
21 56 as follows:

22 (20 ILCS 1705/56) (from Ch. 91 1/2, par. 100-56)

23 Sec. 56. The Secretary, upon making a determination based  
24 upon information in the possession of the Department, that

1 continuation in practice of a licensed health care professional  
2 would constitute an immediate danger to the public, shall  
3 submit a written communication to the Director of Professional  
4 Regulation indicating such determination and additionally  
5 providing a complete summary of the information upon which such  
6 determination is based, and recommending that the Director of  
7 Professional Regulation immediately suspend such person's  
8 license. All relevant evidence, or copies thereof, in the  
9 Department's possession may also be submitted in conjunction  
10 with the written communication. A copy of such written  
11 communication, which is exempt from the copying and inspection  
12 provisions of the Freedom of Information Act, shall at the time  
13 of submittal to the Director of Professional Regulation be  
14 simultaneously mailed to the last known business address of  
15 such licensed health care professional by certified or  
16 registered postage, United States Mail, return receipt  
17 requested. Any evidence, or copies thereof, which is submitted  
18 in conjunction with the written communication is also exempt  
19 from the copying and inspection provisions of the Freedom of  
20 Information Act.

21 For the purposes of this Section, "licensed health care  
22 professional" means any person licensed under the Illinois  
23 Dental Practice Act, the Nursing and Advanced Practice Nursing  
24 Act, the Medical Practice Act of 1987, the Pharmacy Practice  
25 Act ~~of 1987~~, the Podiatric Medical Practice Act of 1987, and  
26 the Illinois Optometric Practice Act of 1987.

1 (Source: P.A. 89-507, eff. 7-1-97; 90-742, eff. 8-13-98.)

2 Section 20. The Department of Professional Regulation Law  
3 of the Civil Administrative Code of Illinois is amended by  
4 changing Section 2105-400 as follows:

5 (20 ILCS 2105/2105-400)

6 Sec. 2105-400. Emergency Powers.

7 (a) Upon proclamation of a disaster by the Governor, as  
8 provided for in the Illinois Emergency Management Agency Act,  
9 the Secretary of Financial and Professional Regulation shall  
10 have the following powers, which shall be exercised only in  
11 coordination with the Illinois Emergency Management Agency and  
12 the Department of Public Health:

13 (1) The power to suspend the requirements for permanent  
14 or temporary licensure of persons who are licensed in  
15 another state and are working under the direction of the  
16 Illinois Emergency Management Agency and the Department of  
17 Public Health pursuant to a declared disaster.

18 (2) The power to modify the scope of practice  
19 restrictions under any licensing act administered by the  
20 Department for any person working under the direction of  
21 the Illinois Emergency Management Agency and the Illinois  
22 Department of Public Health pursuant to the declared  
23 disaster.

24 (3) The power to expand the exemption in Section 4(a)

1 of the Pharmacy Practice Act ~~of 1987~~ to those licensed  
2 professionals whose scope of practice has been modified,  
3 under paragraph (2) of subsection (a) of this Section, to  
4 include any element of the practice of pharmacy as defined  
5 in the Pharmacy Practice Act ~~of 1987~~ for any person working  
6 under the direction of the Illinois Emergency Management  
7 Agency and the Illinois Department of Public Health  
8 pursuant to the declared disaster.

9 (b) Persons exempt from licensure under paragraph (1) of  
10 subsection (a) of this Section and persons operating under  
11 modified scope of practice provisions under paragraph (2) of  
12 subsection (a) of this Section shall be exempt from licensure  
13 or be subject to modified scope of practice only until the  
14 declared disaster has ended as provided by law. For purposes of  
15 this Section, persons working under the direction of an  
16 emergency services and disaster agency accredited by the  
17 Illinois Emergency Management Agency and a local public health  
18 department, pursuant to a declared disaster, shall be deemed to  
19 be working under the direction of the Illinois Emergency  
20 Management Agency and the Department of Public Health.

21 (c) The Director shall exercise these powers by way of  
22 proclamation.

23 (Source: P.A. 93-829, eff. 7-28-04; 94-733, eff. 4-27-06.)

24 Section 25. The Department of Public Health Powers and  
25 Duties Law of the Civil Administrative Code of Illinois is

1 amended by changing Section 2310-140 as follows:

2 (20 ILCS 2310/2310-140) (was 20 ILCS 2310/55.37a)

3 Sec. 2310-140. Recommending suspension of licensed health  
4 care professional. The Director, upon making a determination  
5 based upon information in the possession of the Department that  
6 continuation in practice of a licensed health care professional  
7 would constitute an immediate danger to the public, shall  
8 submit a written communication to the Director of Professional  
9 Regulation indicating that determination and additionally (i)  
10 providing a complete summary of the information upon which the  
11 determination is based and (ii) recommending that the Director  
12 of Professional Regulation immediately suspend the person's  
13 license. All relevant evidence, or copies thereof, in the  
14 Department's possession may also be submitted in conjunction  
15 with the written communication. A copy of the written  
16 communication, which is exempt from the copying and inspection  
17 provisions of the Freedom of Information Act, shall at the time  
18 of submittal to the Director of Professional Regulation be  
19 simultaneously mailed to the last known business address of the  
20 licensed health care professional by certified or registered  
21 postage, United States Mail, return receipt requested. Any  
22 evidence, or copies thereof, that is submitted in conjunction  
23 with the written communication is also exempt from the copying  
24 and inspection provisions of the Freedom of Information Act.

25 For the purposes of this Section, "licensed health care

1 professional" means any person licensed under the Illinois  
2 Dental Practice Act, the Nursing and Advanced Practice Nursing  
3 Act, the Medical Practice Act of 1987, the Pharmacy Practice  
4 Act ~~of 1987~~, the Podiatric Medical Practice Act of 1987, or the  
5 Illinois Optometric Practice Act of 1987.

6 (Source: P.A. 90-742, eff. 8-13-98; 91-239, eff. 1-1-00.)".

7 Section 30. The Illinois Municipal Code is amended by  
8 changing Section 11-22-1 as follows:

9 (65 ILCS 5/11-22-1) (from Ch. 24, par. 11-22-1)

10 Sec. 11-22-1. The corporate authorities of each  
11 municipality may erect, establish, and maintain hospitals,  
12 nursing homes and medical dispensaries, all on a nonprofit  
13 basis, and may locate and regulate hospitals, medical  
14 dispensaries, sanitariums, and undertaking establishments;  
15 provided that the corporate authorities of any municipality  
16 shall not regulate any pharmacy or drugstore registered under  
17 the Pharmacy Practice Act ~~of 1987~~. Any hospital maintained  
18 under this Section is authorized to provide any service and  
19 enter into any contract or other arrangement not prohibited by  
20 a hospital licensed under the Hospital Licensing Act,  
21 incorporated under the General Not-For-Profit Corporation Act,  
22 and exempt from taxation under paragraph (3) of subsection (c)  
23 of Section 501 of the Internal Revenue Code.

24 For purposes of erecting, establishing and maintaining a

1 nursing home on a nonprofit basis pursuant to this Section, the  
2 corporate authorities of each municipality shall have the power  
3 to borrow money; execute a promissory note or notes, execute a  
4 mortgage or trust deed to secure payment of such notes or  
5 deeds, or execute such other security instrument or document as  
6 needed, and pledge real and personal nursing home property as  
7 security for any such promissory note, mortgage or trust deed;  
8 and issue revenue or general obligation bonds.

9 (Source: P.A. 86-739.)

10 Section 35. The School Employee Benefit Act is amended by  
11 changing Section 25 as follows:

12 (105 ILCS 55/25)

13 Sec. 25. Pharmacy providers.

14 (a) The Department or its contractor may enter into a  
15 contract with a pharmacy registered or licensed under Section  
16 16a of the Pharmacy Practice Act ~~of 1987~~.

17 (b) Before entering into an agreement with other pharmacy  
18 providers, pursuant to Sections 15 and 20 of this Act, the  
19 Department or its contractor must by rule or contract establish  
20 terms or conditions that must be met by pharmacy providers  
21 desiring to contract with the Department or its contractor. If  
22 a pharmacy licensed under Section 15 of the Pharmacy Practice  
23 Act ~~of 1987~~ rejects the terms and conditions established, the  
24 Department or its contractor may offer other terms and

1 conditions necessary to comply with the network adequacy  
2 requirements.

3 (c) Notwithstanding the provisions of subsection (a) of  
4 this Section, the Department or its contractor may not refuse  
5 to contract with a pharmacy licensed under Section 15 of the  
6 Pharmacy Practice Act ~~of 1987~~ that meets the terms and  
7 conditions established by the Department or its contractor  
8 under subsection (a) or (b) of this Section.

9 (Source: P.A. 93-1036, eff. 9-14-04.)

10 Section 40. The Illinois Insurance Code is amended by  
11 changing Section 512-7 as follows:

12 (215 ILCS 5/512-7) (from Ch. 73, par. 1065.59-7)

13 Sec. 512-7. Contractual provisions.

14 (a) Any agreement or contract entered into in this State  
15 between the administrator of a program and a pharmacy shall  
16 include a statement of the method and amount of reimbursement  
17 to the pharmacy for services rendered to persons enrolled in  
18 the program, the frequency of payment by the program  
19 administrator to the pharmacy for those services, and a method  
20 for the adjudication of complaints and the settlement of  
21 disputes between the contracting parties.

22 (b) (1) A program shall provide an annual period of at least  
23 30 days during which any pharmacy licensed under the  
24 Pharmacy Practice Act ~~of 1987~~ may elect to participate in



1 the program under the program terms for at least one year.

2 (2) If compliance with the requirements of this  
3 subsection (b) would impair any provision of a contract  
4 between a program and any other person, and if the contract  
5 provision was in existence before January 1, 1990, then  
6 immediately after the expiration of those contract  
7 provisions the program shall comply with the requirements  
8 of this subsection (b).

9 (3) This subsection (b) does not apply if:

10 (A) the program administrator is a licensed health  
11 maintenance organization that owns or controls a  
12 pharmacy and that enters into an agreement or contract  
13 with that pharmacy in accordance with subsection (a);  
14 or

15 (B) the program administrator is a licensed health  
16 maintenance organization that is owned or controlled  
17 by another entity that also owns or controls a  
18 pharmacy, and the administrator enters into an  
19 agreement or contract with that pharmacy in accordance  
20 with subsection (a).

21 (4) This subsection (b) shall be inoperative after  
22 October 31, 1992.

23 (c) The program administrator shall cause to be issued an  
24 identification card to each person enrolled in the program. The  
25 identification card shall include:

26 (1) the name of the individual enrolled in the program;

1 and

2 (2) an expiration date if required under the  
3 contractual arrangement or agreement between a provider of  
4 pharmaceutical services and prescription drug products and  
5 the third party prescription program administrator.

6 (Source: P.A. 86-473; 87-254.)

7 Section 45. The Health Maintenance Organization Act is  
8 amended by changing Section 2-3.1 as follows:

9 (215 ILCS 125/2-3.1) (from Ch. 111 1/2, par. 1405.1)

10 Sec. 2-3.1. (a) No health maintenance organization shall  
11 cause to be dispensed any drug other than that prescribed by a  
12 physician. Nothing herein shall prohibit drug product  
13 selection under Section 3.14 of the "Illinois Food, Drug and  
14 Cosmetic Act", approved June 29, 1967, as amended, and in  
15 accordance with the requirements of Section 25 of the "Pharmacy  
16 Practice Act ~~of 1987~~", approved September 24, 1987, as amended.

17 (b) No health maintenance organization shall include in any  
18 contract with any physician providing for health care services  
19 any provision requiring such physician to prescribe any  
20 particular drug product to any enrollee unless the enrollee is  
21 a hospital in-patient where such drug product may be permitted  
22 pursuant to written guidelines or procedures previously  
23 established by a pharmaceutical or therapeutics committee of a  
24 hospital, approved by the medical staff of such hospital and

1 specifically approved, in writing, by the prescribing  
2 physician for his or her patients in such hospital, and unless  
3 it is compounded, dispensed or sold by a pharmacy located in a  
4 hospital, as defined in Section 3 of the Hospital Licensing Act  
5 or a hospital organized under "An Act in relation to the  
6 founding and operation of the University of Illinois Hospital  
7 and the conduct of University of Illinois health care  
8 programs", approved July 3, 1931, as amended.

9 (Source: P.A. 85-1246.)

10 Section 50. The Illinois Dental Practice Act is amended by  
11 changing Section 51 as follows:

12 (225 ILCS 25/51) (from Ch. 111, par. 2351)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 51. Dispensing Drugs or Medicine. Any dentist who  
15 dispenses any drug or medicine shall dispense such drug or  
16 medicine in good faith and shall affix to the box, bottle,  
17 vessel or package containing the same a label indicating:

18 (a) the date on which such drug or medicine is dispensed;

19 (b) the name of the patient;

20 (c) the last name of the person dispensing such drug or  
21 medicine;

22 (d) the directions for use thereof; and

23 (e) the proprietary name or names or the established name  
24 or names of the drug or medicine, the dosage and quantity,

1 except as otherwise authorized by regulation of the Department.

2 This Section shall not apply to drugs and medicines in a  
3 package which bears a label of the manufacturer containing  
4 information describing its contents which is in compliance with  
5 requirements of the Federal Food, Drug, and Cosmetic Act and  
6 the Illinois Food, Drug, and Cosmetic Act and which is  
7 dispensed without consideration by a dentist. "Drug" and  
8 "medicine" have the meanings ascribed to them in the Pharmacy  
9 Practice Act ~~of 1987~~, as now or hereafter amended; "good faith"  
10 has the meaning ascribed to it in subsection (v) of Section 102  
11 of the "Illinois Controlled Substances Act", as amended.

12 (Source: P.A. 85-1209.)

13 Section 55. The Health Care Worker Self-Referral Act is  
14 amended by changing Section 15 as follows:

15 (225 ILCS 47/15)

16 Sec. 15. Definitions. In this Act:

17 (a) "Board" means the Health Facilities Planning Board.

18 (b) "Entity" means any individual, partnership, firm,  
19 corporation, or other business that provides health services  
20 but does not include an individual who is a health care worker  
21 who provides professional services to an individual.

22 (c) "Group practice" means a group of 2 or more health care  
23 workers legally organized as a partnership, professional  
24 corporation, not-for-profit corporation, faculty practice plan

1 or a similar association in which:

2 (1) each health care worker who is a member or employee  
3 or an independent contractor of the group provides  
4 substantially the full range of services that the health  
5 care worker routinely provides, including consultation,  
6 diagnosis, or treatment, through the use of office space,  
7 facilities, equipment, or personnel of the group;

8 (2) the services of the health care workers are  
9 provided through the group, and payments received for  
10 health services are treated as receipts of the group; and

11 (3) the overhead expenses and the income from the  
12 practice are distributed by methods previously determined  
13 by the group.

14 (d) "Health care worker" means any individual licensed  
15 under the laws of this State to provide health services,  
16 including but not limited to: dentists licensed under the  
17 Illinois Dental Practice Act; dental hygienists licensed under  
18 the Illinois Dental Practice Act; nurses and advanced practice  
19 nurses licensed under the Nursing and Advanced Practice Nursing  
20 Act; occupational therapists licensed under the Illinois  
21 Occupational Therapy Practice Act; optometrists licensed under  
22 the Illinois Optometric Practice Act of 1987; pharmacists  
23 licensed under the Pharmacy Practice Act ~~of 1987~~; physical  
24 therapists licensed under the Illinois Physical Therapy Act;  
25 physicians licensed under the Medical Practice Act of 1987;  
26 physician assistants licensed under the Physician Assistant

1 Practice Act of 1987; podiatrists licensed under the Podiatric  
2 Medical Practice Act of 1987; clinical psychologists licensed  
3 under the Clinical Psychologist Licensing Act; clinical social  
4 workers licensed under the Clinical Social Work and Social Work  
5 Practice Act; speech-language pathologists and audiologists  
6 licensed under the Illinois Speech-Language Pathology and  
7 Audiology Practice Act; or hearing instrument dispensers  
8 licensed under the Hearing Instrument Consumer Protection Act,  
9 or any of their successor Acts.

10 (e) "Health services" means health care procedures and  
11 services provided by or through a health care worker.

12 (f) "Immediate family member" means a health care worker's  
13 spouse, child, child's spouse, or a parent.

14 (g) "Investment interest" means an equity or debt security  
15 issued by an entity, including, without limitation, shares of  
16 stock in a corporation, units or other interests in a  
17 partnership, bonds, debentures, notes, or other equity  
18 interests or debt instruments except that investment interest  
19 for purposes of Section 20 does not include interest in a  
20 hospital licensed under the laws of the State of Illinois.

21 (h) "Investor" means an individual or entity directly or  
22 indirectly owning a legal or beneficial ownership or investment  
23 interest, (such as through an immediate family member, trust,  
24 or another entity related to the investor).

25 (i) "Office practice" includes the facility or facilities  
26 at which a health care worker, on an ongoing basis, provides or

1 supervises the provision of professional health services to  
2 individuals.

3 (j) "Referral" means any referral of a patient for health  
4 services, including, without limitation:

5 (1) The forwarding of a patient by one health care  
6 worker to another health care worker or to an entity  
7 outside the health care worker's office practice or group  
8 practice that provides health services.

9 (2) The request or establishment by a health care  
10 worker of a plan of care outside the health care worker's  
11 office practice or group practice that includes the  
12 provision of any health services.

13 (Source: P.A. 89-72, eff. 12-31-95; 90-742, eff. 8-13-98.)

14 Section 60. The Medical Practice Act of 1987 is amended by  
15 changing Section 33 as follows:

16 (225 ILCS 60/33) (from Ch. 111, par. 4400-33)

17 (Section scheduled to be repealed on December 31, 2008)

18 Sec. 33. Any person licensed under this Act to practice  
19 medicine in all of its branches shall be authorized to purchase  
20 legend drugs requiring an order of a person authorized to  
21 prescribe drugs, and to dispense such legend drugs in the  
22 regular course of practicing medicine. The dispensing of such  
23 legend drugs shall be the personal act of the person licensed  
24 under this Act and may not be delegated to any other person not

1 licensed under this Act or the Pharmacy Practice Act ~~of 1987~~  
2 unless such delegated dispensing functions are under the direct  
3 supervision of the physician authorized to dispense legend  
4 drugs. Except when dispensing manufacturers' samples or other  
5 legend drugs in a maximum 72 hour supply, persons licensed  
6 under this Act shall maintain a book or file of prescriptions  
7 as required in the Pharmacy Practice Act ~~of 1987~~. Any person  
8 licensed under this Act who dispenses any drug or medicine  
9 shall dispense such drug or medicine in good faith and shall  
10 affix to the box, bottle, vessel or package containing the same  
11 a label indicating (a) the date on which such drug or medicine  
12 is dispensed; (b) the name of the patient; (c) the last name of  
13 the person dispensing such drug or medicine; (d) the directions  
14 for use thereof; and (e) the proprietary name or names or, if  
15 there are none, the established name or names of the drug or  
16 medicine, the dosage and quantity, except as otherwise  
17 authorized by regulation of the Department of Professional  
18 Regulation. The foregoing labeling requirements shall not  
19 apply to drugs or medicines in a package which bears a label of  
20 the manufacturer containing information describing its  
21 contents which is in compliance with requirements of the  
22 Federal Food, Drug, and Cosmetic Act and the Illinois Food,  
23 Drug, and Cosmetic Act. "Drug" and "medicine" have the meaning  
24 ascribed to them in the Pharmacy Practice Act ~~of 1987~~, as now  
25 or hereafter amended; "good faith" has the meaning ascribed to  
26 it in subsection (v) of Section 102 of the "Illinois Controlled



1 Substances Act", approved August 16, 1971, as amended.

2 Prior to dispensing a prescription to a patient, the  
3 physician shall offer a written prescription to the patient  
4 which the patient may elect to have filled by the physician or  
5 any licensed pharmacy.

6 A violation of any provision of this Section shall  
7 constitute a violation of this Act and shall be grounds for  
8 disciplinary action provided for in this Act.

9 (Source: P.A. 85-1209.)

10 Section 65. The Illinois Optometric Practice Act of 1987 is  
11 amended by changing Section 3 as follows:

12 (225 ILCS 80/3) (from Ch. 111, par. 3903)

13 (Section scheduled to be repealed on January 1, 2017)

14 Sec. 3. Practice of optometry defined; referrals;  
15 manufacture of lenses and prisms.

16 (a) The practice of optometry is defined as the employment  
17 of any and all means for the examination, diagnosis, and  
18 treatment of the human visual system, the human eye, and its  
19 appendages without the use of surgery, including but not  
20 limited to: the appropriate use of ocular pharmaceutical  
21 agents; refraction and other determinants of visual function;  
22 prescribing corrective lenses or prisms; prescribing,  
23 dispensing, or management of contact lenses; vision therapy;  
24 visual rehabilitation; or any other procedures taught in

1 schools and colleges of optometry approved by the Department,  
2 and not specifically restricted in this Act, subject to  
3 demonstrated competency and training as required by the Board,  
4 and pursuant to rule or regulation approved by the Board and  
5 adopted by the Department.

6 A person shall be deemed to be practicing optometry within  
7 the meaning of this Act who:

8 (1) In any way presents himself or herself to be  
9 qualified to practice optometry.

10 (2) Performs refractions or employs any other  
11 determinants of visual function.

12 (3) Employs any means for the adaptation of lenses or  
13 prisms.

14 (4) Prescribes corrective lenses, prisms, vision  
15 therapy, visual rehabilitation, or ocular pharmaceutical  
16 agents.

17 (5) Prescribes or manages contact lenses for  
18 refractive, cosmetic, or therapeutic purposes.

19 (6) Evaluates the need for, or prescribes, low vision  
20 aids to partially sighted persons.

21 (7) Diagnoses or treats any ocular abnormality,  
22 disease, or visual or muscular anomaly of the human eye or  
23 visual system.

24 (8) Practices, or offers or attempts to practice,  
25 optometry as defined in this Act either on his or her own  
26 behalf or as an employee of a person, firm, or corporation,

1           whether under the supervision of his or her employer or  
2           not.

