



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB2407

Introduced 2/19/2009, by Rep. Karen May

#### SYNOPSIS AS INTRODUCED:

New Act

225 ILCS 25/23	from Ch. 111, par. 2323
225 ILCS 60/22	from Ch. 111, par. 4400-22
225 ILCS 65/70-5	was 225 ILCS 65/10-45
225 ILCS 80/24	from Ch. 111, par. 3924
225 ILCS 95/21	from Ch. 111, par. 4621
225 ILCS 100/24	from Ch. 111, par. 4824
225 ILCS 115/25	from Ch. 111, par. 7025

Creates the Internet Prescribing Prohibition Act. Provides that licensed prescribers may not knowingly prescribe medications for a patient via the Internet, World Wide Web, telephone, facsimile, or any other electronic means unless (1) the patient has been physically examined by the prescriber or has been given a documented patient evaluation, including health history and a physical examination, to establish the diagnosis for which any legend drug is prescribed; (2) the prescriber and the patient have discussed treatment options and the risks and benefits of treatment; and (3) the prescriber has maintained the patient's medical records. Provides that these provisions shall not be construed to prohibit patient care in certain circumstances or to prevent the electronic distribution of a prescription to a pharmacy. Provides that a person convicted of violating these provisions is guilty of a business offense and shall be fined not less than \$1,000 for the first violation and not less than \$2,000 for a second or subsequent violation. Requires a person convicted of violating the Act to be reported to the Division of Professional Regulation of the Department of Financial and Professional Regulation for appropriate licensing board review. Amends the Illinois Dental Practice Act, Medical Practice Act of 1987, Nurse Practice Act, Illinois Optometric Practice Act of 1987, Physician Assistant Practice Act of 1987, Podiatric Medical Practice Act of 1987, and Veterinary Medicine and Surgery Practice Act of 2004 to provide that a violation of the Internet Prescribing Prohibition Act constitutes grounds for disciplinary action under those Acts.

LRB096 10055 RPM 20220 b

1 AN ACT concerning health professions.

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

4 Section 1. Short title. This Act may be cited as the  
5 Internet Prescribing Prohibition Act.

6 Section 5. Definitions. In this Act:

7 "Division" means the Division of Professional Regulation  
8 of the Department of Financial and Professional Regulation.

9 "Licensed prescribers" means physicians licensed to  
10 practice medicine in all its branches, licensed podiatrists,  
11 therapeutically-certified optometrists, licensed dentists,  
12 licensed veterinarians, licensed physician assistants who have  
13 been delegated prescriptive authority by a supervising  
14 physician, and licensed advanced practice registered nurses  
15 who have a written collaborative agreement with a collaborating  
16 physician that authorizes prescriptive authority.

17 Section 10. Prohibition on Internet prescribing.

18 (a) Illinois licensed prescribers may not knowingly  
19 prescribe medications for a patient via the Internet, World  
20 Wide Web, telephone, facsimile, or any other electronic means  
21 unless the following elements have been met:

22 (1) the patient has been physically examined by the

1           prescriber or has been given a documented patient  
2           evaluation, including health history and a physical  
3           examination, to establish the diagnosis for which any  
4           legend drug is prescribed;

5           (2) the prescriber and the patient have discussed  
6           treatment options and the risks and benefits of treatment;  
7           and

8           (3) the prescriber has maintained the patient's  
9           medical records.

10          (b) The provisions of subdivision (1) of subsection (a) of  
11          this Section are not applicable in an emergency situation. For  
12          purposes of this Section, an emergency situation means those  
13          situations in which the prescriber determines that the  
14          immediate administration of the medication is necessary for the  
15          proper treatment of the patient and it is not reasonably  
16          possible for the prescriber to comply with the provisions of  
17          this Section prior to providing such prescription.

18          (c) The provisions of subdivision (1) of subsection (a) of  
19          this Section shall not be construed to prohibit patient care in  
20          the following circumstances:

21                 (1) in consultation with another health care  
22                 professional who has an ongoing relationship with the  
23                 patient and who has agreed to supervise the patient's  
24                 treatment, including the use of any prescribed  
25                 medications;

26                 (2) on-call or cross-coverage situations in which a

1 prescriber provides care for another prescriber's  
2 patients;

3 (3) admission orders for a newly hospitalized patient;

4 (4) orders for patients in long-term care facilities or  
5 hospitals recommended by registered professional nurses;

6 (5) continuing medications on a short-term basis for a  
7 new patient prior to the first appointment; and

8 (6) a prescriber or his or her designee from  
9 electronically or telephonically prescribing medication  
10 for a patient with an existing physician-patient  
11 relationship with the prescriber.

12 (d) Nothing in this Section shall be construed to prevent  
13 the electronic distribution of a prescription to a pharmacy.

14 Section 15. Penalties. A person convicted of violating this  
15 Act is guilty of a business offense and shall be fined not less  
16 than \$1,000 for the first violation and not less than \$2,000  
17 for a second or subsequent violation. A person convicted of  
18 violating this Act must be reported to the Division for  
19 appropriate licensing board review.

20 Section 90. The Illinois Dental Practice Act is amended by  
21 changing Section 23 as follows:

22 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

1           Sec. 23. Refusal, revocation or suspension of dental  
2 licenses. The Department may refuse to issue or renew, or may  
3 revoke, suspend, place on probation, reprimand or take other  
4 disciplinary action as the Department may deem proper,  
5 including fines not to exceed \$10,000 per violation, with  
6 regard to any license for any one or any combination of the  
7 following causes:

8           1. Fraud in procuring the license.

