



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1626

Introduced 2/9/2007, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 90/17

from Ch. 111, par. 4267

Amends the Illinois Physical Therapy Act. Removes having treated ailments of human beings as a licensed physical therapist independent of a documented referral or a documented current and relevant diagnosis from a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, and having failed to notify the physician, dentist, advanced practice nurse, physician assistant, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving physical therapy pursuant to that diagnosis from the list of occurrences upon which the Department of Financial and Professional Regulation may base the decision to take disciplinary action. Effective immediately.

LRB095 06826 RAS 26942 b

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Physical Therapy Act is amended by
5 changing Section 17 as follows:

6 (225 ILCS 90/17) (from Ch. 111, par. 4267)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 17. (1) The Department may refuse to issue or to
9 renew, or may revoke, suspend, place on probation, reprimand,
10 or take other disciplinary action as the Department deems
11 appropriate, including the issuance of fines not to exceed
12 \$5000, with regard to a license for any one or a combination of
13 the following:

14 A. Material misstatement in furnishing information to
15 the Department or otherwise making misleading, deceptive,
16 untrue, or fraudulent representations in violation of this
17 Act or otherwise in the practice of the profession;

18 B. Violations of this Act, or of the rules or
19 regulations promulgated hereunder;

20 C. Conviction of any crime under the laws of the United
21 States or any state or territory thereof which is a felony
22 or which is a misdemeanor, an essential element of which is
23 dishonesty, or of any crime which is directly related to

1 the practice of the profession; conviction, as used in this
2 paragraph, shall include a finding or verdict of guilty, an
3 admission of guilt or a plea of nolo contendere;

4 D. Making any misrepresentation for the purpose of
5 obtaining licenses, or violating any provision of this Act
6 or the rules promulgated thereunder pertaining to
7 advertising;

8 E. A pattern of practice or other behavior which
9 demonstrates incapacity or incompetency to practice under
10 this Act;

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

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

15 H. Engaging in dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public. Unprofessional conduct shall
18 include any departure from or the failure to conform to the
19 minimal standards of acceptable and prevailing physical
20 therapy practice, in which proceeding actual injury to a
21 patient need not be established;

22 I. Unlawful distribution of any drug or narcotic, or
23 unlawful conversion of any drug or narcotic not belonging
24 to the person for such person's own use or benefit or for
25 other than medically accepted therapeutic purposes;

26 J. Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 which results in a physical therapist's or physical
3 therapist assistant's inability to practice with
4 reasonable judgment, skill or safety;

5 K. Revocation or suspension of a license to practice
6 physical therapy as a physical therapist or physical
7 therapist assistant or the taking of other disciplinary
8 action by the proper licensing authority of another state,
9 territory or country;

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

24 M. A finding by the Board that the licensee after
25 having his or her license placed on probationary status has
26 violated the terms of probation;

1 N. Abandonment of a patient;

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

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

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

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

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

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

26 U. Continued practice by a person knowingly having an

1 infectious, communicable or contagious disease;

2 V. Having treated ailments of human beings otherwise
3 than by the practice of physical therapy as defined in this
4 Act, ~~or having treated ailments of human beings as a~~
5 ~~licensed physical therapist independent of a documented~~
6 ~~referral or a documented current and relevant diagnosis~~
7 ~~from a physician, dentist, advanced practice nurse,~~
8 ~~physician assistant, or podiatrist, or having failed to~~
9 ~~notify the physician, dentist, advanced practice nurse,~~
10 ~~physician assistant, or podiatrist who established a~~
11 ~~documented current and relevant diagnosis that the patient~~
12 ~~is receiving physical therapy pursuant to that diagnosis;~~

13 W. Being named as a perpetrator in an indicated report
14 by the Department of Children and Family Services pursuant
15 to the Abused and Neglected Child Reporting Act, and upon
16 proof by clear and convincing evidence that the licensee
17 has caused a child to be an abused child or neglected child
18 as defined in the Abused and Neglected Child Reporting Act;

19 X. Interpretation of referrals, performance of
20 evaluation procedures, planning or making major
21 modifications of patient programs by a physical therapist
22 assistant;

23 Y. Failure by a physical therapist assistant and
24 supervising physical therapist to maintain continued
25 contact, including periodic personal supervision and
26 instruction, to insure safety and welfare of patients;

1 Z. Violation of the Health Care Worker Self-Referral
2 Act.

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

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

19 (Source: P.A. 93-1010, eff. 8-24-04; 94-651, eff. 1-1-06.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.