3           Nothing in this Section shall be interpreted (i) to prevent  
4           a person from functioning as an assistant under the direct  
5           supervision of a person licensed by the State of Illinois to  
6           practice optometry or medicine in all of its branches or (ii)  
7           to prohibit visual screening programs that are conducted  
8           without a fee (other than voluntary donations), by charitable  
9           organizations acting in the public welfare under the  
10          supervision of a committee composed of persons licensed by the  
11          State of Illinois to practice optometry or persons licensed by  
12          the State of Illinois to practice medicine in all of its  
13          branches.

14          (b) When, in the course of providing optometric services to  
15          any person, an optometrist licensed under this Act finds an  
16          indication of a disease or condition of the eye which in his or  
17          her professional judgment requires professional service  
18          outside the scope of practice as defined in this Act, he or she  
19          shall refer such person to a physician licensed to practice  
20          medicine in all of its branches, or other appropriate health  
21          care practitioner. Nothing in this Act shall preclude an  
22          optometrist from rendering appropriate nonsurgical emergency  
23          care.

24          (c) Nothing contained in this Section shall prohibit a  
25          person from manufacturing ophthalmic lenses and prisms or the  
26          fabrication of contact lenses according to the specifications

1 prescribed by an optometrist or a physician licensed to  
2 practice medicine in all of its branches, but shall  
3 specifically prohibit the sale or delivery of ophthalmic  
4 lenses, prisms, and contact lenses without a prescription  
5 signed by an optometrist or a physician licensed to practice  
6 medicine in all of its branches.

7 (d) Nothing in this Act shall restrict the filling of a  
8 prescription by a pharmacist licensed under the Pharmacy  
9 Practice Act ~~of 1987~~.

10 (Source: P.A. 94-787, eff. 5-19-06.)

11 Section 70. The Pharmacy Practice Act of 1987 is amended by  
12 changing Sections 2, 3, 5, 6, 7.5, 8, 9, 10, 11, 12, 13, 15, 16,  
13 16a, 17, 17.1, 18, 19, 20, 22, 22a, 25, 26, 27, 30, 35.1, 35.2,  
14 35.5, 35.7, 35.10, 35.12, 35.16, and 35.19 and by adding  
15 Sections 2.5, 9.5, 14.1, 16b, 22b, 25.5, 25.10, 25.15, and  
16 25.20 as follows:

17 (225 ILCS 85/2) (from Ch. 111, par. 4122)

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

19 Sec. 2. This Act shall be known as the "Pharmacy Practice  
20 Act ~~of 1987~~".

21 (Source: P.A. 85-796.)

22 (225 ILCS 85/2.5 new)

23 Sec. 2.5. References to Department or Director of

1 Professional Regulation. References in this Act (i) to the  
2 Department of Professional Regulation are deemed, in  
3 appropriate contexts, to be references to the Department of  
4 Financial and Professional Regulation and (ii) to the Director  
5 of Professional Regulation are deemed, in appropriate  
6 contexts, to be references to the Secretary of Financial and  
7 Professional Regulation.

8 (225 ILCS 85/3) (from Ch. 111, par. 4123)

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

10 Sec. 3. Definitions. For the purpose of this Act, except  
11 where otherwise limited therein:

12 (a) "Pharmacy" or "drugstore" means and includes every  
13 store, shop, pharmacy department, or other place where  
14 pharmacist pharmaceutical care is provided by a pharmacist (1)  
15 where drugs, medicines, or poisons are dispensed, sold or  
16 offered for sale at retail, or displayed for sale at retail; or  
17 (2) where prescriptions of physicians, dentists, advanced  
18 practice nurses, physician assistants, veterinarians,  
19 podiatrists, or ~~therapeutically certified~~ optometrists, within  
20 the limits of their licenses, are compounded, filled, or  
21 dispensed; or (3) which has upon it or displayed within it, or  
22 affixed to or used in connection with it, a sign bearing the  
23 word or words "Pharmacist", "Druggist", "Pharmacy",  
24 "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine  
25 Store", "Prescriptions", "Drugs", "Dispensary", "Medicines",

1 or any word or words of similar or like import, either in the  
2 English language or any other language; or (4) where the  
3 characteristic prescription sign (Rx) or similar design is  
4 exhibited; or (5) any store, or shop, or other place with  
5 respect to which any of the above words, objects, signs or  
6 designs are used in any advertisement.

7 (b) "Drugs" means and includes (1) articles recognized in  
8 the official United States Pharmacopoeia/National Formulary  
9 (USP/NF), or any supplement thereto and being intended for and  
10 having for their main use the diagnosis, cure, mitigation,  
11 treatment or prevention of disease in man or other animals, as  
12 approved by the United States Food and Drug Administration, but  
13 does not include devices or their components, parts, or  
14 accessories; and (2) all other articles intended for and having  
15 for their main use the diagnosis, cure, mitigation, treatment  
16 or prevention of disease in man or other animals, as approved  
17 by the United States Food and Drug Administration, but does not  
18 include devices or their components, parts, or accessories; and  
19 (3) articles (other than food) having for their main use and  
20 intended to affect the structure or any function of the body of  
21 man or other animals; and (4) articles having for their main  
22 use and intended for use as a component or any articles  
23 specified in clause (1), (2) or (3); but does not include  
24 devices or their components, parts or accessories.

25 (c) "Medicines" means and includes all drugs intended for  
26 human or veterinary use approved by the United States Food and

1 Drug Administration.

2 (d) "Practice of pharmacy" means (1) the interpretation and  
3 the provision of assistance in the monitoring, evaluation, and  
4 implementation of prescription drug orders; (2) the dispensing  
5 of prescription drug orders; (3) participation in drug and  
6 device selection; (4) drug administration limited to the  
7 administration of oral, topical, injectable, and inhalation as  
8 follows: in the context of patient education on the proper use  
9 or delivery of medications; vaccination of patients 14 years of  
10 age and older pursuant to a valid prescription or standing  
11 order, by a physician licensed to practice medicine in all its  
12 branches, upon completion of appropriate training, including  
13 how to address contraindications and adverse reactions set  
14 forth by rule, with notification to the patient's physician and  
15 appropriate record retention, or pursuant to hospital pharmacy  
16 and therapeutics committee policies and procedures; (5) drug  
17 regimen review; (6) drug or drug-related research; (7) the  
18 provision of patient counseling; (8) the practice of  
19 telepharmacy; (9) the provision of those acts or services  
20 necessary to provide pharmacist care; (10) medication therapy  
21 management; and (11) the responsibility for compounding and  
22 labeling of drugs and devices (except labeling by a  
23 manufacturer, repackager, or distributor of non-prescription  
24 drugs and commercially packaged legend drugs and devices),  
25 proper and safe storage of drugs and devices, and maintenance  
26 of required records. A pharmacist who performs any of the acts

1 defined as the practice of pharmacy in this State must be  
2 actively licensed as a pharmacist under this Act. ~~means the~~  
3 ~~provision of pharmaceutical care to patients as determined by~~  
4 ~~the pharmacist's professional judgment in the following areas,~~  
5 ~~which may include but are not limited to (1) patient~~  
6 ~~counseling, (2) interpretation and assisting in the monitoring~~  
7 ~~of appropriate drug use and prospective drug utilization~~  
8 ~~review, (3) providing information on the therapeutic values,~~  
9 ~~reactions, drug interactions, side effects, uses, selection of~~  
10 ~~medications and medical devices, and outcome of drug therapy,~~  
11 ~~(4) participation in drug selection, drug monitoring, drug~~  
12 ~~utilization review, evaluation, administration,~~  
13 ~~interpretation, application of pharmacokinetic and laboratory~~  
14 ~~data to design safe and effective drug regimens, (5) drug~~  
15 ~~research (clinical and scientific), and (6) compounding and~~  
16 ~~dispensing of drugs and medical devices.~~

17 (e) "Prescription" means and includes any written, oral,  
18 facsimile, or electronically transmitted order for drugs or  
19 medical devices, issued by a physician licensed to practice  
20 medicine in all its branches, dentist, veterinarian, or  
21 podiatrist, or ~~therapeutically certified~~ optometrist, within  
22 the limits of their licenses, by a physician assistant in  
23 accordance with subsection (f) of Section 4, or by an advanced  
24 practice nurse in accordance with subsection (g) of Section 4,  
25 containing the following: (1) name of the patient; (2) date  
26 when prescription was issued; (3) name and strength of drug or



1 description of the medical device prescribed; and (4) quantity,  
2 (5) directions for use, (6) prescriber's name, address and  
3 signature, and (7) DEA number where required, for controlled  
4 substances. DEA numbers shall not be required on inpatient drug  
5 orders.

6 (f) "Person" means and includes a natural person,  
7 copartnership, association, corporation, government entity, or  
8 any other legal entity.

9 (g) "Department" means the Department of Financial and  
10 Professional Regulation.

11 (h) "Board of Pharmacy" or "Board" means the State Board of  
12 Pharmacy of the Department of Financial and Professional  
13 Regulation.

14 (i) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of  
15 Financial and Professional Regulation.

16 (j) "Drug product selection" means the interchange for a  
17 prescribed pharmaceutical product in accordance with Section  
18 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
19 Cosmetic Act.

20 (k) "Inpatient drug order" means an order issued by an  
21 authorized prescriber for a resident or patient of a facility  
22 licensed under the Nursing Home Care Act or the Hospital  
23 Licensing Act, or "An Act in relation to the founding and  
24 operation of the University of Illinois Hospital and the  
25 conduct of University of Illinois health care programs",  
26 approved July 3, 1931, as amended, or a facility which is

1 operated by the Department of Human Services (as successor to  
2 the Department of Mental Health and Developmental  
3 Disabilities) or the Department of Corrections.

4 (k-5) "Pharmacist" means an individual health care  
5 professional and provider currently licensed by this State to  
6 engage in the practice of pharmacy.

7 (l) "Pharmacist in charge" means the licensed pharmacist  
8 whose name appears on a pharmacy license and who is responsible  
9 for all aspects of the operation related to the practice of  
10 pharmacy.

11 (m) "Dispense" or "dispensing" means the interpretation,  
12 evaluation, and implementation of a prescription drug order,  
13 including the preparation and delivery of a drug or device to a  
14 patient or patient's agent in a suitable container  
15 appropriately labeled for subsequent administration to or use  
16 by a patient in accordance with applicable State and federal  
17 laws and regulations. ~~delivery of drugs and medical devices, in~~  
18 ~~accordance with applicable State and federal laws and~~  
19 ~~regulations, to the patient or the patient's representative~~  
20 ~~authorized to receive these products, including the~~  
21 ~~preparation, compounding, packaging, and labeling necessary~~  
22 ~~for delivery, computer entry, and verification of medication~~  
23 ~~orders and prescriptions, and any recommending or advising~~  
24 ~~concerning the contents and therapeutic values and uses~~  
25 ~~thereof.~~ "Dispense" or "dispensing" does not mean the physical  
26 delivery to a patient or a patient's representative in a home

1 or institution by a designee of a pharmacist or by common  
2 carrier. "Dispense" or "dispensing" also does not mean the  
3 physical delivery of a drug or medical device to a patient or  
4 patient's representative by a pharmacist's designee within a  
5 pharmacy or drugstore while the pharmacist is on duty and the  
6 pharmacy is open.

7 (n) "Nonresident pharmacy" ~~"Mail order pharmacy"~~ means a  
8 pharmacy that is located in a state, commonwealth, or territory  
9 of the United States, other than Illinois, that delivers,  
10 dispenses, or distributes, through the United States Postal  
11 Service, commercially acceptable parcel delivery service, or  
12 other common carrier, to Illinois residents, any substance  
13 which requires a prescription.

14 (o) "Compounding" means the preparation and mixing of  
15 components, excluding flavorings, (1) as the result of a  
16 prescriber's prescription drug order or initiative based on the  
17 prescriber-patient-pharmacist relationship in the course of  
18 professional practice or (2) for the purpose of, or incident  
19 to, research, teaching, or chemical analysis and not for sale  
20 or dispensing. "Compounding" includes the preparation of drugs  
21 or devices in anticipation of receiving prescription drug  
22 orders based on routine, regularly-observed dispensing  
23 patterns. Commercially available products may be compounded  
24 for dispensing to individual patients only if all of the  
25 following conditions are met: (i) the commercial product is not  
26 reasonably available from normal distribution channels in a

1 timely manner to meet the patient's needs and (ii) the  
2 prescribing practitioner has requested that the drug be  
3 compounded., mixing, assembling, packaging, or labeling of a  
4 drug or medical device: (1) as the result of a practitioner's  
5 prescription drug order or initiative that is dispensed  
6 pursuant to a prescription in the course of professional  
7 practice; or (2) for the purpose of, or incident to, research,  
8 teaching, or chemical analysis; or (3) in anticipation of  
9 prescription drug orders based on routine, regularly observed  
10 prescribing patterns.

11 (p) (Blank). "~~Confidential information~~" means information,  
12 maintained by the pharmacist in the patient's records, released  
13 only (i) to the patient or, as the patient directs, to other  
14 practitioners and other pharmacists or (ii) to any other person  
15 authorized by law to receive the information.

16 (q) (Blank). "~~Prospective drug review~~" or "~~drug~~  
17 ~~utilization evaluation~~" means a screening for potential drug  
18 therapy problems due to therapeutic duplication, drug disease  
19 contraindications, drug drug interactions (including serious  
20 interactions with nonprescription or over-the-counter drugs),  
21 drug food interactions, incorrect drug dosage or duration of  
22 drug treatment, drug allergy interactions, and clinical abuse  
23 or misuse.

24 (r) "Patient counseling" means the communication between a  
25 pharmacist or a pharmacy intern under the supervision of a  
26 pharmacist and a patient or the patient's representative about

1 the patient's medication or device for the purpose of  
2 optimizing proper use of prescription medications or devices.  
3 "Patient counseling" may include without limitation (1)  
4 obtaining a medication history; (2) acquiring a patient's  
5 allergies and health conditions; (3) facilitation of the  
6 patient's understanding of the intended use of the medication;  
7 (4) proper directions for use; (5) significant potential  
8 adverse events; (6) potential food-drug interactions; and (7)  
9 the need to be compliant with the medication therapy. A  
10 pharmacy technician may only participate in the following  
11 aspects of patient counseling under the supervision of a  
12 pharmacist: (1) obtaining medication history; (2) providing  
13 the offer for counseling by a pharmacist or intern; and (3)  
14 acquiring a patient's allergies and health conditions. ~~or a~~  
15 ~~student pharmacist under the direct supervision of a pharmacist~~  
16 ~~and a patient or the patient's representative about the~~  
17 ~~patient's medication or device for the purpose of optimizing~~  
18 ~~proper use of prescription medications or devices. The offer to~~  
19 ~~counsel by the pharmacist or the pharmacist's designee, and~~  
20 ~~subsequent patient counseling by the pharmacist or student~~  
21 ~~pharmacist, shall be made in a face-to-face communication with~~  
22 ~~the patient or patient's representative unless, in the~~  
23 ~~professional judgment of the pharmacist, a face-to-face~~  
24 ~~communication is deemed inappropriate or unnecessary. In that~~  
25 ~~instance, the offer to counsel or patient counseling may be~~  
26 ~~made in a written communication, by telephone, or in a manner~~

1 ~~determined by the pharmacist to be appropriate.~~

2 (s) "Patient profiles" or "patient drug therapy record"  
3 means the obtaining, recording, and maintenance of patient  
4 prescription information, including prescriptions for  
5 controlled substances, and personal information.

6 (t) (Blank). ~~"Pharmaceutical care" includes, but is not~~  
7 ~~limited to, the act of monitoring drug use and other patient~~  
8 ~~care services intended to achieve outcomes that improve the~~  
9 ~~patient's quality of life but shall not include the sale of~~  
10 ~~over-the-counter drugs by a seller of goods and services who~~  
11 ~~does not dispense prescription drugs.~~

12 (u) "Medical device" means an instrument, apparatus,  
13 implement, machine, contrivance, implant, in vitro reagent, or  
14 other similar or related article, including any component part  
15 or accessory, required under federal law to bear the label  
16 "Caution: Federal law requires dispensing by or on the order of  
17 a physician". A seller of goods and services who, only for the  
18 purpose of retail sales, compounds, sells, rents, or leases  
19 medical devices shall not, by reasons thereof, be required to  
20 be a licensed pharmacy.

21 (v) "Unique identifier" means an electronic signature,  
22 handwritten signature or initials, thumb print, or other  
23 acceptable ~~individual~~ biometric or electronic identification  
24 process as approved by the Department.

25 (w) "Current usual and customary retail price" means the  
26 ~~actual~~ price that a pharmacy charges to a non-third-party payor

1 ~~a retail purchaser.~~

2 (x) "Automated pharmacy system" means a mechanical system  
3 located within the confines of the pharmacy or remote location  
4 that performs operations or activities, other than compounding  
5 or administration, relative to storage, packaging, dispensing,  
6 or distribution of medication, and which collects, controls,  
7 and maintains all transaction information.

8 (y) "Drug regimen review" means and includes the evaluation  
9 of prescription drug orders and patient records for (1) known  
10 allergies; (2) drug or potential therapy contraindications;  
11 (3) reasonable dose, duration of use, and route of  
12 administration, taking into consideration factors such as age,  
13 gender, and contraindications; (4) reasonable directions for  
14 use; (5) potential or actual adverse drug reactions; (6)  
15 drug-drug interactions; (7) drug-food interactions; (8)  
16 drug-disease contraindications; (9) therapeutic duplication;  
17 (10) patient laboratory values when authorized and available;  
18 (11) proper utilization (including over or under utilization)  
19 and optimum therapeutic outcomes; and (12) abuse and misuse.

20 (z) "Electronic transmission prescription" means any  
21 prescription order for which a facsimile or electronic image of  
22 the order is electronically transmitted from a licensed  
23 prescriber to a pharmacy. "Electronic transmission  
24 prescription" includes both data and image prescriptions.

25 (aa) "Medication therapy management services" means a  
26 distinct service or group of services offered by licensed

1 pharmacists, physicians licensed to practice medicine in all  
2 its branches, advanced practice nurses authorized in a written  
3 agreement with a physician licensed to practice medicine in all  
4 its branches, or physician assistants authorized in guidelines  
5 by a supervising physician that optimize therapeutic outcomes  
6 for individual patients through improved medication use. In a  
7 retail or other non-hospital pharmacy, medication therapy  
8 management services shall consist of the evaluation of  
9 prescription drug orders and patient medication records to  
10 resolve conflicts with the following:

11 (1) known allergies;

12 (2) drug or potential therapy contraindications;

13 (3) reasonable dose, duration of use, and route of  
14 administration, taking into consideration factors such as  
15 age, gender, and contraindications;

16 (4) reasonable directions for use;

17 (5) potential or actual adverse drug reactions;

18 (6) drug-drug interactions;

19 (7) drug-food interactions;

20 (8) drug-disease contraindications;

21 (9) identification of therapeutic duplication;

22 (10) patient laboratory values when authorized and  
23 available;

24 (11) proper utilization (including over or under  
25 utilization) and optimum therapeutic outcomes; and

26 (12) drug abuse and misuse.



1 "Medication therapy management services" includes the  
2 following:

3 (1) documenting the services delivered and  
4 communicating the information provided to patients'  
5 prescribers within an appropriate time frame, not to exceed  
6 48 hours;

7 (2) providing patient counseling designed to enhance a  
8 patient's understanding and the appropriate use of his or  
9 her medications; and

10 (3) providing information, support services, and  
11 resources designed to enhance a patient's adherence with  
12 his or her prescribed therapeutic regimens.

13 "Medication therapy management services" may also include  
14 patient care functions authorized by a physician licensed to  
15 practice medicine in all its branches for his or her identified  
16 patient or groups of patients under specified conditions or  
17 limitations in a standing order from the physician.

18 "Medication therapy management services" in a licensed  
19 hospital may also include the following:

20 (1) reviewing assessments of the patient's health  
21 status; and

22 (2) following protocols of a hospital pharmacy and  
23 therapeutics committee with respect to the fulfillment of  
24 medication orders.

25 (bb) "Pharmacist care" means the provision by a pharmacist  
26 of medication therapy management services, with or without the

1 dispensing of drugs or devices, intended to achieve outcomes  
2 that improve patient health, quality of life, and comfort and  
3 enhance patient safety.

4 (cc) "Protected health information" means individually  
5 identifiable health information that, except as otherwise  
6 provided, is:

7 (1) transmitted by electronic media;

8 (2) maintained in any medium set forth in the  
9 definition of "electronic media" in the federal Health  
10 Insurance Portability and Accountability Act; or

11 (3) transmitted or maintained in any other form or  
12 medium.

13 "Protected health information" does not include individually  
14 identifiable health information found in:

15 (1) education records covered by the federal  
16 Family Educational Right and Privacy Act; or

17 (2) employment records held by a licensee in its  
18 role as an employer.

19 (dd) "Standing order" means a specific order for a patient  
20 or group of patients issued by a physician licensed to practice  
21 medicine in all its branches in Illinois.

22 (ee) "Address of record" means the address recorded by the  
23 Department in the applicant's or licensee's application file or  
24 license file, as maintained by the Department's licensure  
25 maintenance unit.

26 (ff) "Home pharmacy" means the location of a pharmacy's

1 primary operations.

2 (Source: P.A. 93-571, eff. 8-20-03; 93-1075, eff. 1-18-05;  
3 94-459, eff. 1-1-06.)

4 (225 ILCS 85/5) (from Ch. 111, par. 4125)

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

6 Sec. 5. Application of Act.

7 (a) It shall be unlawful for any person to engage in the  
8 practice of pharmacy in this State and it shall be unlawful for  
9 any employer to allow any person in his or her employ to engage  
10 in the practice of pharmacy in this State, unless such person  
11 who shall engage in the practice of pharmacy in this State  
12 shall be first authorized to do so under the provisions of this  
13 Act.

14 (b) Nothing contained in this Act shall be construed to  
15 invalidate any existing valid and unexpired certificate of  
16 registration, nor any existing rights or privileges  
17 thereunder, of any ~~registered~~ pharmacist, registered assistant  
18 pharmacist, local ~~registered~~ pharmacist, or registered  
19 pharmacy apprentice, in force on January 1, 1956 and issued  
20 under any prior Act of this State also in force on January 1,  
21 1956. Every person holding such a certificate of registration  
22 shall have the authority to practice under this Act, but shall  
23 be subject to the same limitations and restrictions as were  
24 applicable to him or her in the Act under which his or her  
25 certificate of registration was issued. Each such certificate

1 may be renewed as provided in Section 12.