9           2. Habitual intoxication or addiction to the use of  
10 drugs.

11           3. Willful or repeated violations of the rules of the  
12 Department of Public Health or Department of Nuclear  
13 Safety.

14           4. Acceptance of a fee for service as a witness,  
15 without the knowledge of the court, in addition to the fee  
16 allowed by the court.

17           5. Division of fees or agreeing to split or divide the  
18 fees received for dental services with any person for  
19 bringing or referring a patient, except in regard to  
20 referral services as provided for under Section 45, or  
21 assisting in the care or treatment of a patient, without  
22 the knowledge of the patient or his legal representative.

23           6. Employing, procuring, inducing, aiding or abetting  
24 a person not licensed or registered as a dentist to engage  
25 in the practice of dentistry. The person practiced upon is  
26 not an accomplice, employer, procurer, inducer, aider, or

1           abetter within the meaning of this Act.

2           7. Making any misrepresentations or false promises,  
3           directly or indirectly, to influence, persuade or induce  
4           dental patronage.

5           8. Professional connection or association with or  
6           lending his name to another for the illegal practice of  
7           dentistry by another, or professional connection or  
8           association with any person, firm or corporation holding  
9           himself, herself, themselves, or itself out in any manner  
10          contrary to this Act.

11          9. Obtaining or seeking to obtain practice, money, or  
12          any other things of value by false or fraudulent  
13          representations, but not limited to, engaging in such  
14          fraudulent practice to defraud the medical assistance  
15          program of the Department of Healthcare and Family Services  
16          (formerly Department of Public Aid).

17          10. Practicing under a name other than his or her own.

18          11. Engaging in dishonorable, unethical, or  
19          unprofessional conduct of a character likely to deceive,  
20          defraud, or harm the public.

21          12. Conviction in this or another State of any crime  
22          which is a felony under the laws of this State or  
23          conviction of a felony in a federal court, conviction of a  
24          misdemeanor, an essential element of which is dishonesty,  
25          or conviction of any crime which is directly related to the  
26          practice of dentistry or dental hygiene.

1           13. Permitting a dental hygienist, dental assistant or  
2 other person under his or her supervision to perform any  
3 operation not authorized by this Act.

4           14. Permitting more than 4 dental hygienists to be  
5 employed under his supervision at any one time.

6           15. A violation of any provision of this Act or any  
7 rules promulgated under this Act.

8           16. Taking impressions for or using the services of any  
9 person, firm or corporation violating this Act.

10          17. Violating any provision of Section 45 relating to  
11 advertising.

12          18. Discipline by another U.S. jurisdiction or foreign  
13 nation, if at least one of the grounds for the discipline  
14 is the same or substantially equivalent to those set forth  
15 within this Act.

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

19          20. Gross or repeated malpractice resulting in injury  
20 or death of a patient.

21          21. The use or prescription for use of narcotics or  
22 controlled substances or designated products as listed in  
23 the Illinois Controlled Substances Act, in any way other  
24 than for therapeutic purposes.

25          22. Willfully making or filing false records or reports  
26 in his practice as a dentist, including, but not limited

1 to, false records to support claims against the dental  
2 assistance program of the Department of Healthcare and  
3 Family Services (formerly Illinois Department of Public  
4 Aid).

5 23. Professional incompetence as manifested by poor  
6 standards of care.

7 24. Physical or mental illness, including, but not  
8 limited to, deterioration through the aging process, or  
9 loss of motor skills which results in a dentist's inability  
10 to practice dentistry with reasonable judgment, skill or  
11 safety. In enforcing this paragraph, the Department may  
12 compel a person licensed to practice under this Act to  
13 submit to a mental or physical examination pursuant to the  
14 terms and conditions of Section 23b.

15 25. Repeated irregularities in billing a third party  
16 for services rendered to a patient. For purposes of this  
17 paragraph 25, "irregularities in billing" shall include:

18 (a) Reporting excessive charges for the purpose of  
19 obtaining a total payment in excess of that usually  
20 received by the dentist for the services rendered.

21 (b) Reporting charges for services not rendered.

22 (c) Incorrectly reporting services rendered for  
23 the purpose of obtaining payment not earned.

24 26. Continuing the active practice of dentistry while  
25 knowingly having any infectious, communicable, or  
26 contagious disease proscribed by rule or regulation of the



1 Department.

2 27. Being named as a perpetrator in an indicated report  
3 by the Department of Children and Family Services pursuant  
4 to the Abused and Neglected Child Reporting Act, and upon  
5 proof by clear and convincing evidence that the licensee  
6 has caused a child to be an abused child or neglected child  
7 as defined in the Abused and Neglected Child Reporting Act.

8 28. Violating the Health Care Worker Self-Referral  
9 Act.

10 29. Abandonment of a patient.

11 30. Mental incompetency as declared by a court of  
12 competent jurisdiction.

13 31. Violating any provision of the Internet  
14 Prescribing Prohibition Act.

15 All proceedings to suspend, revoke, place on probationary  
16 status, or take any other disciplinary action as the Department  
17 may deem proper, with regard to a license on any of the  
18 foregoing grounds, must be commenced within 3 years after  
19 receipt by the Department of a complaint alleging the  
20 commission of or notice of the conviction order for any of the  
21 acts described herein. Except for fraud in procuring a license,  
22 no action shall be commenced more than 5 years after the date  
23 of the incident or act alleged to have violated this Section.  
24 The time during which the holder of the license was outside the  
25 State of Illinois shall not be included within any period of  
26 time limiting the commencement of disciplinary action by the

1 Department.

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

9 (Source: P.A. 94-1014, eff. 7-7-06.)

