



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1929

Introduced 1/16/2008, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

225 ILCS 60/3.5  
225 ILCS 412/20  
225 ILCS 412/33

Amends the Medical Practice Act of 1987. Provides that nothing in the Act shall be construed to limit the right of persons licensed under the Act to delegate tasks or duties to licensed or unlicensed personnel who have the training or experience to perform the tasks or duties so delegated. Amends the Electrologist Licensing Act. Provides that nothing in the Act shall be construed to prevent a person functioning as an assistant to a person licensed to practice medicine in all its branches from being delegated tasks or duties for which he or she has the training or experience to perform (instead of from providing electrology services). Provides that the Department of Financial and Professional Regulation may issue a license to an individual who failed to apply for licensure under the grandfathering provision of the Act within one year after the effective date of the rules adopted under the Act, but who otherwise meets the qualifications set forth in the provision, provided that the individual submits a completed application for licensure as required within 90 days after the effective date of the amendatory Act. Effective immediately.

LRB095 15024 RAS 40977 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 Medical Practice Act of 1987 is amended by  
5 changing Section 3.5 as follows:

6 (225 ILCS 60/3.5)

7 (Section scheduled to be repealed on December 31, 2008)

8 Sec. 3.5. Unlicensed practice; violation; civil penalty.

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

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

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

1 any court of record.

2 (d) Nothing in this Act shall be construed to limit the  
3 right of persons licensed under this Act to delegate tasks or  
4 duties to licensed or unlicensed personnel who have the  
5 training or experience to perform the tasks or duties so  
6 delegated.

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

8 Section 10. The Electrologist Licensing Act is amended by  
9 changing Sections 20 and 33 as follows:

10 (225 ILCS 412/20)

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

12 Sec. 20. Exemptions. This Act does not prohibit:

13 (1) A person licensed in this State under any other Act  
14 from engaging in the practice for which that person is  
15 licensed.

16 (2) The practice of electrology by a person who is  
17 employed by the United States government or any bureau,  
18 division, or agency thereof while in the discharge of the  
19 employee's official duties.

20 (3) The practice of electrology included in a program  
21 of study by students enrolled in schools or in refresher  
22 courses approved by the Department.

23 Nothing in this Act shall be construed to prevent a person  
24 functioning as an assistant to a person licensed to practice

1 medicine in all its branches from being delegated tasks or  
2 duties for which he or she has the training or experience to  
3 perform, in accordance with Section 3.5 of the Medical Practice  
4 Act of 1987 providing electrology services.

5 (Source: P.A. 92-750, eff. 1-1-03.)

6 (225 ILCS 412/33)

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

8 Sec. 33. Grandfather provision.

9 (a) For a period of 12 months after the filing of the  
10 original administrative rules adopted under this Act, the  
11 Department may issue a license to any individual who, in  
12 addition to meeting the requirements set forth in paragraphs  
13 (1), (2), (3), and (4) of Section 30, can document employment  
14 as an electrologist and has received remuneration for  
15 practicing electrology for a period of 3 years and can show  
16 proof of one of the following: (i) current board certification  
17 by a national electrology certifying body approved by the  
18 Department; or (ii) completion of 30 continuing education units  
19 in electrology approved by the Department.

20 (b) The Department may issue a license to an individual who  
21 failed to apply for licensure under subsection (a) of this  
22 Section on or before February 22, 2006 (one year after the  
23 effective date of the rules adopted under this Act), but who  
24 otherwise meets the qualifications set forth in subsection (a)  
25 of this Section, provided that the individual submits a

1 completed application for licensure as required within 90 days  
2 after the effective date of this amendatory Act of the 95th  
3 General Assembly.

4 (Source: P.A. 92-750, eff. 1-1-03; 93-253, eff. 7-22-03.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.