2 (c) It shall be unlawful for any person to take, use or  
3 exhibit any word, object, sign or design described in  
4 subsection (a) of Section 3 in connection with any drug store,  
5 shop or other place or in any other manner to advertise or hold  
6 himself out as operating or conducting a drug store unless such  
7 drug store, shop, pharmacy department or other place shall be  
8 operated and conducted in compliance with the provisions of  
9 this Act.

10 (d) Nothing in this Act shall be construed to authorize a  
11 pharmacist to prescribe or perform medical diagnosis of human  
12 ailments or conditions.

13 (Source: P.A. 90-253, eff. 7-29-97.)

14 (225 ILCS 85/6) (from Ch. 111, par. 4126)

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

16 Sec. 6. Each individual seeking licensure as a registered  
17 pharmacist shall make application to the Department and shall  
18 provide evidence of the following:

19 1. that he or she is a United States citizen or legally  
20 admitted alien;

21 2. that he or she has not engaged in conduct or behavior  
22 determined to be grounds for discipline under this Act;

23 3. that he or she is a graduate of a first professional  
24 degree program in pharmacy of a university recognized and  
25 approved by the Department;

1           4. that he or she has successfully completed a program of  
2 practice experience under the direct supervision of a  
3 ~~registered~~ pharmacist in a pharmacy in this State, or in any  
4 other State; and

5           5. that he or she has passed an examination recommended by  
6 the Board of Pharmacy and authorized by the Department; or.

7           6. that he or she has passed the Foreign Pharmacy graduate  
8 Equivalency Examination (FPGEC) and has completed 1,200 hours  
9 of clinical training and experience, as defined by rule, in the  
10 United States or its territories.

11           ~~The program of practice experience referred to in paragraph~~  
12 ~~(4) of this Section shall be fulfilled by the successful~~  
13 ~~completion of a practice course offered by a school or college~~  
14 ~~of pharmacy or department of pharmacy recognized and approved~~  
15 ~~by the Department, which shall be a minimum of one academic~~  
16 ~~quarter in length.~~

17           ~~Any person applying for a license as a registered~~  
18 ~~pharmacist in this State who has graduated from a first~~  
19 ~~professional degree program in pharmacy of at least 5 academic~~  
20 ~~years from a school or college of pharmacy, which at the time~~  
21 ~~of such graduation was not recognized and approved as reputable~~  
22 ~~and in good standing by the Department, shall be required, in~~  
23 ~~order to qualify for admittance to take the Department's~~  
24 ~~examination for licensure as a registered pharmacist, to pass a~~  
25 ~~preliminary diagnostic examination recommended by the Board~~  
26 ~~and authorized by the Department, covering proficiency in the~~

1 ~~English language and such academic areas as the Board may deem~~  
2 ~~essential to a satisfactory pharmacy curriculum and by rule~~  
3 ~~prescribe. Any applicant who submits to and fails to pass the~~  
4 ~~preliminary diagnostic examination may be required to satisfy~~  
5 ~~the Board that he has taken additional remedial work previously~~  
6 ~~approved by the Board to correct deficiencies in his~~  
7 ~~pharmaceutical education indicated by the results of the last~~  
8 ~~preliminary diagnostic examination prior to taking the~~  
9 ~~preliminary diagnostic examination again.~~

10 ~~Any applicant who has graduated from a first professional~~  
11 ~~degree program in pharmacy of at least 5 academic years from a~~  
12 ~~school or college of pharmacy, which at the time of such~~  
13 ~~graduation was not recognized and approved as reputable and in~~  
14 ~~good standing by the Department, shall complete a clinical~~  
15 ~~program previously approved by the Board on the basis of its~~  
16 ~~equivalence to programs that are components of first~~  
17 ~~professional degree programs in pharmacy approved by the~~  
18 ~~Department.~~

19 ~~Any person required by Section 6 to submit to a preliminary~~  
20 ~~diagnostic examination in advance of admittance to an~~  
21 ~~examination for registration as a registered pharmacist under~~  
22 ~~this Act shall be permitted to take such preliminary diagnostic~~  
23 ~~examination, provided that he is not less than 21 years of age~~  
24 ~~and furnishes the Department with satisfactory evidence that he~~  
25 ~~has: successfully completed a program of preprofessional~~  
26 ~~education (postsecondary school) consisting of course work~~

1 ~~equivalent to that generally required for admission to U.S.~~  
2 ~~colleges of pharmacy recognized and approved as reputable and~~  
3 ~~in good standing by the Department; and has received a degree~~  
4 ~~in pharmacy as required in this Section.~~

5 The Department shall issue a license as a registered  
6 pharmacist to any applicant who has qualified as aforesaid and  
7 who has filed the required applications and paid the required  
8 fees in connection therewith; and such registrant shall have  
9 the authority to practice the profession of pharmacy in this  
10 State.

11 (Source: P.A. 85-796.)

12 (225 ILCS 85/7.5)

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

14 Sec. 7.5. Social Security Number or unique identifying  
15 number on license application. In addition to any other  
16 information required to be contained in the application, every  
17 application for an original, renewal, or restored license under  
18 this Act shall include the applicant's Social Security Number  
19 or other unique identifying number deemed appropriate by the  
20 Department.

21 (Source: P.A. 90-144, eff. 7-23-97.)

22 (225 ILCS 85/8) (from Ch. 111, par. 4128)

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

24 Sec. 8. Licensure by endorsement; emergency licensure. The

1 Department may, in its discretion, license as a pharmacist,  
2 without examination, on payment of the required fee, an  
3 applicant who is so licensed under the laws of another U.S.  
4 jurisdiction or another country, if the requirements for  
5 licensure in the other jurisdiction in which the applicant was  
6 licensed, were, at the date of his or her licensure deemed by  
7 the Board to be substantially equivalent to the requirements  
8 then in force in this State.

9 A person holding an active, unencumbered license in good  
10 standing in another jurisdiction who applies for a license  
11 pursuant to Section 7 of this Act due to a natural disaster or  
12 catastrophic event in another jurisdiction may be temporarily  
13 authorized by the Secretary to practice pharmacy pending the  
14 issuance of the license. This temporary authorization shall  
15 expire upon issuance of the license or upon notification that  
16 the Department has denied licensure.

17 Upon a declared Executive Order due to an emergency caused  
18 by a natural or manmade disaster or any other exceptional  
19 situation that causes an extraordinary demand for pharmacist  
20 services, the Department may issue a pharmacist who holds a  
21 license to practice pharmacy in another state an emergency  
22 license to practice in this State.

23 (Source: P.A. 85-796.)

24 (225 ILCS 85/9) (from Ch. 111, par. 4129)

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



1           Sec. 9. Registration as pharmacy technician. Any person  
2 shall be entitled to registration as a registered pharmacy  
3 technician who is of the age of 16 or over, has not engaged in  
4 conduct or behavior determined to be grounds for discipline  
5 under this Act, ~~is of temperate habits,~~ is attending or has  
6 graduated from an accredited high school or comparable school  
7 or educational institution or received a GED, and has filed a  
8 written application for registration on a form to be prescribed  
9 and furnished by the Department for that purpose. The  
10 Department shall issue a certificate of registration as a  
11 registered pharmacy technician to any applicant who has  
12 qualified as aforesaid, and such registration shall be the sole  
13 authority required to assist licensed pharmacists in the  
14 practice of pharmacy, under the ~~personal~~ supervision of a  
15 licensed pharmacist. A registered pharmacy technician may,  
16 under the supervision of a pharmacist, assist in the practice  
17 of pharmacy and perform such functions as assisting in the  
18 dispensing process, offering counsel, receiving new verbal  
19 prescription orders, and having prescriber contact concerning  
20 prescription drug order clarification. A registered pharmacy  
21 technician may not engage in patient counseling, drug regimen  
22 review, or clinical conflict resolution.

23           Beginning on January 1, 2011, within 2 years after being  
24 employed as a registered technician, a pharmacy technician must  
25 become certified by successfully passing the Pharmacy  
26 Technician Certification Board (PTCB) examination or another

1 Board-approved pharmacy technician examination in order to  
2 continue to perform pharmacy technician's duties. This  
3 requirement does not apply to pharmacy technicians hired prior  
4 to January 1, 2009.

5 Any person registered as a pharmacy technician who is also  
6 enrolled in a first professional degree program in pharmacy in  
7 a school or college of pharmacy or a department of pharmacy of  
8 a university approved by the Department shall be considered a  
9 "pharmacy intern" ~~"student pharmacist"~~ and entitled to use the  
10 title "pharmacy intern". A pharmacy intern must meet all of the  
11 requirements for registration as a pharmacy technician set  
12 forth in this Section and pay the required pharmacy technician  
13 registration fees ~~"student pharmacist"~~.

14 The Department, upon the recommendation of the Board, may  
15 take any action set forth in Section 30 of this Act with regard  
16 to certificates pursuant to this Section.

17 Any person who is enrolled in a non-traditional Pharm.D.  
18 program at an ACPE accredited college of pharmacy and is a  
19 licensed pharmacist under the laws of another United States  
20 jurisdiction shall be permitted to engage in the program of  
21 practice experience required in the academic program by virtue  
22 of such license. Such person shall be exempt from the  
23 requirement of registration as a registered pharmacy  
24 technician while engaged in the program of practice experience  
25 required in the academic program.

26 An applicant for registration as a pharmacy technician may

1 assist a ~~registered~~ pharmacist in the practice of pharmacy for  
2 a period of up to 60 days prior to the issuance of a  
3 certificate of registration if the applicant has submitted the  
4 required fee and an application for registration to the  
5 Department. The applicant shall keep a copy of the submitted  
6 application on the premises where the applicant is assisting in  
7 the practice of pharmacy. The Department shall forward  
8 confirmation of receipt of the application with start and  
9 expiration dates of practice pending registration.

10 (Source: P.A. 92-16, eff. 6-28-01.)

11 (225 ILCS 85/9.5 new)

12 Sec. 9.5. Certified pharmacy technician.

13 (a) An individual registered as a pharmacy technician under  
14 this Act may receive certification as a certified pharmacy  
15 technician, if he or she meets all of the following  
16 requirements:

17 (1) He or she has submitted a written application in  
18 the form and manner prescribed by the Board.

19 (2) He or she has attained the age of 18.

20 (3) He or she is of good moral character, as determined  
21 by the Department.

22 (4) He or she has (i) graduated from pharmacy  
23 technician training meeting the requirements set forth in  
24 subsection (a) of Section 17.1 of this Act or (ii) obtained  
25 documentation from the pharmacist-in-charge of the

1       pharmacy where the applicant is employed verifying that he  
2       or she has successfully completed a training program and  
3       has successfully completed an objective assessment  
4       mechanism prepared in accordance with rules established by  
5       the Board.

6           (5) He or she has successfully passed an examination  
7       accredited by the National Organization of Certifying  
8       Agencies, as approved and required by the Board.

9           (6) He or she has paid the required certification fees.

10       (b) No pharmacist whose license has been denied, revoked,  
11       suspended, or restricted for disciplinary purposes may be  
12       eligible to be registered as a certified pharmacy technician.

13       (c) The Board may, by rule, establish any additional  
14       requirements for certification under this Section.

15       (225 ILCS 85/10) (from Ch. 111, par. 4130)

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

17       Sec. 10. State Board of Pharmacy. There is created in the  
18       Department the State Board of Pharmacy. It shall consist of 9  
19       members, 7 of whom shall be licensed pharmacists, at least one  
20       of whom shall be actively practicing in a hospital pharmacy.  
21       Each of those 7 members must be a licensed pharmacist in good  
22       standing in this State, a graduate of an accredited college of  
23       pharmacy or hold a Bachelor of Science degree in Pharmacy and  
24       have at least 5 years' practical experience in the practice of  
25       pharmacy subsequent to the date of his licensure as a licensed

1 pharmacist in the State of Illinois. There shall be 2 public  
2 members, who shall be voting members, who shall not be licensed  
3 pharmacists in this State or any other state.

4 Each member shall be appointed by the Governor.

5 Members ~~The terms of all members serving as of March 31,~~  
6 ~~1999 shall expire on that date. The Governor shall appoint 3~~  
7 ~~persons to serve one year terms, 3 persons to serve 3 year~~  
8 ~~terms, and 3 persons to serve 5 year terms to begin April 1,~~  
9 ~~1999. Otherwise, members shall be appointed to 5 year terms.~~  
10 The Governor shall fill any vacancy for the remainder of the  
11 unexpired term. Partial terms over 3 years in length shall be  
12 considered full terms. A member may be reappointed for a  
13 successive term, but no member shall serve more than 2 full  
14 terms in his or her lifetime. No member shall be eligible to  
15 ~~serve more than 12 consecutive years.~~

16 In making the appointment of members on the Board, the  
17 Governor shall give due consideration to recommendations by the  
18 members of the profession of pharmacy and by pharmacy  
19 ~~pharmaceutical~~ organizations therein. The Governor shall  
20 notify the pharmacy ~~pharmaceutical~~ organizations promptly of  
21 any vacancy of members on the Board and in appointing members  
22 shall give consideration to individuals engaged in all types  
23 and settings of pharmacy practice.

24 The Governor may remove any member of the Board for  
25 misconduct, incapacity or neglect of duty and he shall be the  
26 sole judge of the sufficiency of the cause for removal.

1       ~~Every person appointed a member of the Board shall take and~~  
2 ~~subscribe the constitutional oath of office and file it with~~  
3 ~~the Secretary of State.~~ Each member of the Board shall be  
4 reimbursed for such actual and legitimate expenses as he may  
5 incur in going to and from the place of meeting and remaining  
6 thereat during sessions of the Board. In addition, each member  
7 of the Board may ~~shall~~ receive a per diem payment in an amount  
8 determined from time to time by the Director for attendance at  
9 meetings of the Board and conducting other official business of  
10 the Board.

11       The Board shall hold quarterly meetings ~~and an annual~~  
12 ~~meeting in January of each year and such other meetings~~ at such  
13 times and places and upon ~~such~~ notice as the Department Board  
14 may determine and as its business may require. A majority of  
15 the Board members currently appointed shall constitute a  
16 quorum. A vacancy in the membership of the Board shall not  
17 impair the right of a quorum to exercise all the rights and  
18 perform all the duties of the Board. ~~Five members of the Board~~  
19 ~~shall constitute a quorum for the transaction of business. The~~  
20 ~~Director shall appoint a pharmacy coordinator, who shall be~~  
21 ~~someone other than a member of the Board. The pharmacy~~  
22 ~~coordinator shall be a registered pharmacist in good standing~~  
23 ~~in this State, shall be a graduate of an accredited college of~~  
24 ~~pharmacy, or hold at a minimum a Bachelor of Science degree in~~  
25 ~~Pharmacy and shall have at least 5 years' experience in the~~  
26 ~~practice of pharmacy immediately prior to his appointment. The~~

1 ~~pharmacy coordinator shall be the executive administrator and~~  
2 ~~the chief enforcement officer of the Pharmacy Practice Act of~~  
3 ~~1987.~~

4 The Board shall exercise the rights, powers and duties  
5 which have been vested in the Board under this Act, and any  
6 other duties conferred upon the Board by law.

7 ~~The Director shall, in conformity with the Personnel Code,~~  
8 ~~employ not less than 7 pharmacy investigators and 2 pharmacy~~  
9 ~~supervisors. Each pharmacy investigator and each supervisor~~  
10 ~~shall be a registered pharmacist in good standing in this~~  
11 ~~State, and shall be a graduate of an accredited college of~~  
12 ~~pharmacy and have at least 5 years of experience in the~~  
13 ~~practice of pharmacy. The Department shall also employ at least~~  
14 ~~one attorney who is a pharmacist to prosecute violations of~~  
15 ~~this Act and its rules. The Department may, in conformity with~~  
16 ~~the Personnel Code, employ such clerical and other employees as~~  
17 ~~are necessary to carry out the duties of the Board.~~

18 ~~The duly authorized pharmacy investigators of the~~  
19 ~~Department shall have the right to enter and inspect during~~  
20 ~~business hours any pharmacy or any other place in the State of~~  
21 ~~Illinois holding itself out to be a pharmacy where medicines or~~  
22 ~~drugs or drug products or proprietary medicines are sold,~~  
23 ~~offered for sale, exposed for sale, or kept for sale. The~~  
24 ~~pharmacy investigators shall be the only Department~~  
25 ~~investigators authorized to inspect, investigate, and monitor~~  
26 ~~probation compliance of pharmacists, pharmacies, and pharmacy~~

1 ~~technicians.~~

2 (Source: P.A. 91-827, eff. 6-13-00; 92-651, eff. 7-11-02;  
3 92-880, eff. 1-1-04.)

4 (225 ILCS 85/11) (from Ch. 111, par. 4131)

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

6 Sec. 11. Duties of the Department. The Department shall  
7 exercise the powers and duties prescribed by the Civil  
8 Administrative Code of Illinois for the administration of  
9 Licensing Acts and shall exercise such other powers and duties  
10 necessary for effectuating the purpose of this Act. However,  
11 the following powers and duties shall be exercised only upon  
12 review ~~action and report in writing of a majority~~ of the Board  
13 of Pharmacy to take such action:

14 (a) Formulate such rules, not inconsistent with law and  
15 subject to the Illinois Administrative Procedure Act, as may be  
16 necessary to carry out the purposes and enforce the provisions  
17 of this Act. The Director may grant variances from any such  
18 rules as provided for in this Section;

19 (b) The suspension, revocation, placing on probationary  
20 status, reprimand, and refusing to issue or restore any license  
21 or certificate of registration issued under the provisions of  
22 this Act for the reasons set forth in Section 30 of this Act.

23 (c) The issuance, renewal, restoration or reissuance of any  
24 license or certificate which has been previously refused to be  
25 issued or renewed, or has been revoked, suspended or placed on



1 probationary status.

2 The granting of variances from rules promulgated pursuant  
3 to this Section in individual cases where there is a finding  
4 that:

5 (1) the provision from which the variance is granted is  
6 not statutorily mandated;

7 (2) no party will be injured by the granting of the  
8 variance; and

9 (3) the rule from which the variance is granted would,  
10 in the particular case, be unreasonable or unnecessarily  
11 burdensome.

12 The Director shall notify the State Board of Pharmacy of  
13 the granting of such variance and the reasons therefor, at the  
14 next meeting of the Board.

15 (d) The Secretary shall appoint a chief pharmacy  
16 coordinator and at least 2 deputy pharmacy coordinators, all of  
17 whom shall be registered pharmacists in good standing in this  
18 State, shall be graduates of an accredited college of pharmacy  
19 or hold, at a minimum, a bachelor of science degree in  
20 pharmacy, and shall have at least 5 years of experience in the  
21 practice of pharmacy immediately prior to his or her  
22 appointment. The chief pharmacy coordinator shall be the  
23 executive administrator and the chief enforcement officer of  
24 this Act. The deputy pharmacy coordinators shall report to the  
25 chief pharmacy coordinator. The Secretary shall assign at least  
26 one deputy pharmacy coordinator to a region composed of Cook

1 County and such other counties as the Secretary may deem  
2 appropriate, and such deputy pharmacy coordinator shall have  
3 his or her primary office in Chicago. The Secretary shall  
4 assign at least one deputy pharmacy coordinator to a region  
5 composed of the balance of counties in the State, and such  
6 deputy pharmacy coordinator shall have his or her primary  
7 office in Springfield.

8 (e) The Secretary shall, in conformity with the Personnel  
9 Code, employ not less than 4 pharmacy investigators who shall  
10 report to the pharmacy coordinator or a deputy pharmacy  
11 coordinator. Each pharmacy investigator shall be a graduate of  
12 a 4-year college or university and shall (i) have at least 2  
13 years of investigative experience; (ii) have 2 years of  
14 responsible pharmacy experience; or (iii) be a licensed  
15 pharmacist. The Department shall also employ at least one  
16 attorney to prosecute violations of this Act and its rules. The  
17 Department may, in conformity with the Personnel Code, employ  
18 such clerical and other employees as are necessary to carry out  
19 the duties of the Board and Department.

20 The duly authorized pharmacy investigators of the  
21 Department shall have the right to enter and inspect, during  
22 business hours, any pharmacy or any other place in this State  
23 holding itself out to be a pharmacy where medicines, drugs or  
24 drug products, or proprietary medicines are sold, offered for  
25 sale, exposed for sale, or kept for sale.

26 (Source: P.A. 90-253, eff. 7-29-97.)

1 (225 ILCS 85/12) (from Ch. 111, par. 4132)

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

3 Sec. 12. Expiration of license; renewal. The expiration  
4 date and renewal period for each license and certificate of  
5 registration issued under this Act shall be set by rule.

6 As a condition for the renewal of a certificate of  
7 registration as a ~~registered~~ pharmacist, the registrant shall  
8 provide evidence to the Department of completion of a total of  
9 30 hours of pharmacy continuing education during the 24 months  
10 ~~2 calendar years~~ preceding the expiration date of the  
11 certificate. Such continuing education shall be approved by the  
12 Accreditation Council on Pharmacy ~~American Council on~~  
13 ~~Pharmaceutical~~ Education.

14 The Department shall establish by rule a means for the  
15 verification of completion of the continuing education  
16 required by this Section. This verification may be accomplished  
17 through audits of records maintained by registrants, by  
18 requiring the filing of continuing education certificates with  
19 the Department or a qualified organization selected by the  
20 Department to maintain such records or by other means  
21 established by the Department.

22 Rules developed under this Section may provide for a  
23 reasonable biennial fee, not to exceed \$20, to fund the cost of  
24 such recordkeeping. The Department shall, by rule, further  
25 provide an orderly process for the reinstatement of licenses

1 which have not been renewed due to the failure to meet the  
2 continuing education requirements of this Section. The  
3 requirements of continuing education may be waived, in whole or  
4 in part, in cases of extreme hardship as defined by rule of the  
5 Department. Such waivers shall be granted for not more than one  
6 of any 3 consecutive renewal periods.