10 Section 95. The Medical Practice Act of 1987 is amended by  
11 changing Section 22 as follows:

12 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

13 (Section scheduled to be repealed on December 31, 2010)

14 Sec. 22. Disciplinary action.

15 (A) The Department may revoke, suspend, place on  
16 probationary status, refuse to renew, or take any other  
17 disciplinary action as the Department may deem proper with  
18 regard to the license or visiting professor permit of any  
19 person issued under this Act to practice medicine, or to treat  
20 human ailments without the use of drugs and without operative  
21 surgery upon any of the following grounds:

22 (1) Performance of an elective abortion in any place,  
23 locale, facility, or institution other than:

24 (a) a facility licensed pursuant to the Ambulatory

1 Surgical Treatment Center Act;

2 (b) an institution licensed under the Hospital  
3 Licensing Act; or

4 (c) an ambulatory surgical treatment center or  
5 hospitalization or care facility maintained by the  
6 State or any agency thereof, where such department or  
7 agency has authority under law to establish and enforce  
8 standards for the ambulatory surgical treatment  
9 centers, hospitalization, or care facilities under its  
10 management and control; or

11 (d) ambulatory surgical treatment centers,  
12 hospitalization or care facilities maintained by the  
13 Federal Government; or

14 (e) ambulatory surgical treatment centers,  
15 hospitalization or care facilities maintained by any  
16 university or college established under the laws of  
17 this State and supported principally by public funds  
18 raised by taxation.

19 (2) Performance of an abortion procedure in a wilful  
20 and wanton manner on a woman who was not pregnant at the  
21 time the abortion procedure was performed.

22 (3) The conviction of a felony in this or any other  
23 jurisdiction, except as otherwise provided in subsection B  
24 of this Section, whether or not related to practice under  
25 this Act, or the entry of a guilty or nolo contendere plea  
26 to a felony charge.

1 (4) Gross negligence in practice under this Act.

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

5 (6) Obtaining any fee by fraud, deceit, or  
6 misrepresentation.

7 (7) Habitual or excessive use or abuse of drugs defined  
8 in law as controlled substances, of alcohol, or of any  
9 other substances which results in the inability to practice  
10 with reasonable judgment, skill or safety.

11 (8) Practicing under a false or, except as provided by  
12 law, an assumed name.

13 (9) Fraud or misrepresentation in applying for, or  
14 procuring, a license under this Act or in connection with  
15 applying for renewal of a license under this Act.

16 (10) Making a false or misleading statement regarding  
17 their skill or the efficacy or value of the medicine,  
18 treatment, or remedy prescribed by them at their direction  
19 in the treatment of any disease or other condition of the  
20 body or mind.

21 (11) Allowing another person or organization to use  
22 their license, procured under this Act, to practice.

23 (12) Disciplinary action of another state or  
24 jurisdiction against a license or other authorization to  
25 practice as a medical doctor, doctor of osteopathy, doctor  
26 of osteopathic medicine or doctor of chiropractic, a

1 certified copy of the record of the action taken by the  
2 other state or jurisdiction being prima facie evidence  
3 thereof.

4 (13) Violation of any provision of this Act or of the  
5 Medical Practice Act prior to the repeal of that Act, or  
6 violation of the rules, or a final administrative action of  
7 the Secretary, after consideration of the recommendation  
8 of the Disciplinary Board.

9 (14) Dividing with anyone other than physicians with  
10 whom the licensee practices in a partnership, Professional  
11 Association, limited liability company, or Medical or  
12 Professional Corporation any fee, commission, rebate or  
13 other form of compensation for any professional services  
14 not actually and personally rendered. Nothing contained in  
15 this subsection prohibits persons holding valid and  
16 current licenses under this Act from practicing medicine in  
17 partnership under a partnership agreement, including a  
18 limited liability partnership, in a limited liability  
19 company under the Limited Liability Company Act, in a  
20 corporation authorized by the Medical Corporation Act, as  
21 an association authorized by the Professional Association  
22 Act, or in a corporation under the Professional Corporation  
23 Act or from pooling, sharing, dividing or apportioning the  
24 fees and monies received by them or by the partnership,  
25 corporation or association in accordance with the  
26 partnership agreement or the policies of the Board of

1 Directors of the corporation or association. Nothing  
2 contained in this subsection prohibits 2 or more  
3 corporations authorized by the Medical Corporation Act,  
4 from forming a partnership or joint venture of such  
5 corporations, and providing medical, surgical and  
6 scientific research and knowledge by employees of these  
7 corporations if such employees are licensed under this Act,  
8 or from pooling, sharing, dividing, or apportioning the  
9 fees and monies received by the partnership or joint  
10 venture in accordance with the partnership or joint venture  
11 agreement. Nothing contained in this subsection shall  
12 abrogate the right of 2 or more persons, holding valid and  
13 current licenses under this Act, to each receive adequate  
14 compensation for concurrently rendering professional  
15 services to a patient and divide a fee; provided, the  
16 patient has full knowledge of the division, and, provided,  
17 that the division is made in proportion to the services  
18 performed and responsibility assumed by each.

19 (15) A finding by the Medical Disciplinary Board that  
20 the registrant after having his or her license placed on  
21 probationary status or subjected to conditions or  
22 restrictions violated the terms of the probation or failed  
23 to comply with such terms or conditions.