7 Any pharmacist who has permitted his license to expire or  
8 who has had his license on inactive status may have his license  
9 restored by making application to the Department and filing  
10 proof acceptable to the Department of his fitness to have his  
11 license restored, and by paying the required restoration fee.  
12 The Department shall determine, by an evaluation program  
13 established by rule his fitness for restoration of his license  
14 and shall establish procedures and requirements for such  
15 restoration. However, any pharmacist who demonstrates that he  
16 has continuously maintained active practice in another  
17 jurisdiction pursuant to a license in good standing, and who  
18 has substantially complied with the continuing education  
19 requirements of this Section shall not be subject to further  
20 evaluation for purposes of this Section.

21 Any licensee who shall engage in the practice for which his  
22 or her license was issued while the license is expired or on  
23 inactive status shall be considered to be practicing without a  
24 license which, shall be grounds for discipline under Section 30  
25 of this Act.

26 Any pharmacy operating on an expired license is engaged in

1 the unlawful practice of pharmacy and is subject to discipline  
2 under Section 30 of this Act. A pharmacy whose license has been  
3 expired for one year or more may not have its license restored  
4 but must apply for a new license and meet all requirements for  
5 licensure. Any pharmacy whose license has been expired for less  
6 than one year may apply for restoration of its license and  
7 shall have its license restored.

8 However, any pharmacist whose license expired while he was  
9 (1) in Federal Service on active duty with the Armed Forces of  
10 the United States, or the State Militia called into service or  
11 training, or (2) in training or education under the supervision  
12 of the United States preliminary to induction into the military  
13 service, may have his license or certificate restored without  
14 paying any lapsed renewal fees, if within 2 years after  
15 honorable termination of such service, training or education he  
16 furnishes the Department with satisfactory evidence to the  
17 effect that he has been so engaged and that his service,  
18 training or education has been so terminated.

19 (Source: P.A. 90-253, eff. 7-29-97.)

20 (225 ILCS 85/13) (from Ch. 111, par. 4133)

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

22 Sec. 13. Inactive status. Any pharmacist or pharmacy  
23 technician who notifies the Department, in writing on forms  
24 prescribed by the Department, may elect to place his or her  
25 license on an inactive status and shall be excused from payment

1 of renewal fees and completion of continuing education  
2 requirements until he or she notifies the Department in writing  
3 of his or her intent to restore his license.

4 Any pharmacist or pharmacist technician requesting  
5 restoration from inactive status shall be required to pay the  
6 current renewal fee and shall be required to restore his or her  
7 license or certificate, as provided by rule of the Department.

8 Any pharmacist or pharmacist technician whose license is in  
9 inactive status shall not practice in the State of Illinois.

10 ~~A Neither a pharmacy license nor a pharmacy technician~~  
11 ~~license~~ may not be placed on inactive status.

12 Continued practice on a license which has lapsed or been  
13 placed on inactive status shall be considered to be practicing  
14 without a license.

15 (Source: P.A. 90-253, eff. 7-29-97.)

16 (225 ILCS 85/14.1 new)

17 Sec. 14.1. Structural and equipment requirements. The  
18 Department shall establish structural and equipment  
19 requirements for a pharmacy by rule.

20 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

22 Sec. 15. Pharmacy requirements. It shall be unlawful for  
23 the owner of any pharmacy, as defined in this Act, to operate  
24 or conduct the same, or to allow the same to be operated or

1 conducted, unless:

2 (a) It has a licensed pharmacist, authorized to practice  
3 pharmacy in this State under the provisions of this Act, on  
4 duty whenever the practice of pharmacy is conducted;

5 (b) Security provisions for all drugs and devices, as  
6 determined by rule of the Department, are provided during the  
7 absence from the licensed pharmacy of all licensed pharmacists.  
8 Maintenance of security provisions is the responsibility of the  
9 licensed ~~registered~~ pharmacist in charge; and

10 (c) The pharmacy is licensed under this Act to conduct the  
11 practice of pharmacy in any and all forms from the physical  
12 address of the pharmacy's primary inventory where U.S. mail is  
13 delivered. If a facility, company, or organization operates  
14 multiple pharmacies from multiple physical addresses, a  
15 separate pharmacy license is required for each different  
16 physical address to do business.

17 (d) The Department may allow a pharmacy that is not located  
18 at the same location as its home pharmacy and at which pharmacy  
19 services are provided during an emergency situation, as defined  
20 by rule, to be operated as an emergency remote pharmacy. An  
21 emergency remote pharmacy operating under this subsection (d)  
22 shall operate under the license of the home pharmacy.

23 ~~The Department shall, by rule, provide requirements for~~  
24 ~~each division of pharmacy license and shall, as well provide~~  
25 ~~guidelines for the designation of a registered pharmacist in~~  
26 ~~charge for each division.~~

1       ~~Division I. Retail Licenses for pharmacies which are open~~  
2 ~~to, or offer pharmacy services to, the general public.~~

3       ~~Division II. Licenses for pharmacies whose primary~~  
4 ~~pharmacy service is provided to patients or residents of~~  
5 ~~facilities licensed under the Nursing Home Care Act or the~~  
6 ~~Hospital Licensing Act, or "An Act in relation to the founding~~  
7 ~~and operation of the University of Illinois Hospital and the~~  
8 ~~conduct of University of Illinois health care programs",~~  
9 ~~approved July 3, 1931, as amended, and which are not located in~~  
10 ~~the facilities they serve.~~

11       ~~Division III. Licenses for pharmacies which are located in~~  
12 ~~a facility licensed under the Nursing Home Care Act or the~~  
13 ~~Hospital Licensing Act, or "An Act in relation to the founding~~  
14 ~~and operation of the University of Illinois Hospital and the~~  
15 ~~conduct of University of Illinois health care programs",~~  
16 ~~approved July 3, 1931, as amended, or a facility which is~~  
17 ~~operated by the Department of Human Services (as successor to~~  
18 ~~the Department of Mental Health and Developmental~~  
19 ~~Disabilities) or the Department of Corrections, and which~~  
20 ~~provide pharmacy services to residents or patients of the~~  
21 ~~facility, as well as employees, prescribers and students of the~~  
22 ~~facility.~~

23       ~~Division IV. Licenses for pharmacies which provide or offer~~  
24 ~~for sale radioactive materials.~~

25       ~~Division V. Licenses for pharmacies which hold licenses in~~  
26 ~~Division II or Division III which also provide pharmacy~~



1 ~~services to the general public, or pharmacies which are located~~  
2 ~~in or whose primary pharmacy service is to ambulatory care~~  
3 ~~facilities or schools of veterinary medicine or other such~~  
4 ~~institution or facility.~~

5 ~~Division VI. Licenses for pharmacies that provide pharmacy~~  
6 ~~services to patients of institutions serviced by pharmacies~~  
7 ~~with a Division II or Division III license, without using their~~  
8 ~~own supply of drugs. Division VI pharmacies may provide~~  
9 ~~pharmacy services only in cooperation with an institution's~~  
10 ~~pharmacy or pharmacy provider. Nothing in this paragraph shall~~  
11 ~~constitute a change to the practice of pharmacy as defined in~~  
12 ~~Section 3 of this Act. Nothing in this amendatory Act of the~~  
13 ~~94th General Assembly shall in any way alter the definition or~~  
14 ~~operation of any other division of pharmacy as provided in this~~  
15 ~~Act.~~

16 The Director may waive the requirement for a pharmacist to  
17 be on duty at all times for State facilities not treating human  
18 ailments.

19 It shall be unlawful for any person, who is not a licensed  
20 pharmacy or health care facility, to purport to be such or to  
21 use in name, title, or sign designating, or in connection with  
22 that place of business, any of the words: "pharmacy",  
23 "pharmacist", "pharmacy department", "apothecary", "druggist",  
24 "drug", "drugs", "medicines", "medicine store", "drug  
25 sundries", "prescriptions filled", or any list of words  
26 indicating that drugs are compounded or sold to the lay public,

1 or prescriptions are dispensed therein. Each day during which,  
2 or a part which, such representation is made or appears or such  
3 a sign is allowed to remain upon or in such a place of business  
4 shall constitute a separate offense under this Act.

5 The holder of any license or certificate of registration  
6 shall conspicuously display it in the pharmacy in which he is  
7 engaged in the practice of pharmacy. The ~~registered~~ pharmacist  
8 in charge shall conspicuously display his name in such  
9 pharmacy. The pharmacy license shall also be conspicuously  
10 displayed.

11 (Source: P.A. 94-84, eff. 6-28-05.)

12 (225 ILCS 85/16) (from Ch. 111, par. 4136)

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

14 Sec. 16. The Department shall require and provide for the  
15 licensure of every pharmacy doing business in this State. Such  
16 licensure shall expire 30 ~~40~~ days after the pharmacist in  
17 charge dies or leaves the place where the pharmacy is licensed  
18 or after such pharmacist's license has been suspended or  
19 revoked.

20 In the event the designated pharmacist in charge dies or  
21 otherwise ceases to function in that capacity, or when the  
22 license of the pharmacist in charge has been suspended or  
23 revoked, the owner of the pharmacy shall be required to notify  
24 the Department, on forms provided by the Department, of the  
25 identity of the new pharmacist in charge.

1           It is the duty of every pharmacist in charge who ceases to  
2 function in that capacity to report to the Department within 30  
3 ~~10~~ days of the date on which he ceased such functions for such  
4 pharmacy. It is the duty of every owner of a pharmacy licensed  
5 under this Act to report to the Department within 30 ~~10~~ days of  
6 the date on which the pharmacist in charge died or ceased to  
7 function in that capacity. Failure to provide such notification  
8 to the Department shall be grounds for disciplinary action.

9           No license shall be issued to any pharmacy unless such  
10 pharmacy has a pharmacist in charge and each such pharmacy  
11 license shall indicate on the face thereof the pharmacist in  
12 charge.

13       (Source: P.A. 85-796.)

14           (225 ILCS 85/16a) (from Ch. 111, par. 4136a)

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

16           Sec. 16a. (a) The Department shall establish rules and  
17 regulations, consistent with the provisions of this Act,  
18 governing nonresident ~~mail-order~~ pharmacies, including  
19 pharmacies providing services via the Internet, which sell, or  
20 offer for sale, drugs, medicines, or other pharmaceutical  
21 services in this State.

22           (b) The Board shall require and provide for an annual  
23 nonresident special pharmacy registration for all pharmacies  
24 located outside of this State that dispense medications for  
25 Illinois residents and mail, ship, or deliver prescription

1 medications into this State. Nonresident special pharmacy  
2 registration shall be granted by the Board upon the disclosure  
3 and certification by a pharmacy:

4 (1) that it is licensed in the state in which the  
5 dispensing facility is located and from which the drugs are  
6 dispensed;

7 (2) of the location, names, and titles of all principal  
8 corporate officers and all pharmacists who are dispensing  
9 drugs to residents of this State;

10 (3) that it complies with all lawful directions and  
11 requests for information from the board of pharmacy of each  
12 state in which it is licensed or registered, except that it  
13 shall respond directly to all communications from the Board  
14 concerning emergency circumstances arising from the  
15 dispensing of drugs to residents of this State;

16 (4) that it maintains its records of drugs dispensed to  
17 residents of this State so that the records are readily  
18 retrievable from the records of other drugs dispensed;

19 (5) that it cooperates with the Board in providing  
20 information to the board of pharmacy of the state in which  
21 it is licensed concerning matters related to the dispensing  
22 of drugs to residents of this State; and

23 (6) that during its regular hours of operation, but not  
24 less than 6 days per week, for a minimum of 40 hours per  
25 week, a toll-free telephone service is provided to  
26 facilitate communication between patients in this State

1 and a pharmacist at the pharmacy who has access to the  
2 patients' records. The toll-free number must be disclosed  
3 on the label affixed to each container of drugs dispensed  
4 to residents of this State.

5 (Source: P.A. 91-438, eff. 1-1-00.)

6 (225 ILCS 85/16b new)

7 Sec. 16b. Prescription pick up and drop off. Nothing  
8 contained in this Act shall prohibit a pharmacist or pharmacy,  
9 by means of its employee or by use of a common carrier or the  
10 U.S. mail, at the request of the patient, from picking up  
11 prescription orders from the prescriber or delivering  
12 prescription drugs at the residence or place of employment of  
13 the person for whom the prescription was issued or at the  
14 hospital or medical care facility in which the patient is  
15 confined. Conversely, the patient or patient's agent may drop  
16 off prescriptions at a designated area.

17 (225 ILCS 85/17) (from Ch. 111, par. 4137)

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

19 Sec. 17. Disposition of legend drugs on cessation of  
20 pharmacy operations.

21 (a) The pharmacist in charge of a pharmacy which has its  
22 pharmacy license revoked or otherwise ceases operation shall  
23 notify the Department and forward to the Department a copy of  
24 the closing inventory of controlled substances and a statement

1 indicating the intended manner of disposition of all legend  
2 drugs and prescription files within 30 ~~10~~ days of such  
3 revocation or cessation of operation.

4 (b) The Department shall approve the intended manner of  
5 disposition of all legend drugs prior to disposition of such  
6 drugs by the pharmacist in charge.

7 (1) The Department shall notify the pharmacist in  
8 charge of approval of the manner of disposition of all  
9 legend drugs, or disapproval accompanied by reasons for  
10 such disapproval, within 30 ~~10~~ days of receipt of the  
11 statement from the pharmacist in charge. In the event that  
12 the manner of disposition is not approved, the pharmacist  
13 in charge shall notify the Department of an alternative  
14 manner of disposition within 30 ~~10~~ days of the receipt of  
15 disapproval.

16 (2) If disposition of all legend drugs does not occur  
17 within 30 ~~10~~ days after approval is received from the  
18 Department, or if no alternative method of disposition is  
19 submitted to the Department within 30 ~~10~~ days of the  
20 Department's disapproval, the Director shall notify the  
21 pharmacist in charge by mail at the address of the closing  
22 pharmacy, of the Department's intent to confiscate all  
23 legend drugs. The Notice of Intent to Confiscate shall be  
24 the final administrative decision of the Department, as  
25 that term is defined in the Administrative Review Law, and  
26 the confiscation of all prescription drugs shall be

1           effected.

2           (b-5) In the event that the pharmacist in charge has died  
3 or is otherwise physically incompetent to perform the duties of  
4 this Section, the owner of a pharmacy that has its license  
5 revoked or otherwise ceases operation shall be required to  
6 fulfill the duties otherwise imposed upon the pharmacist in  
7 charge.

8           (c) The pharmacist in charge of a pharmacy which acquires  
9 prescription files from a pharmacy which ceases operation shall  
10 be responsible for the preservation of such acquired  
11 prescriptions for the remainder of the term that such  
12 prescriptions are required to be preserved by this Act.

13           (d) Failure to comply with this Section shall be grounds  
14 for denying an application or renewal application for a  
15 pharmacy license or for disciplinary action against a  
16 registration.

17           (e) Compliance with the provisions of the Illinois  
18 Controlled Substances Act concerning the disposition of  
19 controlled substances shall be deemed compliance with this  
20 Section with respect to legend drugs which are controlled  
21 substances.

22           (Source: P.A. 90-253, eff. 7-29-97.)

23           (225 ILCS 85/17.1)

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

25           Sec. 17.1. Pharmacy technician training.

1           (a) Beginning January 1, 2004, it shall be the joint  
2 responsibility of a pharmacy and its pharmacist in charge to  
3 have trained all of its pharmacy technicians or obtain proof of  
4 prior training in all of the following topics as they relate to  
5 the practice site:

6           (1) The duties and responsibilities of the technicians  
7 and pharmacists.

8           (2) Tasks and technical skills, policies, and  
9 procedures.

10          (3) Compounding, packaging, labeling, and storage.

11          (4) Pharmaceutical and medical terminology.

12          (5) Record keeping requirements.

13          (6) The ability to perform and apply arithmetic  
14 calculations.

15          (b) Within 6 months after initial employment or changing  
16 the duties and responsibilities of a pharmacy technician, it  
17 shall be the joint responsibility of the pharmacy and the  
18 pharmacist in charge to train the pharmacy technician or obtain  
19 proof of prior training in the areas listed in subsection (a)  
20 of this Section as they relate to the practice site or to  
21 document that the pharmacy technician is making appropriate  
22 progress.

23          (c) All ~~divisions~~ of pharmacies shall maintain an  
24 up-to-date training program describing the duties and  
25 responsibilities of a pharmacy technician.

26          (d) All ~~divisions~~ of pharmacies shall create and maintain



1 retrievable records of training or proof of training as  
2 required in this Section.

3 (Source: P.A. 92-880, eff. 1-1-04.)

4 (225 ILCS 85/18) (from Ch. 111, par. 4138)

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

6 Sec. 18. Record retention. ~~(a)~~ Except as provided in  
7 subsection (b), there shall be kept in every drugstore or  
8 pharmacy a suitable book, file, or electronic record keeping  
9 system in which shall be preserved for a period of not less  
10 than 5 years the original, or an exact, unalterable image, of  
11 every written prescription and the original transcript or copy  
12 of every verbal prescription filled, compounded, or dispensed,  
13 in such pharmacy; and such book or file of prescriptions shall  
14 at all reasonable times be open to inspection to the pharmacy  
15 coordinator and the duly authorized agents or employees of the  
16 Department.

17 Every prescription filled or refilled shall contain the  
18 unique identifiers ~~identifier~~ of the persons ~~person~~ authorized  
19 to practice pharmacy under the provision of this Act who fills  
20 or refills the prescription.

21 Records kept pursuant to this Section may be maintained in  
22 an alternative data retention system, such as a direct digital  
23 imaging system, provided that:

24 (1) the records maintained in the alternative data  
25 retention system contain all of the information required in

1 a manual record;

2 (2) the data processing system is capable of producing  
3 a hard copy of the electronic record on the request of the  
4 Board, its representative, or other authorized local,  
5 State, or federal law enforcement or regulatory agency; ~~and~~

6 (3) the digital images are recorded and stored only by  
7 means of a technology that does not allow subsequent  
8 revision or replacement of the images; and-

9 (4) the prescriptions may be retained in written form  
10 or recorded in a data processing system, provided that such  
11 order can be produced in printed form upon lawful request.

12 As used in this Section, "digital imaging system" means a  
13 system, including people, machines, methods of organization,  
14 and procedures, that provides input, storage, processing,  
15 communications, output, and control functions for digitized  
16 representations of original prescription records.

17 Inpatient drug orders may be maintained within an  
18 institution in a manner approved by the Department.

19 ~~(b) The record retention requirements for a Division VI~~  
20 ~~pharmacy shall be set by rule.~~

21 (Source: P.A. 94-84, eff. 6-28-05.)

22 (225 ILCS 85/19) (from Ch. 111, par. 4139)

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

24 Sec. 19. Nothing contained in this Act shall be construed  
25 to prohibit a pharmacist licensed in this State from filling or

1 refilling a valid prescription for prescription drugs which is  
2 on file in a pharmacy licensed in any state and has been  
3 transferred from one pharmacy to another by any means,  
4 including by way of electronic data processing equipment upon  
5 the following conditions and exceptions:

6 (1) Prior to dispensing pursuant to any such prescription,  
7 the dispensing pharmacist shall:

8 (a) Advise the patient that the prescription on file at  
9 such other pharmacy must be canceled before he or she will  
10 be able to fill or refill it.

11 (b) Determine that the prescription is valid and on  
12 file at such other pharmacy and that such prescription may  
13 be filled or refilled, as requested, in accordance with the  
14 prescriber's intent expressed on such prescription.

15 (c) Notify the pharmacy where the prescription is on  
16 file that the prescription must be canceled.

17 (d) Record in writing the prescription order, the name  
18 of the pharmacy at which the prescription was on file, the  
19 prescription number, the name of the drug and the original  
20 amount dispensed, the date of original dispensing, and the  
21 number of remaining authorized refills.

22 (e) Obtain the consent of the prescriber to the  
23 refilling of the prescription when the prescription, in the  
24 professional judgment of the dispensing pharmacist, so  
25 requires.

26 (2) Upon receipt of a request for prescription information

1 set forth in subparagraph (d) of paragraph (1) of this Section,  
2 if the requested pharmacist is satisfied in his professional  
3 judgment that such request is valid and legal, the requested  
4 pharmacist shall:

5 (a) Provide such information accurately and  
6 completely.

7 (b) Record electronically or, if in writing, on the  
8 face of the prescription, the name of the requesting  
9 pharmacy and pharmacist and the date of request.

10 (c) Cancel the prescription on file by writing the word  
11 "void" on its face or the electronic equivalent, if not in  
12 written format. No further prescription information shall  
13 be given or medication dispensed pursuant to such original  
14 prescription.

15 (3) In the event that, after the information set forth in  
16 subparagraph (d) of paragraph (1) of this Section has been  
17 provided, a prescription is not dispensed by the requesting  
18 pharmacist, then such pharmacist shall provide notice of this  
19 fact to the pharmacy from which such information was obtained;  
20 such notice shall then cancel the prescription in the same  
21 manner as set forth in subparagraph (c) of paragraph (2) of  
22 this Section.

23 (4) When filling or refilling a valid prescription on file  
24 in another state, the dispensing pharmacist shall be required  
25 to follow all the requirements of Illinois law which apply to  
26 the dispensing of prescription drugs. If anything in Illinois

1 law prevents the filling or refilling of the original  
2 prescription it shall be unlawful to dispense pursuant to this  
3 Section.

4 (5) Prescriptions for drugs in Schedules III, IV, and V of  
5 the Illinois Controlled Substances Act may be transferred only  
6 once and may not be further transferred. However, pharmacies  
7 electronically sharing a real-time, online database may  
8 transfer up to the maximum refills permitted by the law and the  
9 prescriber's authorization.

10 (Source: P.A. 92-880, eff. 1-1-04.)

11 (225 ILCS 85/20) (from Ch. 111, par. 4140)

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

13 Sec. 20. Two or more pharmacies may establish and use a  
14 common electronic file to maintain required dispensing  
15 information.

16 Pharmacies using such a common electronic file are not  
17 required to physically transfer prescriptions or information  
18 for dispensing purposes between or among pharmacies  
19 participating in the same common prescription file; provided,  
20 however any such common file must contain complete and adequate  
21 records of such prescription and refill dispensed as stated in  
22 Section 18.

23 The Department and Board may formulate such rules and  
24 regulations, not inconsistent with law, as may be necessary to  
25 carry out the purposes of and to enforce the provisions of this

1 Section within the following exception: The Department and  
2 Board shall not impose greater requirements on either common  
3 electronic files or a hard copy record system.