24 (16) Abandonment of a patient.

25 (17) Prescribing, selling, administering,  
26 distributing, giving or self-administering any drug

1           classified as a controlled substance (designated product)  
2           or narcotic for other than medically accepted therapeutic  
3           purposes.

4           (18) Promotion of the sale of drugs, devices,  
5           appliances or goods provided for a patient in such manner  
6           as to exploit the patient for financial gain of the  
7           physician.

8           (19) Offering, undertaking or agreeing to cure or treat  
9           disease by a secret method, procedure, treatment or  
10          medicine, or the treating, operating or prescribing for any  
11          human condition by a method, means or procedure which the  
12          licensee refuses to divulge upon demand of the Department.

13          (20) Immoral conduct in the commission of any act  
14          including, but not limited to, commission of an act of  
15          sexual misconduct related to the licensee's practice.

16          (21) Wilfully making or filing false records or reports  
17          in his or her practice as a physician, including, but not  
18          limited to, false records to support claims against the  
19          medical assistance program of the Department of Healthcare  
20          and Family Services (formerly Department of Public Aid)  
21          under the Illinois Public Aid Code.

22          (22) Wilful omission to file or record, or wilfully  
23          impeding the filing or recording, or inducing another  
24          person to omit to file or record, medical reports as  
25          required by law, or wilfully failing to report an instance  
26          of suspected abuse or neglect as required by law.

1           (23) Being named as a perpetrator in an indicated  
2 report by the Department of Children and Family Services  
3 under the Abused and Neglected Child Reporting Act, and  
4 upon proof by clear and convincing evidence that the  
5 licensee has caused a child to be an abused child or  
6 neglected child as defined in the Abused and Neglected  
7 Child Reporting Act.

8           (24) Solicitation of professional patronage by any  
9 corporation, agents or persons, or profiting from those  
10 representing themselves to be agents of the licensee.

11           (25) Gross and wilful and continued overcharging for  
12 professional services, including filing false statements  
13 for collection of fees for which services are not rendered,  
14 including, but not limited to, filing such false statements  
15 for collection of monies for services not rendered from the  
16 medical assistance program of the Department of Healthcare  
17 and Family Services (formerly Department of Public Aid)  
18 under the Illinois Public Aid Code.

19           (26) A pattern of practice or other behavior which  
20 demonstrates incapacity or incompetence to practice under  
21 this Act.

22           (27) Mental illness or disability which results in the  
23 inability to practice under this Act with reasonable  
24 judgment, skill or safety.

25           (28) Physical illness, including, but not limited to,  
26 deterioration through the aging process, or loss of motor



1 skill which results in a physician's inability to practice  
2 under this Act with reasonable judgment, skill or safety.

3 (29) Cheating on or attempt to subvert the licensing  
4 examinations administered under this Act.

5 (30) Wilfully or negligently violating the  
6 confidentiality between physician and patient except as  
7 required by law.

8 (31) The use of any false, fraudulent, or deceptive  
9 statement in any document connected with practice under  
10 this Act.

11 (32) Aiding and abetting an individual not licensed  
12 under this Act in the practice of a profession licensed  
13 under this Act.

14 (33) Violating state or federal laws or regulations  
15 relating to controlled substances, legend drugs, or  
16 ephedra, as defined in the Ephedra Prohibition Act.

17 (34) Failure to report to the Department any adverse  
18 final action taken against them by another licensing  
19 jurisdiction (any other state or any territory of the  
20 United States or any foreign state or country), by any peer  
21 review body, by any health care institution, by any  
22 professional society or association related to practice  
23 under this Act, by any governmental agency, by any law  
24 enforcement agency, or by any court for acts or conduct  
25 similar to acts or conduct which would constitute grounds  
26 for action as defined in this Section.

1           (35) Failure to report to the Department surrender of a  
2           license or authorization to practice as a medical doctor, a  
3           doctor of osteopathy, a doctor of osteopathic medicine, or  
4           doctor of chiropractic in another state or jurisdiction, or  
5           surrender of membership on any medical staff or in any  
6           medical or professional association or society, while  
7           under disciplinary investigation by any of those  
8           authorities or bodies, for acts or conduct similar to acts  
9           or conduct which would constitute grounds for action as  
10          defined in this Section.

11          (36) Failure to report to the Department any adverse  
12          judgment, settlement, or award arising from a liability  
13          claim related to acts or conduct similar to acts or conduct  
14          which would constitute grounds for action as defined in  
15          this Section.

16          (37) Failure to transfer copies of medical records as  
17          required by law.

18          (38) Failure to furnish the Department, its  
19          investigators or representatives, relevant information,  
20          legally requested by the Department after consultation  
21          with the Chief Medical Coordinator or the Deputy Medical  
22          Coordinator.

23          (39) Violating the Health Care Worker Self-Referral  
24          Act.

25          (40) Willful failure to provide notice when notice is  
26          required under the Parental Notice of Abortion Act of 1995.

1           (41) Failure to establish and maintain records of  
2 patient care and treatment as required by this law.

3           (42) Entering into an excessive number of written  
4 collaborative agreements with licensed advanced practice  
5 nurses resulting in an inability to adequately collaborate  
6 and provide medical direction.

7           (43) Repeated failure to adequately collaborate with  
8 or provide medical direction to a licensed advanced  
9 practice nurse.

10           (44) Violating any provision of the Internet  
11 Prescribing Prohibition Act.

12           Except for actions involving the ground numbered (26), all  
13 proceedings to suspend, revoke, place on probationary status,  
14 or take any other disciplinary action as the Department may  
15 deem proper, with regard to a license on any of the foregoing  
16 grounds, must be commenced within 5 years next after receipt by  
17 the Department of a complaint alleging the commission of or  
18 notice of the conviction order for any of the acts described  
19 herein. Except for the grounds numbered (8), (9), (26), and  
20 (29), no action shall be commenced more than 10 years after the  
21 date of the incident or act alleged to have violated this  
22 Section. For actions involving the ground numbered (26), a  
23 pattern of practice or other behavior includes all incidents  
24 alleged to be part of the pattern of practice or other behavior  
25 that occurred or a report pursuant to Section 23 of this Act  
26 received within the 10-year period preceding the filing of the

1 complaint. In the event of the settlement of any claim or cause  
2 of action in favor of the claimant or the reduction to final  
3 judgment of any civil action in favor of the plaintiff, such  
4 claim, cause of action or civil action being grounded on the  
5 allegation that a person licensed under this Act was negligent  
6 in providing care, the Department shall have an additional  
7 period of 2 years from the date of notification to the  
8 Department under Section 23 of this Act of such settlement or  
9 final judgment in which to investigate and commence formal  
10 disciplinary proceedings under Section 36 of this Act, except  
11 as otherwise provided by law. The time during which the holder  
12 of the license was outside the State of Illinois shall not be  
13 included within any period of time limiting the commencement of  
14 disciplinary action by the Department.

15 The entry of an order or judgment by any circuit court  
16 establishing that any person holding a license under this Act  
17 is a person in need of mental treatment operates as a  
18 suspension of that license. That person may resume their  
19 practice only upon the entry of a Departmental order based upon  
20 a finding by the Medical Disciplinary Board that they have been  
21 determined to be recovered from mental illness by the court and  
22 upon the Disciplinary Board's recommendation that they be  
23 permitted to resume their practice.

24 The Department may refuse to issue or take disciplinary  
25 action concerning the license of any person who fails to file a  
26 return, or to pay the tax, penalty or interest shown in a filed

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

6 The Department, upon the recommendation of the  
7 Disciplinary Board, shall adopt rules which set forth standards  
8 to be used in determining:

9 (a) when a person will be deemed sufficiently  
10 rehabilitated to warrant the public trust;

11 (b) what constitutes dishonorable, unethical or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public;

14 (c) what constitutes immoral conduct in the commission  
15 of any act, including, but not limited to, commission of an  
16 act of sexual misconduct related to the licensee's  
17 practice; and

18 (d) what constitutes gross negligence in the practice  
19 of medicine.

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

23 In enforcing this Section, the Medical Disciplinary Board,  
24 upon a showing of a possible violation, may compel any  
25 individual licensed to practice under this Act, or who has  
26 applied for licensure or a permit pursuant to this Act, to

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

1 restrictions who shall fail to comply with such terms,  
2 conditions or restrictions, or to complete a required program  
3 of care, counseling, or treatment, as determined by the Chief  
4 Medical Coordinator or Deputy Medical Coordinators, shall be  
5 referred to the Secretary for a determination as to whether the  
6 licensee shall have their license suspended immediately,  
7 pending a hearing by the Disciplinary Board. In instances in  
8 which the Secretary immediately suspends a license under this  
9 Section, a hearing upon such person's license must be convened  
10 by the Disciplinary Board within 15 days after such suspension  
11 and completed without appreciable delay. The Disciplinary  
12 Board shall have the authority to review the subject  
13 physician's record of treatment and counseling regarding the  
14 impairment, to the extent permitted by applicable federal  
15 statutes and regulations safeguarding the confidentiality of  
16 medical records.

17 An individual licensed under this Act, affected under this  
18 Section, shall be afforded an opportunity to demonstrate to the  
19 Disciplinary Board that they can resume practice in compliance  
20 with acceptable and prevailing standards under the provisions  
21 of their license.

22 The Department may promulgate 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 Medical  
3 Disciplinary Fund.

4 (B) The Department shall revoke the license or visiting  
5 permit of any person issued under this Act to practice medicine  
6 or to treat human ailments without the use of drugs and without  
7 operative surgery, who has been convicted a second time of  
8 committing any felony under the Illinois Controlled Substances  
9 Act or the Methamphetamine Control and Community Protection  
10 Act, or who has been convicted a second time of committing a  
11 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois  
12 Public Aid Code. A person whose license or visiting permit is  
13 revoked under this subsection B of Section 22 of this Act shall  
14 be prohibited from practicing medicine or treating human  
15 ailments without the use of drugs and without operative  
16 surgery.

17 (C) The Medical Disciplinary Board shall recommend to the  
18 Department civil penalties and any other appropriate  
19 discipline in disciplinary cases when the Board finds that a  
20 physician willfully performed an abortion with actual  
21 knowledge that the person upon whom the abortion has been  
22 performed is a minor or an incompetent person without notice as  
23 required under the Parental Notice of Abortion Act of 1995.  
24 Upon the Board's recommendation, the Department shall impose,  
25 for the first violation, a civil penalty of \$1,000 and for a  
26 second or subsequent violation, a civil penalty of \$5,000.



1 (Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05;  
2 95-331, eff. 8-21-07.)

3 Section 100. The Nurse Practice Act is amended by changing  
4 Section 70-5 as follows:

5 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 70-5. Grounds for disciplinary action.