4 Drugs shall in no event be dispensed more frequently or in  
5 larger amounts than the prescriber ordered without direct  
6 prescriber authorization by way of a new prescription order.

7 The dispensing by a pharmacist licensed in this State or  
8 another state of a prescription contained in a common database  
9 shall not constitute a transfer, provided that (i) all  
10 pharmacies involved in the transactions pursuant to which the  
11 prescription is dispensed and all pharmacists engaging in  
12 dispensing functions are properly licensed, permitted, or  
13 registered in this State or another jurisdiction, (ii) a policy  
14 and procedures manual that governs all participating  
15 pharmacies and pharmacists is available to the Department upon  
16 request and includes the procedure for maintaining appropriate  
17 records for regulatory oversight for tracking a prescription  
18 during each stage of the filling and dispensing process, and  
19 (iii) the pharmacists involved in filling and dispensing the  
20 prescription and counseling the patient are identified. A  
21 pharmacist shall be accountable only for the specific tasks  
22 performed.

23 Nothing in this Section shall prohibit a pharmacist who is  
24 exercising his or her professional judgment from dispensing  
25 additional quantities of medication up to the total number of  
26 dosage units authorized by the prescriber on the original

1 prescription and any refills.

2 (Source: P.A. 85-796.)

3 (225 ILCS 85/22) (from Ch. 111, par. 4142)

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

5 Sec. 22. Except only in the case of a drug, medicine or  
6 poison which is lawfully sold or dispensed, at retail, in the  
7 original and unbroken package of the manufacturer, packer, or  
8 distributor thereof, and which package bears the original label  
9 thereon showing the name and address of the manufacturer,  
10 packer, or distributor thereof, and the name of the drug,  
11 medicine, or poison therein contained, and the directions for  
12 its use, no person shall sell or dispense, at retail, any drug,  
13 medicine, or poison, without affixing to the box, bottle,  
14 vessel, or package containing the same, a label bearing the  
15 name of the article distinctly shown, and the directions for  
16 its use, with the name and address of the pharmacy wherein the  
17 same is sold or dispensed. However, in the case of a drug,  
18 medicine, or poison which is sold or dispensed pursuant to a  
19 prescription of a physician licensed to practice medicine in  
20 all of its branches, licensed dentist, licensed veterinarian,  
21 licensed podiatrist, or therapeutically or diagnostically  
22 certified optometrist authorized by law to prescribe drugs or  
23 medicines or poisons, the label affixed to the box, bottle,  
24 vessel, or package containing the same shall show: (a) the name  
25 and address of the pharmacy wherein the same is sold or

1 dispensed; (b) the name or initials of the person, authorized  
2 to practice pharmacy under the provisions of this Act, selling  
3 or dispensing the same, (c) the date on which such prescription  
4 was filled; (d) the name of the patient; (e) the serial number  
5 of such prescription as filed in the prescription files; (f)  
6 the last name of the practitioner who prescribed such  
7 prescriptions; (g) the directions for use thereof as contained  
8 in such prescription; and (h) the proprietary name or names or  
9 the established name or names of the drugs, the dosage and  
10 quantity, except as otherwise authorized by regulation of the  
11 Department. ~~The Department shall establish rules governing~~  
12 ~~labeling in Division II and Division III pharmacies.~~

13 (Source: P.A. 92-880, eff. 1-1-04.)

14 (225 ILCS 85/22a)

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

16 Sec. 22a. Automated dispensing and storage systems. The  
17 Department shall establish rules governing the use of automated  
18 dispensing and storage systems ~~by Division I through V~~  
19 ~~pharmacies.~~

20 (Source: P.A. 90-253, eff. 7-29-97.)

21 (225 ILCS 85/22b new)

22 Sec. 22b. Automated pharmacy systems; remote dispensing.

23 (a) Automated pharmacy systems must have adequate security  
24 and procedures to comply with federal and State laws and



1 regulations and maintain patient confidentiality, as defined  
2 by rule.

3 (b) Access to the automated pharmacy system shall be  
4 limited to pharmacists or personnel who are designated in  
5 writing by the pharmacist-in-charge and have completed  
6 documented training concerning their duties associated with  
7 the automated pharmacy system.

8 (c) All drugs stored in relation to an automated pharmacy  
9 system must be stored in compliance with this Act and the rules  
10 adopted under this Act, including the requirements for  
11 temperature, proper storage containers, handling of outdated  
12 drugs, prescription dispensing, and delivery.

13 (d) An automated pharmacy system operated from a remote  
14 site shall be under the continuous supervision of a home  
15 pharmacy pharmacist. To qualify as continuous supervision, the  
16 pharmacist is not required to be physically present at the site  
17 of the automated pharmacy system if the system is supervised  
18 electronically by a pharmacist, as defined by rule.

19 (e) Drugs may only be dispensed at a remote site through an  
20 automated pharmacy system after receipt of an original  
21 prescription drug order by a pharmacist at the home pharmacy. A  
22 pharmacist at the home pharmacy must control all operations of  
23 the automated pharmacy system and approve the release of the  
24 initial dose of a prescription drug order. Refills from an  
25 approved prescription drug order may be removed from the  
26 automated medication system after this initial approval. Any

1 change made in the prescription drug order shall require a new  
2 approval by a pharmacist to release the drug.

3 (f) If an automated pharmacy system uses removable  
4 cartridges or containers to store a drug, the stocking or  
5 restocking of the cartridges or containers may occur at a  
6 licensed wholesale drug distributor and be sent to the home  
7 pharmacy to be loaded after pharmacist verification by  
8 personnel designated by the pharmacist, provided that the  
9 individual cartridge or container is transported to the home  
10 pharmacy in a secure, tamper evident container. An automated  
11 pharmacy system must use a bar code verification or weight  
12 verification or electronic verification or similar process to  
13 ensure that the cartridge or container is accurately loaded  
14 into the automated pharmacy system. The pharmacist verifying  
15 the filling and labeling shall be responsible for ensuring that  
16 the cartridge or container is stocked or restocked correctly by  
17 personnel designated to load the cartridges or containers. An  
18 automated pharmacy system must use a bar code verification,  
19 electronic, or similar process, as defined by rule, to ensure  
20 that the proper medication is dispensed from the automated  
21 system. A record of each transaction with the automated  
22 pharmacy system must be maintained for 5 years. A prescription  
23 dispensed from an automated pharmacy system shall be deemed to  
24 have been approved by the pharmacist. No automated pharmacy  
25 system shall be operated prior to inspection and approval by  
26 the Department.

1 (225 ILCS 85/25) (from Ch. 111, par. 4145)

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

3 Sec. 25. No person shall compound, or sell or offer for  
4 sale, or cause to be compounded, sold or offered for sale any  
5 medicine or preparation under or by a name recognized in the  
6 United States Pharmacopoeia National Formulary, for internal  
7 or external use, which differs from the standard of strength,  
8 quality or purity as determined by the test laid down in the  
9 United States Pharmacopoeia National Formulary official at the  
10 time of such compounding, sale or offering for sale. Nor shall  
11 any person compound, sell or offer for sale, or cause to be  
12 compounded, sold, or offered for sale, any drug, medicine,  
13 poison, chemical or pharmaceutical preparation, the strength  
14 or purity of which shall fall below the professed standard of  
15 strength or purity under which it is sold. Except as set forth  
16 in Section 26 of this Act, if the physician or other authorized  
17 prescriber, when transmitting an oral or written prescription,  
18 does not prohibit drug product selection, a different brand  
19 name or nonbrand name drug product of the same generic name may  
20 be dispensed by the pharmacist, provided that the selected drug  
21 has a unit price less than the drug product specified in the  
22 prescription. A generic drug determined to be therapeutically  
23 equivalent by the United States Food and Drug Administration  
24 (FDA) shall be available for substitution in Illinois in  
25 accordance with this Act and the Illinois Food, Drug and

1 Cosmetic Act, provided that each manufacturer submits to the  
2 Director of the Department of Public Health a notification  
3 containing product technical bioequivalence information as a  
4 prerequisite to product substitution when they have completed  
5 all required testing to support FDA product approval and, in  
6 any event, the information shall be submitted no later than 60  
7 days prior to product substitution in the State. On the  
8 prescription forms of prescribers, shall be placed a signature  
9 line and the words ~~"may substitute"~~ and "may not substitute".  
10 The prescriber, in his or her own handwriting, shall place a  
11 mark beside ~~either the "may substitute" or "may not substitute"~~  
12 ~~alternatives~~ to direct ~~guide~~ the pharmacist in the dispensing  
13 of the prescription. ~~A prescriber placing a mark beside the~~  
14 ~~"may substitute" alternative or failing in his or her own~~  
15 ~~handwriting to place a mark beside either alternative~~  
16 ~~authorizes drug product selection in accordance with this Act.~~  
17 Preprinted or rubber stamped marks, or other deviations from  
18 the above prescription format shall not be permitted. The  
19 prescriber shall sign the form in his or her own handwriting to  
20 authorize the issuance of the prescription. ~~When a person~~  
21 ~~presents a prescription to be dispensed, the pharmacist to whom~~  
22 ~~it is presented may inform the person if the pharmacy has~~  
23 ~~available a different brand name or nonbrand name of the same~~  
24 ~~generic drug prescribed and the price of the different brand~~  
25 ~~name or nonbrand name of the drug product. If the person~~  
26 ~~presenting the prescription is the one to whom the drug is to~~

1 ~~be administered, the pharmacist may dispense the prescription~~  
2 ~~with the brand prescribed or a different brand name or nonbrand~~  
3 ~~name product of the same generic name, if the drug is of lesser~~  
4 ~~unit cost and the patient is informed and agrees to the~~  
5 ~~selection and the pharmacist shall enter such information into~~  
6 ~~the pharmacy record. If the person presenting the prescription~~  
7 ~~is someone other than the one to whom the drug is to be~~  
8 ~~administered the pharmacist shall not dispense the~~  
9 ~~prescription with a brand other than the one specified in the~~  
10 ~~prescription unless the pharmacist has the written or oral~~  
11 ~~authorization to select brands from the person to whom the drug~~  
12 ~~is to be administered or a parent, legal guardian or spouse of~~  
13 ~~that person.~~

14 In every case in which a selection is made as permitted by  
15 the Illinois Food, Drug and Cosmetic Act, the pharmacist shall  
16 indicate on the pharmacy record of the filled prescription the  
17 name or other identification of the manufacturer of the drug  
18 which has been dispensed.

19 The selection of any drug product by a pharmacist shall not  
20 constitute evidence of negligence if the selected nonlegend  
21 drug product was of the same dosage form and each of its active  
22 ingredients did not vary by more than 1 percent from the active  
23 ingredients of the prescribed, brand name, nonlegend drug  
24 product. Failure of a prescribing physician to specify that  
25 drug product selection is prohibited does not constitute  
26 evidence of negligence unless that practitioner has reasonable

1 cause to believe that the health condition of the patient for  
2 whom the physician is prescribing warrants the use of the brand  
3 name drug product and not another.

4 The Department is authorized to employ an analyst or  
5 chemist of recognized or approved standing whose duty it shall  
6 be to examine into any claimed adulteration, illegal  
7 substitution, improper selection, alteration, or other  
8 violation hereof, and report the result of his investigation,  
9 and if such report justify such action the Department shall  
10 cause the offender to be prosecuted.

11 (Source: P.A. 93-841, eff. 7-30-04; 94-936, eff. 6-26-06.)

12 (225 ILCS 85/25.5 new)

13 Sec. 25.5. Centralized prescription filling.

14 (a) In this Section, "centralized prescription filling"  
15 means the filling of a prescription by one pharmacy upon  
16 request by another pharmacy to fill or refill the prescription.  
17 "Centralized prescription filling" includes the performance by  
18 one pharmacy for another pharmacy of other pharmacy duties such  
19 as drug utilization review, therapeutic drug utilization  
20 review, claims adjudication, and the obtaining of refill  
21 authorizations.

22 (b) A pharmacy licensed under this Act may perform  
23 centralized prescription filling for another pharmacy,  
24 provided that both pharmacies have the same owner or have a  
25 written contract specifying (i) the services to be provided by

1 each pharmacy, (ii) the responsibilities of each pharmacy, and  
2 (iii) the manner in which the pharmacies shall comply with  
3 federal and State laws, rules, and regulations.

4 (225 ILCS 85/25.10 new)

5 Sec. 25.10. Remote prescription processing.

6 (a) In this Section, "remote prescription processing"  
7 means and includes the outsourcing of certain prescription  
8 functions to another pharmacy or licensed non-resident  
9 pharmacy, including the dispensing of drugs. "Remote  
10 prescription processing" includes any of the following  
11 activities related to the dispensing process:

12 (1) Receiving, interpreting, evaluating, or clarifying  
13 prescriptions.

14 (2) Entering prescription and patient data into a data  
15 processing system.

16 (3) Transferring prescription information.

17 (4) Performing a drug regimen review.

18 (5) Obtaining refill or substitution authorizations or  
19 otherwise communicating with the prescriber concerning a  
20 patient's prescription.

21 (6) Evaluating clinical data for prior authorization  
22 for dispensing.

23 (7) Discussing therapeutic interventions with  
24 prescribers.

25 (8) Providing drug information or counseling

1 concerning a patient's prescription to the patient or  
2 patient's agent, as defined in this Act.

3 (b) A pharmacy may engage in remote prescription processing  
4 under the following conditions:

5 (1) The pharmacies shall either have the same owner or  
6 have a written contract describing the scope of services to  
7 be provided and the responsibilities and accountabilities  
8 of each pharmacy in compliance with all federal and State  
9 laws and regulations related to the practice of pharmacy.

10 (2) The pharmacies shall share a common electronic file  
11 or have technology that allows sufficient information  
12 necessary to process a non-dispensing function.

13 (3) The records may be maintained separately by each  
14 pharmacy or in common electronic file shared by both  
15 pharmacies, provided that the system can produce a record  
16 at either location showing each processing task, the  
17 identity of the person performing each task, and the  
18 location where each task was performed.

19 (c) Nothing in this Section shall prohibit an individual  
20 employee licensed as a pharmacist from accessing the employer  
21 pharmacy's database from a pharmacist's home or other remote  
22 location or home verification for the purpose of performing  
23 certain prescription processing functions, provided that the  
24 pharmacy establishes controls to protect the privacy and  
25 security of confidential records.



1 (225 ILCS 85/25.15 new)

2 Sec. 25.15. Telepharmacy.

3 (a) In this Section, "telepharmacy" means the provision of  
4 pharmacist care by a pharmacist that is accomplished through  
5 the use of telecommunications or other technologies to patients  
6 or their agents who are at a distance and are located within  
7 the United States, and which follows all federal and State  
8 laws, rules, and regulations with regard to privacy and  
9 security.

10 (b) Any pharmacy engaged in the practice of telepharmacy  
11 must meet all of the following conditions:

12 (1) All events involving the contents of an automated  
13 pharmacy system must be stored in a secure location and may  
14 be recorded electronically.

15 (2) An automated pharmacy or prescription dispensing  
16 machine system may be used in conjunction with the  
17 pharmacy's practice of telepharmacy after inspection and  
18 approval by the Department.

19 (3) The pharmacist in charge shall:

20 (A) be responsible for the practice of  
21 telepharmacy performed at a remote pharmacy, including  
22 the supervision of any prescription dispensing machine  
23 or automated medication system;

24 (B) ensure that the home pharmacy has sufficient  
25 pharmacists on duty for the safe operation and  
26 supervision of all remote pharmacies;

1           (C) ensure, through the use of a video and auditory  
2           communication system, that a certified pharmacy  
3           technician at the remote pharmacy has accurately and  
4           correctly prepared any prescription for dispensing  
5           according to the prescription;

6           (D) be responsible for the supervision and  
7           training of certified pharmacy technicians at remote  
8           pharmacies who shall be subject to all rules and  
9           regulations; and

10           (E) ensure that patient counseling at the remote  
11           pharmacy is performed by a pharmacist or pharmacist  
12           intern.

13           (225 ILCS 85/25.20 new)

14           Sec. 25.20. Electronic visual image prescriptions. If a  
15           pharmacy's computer system can capture an unalterable  
16           electronic visual image of the prescription drug order, the  
17           electronic image shall constitute the original prescription  
18           and a hard copy of the prescription drug order is not required.  
19           The computer system must be capable of maintaining, printing,  
20           and providing, upon a request by the Department, the  
21           Department's compliance officers, and other authorized agents,  
22           all of the prescription information required by State law and  
23           regulations of the Department within 72 hours of the request.

24           (225 ILCS 85/26)

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

2 Sec. 26. Anti-epileptic drug product selection prohibited.

3 (a) The General Assembly finds that this Section is  
4 necessary for the immediate preservation of the public peace,  
5 health, and safety.

6 (b) In this Section:

7 "Anti-epileptic drug means (i) any drug prescribed for the  
8 treatment of epilepsy or (ii) a drug used to treat or prevent  
9 seizures.

10 "Epilepsy" means a neurological condition characterized by  
11 recurrent seizures.

12 "Seizure" means a brief disturbance in the electrical  
13 activity of the brain.

14 (c) When the prescribing physician has indicated on the  
15 original prescription ~~"dispense as written" or "may not~~  
16 ~~substitute",~~ a pharmacist may not interchange an  
17 anti-epileptic drug or formulation of an anti-epileptic drug  
18 for the treatment of epilepsy without notification and the  
19 documented consent of the prescribing physician and the patient  
20 or the patient's parent, legal guardian, or spouse. This  
21 Section does not apply to medication orders issued for  
22 anti-epileptic drugs for any in-patient care in a licensed  
23 hospital.

24 (Source: P.A. 94-936, eff. 6-26-06.)

25 (225 ILCS 85/27) (from Ch. 111, par. 4147)

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

2 Sec. 27. Fees.

3 (a) The Department shall, by rule, provide for a schedule  
4 of fees to be paid for licenses and certificates. These fees  
5 shall be for the administration and enforcement of this Act,  
6 including without limitation original licensure and renewal  
7 and restoration of licensure. All fees are nonrefundable.

8 (b) Applicants ~~The following fees are not refundable. (A)~~  
9 ~~Certificate of pharmacy technician. (1) The fee for application~~  
10 ~~for a certificate of registration as a pharmacy technician is~~  
11 ~~\$40. (2) The fee for the renewal of a certificate of~~  
12 ~~registration as a pharmacy technician shall be calculated at~~  
13 ~~the rate of \$25 per year. (B) License as a pharmacist. (1) The~~  
14 ~~fee for application for a license is \$75. (2) In addition,~~  
15 ~~applicants~~ for any examination as a ~~registered~~ pharmacist shall  
16 be required to pay, either to the Department or to the  
17 designated testing service, a fee covering the cost of  
18 determining an applicant's eligibility and providing the  
19 examination. Failure to appear for the examination on the  
20 scheduled date, at the time and place specified, after the  
21 applicant's application for examination has been received and  
22 acknowledged by the Department or the designated testing  
23 service, shall result in the forfeiture of the examination fee.

24 ~~(3) The fee for a license as a registered pharmacist~~  
25 ~~registered or licensed under the laws of another state or~~  
26 ~~territory of the United States is \$200.~~

1           ~~(4) The fee upon the renewal of a license shall be~~  
2           ~~calculated at the rate of \$75 per year.~~

3           ~~(5) The fee for the restoration of a certificate other~~  
4           ~~than from inactive status is \$10 plus all lapsed renewal~~  
5           ~~fees.~~

6           (c) ~~(6)~~ Applicants for the preliminary diagnostic  
7           examination shall be required to pay, either to the Department  
8           or to the designated testing service, a fee covering the cost  
9           of determining an applicant's eligibility and providing the  
10          examination. Failure to appear for the examination on the  
11          scheduled date, at the time and place specified, after the  
12          application for examination has been received and acknowledged  
13          by the Department or the designated testing service, shall  
14          result in the forfeiture of the examination fee.

15          ~~(7) The fee to have the scoring of an examination~~  
16          ~~authorized by the Department reviewed and verified is \$20~~  
17          ~~plus any fee charged by the applicable testing service.~~

18          ~~(C) License as a pharmacy.~~

19          ~~(1) The fee for application for a license for a~~  
20          ~~pharmacy under this Act is \$100.~~

21          ~~(2) The fee for the renewal of a license for a pharmacy~~  
22          ~~under this Act shall be calculated at the rate of \$100 per~~  
23          ~~year.~~

24          ~~(3) The fee for the change of a pharmacist in charge is~~  
25          ~~\$25.~~

26          ~~(D) General Fees.~~

1           ~~(1) The fee for the issuance of a duplicate license,~~  
2           ~~for the issuance of a replacement license for a license~~  
3           ~~that has been lost or destroyed or for the issuance of a~~  
4           ~~license with a change of name or address other than during~~  
5           ~~the renewal period is \$20. No fee is required for name and~~  
6           ~~address changes on Department records when no duplicate~~  
7           ~~certification is issued.~~

8           ~~(2) The fee for a certification of a registrant's~~  
9           ~~record for any purpose is \$20.~~

10           ~~(3) The fee to have the scoring of an examination~~  
11           ~~administered by the Department reviewed and verified is~~  
12           ~~\$20.~~

13           ~~(4) The fee for a wall certificate showing licensure or~~  
14           ~~registration shall be the actual cost of producing the~~  
15           ~~certificate.~~

16           ~~(5) The fee for a roster of persons registered as~~  
17           ~~pharmacists or registered pharmacies in this State shall be~~  
18           ~~the actual cost of producing the roster.~~

19           ~~(6) The fee for pharmacy licensing, disciplinary or~~  
20           ~~investigative records obtained pursuant to a subpoena is \$1~~  
21           ~~per page.~~

22           (d) All fees, fines, or penalties ~~(E) Except as provided in~~  
23           ~~subsection (F), all moneys~~ received by the Department under  
24           this Act shall be deposited in the Illinois State Pharmacy  
25           Disciplinary Fund hereby created in the State Treasury and  
26           shall be used by the Department in the exercise of its powers

1 and performance of its duties under this Act, including, but  
2 not limited to, the provision for evidence in pharmacy  
3 investigations. ~~only for the following purposes: (a) by the~~  
4 ~~State Board of Pharmacy in the exercise of its powers and~~  
5 ~~performance of its duties, as such use is made by the~~  
6 ~~Department upon the recommendations of the State Board of~~  
7 ~~Pharmacy, (b) for costs directly related to license renewal of~~  
8 ~~persons licensed under this Act, and (c) for direct and~~  
9 ~~allocable indirect costs related to the public purposes of the~~  
10 ~~Department of Professional Regulation.~~

11 Moneys in the Fund may be transferred to the Professions  
12 Indirect Cost Fund as authorized under Section 2105-300 of the  
13 Department of Professional Regulation Law (20 ILCS  
14 2105/2105-300).