8 (a) The Department may refuse to issue or to renew, or may  
9 revoke, suspend, place on probation, reprimand, or take other  
10 disciplinary or non-disciplinary action as the Department may  
11 deem appropriate, including fines not to exceed \$10,000 per  
12 violation, with regard to a license for any one or combination  
13 of the causes set forth in subsection (b) below. All fines  
14 collected under this Section shall be deposited in the Nursing  
15 Dedicated and Professional Fund.

16 (b) Grounds for disciplinary action include the following:

17 (1) Material deception in furnishing information to  
18 the Department.

19 (2) Material violations of any provision of this Act or  
20 violation of the rules of or final administrative action of  
21 the Secretary, after consideration of the recommendation  
22 of the Board.

23 (3) Conviction by plea of guilty or nolo contendere,  
24 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,  
2 convictions, preceding sentences of supervision,  
3 conditional discharge, or first offender probation, under  
4 the laws of any jurisdiction of the United States: (i) that  
5 is a felony; or (ii) that is a misdemeanor, an essential  
6 element of which is dishonesty, or that is directly related  
7 to the practice of the profession.

8 (4) A pattern of practice or other behavior which  
9 demonstrates incapacity or incompetency to practice under  
10 this Act.

11 (5) Knowingly aiding or assisting another person in  
12 violating any provision of this Act or rules.

13 (6) Failing, within 90 days, to provide a response to a  
14 request for information in response to a written request  
15 made by the Department by certified mail.

16 (7) Engaging in dishonorable, unethical or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud or harm the public, as defined by rule.

19 (8) Unlawful taking, theft, selling, distributing, or  
20 manufacturing of any drug, narcotic, or prescription  
21 device.

22 (9) Habitual or excessive use or addiction to alcohol,  
23 narcotics, stimulants, or any other chemical agent or drug  
24 that could result in a licensee's inability to practice  
25 with reasonable judgment, skill or safety.

26 (10) Discipline by another U.S. jurisdiction or

1 foreign nation, if at least one of the grounds for the  
2 discipline is the same or substantially equivalent to those  
3 set forth in this Section.

4 (11) A finding that the licensee, after having her or  
5 his license placed on probationary status or subject to  
6 conditions or restrictions, has violated the terms of  
7 probation or failed to comply with such terms or  
8 conditions.

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

16 (13) Willful omission to file or record, or willfully  
17 impeding the filing or recording or inducing another person  
18 to omit to file or record medical reports as required by  
19 law or willfully failing to report an instance of suspected  
20 child abuse or neglect as required by the Abused and  
21 Neglected Child Reporting Act.

22 (14) Gross negligence in the practice of practical,  
23 professional, or advanced practice nursing.

24 (15) Holding oneself out to be practicing nursing under  
25 any name other than one's own.

26 (16) Failure of a licensee to report to the Department

1 any adverse final action taken against him or her by  
2 another licensing jurisdiction of the United States or any  
3 foreign state or country, any peer review body, any health  
4 care institution, any professional or nursing society or  
5 association, any governmental agency, any law enforcement  
6 agency, or any court or a nursing liability claim related  
7 to acts or conduct similar to acts or conduct that would  
8 constitute grounds for action as defined in this Section.

9 (17) Failure of a licensee to report to the Department  
10 surrender by the licensee of a license or authorization to  
11 practice nursing or advanced practice nursing in another  
12 state or jurisdiction or current surrender by the licensee  
13 of membership on any nursing staff or in any nursing or  
14 advanced practice nursing or professional association or  
15 society while under disciplinary investigation by any of  
16 those authorities or bodies for acts or conduct similar to  
17 acts or conduct that would constitute grounds for action as  
18 defined by this Section.

19 (18) Failing, within 60 days, to provide information in  
20 response to a written request made by the Department.

21 (19) Failure to establish and maintain records of  
22 patient care and treatment as required by law.

23 (20) Fraud, deceit or misrepresentation in applying  
24 for or procuring a license under this Act or in connection  
25 with applying for renewal of a license under this Act.

26 (21) Allowing another person or organization to use the

1 licenses' license to deceive the public.

2 (22) Willfully making or filing false records or  
3 reports in the licensee's practice, including but not  
4 limited to false records to support claims against the  
5 medical assistance program of the Department of Healthcare  
6 and Family Services (formerly Department of Public Aid)  
7 under the Illinois Public Aid Code.

8 (23) Attempting to subvert or cheat on a licensing  
9 examination administered under this Act.

10 (24) Immoral conduct in the commission of an act,  
11 including, but not limited to, sexual abuse, sexual  
12 misconduct, or sexual exploitation, related to the  
13 licensee's practice.

14 (25) Willfully or negligently violating the  
15 confidentiality between nurse and patient except as  
16 required by law.

17 (26) Practicing under a false or assumed name, except  
18 as provided by law.

19 (27) The use of any false, fraudulent, or deceptive  
20 statement in any document connected with the licensee's  
21 practice.

22 (28) Directly or indirectly giving to or receiving from  
23 a person, firm, corporation, partnership, or association a  
24 fee, commission, rebate, or other form of compensation for  
25 professional services not actually or personally rendered.

26 (29) A violation of the Health Care Worker

1 Self-Referral Act.

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

7 (31) Exceeding the terms of a collaborative agreement  
8 or the prescriptive authority delegated to a licensee by  
9 his or her collaborating physician or podiatrist in  
10 guidelines established under a written collaborative  
11 agreement.

12 (32) Making a false or misleading statement regarding a  
13 licensee's skill or the efficacy or value of the medicine,  
14 treatment, or remedy prescribed by him or her in the course  
15 of treatment.