15 The moneys deposited in the Illinois State Pharmacy  
16 Disciplinary Fund shall be invested to earn interest which  
17 shall accrue to the Fund. ~~The Department shall present to the~~  
18 ~~Board for its review and comment all appropriation requests~~  
19 ~~from the Illinois State Pharmacy Disciplinary Fund. The~~  
20 ~~Department shall give due consideration to any comments of the~~  
21 ~~Board in making appropriation requests.~~

22 (e) ~~(F)~~ From the money received for license renewal fees,  
23 \$5 from each pharmacist fee, and \$2.50 from each pharmacy  
24 technician fee, shall be set aside within the Illinois State  
25 Pharmacy Disciplinary Fund for the purpose of supporting a  
26 substance abuse program for pharmacists and pharmacy

1 technicians. ~~The State Board of Pharmacy shall, pursuant to all~~  
2 ~~provisions of the Illinois Procurement Code, determine how and~~  
3 ~~to whom the money set aside under this subsection is disbursed.~~

4 ~~(C) (Blank).~~

5 (Source: P.A. 91-239, eff. 1-1-00; 92-880, eff. 1-1-04.)

6 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

8 Sec. 30. (a) In accordance with Section 11 of this Act, the  
9 Department may refuse to issue, restore, or renew, or may  
10 revoke, suspend, place on probation, or reprimand ~~or take other~~  
11 ~~disciplinary action~~ as the Department may deem proper with  
12 regard to any license or certificate of registration or may  
13 impose a fine upon a licensee not to exceed \$10,000 per  
14 violation for any one or combination of the following causes:

15 1. Material misstatement in furnishing information to  
16 the Department.

17 2. Violations of this Act, or the rules promulgated  
18 hereunder.

19 3. Making any misrepresentation for the purpose of  
20 obtaining licenses.

21 4. A pattern of conduct which demonstrates  
22 incompetence or unfitness to practice.

23 5. Aiding or assisting another person in violating any  
24 provision of this Act or rules.

25 6. Failing, within 60 days, to respond to a written



1 request made by the Department for information.

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

5 8. Discipline by another U.S. jurisdiction or foreign  
6 nation, if at least one of the grounds for the discipline  
7 is the same or substantially equivalent to those set forth  
8 herein.

9 9. 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 professional services not actually or personally  
13 rendered.

14 10. A finding by the Department that the licensee,  
15 after having his license placed on probationary status has  
16 violated the terms of probation.

17 11. Selling or engaging in the sale of drug samples  
18 provided at no cost by drug manufacturers.

19 12. Physical illness, including but not limited to,  
20 deterioration through the aging process, or loss of motor  
21 skill which results in the inability to practice the  
22 profession with reasonable judgment, skill or safety.

23 13. A finding that licensure or registration has been  
24 applied for or obtained by fraudulent means.

25 14. The applicant~~r~~ or licensee has been convicted in  
26 state or federal court of or entered a plea of guilty, nolo

1       contendere, or the equivalent in a state or federal court  
2       to any crime which is a felony or any misdemeanor related  
3       to the practice of pharmacy, of which an essential element  
4       is dishonesty.

5           15. Habitual or excessive use or addiction to alcohol,  
6       narcotics, stimulants or any other chemical agent or drug  
7       which results in the inability to practice with reasonable  
8       judgment, skill or safety.

9           16. Willfully making or filing false records or reports  
10       in the practice of pharmacy, including, but not limited to  
11       false records to support claims against the medical  
12       assistance program of the Department of Healthcare and  
13       Family Services (formerly Department of Public Aid) under  
14       the Public Aid Code.

15           17. Gross and willful overcharging for professional  
16       services including filing false statements for collection  
17       of fees for which services are not rendered, including, but  
18       not limited to, filing false statements for collection of  
19       monies for services not rendered from the medical  
20       assistance program of the Department of Healthcare and  
21       Family Services (formerly Department of Public Aid) under  
22       the Public Aid Code.

23           18. Repetitiously dispensing prescription drugs  
24       without receiving a written or oral prescription.

25           19. Upon a finding of a substantial discrepancy in a  
26       Department audit of a prescription drug, including

1 controlled substances, as that term is defined in this Act  
2 or in the Illinois Controlled Substances Act.

3 20. Physical or mental illness or any other impairment  
4 or disability, including without limitation deterioration  
5 through the aging process or loss of motor skills that  
6 ~~which~~ results in the inability to practice with reasonable  
7 judgment, skill or safety, or mental incompetence,  
8 ~~incompetency~~ as declared by a court of competent  
9 jurisdiction.

10 21. Violation of the Health Care Worker Self-Referral  
11 Act.

12 22. Failing to sell or dispense any drug, medicine, or  
13 poison in good faith. "Good faith", for the purposes of  
14 this Section, has the meaning ascribed to it in subsection  
15 (u) of Section 102 of the Illinois Controlled Substances  
16 Act.

17 23. Interfering with the professional judgment of a  
18 pharmacist by any registrant under this Act, or his or her  
19 agents or employees.

20 24. Failing to report within 60 days to the Department  
21 any adverse final action taken against an applicant or  
22 licensee by another licensing jurisdiction in any other  
23 state or any territory of the United States or any foreign  
24 jurisdiction, any governmental agency, any law enforcement  
25 agency, or any court for acts or conduct similar to acts or  
26 conduct that would constitute grounds for discipline as

1           defined in this Section.

2           25. Failing to comply with a subpoena issued in  
3           accordance with Section 35.5 of this Act.

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

11           (c) The Department shall revoke the license or certificate  
12 of registration issued under the provisions of this Act or any  
13 prior Act of this State of any person who has been convicted a  
14 second time of committing any felony under the Illinois  
15 Controlled Substances Act, or who has been convicted a second  
16 time of committing a Class 1 felony under Sections 8A-3 and  
17 8A-6 of the Illinois Public Aid Code. A person whose license or  
18 certificate of registration issued under the provisions of this  
19 Act or any prior Act of this State is revoked under this  
20 subsection (c) shall be prohibited from engaging in the  
21 practice of pharmacy in this State.

22           (d) The Department may adopt rules for the imposition of  
23 fines in disciplinary cases, not to exceed \$10,000 for each  
24 violation of this Act. Fines may be imposed in conjunction with  
25 other forms of disciplinary action, but shall not be the  
26 exclusive disposition of any disciplinary action arising out of

1 conduct resulting in death or injury to a patient. Any funds  
2 collected from such fines shall be deposited in the Illinois  
3 State Pharmacy Disciplinary Fund. ~~In any order issued in~~  
4 ~~resolution of a disciplinary proceeding, the Board may request~~  
5 ~~any licensee found guilty of a charge involving a significant~~  
6 ~~violation of subsection (a) of Section 5, or paragraph 19 of~~  
7 ~~Section 30 as it pertains to controlled substances, to pay to~~  
8 ~~the Department a fine not to exceed \$2,000.~~

9 (e) The entry of an order or judgment by any circuit court  
10 establishing that any person holding a license or certificate  
11 under this Act is a person in need of mental treatment operates  
12 as a suspension of that license. A licensee may resume his or  
13 her practice only upon the entry of an order of the Department  
14 based upon a finding by the Board that he or she has been  
15 determined to be recovered from mental illness by the court and  
16 upon the Board's recommendation that the licensee be permitted  
17 to resume his or her practice. ~~In any order issued in~~  
18 ~~resolution of a disciplinary proceeding, in addition to any~~  
19 ~~other disciplinary action, the Board may request any licensee~~  
20 ~~found guilty of noncompliance with the continuing education~~  
21 ~~requirements of Section 12 to pay the Department a fine not to~~  
22 ~~exceed \$1000.~~

23 (f) The Department shall issue quarterly to the Board a  
24 status of all complaints related to the profession received by  
25 the Department.

26 (g) In enforcing this Section, the Board or the Department,

1 upon a showing of a possible violation, may compel any licensee  
2 or applicant for licensure under this Act to submit to a mental  
3 or physical examination or both, as required by and at the  
4 expense of the Department. The examining physician shall be  
5 those specifically designated by the Department. The Board or  
6 the Department may order the examining physician to present  
7 testimony concerning this mental or physical examination of the  
8 licensee or applicant. No information shall be excluded by  
9 reason of any common law or statutory privilege relating to  
10 communication between the licensee or applicant and the  
11 examining physician. The individual to be examined may have, at  
12 his or her own expense, another physician of his or her choice  
13 present during all aspects of the examination. Failure of any  
14 individual to submit to a mental or physical examination when  
15 directed shall be grounds for suspension of his or her license  
16 until such time as the individual submits to the examination if  
17 the Board finds, after notice and hearing, that the refusal to  
18 submit to the examination was without reasonable cause. If the  
19 Board finds a pharmacist or pharmacy technician unable to  
20 practice because of the reasons set forth in this Section, the  
21 Board shall require such pharmacist or pharmacy technician to  
22 submit to care, counseling, or treatment by physicians approved  
23 or designated by the Board as a condition for continued,  
24 reinstated, or renewed licensure to practice. Any pharmacist or  
25 pharmacy technician whose license was granted, continued,  
26 reinstated, renewed, disciplined, or supervised, subject to

1 such terms, conditions, or restrictions, and who fails to  
2 comply with such terms, conditions, or restrictions or to  
3 complete a required program of care, counseling, or treatment,  
4 as determined by the chief pharmacy coordinator or a deputy  
5 pharmacy coordinator, shall be referred to the Secretary for a  
6 determination as to whether the licensee shall have his or her  
7 license suspended immediately, pending a hearing by the Board.  
8 In instances in which the Secretary immediately suspends a  
9 license under this subsection (g), a hearing upon such person's  
10 license must be convened by the Board within 15 days after such  
11 suspension and completed without appreciable delay. The Board  
12 shall have the authority to review the subject pharmacist's or  
13 pharmacy technician's record of treatment and counseling  
14 regarding the impairment.

15 (Source: P.A. 92-880, eff. 1-1-04; revised 12-15-05.)

16 (225 ILCS 85/35.1) (from Ch. 111, par. 4155.1)

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

18 Sec. 35.1. (a) If any person violates the provision of this  
19 Act, the Director may, in the name of the People of the State  
20 of Illinois, through the Attorney General of the State of  
21 Illinois, or the State's Attorney of any county in which the  
22 action is brought, petition, for an order enjoining such  
23 violation or for an order enforcing compliance with this Act.  
24 Upon the filing of a verified petition in such court, the court  
25 may issue a temporary restraining order, without notice or

1 bond, and may preliminarily and permanently enjoin such  
2 violation, and if it is established that such person has  
3 violated or is violating the injunction, the Court may punish  
4 the offender for contempt of court. Proceedings under this  
5 Section shall be in addition to, and not in lieu of, all other  
6 remedies and penalties provided by this Act.

7 (b) If any person shall practice as a pharmacist or hold  
8 himself out as a pharmacist or operate a pharmacy or drugstore,  
9 including a nonresident ~~mail-order~~ pharmacy under Section 16a,  
10 without being licensed under the provisions of this Act, then  
11 any licensed pharmacist, any interested party or any person  
12 injured thereby may, in addition to the Director, petition for  
13 relief as provided in subsection (a) of this Section.

14 Whoever knowingly practices or offers to practice in this  
15 State without being appropriately licensed or registered under  
16 this Act shall be guilty of a Class A misdemeanor and for each  
17 subsequent conviction, shall be guilty of a Class 4 felony.

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

2 (Source: P.A. 92-678, eff. 7-16-02.)

3 (225 ILCS 85/35.2) (from Ch. 111, par. 4155.2)

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

5 Sec. 35.2. The Department's pharmacy investigators may  
6 investigate the actions of any applicant or of any person or  
7 persons holding or claiming to hold a license or registration.  
8 The Department shall, before suspending, revoking, placing on  
9 probationary status, or taking any other disciplinary action as  
10 the Department may deem proper with regard to any license or  
11 certificate, at least 30 days prior to the date set for the  
12 hearing, notify the accused in writing of any charges made and  
13 the time and place for a hearing of the charges before the  
14 Board, direct him or her to file his or her written answer  
15 thereto to the Board under oath within 20 days after the  
16 service on him or her of such notice and inform him or her that  
17 if he or she fails to file such answer default will be taken  
18 against him or her and his or her license or certificate may be  
19 suspended, revoked, placed on probationary status, or have  
20 other disciplinary action, including limiting the scope,  
21 nature or extent of his or her practice, provided for herein.  
22 Such written notice may be served by personal delivery or  
23 certified or registered mail to the respondent at his or her  
24 ~~the~~ address of record ~~his last notification to the Department.~~  
25 At the time and place fixed in the notice, the Board shall

1 proceed to hear the charges and the parties or their counsel  
2 shall be accorded ample opportunity to present such statements,  
3 testimony, evidence and argument as may be pertinent to the  
4 charges or to the defense thereto. Such hearing may be  
5 continued from time to time. In case the accused person, after  
6 receiving notice, fails to file an answer, his or her license  
7 or certificate may in the discretion of the Director, having  
8 received first the recommendation of the Board, be suspended,  
9 revoked, placed on probationary status, or the Director may  
10 take whatever disciplinary action as he or she may deem proper  
11 as provided herein, including limiting the scope, nature, or  
12 extent of said person's practice, without a hearing, if the act  
13 or acts charged constitute sufficient grounds for such action  
14 under this Act.

15 (Source: P.A. 88-428.)

16 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

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

18 Sec. 35.5. The Department shall have power to subpoena and  
19 bring before it any person in this State and to take testimony,  
20 either orally or by deposition or both, with the same fees and  
21 mileage and in the same manner as prescribed by law in judicial  
22 proceedings in civil cases in circuit courts of this State. The  
23 Department may subpoena and compel the production of documents,  
24 papers, files, books, and records in connection with any  
25 hearing or investigation.

1           The Director, and any member of the Board, shall each have  
2 power to administer oaths to witnesses at any hearing which the  
3 Department is authorized to conduct under this Act, and any  
4 other oaths required or authorized to be administered by the  
5 Department hereunder.

6           (Source: P.A. 85-796.)

7           (225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

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

9           Sec. 35.7. Notwithstanding the provisions of Section 35.6  
10 of this Act, the Director shall have the authority to appoint  
11 any attorney duly licensed to practice law in the State of  
12 Illinois to serve as the hearing officer in any action before  
13 the Board for refusal to issue, renew, or discipline of a  
14 license or certificate. The Director shall notify the Board of  
15 any such appointment. The hearing officer shall have full  
16 authority to conduct the hearing. There shall be present at  
17 least one member of the Board at any such hearing. The hearing  
18 officer shall report his findings of fact, conclusions of law  
19 and recommendations to the Board and the Director. ~~The Board~~  
20 ~~shall have 60 days from receipt of the report to review the~~  
21 ~~report of the hearing officer and present their findings of~~  
22 ~~fact, conclusions of law, and recommendations to the Director.~~  
23 ~~If the Board fails to present its report within the 60 day~~  
24 ~~period, the Director may issue an order based on the report of~~  
25 ~~the hearing officer. However, if the Board does present its~~

1 ~~report within the specified 60 days, the Director's order shall~~  
2 ~~be based upon the report of the Board.~~

3 (Source: P.A. 85-796.)

4 (225 ILCS 85/35.10) (from Ch. 111, par. 4155.10)

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

6 Sec. 35.10. None of the disciplinary functions, powers and  
7 duties enumerated in this Act shall be exercised by the  
8 Department except upon the review ~~action and report in writing~~  
9 of the Board.

10 In all instances, under this Act, in which the Board has  
11 rendered a recommendation to the Director with respect to a  
12 particular license or certificate, the Director shall, in the  
13 event that he or she disagrees with or takes action contrary to  
14 the recommendation of the Board, file with the Board ~~and the~~  
15 ~~Secretary of State~~ his or her specific written reasons of  
16 disagreement with the Board. ~~Such reasons shall be filed within~~  
17 ~~30 days of the occurrence of the Director's contrary position~~  
18 ~~having been taken.~~

19 ~~The action and report in writing of a majority of the Board~~  
20 ~~designated is sufficient authority upon which the Director may~~  
21 ~~act.~~

22 (Source: P.A. 85-796.)

23 (225 ILCS 85/35.12) (from Ch. 111, par. 4155.12)

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

1           Sec. 35.12. Notwithstanding the provisions herein  
2 concerning the conduct of hearings and recommendations for  
3 disciplinary actions, the Director shall have the authority to  
4 negotiate agreements with licensees and registrants resulting  
5 in disciplinary consent orders provided a Board member is  
6 present and the discipline is recommended by the Board member.  
7 Such consent orders may provide for any of the forms of  
8 discipline otherwise provided herein. Such consent orders  
9 shall provide that they were not entered into as a result of  
10 any coercion by the Department. ~~The Director shall forward~~  
11 ~~copies of all final consent orders to the Board within 30 days~~  
12 ~~of their entry.~~

13           (Source: P.A. 88-428.)

14           (225 ILCS 85/35.16) (from Ch. 111, par. 4155.16)

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

16           Sec. 35.16. The Director may temporarily suspend the  
17 license of a pharmacist, pharmacy technician or registration as  
18 a distributor, without a hearing, simultaneously with the  
19 institution of proceedings for a hearing provided for in  
20 Section 35.2 of this Act, if the Director finds that evidence  
21 in his possession indicates that a continuation in practice  
22 would constitute an imminent danger to the public. In the event  
23 that the Director suspends, temporarily, this license or  
24 certificate without a hearing, a hearing by the Department must  
25 be held within 15 ~~10~~ days after such suspension has occurred,

1 and be concluded without appreciable delay.

2 (Source: P.A. 85-796.)

3 (225 ILCS 85/35.19) (from Ch. 111, par. 4155.19)

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

5 Sec. 35.19. Any person who is found to have violated any  
6 provision of this Act is guilty of a Class A misdemeanor. On  
7 conviction of a second or subsequent offense, the violator  
8 shall be guilty of a Class 4 felony. All criminal fines,  
9 monies, or other property collected or received by the  
10 Department under this Section or any other State or federal  
11 statute, including, but not limited to, property forfeited to  
12 the Department under Section 505 of The Illinois Controlled  
13 Substances Act, shall be deposited into the Illinois State  
14 Pharmacy Disciplinary ~~Professional Regulation Evidence~~ Fund.

15 (Source: P.A. 86-685.)

16 Section 75. The Veterinary Medicine and Surgery Practice  
17 Act of 2004 is amended by changing Section 17 as follows:

18 (225 ILCS 115/17) (from Ch. 111, par. 7017)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 17. Any person licensed under this Act who dispenses  
21 any drug or medicine shall dispense such drug or medicine in  
22 good faith and shall affix to the container containing the same  
23 a label indicating: (a) the date on which such drug or medicine

1 is dispensed, (b) the name of the owner, (c) the last name of  
2 the person dispensing such drug or medicine, (d) directions for  
3 use thereof, including dosage and quantity, and (e) the  
4 proprietary or generic name of the drug or medicine, except as  
5 otherwise authorized by rules of the Department. This Section  
6 shall not apply to drugs and medicines that are in a container  
7 which bears a label of the manufacturer with information  
8 describing its contents that are in compliance with  
9 requirements of the Federal Food, Drug, and Cosmetic Act or the  
10 Illinois Food, Drug and Cosmetic Act, approved June 29, 1967,  
11 as amended, and which are dispensed without consideration by a  
12 practitioner licensed under this Act. "Drug" and "medicine"  
13 have the meanings ascribed to them in the Pharmacy Practice Act  
14 ~~of 1987~~, as amended, and "good faith" has the meaning ascribed  
15 to it in subsection (v) of Section 102 of the "Illinois  
16 Controlled Substances Act", approved August 16, 1971, as  
17 amended.

18 (Source: P.A. 85-1209.)

19 Section 80."; and

20 on page 33, immediately below line 25, by inserting the  
21 following:

22 "Section 85. The Illinois Public Aid Code is amended by  
23 changing Section 8A-7.1 as follows:

1 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

2 Sec. 8A-7.1. The Director, upon making a determination  
3 based upon information in the possession of the Illinois  
4 Department, that continuation in practice of a licensed health  
5 care professional would constitute an immediate danger to the  
6 public, shall submit a written communication to the Director of  
7 Professional Regulation indicating such determination and  
8 additionally providing a complete summary of the information  
9 upon which such determination is based, and recommending that  
10 the Director of Professional Regulation immediately suspend  
11 such person's license. All relevant evidence, or copies  
12 thereof, in the Illinois Department's possession may also be  
13 submitted in conjunction with the written communication. A copy  
14 of such written communication, which is exempt from the copying  
15 and inspection provisions of the Freedom of Information Act,  
16 shall at the time of submittal to the Director of Professional  
17 Regulation be simultaneously mailed to the last known business  
18 address of such licensed health care professional by certified  
19 or registered postage, United States Mail, return receipt  
20 requested. Any evidence, or copies thereof, which is submitted  
21 in conjunction with the written communication is also exempt  
22 from the copying and inspection provisions of the Freedom of  
23 Information Act.

24 The Director, upon making a determination based upon  
25 information in the possession of the Illinois Department, that



1 a licensed health care professional is willfully committing  
2 fraud upon the Illinois Department's medical assistance  
3 program, shall submit a written communication to the Director  
4 of Professional Regulation indicating such determination and  
5 additionally providing a complete summary of the information  
6 upon which such determination is based. All relevant evidence,  
7 or copies thereof, in the Illinois Department's possession may  
8 also be submitted in conjunction with the written  
9 communication.