16 (33) Prescribing, selling, administering,  
17 distributing, giving, or self-administering a drug  
18 classified as a controlled substance (designated product)  
19 or narcotic for other than medically accepted therapeutic  
20 purposes.

21 (34) Promotion of the sale of drugs, devices,  
22 appliances, or goods provided for a patient in a manner to  
23 exploit the patient for financial gain.

24 (35) Violating State or federal laws, rules, or  
25 regulations relating to controlled substances.

26 (36) Willfully or negligently violating the

1 confidentiality between an advanced practice nurse,  
2 collaborating physician, dentist, or podiatrist and a  
3 patient, except as required by law.

4 (37) A violation of any provision of this Act or any  
5 rules promulgated under this Act.

6 (38) Violating any provision of the Internet  
7 Prescribing Prohibition Act.

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

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

25 (e) In enforcing this Act, the Department or Board, upon a  
26 showing of a possible violation, may compel an individual

1 licensed to practice under this Act or who has applied for  
2 licensure under this Act, to submit to a mental or physical  
3 examination, or both, as required by and at the expense of the  
4 Department. The Department or Board may order the examining  
5 physician to present testimony concerning the mental or  
6 physical examination of the licensee or applicant. No  
7 information shall be excluded by reason of any common law or  
8 statutory privilege relating to communications between the  
9 licensee or applicant and the examining physician. The  
10 examining physicians shall be specifically designated by the  
11 Board or Department. 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 this examination. Failure of an  
14 individual to submit to a mental or physical examination, when  
15 directed, shall result in an automatic suspension without  
16 hearing.

17 All substance-related violations shall mandate an  
18 automatic substance abuse assessment. Failure to submit to an  
19 assessment by a licensed physician who is certified as an  
20 addictionist or an advanced practice nurse with specialty  
21 certification in addictions may be grounds for an automatic  
22 suspension, as defined by rule.

23 If the Department or Board finds an individual unable to  
24 practice or unfit for duty because of the reasons set forth in  
25 this Section, the Department or Board may require that  
26 individual to submit to a substance abuse evaluation or



1 treatment by individuals or programs approved or designated by  
2 the Department or Board, as a condition, term, or restriction  
3 for continued, reinstated, or renewed licensure to practice;  
4 or, in lieu of evaluation or treatment, the Department may  
5 file, or the Board may recommend to the Department to file, a  
6 complaint to immediately suspend, revoke, or otherwise  
7 discipline the license of the individual. An individual whose  
8 license was granted, continued, reinstated, renewed,  
9 disciplined or supervised subject to such terms, conditions, or  
10 restrictions, and who fails to comply with such terms,  
11 conditions, or restrictions, shall be referred to the Secretary  
12 for a determination as to whether the individual shall have his  
13 or her license suspended immediately, pending a hearing by the  
14 Department.

15 In instances in which the Secretary immediately suspends a  
16 person's license under this Section, a hearing on that person's  
17 license must be convened by the Department within 15 days after  
18 the suspension and completed without appreciable delay. The  
19 Department and Board shall have the authority to review the  
20 subject individual's record of treatment and counseling  
21 regarding the impairment to the extent permitted by applicable  
22 federal statutes and regulations safeguarding the  
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under  
25 this Section shall be afforded an opportunity to demonstrate to  
26 the Department that he or she can resume practice in compliance

1 with nursing standards under the provisions of his or her  
2 license.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)

4 Section 105. The Illinois Optometric Practice Act of 1987  
5 is amended by changing Section 24 as follows:

6 (225 ILCS 80/24) (from Ch. 111, par. 3924)

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

8 Sec. 24. Grounds for disciplinary action.

9 (a) The Department may refuse to issue or to renew, or may  
10 revoke, suspend, place on probation, reprimand or take other  
11 disciplinary action as the Department may deem proper,  
12 including fines not to exceed \$10,000 for each violation, with  
13 regard to any license for any one or combination of the  
14 following causes:

15 (1) Violations of this Act, or of the rules promulgated  
16 hereunder.

17 (2) Conviction of or entry of a plea of guilty to any  
18 crime under the laws of any U.S. jurisdiction thereof that  
19 is a felony or that is a misdemeanor of which an essential  
20 element is dishonesty, or any crime that is directly  
21 related to the practice of the profession.

22 (3) Making any misrepresentation for the purpose of  
23 obtaining a license.

24 (4) Professional incompetence or gross negligence in

1 the practice of optometry.

2 (5) Gross malpractice, prima facie evidence of which  
3 may be a conviction or judgment of malpractice in any court  
4 of competent jurisdiction.

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

7 (7) Failing, within 60 days, to provide information in  
8 response to a written request made by the Department that  
9 has been sent by certified or registered mail to the  
10 licensee's last known address.

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

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

18 (10) Discipline by another U.S. jurisdiction or  
19 foreign nation, if at least one of the grounds for the  
20 discipline is the same or substantially equivalent to those  
21 set forth herein.

22 (11) Directly or indirectly giving to or receiving from  
23 any person, firm, corporation, partnership, or association  
24 any fee, commission, rebate, or other form of compensation  
25 for any professional services not actually or personally  
26 rendered. This shall not be deemed to include (i) rent or

1 other remunerations paid to an individual, partnership, or  
2 corporation by an optometrist for the lease, rental, or use  
3 of space, owned or controlled, by the individual,  
4 partnership, corporation or association, and (ii) the  
5 division of fees between an optometrist and related  
6 professional service providers with whom the optometrist  
7 practices in a professional corporation organized under  
8 Section 3.6 of the Professional Service Corporation Act.