10 Upon receipt of such written communication, the Director of  
11 Professional Regulation shall promptly investigate the  
12 allegations contained in such written communication. A copy of  
13 such written communication, which is exempt from the copying  
14 and inspection provisions of the Freedom of Information Act,  
15 shall at the time of submission to the Director of Professional  
16 Regulation, be simultaneously mailed to the last known address  
17 of such licensed health care professional by certified or  
18 registered postage, United States Mail, return receipt  
19 requested. Any evidence, or copies thereof, which is submitted  
20 in conjunction with the written communication is also exempt  
21 from the copying and inspection provisions of the Freedom of  
22 Information Act.

23 For the purposes of this Section, "licensed health care  
24 professional" means any person licensed under the Illinois  
25 Dental Practice Act, the Nursing and Advanced Practice Nursing  
26 Act, the Medical Practice Act of 1987, the Pharmacy Practice

1 Act ~~of 1987~~, the Podiatric Medical Practice Act of 1987, or the  
2 Illinois Optometric Practice Act of 1987.

3 (Source: P.A. 92-651, eff. 7-11-02.)

4 Section 90. The Elder Abuse and Neglect Act is amended by  
5 changing Section 2 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

12 Nothing in this Act shall be construed to mean that an  
13 eligible adult is a victim of abuse, neglect, or self-neglect  
14 for the sole reason that he or she is being furnished with or  
15 relies upon treatment by spiritual means through prayer alone,  
16 in accordance with the tenets and practices of a recognized  
17 church or religious denomination.

18 Nothing in this Act shall be construed to mean that an  
19 eligible adult is a victim of abuse because of health care  
20 services provided or not provided by licensed health care  
21 professionals.

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

24 (a-7) "Caregiver" means a person who either as a result of

1 a family relationship, voluntarily, or in exchange for  
2 compensation has assumed responsibility for all or a portion of  
3 the care of an eligible adult who needs assistance with  
4 activities of daily living.

5 (b) "Department" means the Department on Aging of the State  
6 of Illinois.

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

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

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

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

16 (3) A home, institution, or other place operated by the  
17 federal government or agency thereof or by the State of  
18 Illinois;

19 (4) A hospital, sanitarium, or other institution, the  
20 principal activity or business of which is the diagnosis,  
21 care, and treatment of human illness through the  
22 maintenance and operation of organized facilities  
23 therefor, which is required to be licensed under the  
24 Hospital Licensing Act;

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

1           (6) A "community residential alternative" as defined  
2 in the Community Residential Alternatives Licensing Act;

3           (7) A "community-integrated living arrangement" as  
4 defined in the Community-Integrated Living Arrangements  
5 Licensure and Certification Act;

6           (8) An assisted living or shared housing establishment  
7 as defined in the Assisted Living and Shared Housing Act;  
8 or

9           (9) A supportive living facility as described in  
10 Section 5-5.01a of the Illinois Public Aid Code.

11          (e) "Eligible adult" means a person 60 years of age or  
12 older who resides in a domestic living situation and is, or is  
13 alleged to be, abused, neglected, or financially exploited by  
14 another individual or who neglects himself or herself.

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

20          (f-5) "Mandated reporter" means any of the following  
21 persons while engaged in carrying out their professional  
22 duties:

23           (1) a professional or professional's delegate while  
24 engaged in: (i) social services, (ii) law enforcement,  
25 (iii) education, (iv) the care of an eligible adult or  
26 eligible adults, or (v) any of the occupations required to

1 be licensed under the Clinical Psychologist Licensing Act,  
2 the Clinical Social Work and Social Work Practice Act, the  
3 Illinois Dental Practice Act, the Dietetic and Nutrition  
4 Services Practice Act, the Marriage and Family Therapy  
5 Licensing Act, the Medical Practice Act of 1987, the  
6 Naprapathic Practice Act, the Nursing and Advanced  
7 Practice Nursing Act, the Nursing Home Administrators  
8 Licensing and Disciplinary Act, the Illinois Occupational  
9 Therapy Practice Act, the Illinois Optometric Practice Act  
10 of 1987, the Pharmacy Practice Act ~~of 1987~~, the Illinois  
11 Physical Therapy Act, the Physician Assistant Practice Act  
12 of 1987, the Podiatric Medical Practice Act of 1987, the  
13 Respiratory Care Practice Act, the Professional Counselor  
14 and Clinical Professional Counselor Licensing Act, the  
15 Illinois Speech-Language Pathology and Audiology Practice  
16 Act, the Veterinary Medicine and Surgery Practice Act of  
17 2004, and the Illinois Public Accounting Act;

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

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

24 (4) any religious practitioner who provides treatment  
25 by prayer or spiritual means alone in accordance with the  
26 tenets and practices of a recognized church or religious

1 denomination, except as to information received in any  
2 confession or sacred communication enjoined by the  
3 discipline of the religious denomination to be held  
4 confidential;

5 (5) field personnel of the Department of Healthcare and  
6 Family Services, Department of Public Health, and  
7 Department of Human Services, and any county or municipal  
8 health department;

9 (6) personnel of the Department of Human Services, the  
10 Guardianship and Advocacy Commission, the State Fire  
11 Marshal, local fire departments, the Department on Aging  
12 and its subsidiary Area Agencies on Aging and provider  
13 agencies, and the Office of State Long Term Care Ombudsman;

14 (7) any employee of the State of Illinois not otherwise  
15 specified herein who is involved in providing services to  
16 eligible adults, including professionals providing medical  
17 or rehabilitation services and all other persons having  
18 direct contact with eligible adults;

19 (8) a person who performs the duties of a coroner or  
20 medical examiner; or

21 (9) a person who performs the duties of a paramedic or  
22 an emergency medical technician.

23 (g) "Neglect" means another individual's failure to  
24 provide an eligible adult with or willful withholding from an  
25 eligible adult the necessities of life including, but not  
26 limited to, food, clothing, shelter or health care. This

1 subsection does not create any new affirmative duty to provide  
2 support to eligible adults. Nothing in this Act shall be  
3 construed to mean that an eligible adult is a victim of neglect  
4 because of health care services provided or not provided by  
5 licensed health care professionals.

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

11 (i) "Regional administrative agency" means any public or  
12 nonprofit agency in a planning and service area so designated  
13 by the Department, provided that the designated Area Agency on  
14 Aging shall be designated the regional administrative agency if  
15 it so requests. The Department shall assume the functions of  
16 the regional administrative agency for any planning and service  
17 area where another agency is not so designated.

18 (i-5) "Self-neglect" means a condition that is the result  
19 of an eligible adult's inability, due to physical or mental  
20 impairments, or both, or a diminished capacity, to perform  
21 essential self-care tasks that substantially threaten his or  
22 her own health, including: providing essential food, clothing,  
23 shelter, and health care; and obtaining goods and services  
24 necessary to maintain physical health, mental health,  
25 emotional well-being, and general safety.

26 (j) "Substantiated case" means a reported case of alleged

1 or suspected abuse, neglect, financial exploitation, or  
2 self-neglect in which a provider agency, after assessment,  
3 determines that there is reason to believe abuse, neglect, or  
4 financial exploitation has occurred.

5 (Source: P.A. 93-281 eff. 12-31-03; 93-300, eff. 1-1-04;  
6 94-1064, eff. 1-1-07.)

7 Section 95. The Senior Citizens and Disabled Persons  
8 Property Tax Relief and Pharmaceutical Assistance Act is  
9 amended by changing Section 3.17 as follows:

10 (320 ILCS 25/3.17) (from Ch. 67 1/2, par. 403.17)

11 Sec. 3.17. "Authorized pharmacy" means any pharmacy  
12 registered in this State under the Pharmacy Practice Act ~~of~~  
13 ~~1987~~.

14 (Source: P.A. 85-1209.)

15 Section 100. The Illinois Prescription Drug Discount  
16 Program Act is amended by changing Section 15 as follows:

17 (320 ILCS 55/15)

18 Sec. 15. Definitions. As used in this Act:

19 "Authorized pharmacy" means any pharmacy registered in  
20 this State under the Pharmacy Practice Act ~~of 1987~~ or approved  
21 by the Department of Financial and Professional Regulation and  
22 approved by the Department or its program administrator.



1 "AWP" or "average wholesale price" means the amount  
2 determined from the latest publication of the Red Book, a  
3 universally subscribed pharmacist reference guide annually  
4 published by the Hearst Corporation. "AWP" or "average  
5 wholesale price" may also be derived electronically from the  
6 drug pricing database synonymous with the latest publication of  
7 the Red Book and furnished in the National Drug Data File  
8 (NDDF) by First Data Bank (FDB), a service of the Hearst  
9 Corporation.

10 "Covered medication" means any medication included in the  
11 Illinois Prescription Drug Discount Program.

12 "Department" means the Department of Healthcare and Family  
13 Services.

14 "Director" means the Director of Healthcare and Family  
15 Services.

16 "Drug manufacturer" means any entity (1) that is located  
17 within or outside Illinois that is engaged in (i) the  
18 production, preparation, propagation, compounding, conversion,  
19 or processing of prescription drug products covered under the  
20 program, either directly or indirectly by extraction from  
21 substances of natural origin, independently by means of  
22 chemical synthesis, or by a combination of extraction and  
23 chemical synthesis or (ii) the packaging, repackaging,  
24 leveling, labeling, or distribution of prescription drug  
25 products covered under the program and (2) that elects to  
26 provide prescription drugs either directly or under contract

1 with any entity providing prescription drug services on behalf  
2 of the State of Illinois. "Drug manufacturer", however, does  
3 not include a wholesale distributor of drugs or a retail  
4 pharmacy licensed under Illinois law.

5 "Federal Poverty Limit" or "FPL" means the Federal Poverty  
6 Income Guidelines published annually in the Federal Register.

7 "Prescription drug" means any prescribed drug that may be  
8 legally dispensed by an authorized pharmacy.

9 "Program" means the Illinois Prescription Drug Discount  
10 Program created under this Act.

11 "Program administrator" means the entity that is chosen by  
12 the Department to administer the program. The program  
13 administrator may, in this case, be the Director or a Pharmacy  
14 Benefits Manager (PBM) chosen to subcontract with the Director.

15 "Rules" includes rules adopted and forms prescribed by the  
16 Department.

17 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06.)

18 Section 105. The Illinois Food, Drug and Cosmetic Act is  
19 amended by changing Sections 2.22, 3.14 and 3.21 as follows:

20 (410 ILCS 620/2.22) (from Ch. 56 1/2, par. 502.22)

21 Sec. 2.22. "Drug product selection", as used in Section  
22 3.14 of this Act, means the act of selecting the source of  
23 supply of a drug product in a specified dosage form in  
24 accordance with Section 3.14 of this Act and Section 25 of the

1 Pharmacy Practice Act ~~of 1987~~.

2 (Source: P.A. 85-1209.)

3 (410 ILCS 620/3.14) (from Ch. 56 1/2, par. 503.14)

4 Sec. 3.14. Dispensing or causing to be dispensed a  
5 different drug in place of the drug or brand of drug ordered or  
6 prescribed without the express permission of the person  
7 ordering or prescribing. Except as set forth in Section 26 of  
8 the Pharmacy Practice Act, this Section does not prohibit the  
9 interchange of different brands of the same generically  
10 equivalent drug product, when the drug products are not  
11 required to bear the legend "Caution: Federal law prohibits  
12 dispensing without prescription", provided that the same  
13 dosage form is dispensed and there is no greater than 1%  
14 variance in the stated amount of each active ingredient of the  
15 drug products. A generic drug determined to be therapeutically  
16 equivalent by the United States Food and Drug Administration  
17 (FDA) shall be available for substitution in Illinois in  
18 accordance with this Act and the Pharmacy Practice Act ~~of 1987~~,  
19 provided that each manufacturer submits to the Director of the  
20 Department of Public Health a notification containing product  
21 technical bioequivalence information as a prerequisite to  
22 product substitution when they have completed all required  
23 testing to support FDA product approval and, in any event, the  
24 information shall be submitted no later than 60 days prior to  
25 product substitution in the State.

1 (Source: P.A. 93-841, eff. 7-30-04; 94-936, eff. 6-26-06.)

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

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

9 (Source: P.A. 93-281, eff. 12-31-03.)

10 Section 110. The Uniform Hazardous Substances Act of  
11 Illinois is amended by changing Section 13 as follows:

12 (430 ILCS 35/13) (from Ch. 111 1/2, par. 263)

13 Sec. 13. This Act shall not apply to:

14 (1) Any carrier, while lawfully engaged in transporting a  
15 hazardous substance within this State, if such carrier shall,  
16 upon request, permit the Director or his designated agent to  
17 copy all records showing the transactions in and movements of  
18 the articles;

19 (2) Public Officials of this State and of the federal  
20 government engaged in the performance of their official duties;

21 (3) The manufacturer or shipper of a hazardous substance  
22 for experimental use only:

23 (a) By or under the supervision of an agency of this State

1 or of the federal government authorized by law to conduct  
2 research in the field of hazardous substances; or

3 (b) By others if the hazardous substance is not sold and if  
4 the container thereof is plainly and conspicuously marked "For  
5 experimental use only -- Not to be sold", together with the  
6 manufacturer's name and address; provided, however, that if a  
7 written permit has been obtained from the Director, hazardous  
8 substances may be sold for experimental purposes subject to  
9 such restrictions and conditions as may be set forth in the  
10 permit;

11 (4) Any food, drug or cosmetic subject to the Federal Food,  
12 Drug and Cosmetic Act or to the Illinois Food, Drug and  
13 Cosmetic Act, or to preparations, drugs and chemicals which are  
14 dispensed by pharmacists authorized by and pursuant to the  
15 Pharmacy Practice Act ~~of 1987~~; provided that this Act shall  
16 apply to any pressurized container containing a food, drug,  
17 cosmetic, chemical or other preparation.

18 (5) Any economic poison subject to the Federal Insecticide,  
19 Fungicide and Rodenticide Act, or to the "Illinois Pesticide  
20 Act", approved August 14, 1979, as amended, but shall apply to  
21 any article which is not itself an economic poison within the  
22 meaning of the Federal Insecticide, Fungicide and Rodenticide  
23 Act or the Illinois Pesticide Act, approved August 14, 1979, as  
24 amended, but which is a hazardous substance within the meaning  
25 of Section 2-4 of this Act, by reason of bearing or containing  
26 such an economic poison.

1           (6) Fuel used primarily for cooking, heating or  
2 refrigeration when stored in containers and used in the  
3 heating, cooking or refrigeration system of a household.

4           (7) Any article of wearing apparel, bedding, fabric, doll  
5 or toy which is subject to the provisions of the Illinois  
6 Flammable Fabrics and Toys Act, by reason of its flammable  
7 nature, but this Act shall apply to such article if it bears or  
8 contains a substance or mixture of substances which is toxic,  
9 corrosive, an irritant, strong sensitizer, or which generates  
10 pressure through decomposition, heat or other means and which  
11 may cause substantial personal injury or illness during or as a  
12 proximate result of any customary or reasonably anticipated  
13 handling or use including reasonably foreseeable ingestion by  
14 children.

15           (8) Any source material, special nuclear material, or  
16 by-product material as defined in the Atomic Energy Act of  
17 1954, as amended, and regulations issued pursuant thereto by  
18 the Atomic Energy Commission.

19           (9) The labeling of any equipment or facilities for the  
20 use, storage, transportation, or manufacture of any hazardous  
21 material which is required to be placarded by "An Act to  
22 require labeling of equipment and facilities for the use,  
23 transportation, storage and manufacture of hazardous materials  
24 and to provide for a uniform response system to hazardous  
25 materials emergencies", approved August 26, 1976, as amended.

26           The Director may exempt from the requirements established

1 by or pursuant to this Act any hazardous substance or container  
2 of a hazardous substance with respect to which he finds  
3 adequate requirements satisfying the purposes of this Act have  
4 been established by or pursuant to and in compliance with any  
5 other federal or state law.

6 (Source: P.A. 85-1209.)

7 Section 115. The Illinois Abortion Law of 1975 is amended  
8 by changing Section 11 as follows:

9 (720 ILCS 510/11) (from Ch. 38, par. 81-31)

10 Sec. 11. (1) Any person who intentionally violates any  
11 provision of this Law commits a Class A misdemeanor unless a  
12 specific penalty is otherwise provided. Any person who  
13 intentionally falsifies any writing required by this Law  
14 commits a Class A misdemeanor.

15 Intentional, knowing, reckless, or negligent violations of  
16 this Law shall constitute unprofessional conduct which causes  
17 public harm under Section 22 of the Medical Practice Act of  
18 1987, as amended; Sections 10-45 and 15-50 of the Nursing and  
19 Advanced Practice Nursing Act, and Section 21 of the Physician  
20 Assistant Practice Act of 1987, as amended.

21 Intentional, knowing, reckless or negligent violations of  
22 this Law will constitute grounds for refusal, denial,  
23 revocation, suspension, or withdrawal of license, certificate,  
24 or permit under Section 30 of the Pharmacy Practice Act ~~of~~

1 ~~1987~~, as amended; Section 7 of the Ambulatory Surgical  
2 Treatment Center Act, effective July 19, 1973, as amended; and  
3 Section 7 of the Hospital Licensing Act.

4 (2) Any hospital or licensed facility which, or any  
5 physician who intentionally, knowingly, or recklessly fails to  
6 submit a complete report to the Department in accordance with  
7 the provisions of Section 10 of this Law and any person who  
8 intentionally, knowingly, recklessly or negligently fails to  
9 maintain the confidentiality of any reports required under this  
10 Law or reports required by Sections 10.1 or 12 of this Law  
11 commits a Class B misdemeanor.

12 (3) Any person who sells any drug, medicine, instrument or  
13 other substance which he knows to be an abortifacient and which  
14 is in fact an abortifacient, unless upon prescription of a  
15 physician, is guilty of a Class B misdemeanor. Any person who  
16 prescribes or administers any instrument, medicine, drug or  
17 other substance or device, which he knows to be an  
18 abortifacient, and which is in fact an abortifacient, and  
19 intentionally, knowingly or recklessly fails to inform the  
20 person for whom it is prescribed or upon whom it is  
21 administered that it is an abortifacient commits a Class C  
22 misdemeanor.

23 (4) Any person who intentionally, knowingly or recklessly  
24 performs upon a woman what he represents to that woman to be an  
25 abortion when he knows or should know that she is not pregnant  
26 commits a Class 2 felony and shall be answerable in civil



1 damages equal to 3 times the amount of proved damages.

2 (Source: P.A. 90-742, eff. 8-13-98.)

3 Section 120. The Illinois Controlled Substances Act is  
4 amended by changing Section 102 as follows:

5 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

6 Sec. 102. Definitions. As used in this Act, unless the  
7 context otherwise requires:

8 (a) "Addict" means any person who habitually uses any drug,  
9 chemical, substance or dangerous drug other than alcohol so as  
10 to endanger the public morals, health, safety or welfare or who  
11 is so far addicted to the use of a dangerous drug or controlled  
12 substance other than alcohol as to have lost the power of self  
13 control with reference to his addiction.

14 (b) "Administer" means the direct application of a  
15 controlled substance, whether by injection, inhalation,  
16 ingestion, or any other means, to the body of a patient,  
17 research subject, or animal (as defined by the Humane  
18 Euthanasia in Animal Shelters Act) by:

19 (1) a practitioner (or, in his presence, by his  
20 authorized agent),

21 (2) the patient or research subject at the lawful  
22 direction of the practitioner, or

23 (3) a euthanasia technician as defined by the Humane  
24 Euthanasia in Animal Shelters Act.

1 (c) "Agent" means an authorized person who acts on behalf  
2 of or at the direction of a manufacturer, distributor, or  
3 dispenser. It does not include a common or contract carrier,  
4 public warehouseman or employee of the carrier or warehouseman.

5 (c-1) "Anabolic Steroids" means any drug or hormonal  
6 substance, chemically and pharmacologically related to  
7 testosterone (other than estrogens, progestins, and  
8 corticosteroids) that promotes muscle growth, and includes:

- 9 (i) boldenone,  
10 (ii) chlorotestosterone,  
11 (iii) chostebol,  
12 (iv) dehydrochlormethyltestosterone,  
13 (v) dihydrotestosterone,  
14 (vi) drostanolone,  
15 (vii) ethylestrenol,  
16 (viii) fluoxymesterone,  
17 (ix) formebulone,  
18 (x) mesterolone,  
19 (xi) methandienone,  
20 (xii) methandranone,  
21 (xiii) methandriol,  
22 (xiv) methandrostenolone,  
23 (xv) methenolone,  
24 (xvi) methyltestosterone,  
25 (xvii) mibolerone,  
26 (xviii) nandrolone,

1                   (xix) norethandrolone,  
2                   (xx) oxandrolone,  
3                   (xxi) oxymesterone,  
4                   (xxii) oxymetholone,  
5                   (xxiii) stanolone,  
6                   (xxiv) stanozolol,  
7                   (xxv) testolactone,  
8                   (xxvi) testosterone,  
9                   (xxvii) trenbolone, and  
10                  (xxviii) any salt, ester, or isomer of a drug or  
11                  substance described or listed in this paragraph, if  
12                  that salt, ester, or isomer promotes muscle growth.

13                  Any person who is otherwise lawfully in possession of an  
14                  anabolic steroid, or who otherwise lawfully manufactures,  
15                  distributes, dispenses, delivers, or possesses with intent to  
16                  deliver an anabolic steroid, which anabolic steroid is  
17                  expressly intended for and lawfully allowed to be administered  
18                  through implants to livestock or other nonhuman species, and  
19                  which is approved by the Secretary of Health and Human Services  
20                  for such administration, and which the person intends to  
21                  administer or have administered through such implants, shall  
22                  not be considered to be in unauthorized possession or to  
23                  unlawfully manufacture, distribute, dispense, deliver, or  
24                  possess with intent to deliver such anabolic steroid for  
25                  purposes of this Act.

26                  (d) "Administration" means the Drug Enforcement

1 Administration, United States Department of Justice, or its  
2 successor agency.

3 (e) "Control" means to add a drug or other substance, or  
4 immediate precursor, to a Schedule under Article II of this Act  
5 whether by transfer from another Schedule or otherwise.

6 (f) "Controlled Substance" means a drug, substance, or  
7 immediate precursor in the Schedules of Article II of this Act.

8 (g) "Counterfeit substance" means a controlled substance,  
9 which, or the container or labeling of which, without  
10 authorization bears the trademark, trade name, or other  
11 identifying mark, imprint, number or device, or any likeness  
12 thereof, of a manufacturer, distributor, or dispenser other  
13 than the person who in fact manufactured, distributed, or  
14 dispensed the substance.

15 (h) "Deliver" or "delivery" means the actual, constructive  
16 or attempted transfer of possession of a controlled substance,  
17 with or without consideration, whether or not there is an  
18 agency relationship.

19 (i) "Department" means the Illinois Department of Human  
20 Services (as successor to the Department of Alcoholism and  
21 Substance Abuse) or its successor agency.

22 (j) "Department of State Police" means the Department of  
23 State Police of the State of Illinois or its successor agency.

24 (k) "Department of Corrections" means the Department of  
25 Corrections of the State of Illinois or its successor agency.

26 (l) "Department of Professional Regulation" means the

1 Department of Professional Regulation of the State of Illinois  
2 or its successor agency.

3 (m) "Depressant" or "stimulant substance" means:

4 (1) a drug which contains any quantity of (i)  
5 barbituric acid or any of the salts of barbituric acid  
6 which has been designated as habit forming under section  
7 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
8 U.S.C. 352 (d)); or

9 (2) a drug which contains any quantity of (i)  
10 amphetamine or methamphetamine and any of their optical  
11 isomers; (ii) any salt of amphetamine or methamphetamine or  
12 any salt of an optical isomer of amphetamine; or (iii) any  
13 substance which the Department, after investigation, has  
14 found to be, and by rule designated as, habit forming  
15 because of its depressant or stimulant effect on the  
16 central nervous system; or

17 (3) lysergic acid diethylamide; or

18 (4) any drug which contains any quantity of a substance  
19 which the Department, after investigation, has found to  
20 have, and by rule designated as having, a potential for  
21 abuse because of its depressant or stimulant effect on the  
22 central nervous system or its hallucinogenic effect.

23 (n) (Blank).

24 (o) "Director" means the Director of the Department of  
25 State Police or the Department of Professional Regulation or  
26 his designated agents.

1 (p) "Dispense" means to deliver a controlled substance to  
2 an ultimate user or research subject by or pursuant to the  
3 lawful order of a prescriber, including the prescribing,  
4 administering, packaging, labeling, or compounding necessary  
5 to prepare the substance for that delivery.

6 (q) "Dispenser" means a practitioner who dispenses.

7 (r) "Distribute" means to deliver, other than by  
8 administering or dispensing, a controlled substance.

9 (s) "Distributor" means a person who distributes.

10 (t) "Drug" means (1) substances recognized as drugs in the  
11 official United States Pharmacopoeia, Official Homeopathic  
12 Pharmacopoeia of the United States, or official National  
13 Formulary, or any supplement to any of them; (2) substances  
14 intended for use in diagnosis, cure, mitigation, treatment, or  
15 prevention of disease in man or animals; (3) substances (other  
16 than food) intended to affect the structure of any function of  
17 the body of man or animals and (4) substances intended for use  
18 as a component of any article specified in clause (1), (2), or  
19 (3) of this subsection. It does not include devices or their  
20 components, parts, or accessories.

21 (t-5) "Euthanasia agency" means an entity certified by the  
22 Department of Professional Regulation for the purpose of animal  
23 euthanasia that holds an animal control facility license or  
24 animal shelter license under the Animal Welfare Act. A  
25 euthanasia agency is authorized to purchase, store, possess,  
26 and utilize Schedule II nonnarcotic and Schedule III

1 nonnarcotic drugs for the sole purpose of animal euthanasia.

2 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
3 substances (nonnarcotic controlled substances) that are used  
4 by a euthanasia agency for the purpose of animal euthanasia.

5 (u) "Good faith" means the prescribing or dispensing of a  
6 controlled substance by a practitioner in the regular course of  
7 professional treatment to or for any person who is under his  
8 treatment for a pathology or condition other than that  
9 individual's physical or psychological dependence upon or  
10 addiction to a controlled substance, except as provided herein:  
11 and application of the term to a pharmacist shall mean the  
12 dispensing of a controlled substance pursuant to the  
13 prescriber's order which in the professional judgment of the  
14 pharmacist is lawful. The pharmacist shall be guided by  
15 accepted professional standards including, but not limited to  
16 the following, in making the judgment:

17 (1) lack of consistency of doctor-patient  
18 relationship,

19 (2) frequency of prescriptions for same drug by one  
20 prescriber for large numbers of patients,

21 (3) quantities beyond those normally prescribed,

22 (4) unusual dosages,

23 (5) unusual geographic distances between patient,  
24 pharmacist and prescriber,

25 (6) consistent prescribing of habit-forming drugs.

26 (u-1) "Home infusion services" means services provided by a

1 pharmacy in compounding solutions for direct administration to  
2 a patient in a private residence, long-term care facility, or  
3 hospice setting by means of parenteral, intravenous,  
4 intramuscular, subcutaneous, or intraspinal infusion.

5 (v) "Immediate precursor" means a substance:

6 (1) which the Department has found to be and by rule  
7 designated as being a principal compound used, or produced  
8 primarily for use, in the manufacture of a controlled  
9 substance;

10 (2) which is an immediate chemical intermediary used or  
11 likely to be used in the manufacture of such controlled  
12 substance; and

13 (3) the control of which is necessary to prevent,  
14 curtail or limit the manufacture of such controlled  
15 substance.

16 (w) "Instructional activities" means the acts of teaching,  
17 educating or instructing by practitioners using controlled  
18 substances within educational facilities approved by the State  
19 Board of Education or its successor agency.

20 (x) "Local authorities" means a duly organized State,  
21 County or Municipal peace unit or police force.

22 (y) "Look-alike substance" means a substance, other than a  
23 controlled substance which (1) by overall dosage unit  
24 appearance, including shape, color, size, markings or lack  
25 thereof, taste, consistency, or any other identifying physical  
26 characteristic of the substance, would lead a reasonable person



1 to believe that the substance is a controlled substance, or (2)  
2 is expressly or impliedly represented to be a controlled  
3 substance or is distributed under circumstances which would  
4 lead a reasonable person to believe that the substance is a  
5 controlled substance. For the purpose of determining whether  
6 the representations made or the circumstances of the  
7 distribution would lead a reasonable person to believe the  
8 substance to be a controlled substance under this clause (2) of  
9 subsection (y), the court or other authority may consider the  
10 following factors in addition to any other factor that may be  
11 relevant:

12 (a) statements made by the owner or person in control  
13 of the substance concerning its nature, use or effect;

14 (b) statements made to the buyer or recipient that the  
15 substance may be resold for profit;

16 (c) whether the substance is packaged in a manner  
17 normally used for the illegal distribution of controlled  
18 substances;

19 (d) whether the distribution or attempted distribution  
20 included an exchange of or demand for money or other  
21 property as consideration, and whether the amount of the  
22 consideration was substantially greater than the  
23 reasonable retail market value of the substance.

24 Clause (1) of this subsection (y) shall not apply to a  
25 noncontrolled substance in its finished dosage form that was  
26 initially introduced into commerce prior to the initial

1 introduction into commerce of a controlled substance in its  
2 finished dosage form which it may substantially resemble.

3 Nothing in this subsection (y) prohibits the dispensing or  
4 distributing of noncontrolled substances by persons authorized  
5 to dispense and distribute controlled substances under this  
6 Act, provided that such action would be deemed to be carried  
7 out in good faith under subsection (u) if the substances  
8 involved were controlled substances.

9 Nothing in this subsection (y) or in this Act prohibits the  
10 manufacture, preparation, propagation, compounding,  
11 processing, packaging, advertising or distribution of a drug or  
12 drugs by any person registered pursuant to Section 510 of the  
13 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

14 (y-1) "Mail-order pharmacy" means a pharmacy that is  
15 located in a state of the United States, other than Illinois,  
16 that delivers, dispenses or distributes, through the United  
17 States Postal Service or other common carrier, to Illinois  
18 residents, any substance which requires a prescription.

19 (z) "Manufacture" means the production, preparation,  
20 propagation, compounding, conversion or processing of a  
21 controlled substance other than methamphetamine, either  
22 directly or indirectly, by extraction from substances of  
23 natural origin, or independently by means of chemical  
24 synthesis, or by a combination of extraction and chemical  
25 synthesis, and includes any packaging or repackaging of the  
26 substance or labeling of its container, except that this term

1 does not include:

2 (1) by an ultimate user, the preparation or compounding  
3 of a controlled substance for his own use; or

4 (2) by a practitioner, or his authorized agent under  
5 his supervision, the preparation, compounding, packaging,  
6 or labeling of a controlled substance:

7 (a) as an incident to his administering or  
8 dispensing of a controlled substance in the course of  
9 his professional practice; or

10 (b) as an incident to lawful research, teaching or  
11 chemical analysis and not for sale.

12 (z-1) (Blank).

13 (aa) "Narcotic drug" means any of the following, whether  
14 produced directly or indirectly by extraction from substances  
15 of natural origin, or independently by means of chemical  
16 synthesis, or by a combination of extraction and chemical  
17 synthesis:

18 (1) opium and opiate, and any salt, compound,  
19 derivative, or preparation of opium or opiate;

20 (2) any salt, compound, isomer, derivative, or  
21 preparation thereof which is chemically equivalent or  
22 identical with any of the substances referred to in clause  
23 (1), but not including the isoquinoline alkaloids of opium;

24 (3) opium poppy and poppy straw;

25 (4) coca leaves and any salts, compound, isomer, salt  
26 of an isomer, derivative, or preparation of coca leaves

1 including cocaine or ecgonine, and any salt, compound,  
2 isomer, derivative, or preparation thereof which is  
3 chemically equivalent or identical with any of these  
4 substances, but not including decocainized coca leaves or  
5 extractions of coca leaves which do not contain cocaine or  
6 ecgonine (for the purpose of this paragraph, the term  
7 "isomer" includes optical, positional and geometric  
8 isomers).

9 (bb) "Nurse" means a registered nurse licensed under the  
10 Nursing and Advanced Practice Nursing Act.

11 (cc) (Blank).

12 (dd) "Opiate" means any substance having an addiction  
13 forming or addiction sustaining liability similar to morphine  
14 or being capable of conversion into a drug having addiction  
15 forming or addiction sustaining liability.

16 (ee) "Opium poppy" means the plant of the species *Papaver*  
17 *somniferum* L., except its seeds.

18 (ff) "Parole and Pardon Board" means the Parole and Pardon  
19 Board of the State of Illinois or its successor agency.

20 (gg) "Person" means any individual, corporation,  
21 mail-order pharmacy, government or governmental subdivision or  
22 agency, business trust, estate, trust, partnership or  
23 association, or any other entity.

24 (hh) "Pharmacist" means any person who holds a license or  
25 certificate of registration as a registered pharmacist, a local  
26 registered pharmacist or a registered assistant pharmacist

1 under the Pharmacy Practice Act ~~of 1987~~.

2 (ii) "Pharmacy" means any store, ship or other place in  
3 which pharmacy is authorized to be practiced under the Pharmacy  
4 Practice Act ~~of 1987~~.

5 (jj) "Poppy straw" means all parts, except the seeds, of  
6 the opium poppy, after mowing.

7 (kk) "Practitioner" means a physician licensed to practice  
8 medicine in all its branches, dentist, podiatrist,  
9 veterinarian, scientific investigator, pharmacist, physician  
10 assistant, advanced practice nurse, licensed practical nurse,  
11 registered nurse, hospital, laboratory, or pharmacy, or other  
12 person licensed, registered, or otherwise lawfully permitted  
13 by the United States or this State to distribute, dispense,  
14 conduct research with respect to, administer or use in teaching  
15 or chemical analysis, a controlled substance in the course of  
16 professional practice or research.

17 (ll) "Pre-printed prescription" means a written  
18 prescription upon which the designated drug has been indicated  
19 prior to the time of issuance.

20 (mm) "Prescriber" means a physician licensed to practice  
21 medicine in all its branches, dentist, podiatrist or  
22 veterinarian who issues a prescription, a physician assistant  
23 who issues a prescription for a Schedule III, IV, or V  
24 controlled substance in accordance with Section 303.05 and the  
25 written guidelines required under Section 7.5 of the Physician  
26 Assistant Practice Act of 1987, or an advanced practice nurse

1 with prescriptive authority in accordance with Section 303.05  
2 and a written collaborative agreement under Sections 15-15 and  
3 15-20 of the Nursing and Advanced Practice Nursing Act.

4 (nn) "Prescription" means a lawful written, facsimile, or  
5 verbal order of a physician licensed to practice medicine in  
6 all its branches, dentist, podiatrist or veterinarian for any  
7 controlled substance, of a physician assistant for a Schedule  
8 III, IV, or V controlled substance in accordance with Section  
9 303.05 and the written guidelines required under Section 7.5 of  
10 the Physician Assistant Practice Act of 1987, or of an advanced  
11 practice nurse who issues a prescription for a Schedule III,  
12 IV, or V controlled substance in accordance with Section 303.05  
13 and a written collaborative agreement under Sections 15-15 and  
14 15-20 of the Nursing and Advanced Practice Nursing Act.

15 (oo) "Production" or "produce" means manufacture,  
16 planting, cultivating, growing, or harvesting of a controlled  
17 substance other than methamphetamine.

18 (pp) "Registrant" means every person who is required to  
19 register under Section 302 of this Act.

20 (qq) "Registry number" means the number assigned to each  
21 person authorized to handle controlled substances under the  
22 laws of the United States and of this State.

23 (rr) "State" includes the State of Illinois and any state,  
24 district, commonwealth, territory, insular possession thereof,  
25 and any area subject to the legal authority of the United  
26 States of America.

1           (ss) "Ultimate user" means a person who lawfully possesses  
2 a controlled substance for his own use or for the use of a  
3 member of his household or for administering to an animal owned  
4 by him or by a member of his household.

5           (Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03;  
6 94-556, eff. 9-11-05.)

7           Section 125. The Illinois Controlled Substances Act is  
8 amended by changing Section 103 as follows:

9           (720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)

10          Sec. 103. Scope of Act. Nothing in this Act limits the  
11 lawful authority granted by the Medical Practice Act of 1987,  
12 the Nursing and Advanced Practice Nursing Act, or the Pharmacy  
13 Practice Act ~~of 1987~~.

14          (Source: P.A. 90-742, eff. 8-13-98.)

15          Section 130. The Methamphetamine Control and Community  
16 Protection Act is amended by changing Section 110 as follows:

17          (720 ILCS 646/110)

18          Sec. 110. Scope of Act. Nothing in this Act limits any  
19 authority or activity authorized by the Illinois Controlled  
20 Substances Act, the Medical Practice Act of 1987, the Nursing  
21 and Advanced Practice Nursing Act, the Pharmacy Practice Act ~~of~~  
22 ~~1987~~, the Illinois Dental Practice Act, the Podiatric Medical

1 Practice Act of 1987, or the Veterinary Medicine and Surgery  
2 Practice Act of 2004. Nothing in this Act limits the authority  
3 or activity of any law enforcement officer acting within the  
4 scope of his or her employment.

5 (Source: P.A. 94-556, eff. 9-11-05.)

6 Section 135. The Methamphetamine Precursor Control Act is  
7 amended by changing Sections 25 and 50 as follows:

8 (720 ILCS 648/25)

9 Sec. 25. Pharmacies.

10 (a) No targeted methamphetamine precursor may be knowingly  
11 distributed through a pharmacy, including a pharmacy located  
12 within, owned by, operated by, or associated with a retail  
13 distributor unless all terms of this Section are satisfied.

14 (b) Any targeted methamphetamine precursor other than a  
15 convenience package or a liquid, including but not limited to  
16 any targeted methamphetamine precursor in liquid-filled  
17 capsules, shall: be packaged in blister packs, with each  
18 blister containing not more than 2 dosage units, or when the  
19 use of blister packs is technically infeasible, in unit dose  
20 packets. Each targeted package shall contain no more than 3,000  
21 milligrams of ephedrine or pseudoephedrine, their salts or  
22 optical isomers, or salts of optical isomers.

23 (c) The targeted methamphetamine precursor shall be stored  
24 behind the pharmacy counter and distributed by a pharmacist or



1 pharmacy technician licensed under the Pharmacy Practice Act ~~of~~  
2 ~~1987~~.

3 (d) Any retail distributor operating a pharmacy, and any  
4 pharmacist or pharmacy technician involved in the transaction  
5 or transactions, shall ensure that any person purchasing,  
6 receiving, or otherwise acquiring the targeted methamphetamine  
7 precursor complies with subsection (a) of Section 20 of this  
8 Act.

9 (e) Any retail distributor operating a pharmacy, and any  
10 pharmacist or pharmacy technician involved in the transaction  
11 or transactions, shall verify that:

12 (1) The person purchasing, receiving, or otherwise  
13 acquiring the targeted methamphetamine precursor is 18  
14 years of age or older and resembles the photograph of the  
15 person on the government-issued identification presented  
16 by the person; and

17 (2) The name entered into the log referred to in  
18 subsection (a) of Section 20 of this Act corresponds to the  
19 name on the government-issued identification presented by  
20 the person.

21 (f) The logs referred to in subsection (a) of Section 20 of  
22 this Act shall be kept confidential, maintained for not less  
23 than 2 years, and made available for inspection and copying by  
24 any law enforcement officer upon request of that officer. These  
25 logs may be kept in an electronic format if they include all  
26 the information specified in subsection (a) of Section 20 of

1 this Act in a manner that is readily retrievable and  
2 reproducible in hard-copy format.

3 (g) No retail distributor operating a pharmacy, and no  
4 pharmacist or pharmacy technician, shall knowingly distribute  
5 any targeted methamphetamine precursor to any person under 18  
6 years of age.

7 (h) No retail distributor operating a pharmacy, and no  
8 pharmacist or pharmacy technician, shall knowingly distribute  
9 to a single person more than 2 targeted packages in a single  
10 retail transaction.

11 (i) No retail distributor operating a pharmacy, and no  
12 pharmacist or pharmacy technician, shall knowingly distribute  
13 to a single person in any 30-day period products containing  
14 more than a total of 7,500 milligrams of ephedrine or  
15 pseudoephedrine, their salts or optical isomers, or salts of  
16 optical isomers.

17 (j) A pharmacist or pharmacy technician may distribute a  
18 targeted methamphetamine precursor to a person who is without a  
19 form of identification specified in paragraph (1) of subsection  
20 (a) of Section 20 of this Act only if all other provisions of  
21 this Act are followed and either:

22 (1) the person presents a driver's license issued  
23 without a photograph by the State of Illinois pursuant to  
24 the Illinois Administrative Code, Title 92, Section  
25 1030.90(b)(1) or 1030.90(b)(2); or

26 (2) the person is known to the pharmacist or pharmacy

1 technician, the person presents some form of  
2 identification, and the pharmacist or pharmacy technician  
3 reasonably believes that the targeted methamphetamine  
4 precursor will be used for a legitimate medical purpose and  
5 not to manufacture methamphetamine.

6 (k) When a pharmacist or pharmacy technician distributes a  
7 targeted methamphetamine precursor to a person according to the  
8 procedures set forth in this Act, and the pharmacist or  
9 pharmacy technician does not have access to a working cash  
10 register at the pharmacy counter, the pharmacist or pharmacy  
11 technician may instruct the person to pay for the targeted  
12 methamphetamine precursor at a cash register located elsewhere  
13 in the retail establishment, whether that register is operated  
14 by a pharmacist, pharmacy technician, or other employee or  
15 agent of the retail establishment.

16 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06.)

17 (720 ILCS 648/50)

18 Sec. 50. Scope of Act.

19 (a) Nothing in this Act limits the scope, terms, or effect  
20 of the Methamphetamine Control and Community Protection Act.

21 (b) Nothing in this Act limits the lawful authority granted  
22 by the Medical Practice Act of 1987, the Nursing and Advanced  
23 Practice Nursing Act, or the Pharmacy Practice Act ~~of 1987~~.

24 (c) Nothing in this Act limits the authority or activity of  
25 any law enforcement officer acting within the scope of his or

1 her employment.

2 (Source: P.A. 94-694, eff. 1-15-06.)

3 Section 140. The Parental Right of Recovery Act is amended  
4 by changing Section 2 as follows:

5 (740 ILCS 120/2) (from Ch. 70, par. 602)

6 Sec. 2. For the purpose of this Act, unless the context  
7 clearly requires otherwise:

8 (1) "Illegal drug" means (i) any substance as defined and  
9 included in the Schedules of Article II of the Illinois  
10 Controlled Substances Act, (ii) any cannabis as defined in  
11 Section 3 of the Cannabis Control Act, or (iii) any drug as  
12 defined in paragraph (b) of Section 3 of the Pharmacy Practice  
13 Act ~~of 1987~~ which is obtained without a prescription or  
14 otherwise in violation of the law.

15 (2) "Minor" means a person who has not attained age 18.

16 (3) "Legal guardian" means a person appointed guardian, or  
17 given custody, of a minor by a circuit court of this State, but  
18 does not include a person appointed guardian, or given custody,  
19 of a minor under the Juvenile Court Act or the Juvenile Court  
20 Act of 1987.

21 (4) "Parent" means any natural or adoptive parent of a  
22 minor.

23 (5) "Person" means any natural person, corporation,  
24 association, partnership or other organization.

1           (6) "Prescription" means any order for drugs, written or  
2 verbal, by a physician, dentist, veterinarian or other person  
3 authorized to prescribe drugs within the limits of his license,  
4 containing the following: (1) Name of the patient; (2) date  
5 when prescription was given; (3) name and strength of drug  
6 prescribed; (4) quantity, directions for use, prescriber's  
7 name, address and signature, and the United States Drug  
8 Enforcement Agency number where required, for controlled  
9 substances.

10           (7) "Sale or transfer" means the actual or constructive  
11 transfer of possession of an illegal drug, with or without  
12 consideration, whether directly or through an agent.

13           (Source: P.A. 85-1209.)

14           (225 ILCS 85/14 rep.)

15           (225 ILCS 85/35.11 rep.)

16           Section 145. The Pharmacy Practice Act of 1987 is amended  
17 by repealing Sections 14 and 35.11."; and

18           on page 34, line 2, by replacing "97" with "150"; and

19           on page 34, line 4, by replacing "99" with "999"; and

20           on page 34, line 5, after "law", by inserting ", except that  
21 the provisions adding Section 25.15 of the Pharmacy Practice  
22 Act of 1987 take effect January 1, 2010".