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

12 (13) Abandonment of a patient.

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

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

19 (16) Physical illness, including but not limited to,  
20 deterioration through the aging process, or loss of motor  
21 skill, mental illness, or disability that results in the  
22 inability to practice the profession with reasonable  
23 judgment, skill, or safety.

24 (17) Solicitation of professional services other than  
25 permitted advertising.

26 (18) Failure to provide a patient with a copy of his or

1 her record or prescription in accordance with federal law.

2 (19) Conviction by any court of competent  
3 jurisdiction, either within or without this State, of any  
4 violation of any law governing the practice of optometry,  
5 conviction in this or another State of any crime that is a  
6 felony under the laws of this State or conviction of a  
7 felony in a federal court, if the Department determines,  
8 after investigation, that such person has not been  
9 sufficiently rehabilitated to warrant the public trust.

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

12 (21) Continued practice by a person knowingly having an  
13 infectious or contagious disease.

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

21 (23) Practicing or attempting to practice under a name  
22 other than the full name as shown on his or her license.

23 (24) Immoral conduct in the commission of any act, such  
24 as sexual abuse, sexual misconduct or sexual exploitation,  
25 related to the licensee's practice.

26 (25) Maintaining a professional relationship with any

1 person, firm, or corporation when the optometrist knows, or  
2 should know, that such person, firm, or corporation is  
3 violating this Act.

4 (26) Promotion of the sale of drugs, devices,  
5 appliances or goods provided for a client or patient in  
6 such manner as to exploit the patient or client for  
7 financial gain of the licensee.

8 (27) Using the title "Doctor" or its abbreviation  
9 without further qualifying that title or abbreviation with  
10 the word "optometry" or "optometrist".

11 (28) Use by a licensed optometrist of the word  
12 "infirmary", "hospital", "school", "university", in  
13 English or any other language, in connection with the place  
14 where optometry may be practiced or demonstrated.

15 (29) Continuance of an optometrist in the employ of any  
16 person, firm or corporation, or as an assistant to any  
17 optometrist or optometrists, directly or indirectly, after  
18 his or her employer or superior has been found guilty of  
19 violating or has been enjoined from violating the laws of  
20 the State of Illinois relating to the practice of  
21 optometry, when the employer or superior persists in that  
22 violation.

23 (30) The performance of optometric service in  
24 conjunction with a scheme or plan with another person, firm  
25 or corporation known to be advertising in a manner contrary  
26 to this Act or otherwise violating the laws of the State of

1 Illinois concerning the practice of optometry.

2 (31) Failure to provide satisfactory proof of having  
3 participated in approved continuing education programs as  
4 determined by the Board and approved by the Secretary.  
5 Exceptions for extreme hardships are to be defined by the  
6 rules of the Department.

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

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

21 (34) In the absence of good reasons to the contrary,  
22 failure to perform a minimum eye examination as required by  
23 the rules of the Department.

24 (35) Violation of the Health Care Worker Self-Referral  
25 Act.

26 (36) Violating any provision of the Internet

1           Prescribing Prohibition Act.

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

9           (a-5) In enforcing this Section, the Board upon a showing  
10 of a possible violation, may compel any individual licensed to  
11 practice under this Act, or who has applied for licensure or  
12 certification pursuant to this Act, to submit to a mental or  
13 physical examination, or both, as required by and at the  
14 expense of the Department. The examining physicians or clinical  
15 psychologists shall be those specifically designated by the  
16 Board. The Board or the Department may order the examining  
17 physician or clinical psychologist to present testimony  
18 concerning this mental or physical examination of the licensee  
19 or applicant. No information shall be excluded by reason of any  
20 common law or statutory privilege relating to communications  
21 between the licensee or applicant and the examining physician  
22 or clinical psychologist. Eye examinations may be provided by a  
23 licensed optometrist. The individual to be examined may have,  
24 at his or her own expense, another physician of his or her  
25 choice present during all aspects of the examination. Failure  
26 of any individual to submit to a mental or physical



1 examination, when directed, shall be grounds for suspension of  
2 a license until such time as the individual submits to the  
3 examination if the Board finds, after notice and hearing, that  
4 the refusal to submit to the examination was without reasonable  
5 cause.

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

25 (b) The determination by a circuit court that a licensee is  
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities  
2 Code operates as an automatic suspension. The suspension will  
3 end only upon a finding by a court that the patient is no  
4 longer subject to involuntary admission or judicial admission  
5 and issues an order so finding and discharging the patient; and  
6 upon the recommendation of the Board to the Secretary that the  
7 licensee be allowed to resume his or her practice.

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

9 Section 110. The Physician Assistant Practice Act of 1987  
10 is amended by changing Section 21 as follows:

11 (225 ILCS 95/21) (from Ch. 111, par. 4621)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 21. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or to renew, or may  
15 revoke, suspend, place on probation, censure or reprimand, or  
16 take other disciplinary or non-disciplinary action with regard  
17 to any license issued under this Act as the Department may deem  
18 proper, including the issuance of fines not to exceed \$10,000  
19 for each violation, for any one or combination of the following  
20 causes:

21 (1) Material misstatement in furnishing information to  
22 the Department.

23 (2) Violations of this Act, or the rules adopted under  
24 this Act.

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

7           (4) Making any misrepresentation for the purpose of  
8           obtaining licenses.

9           (5) Professional incompetence.

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

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

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

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

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

25          (11) Directly or indirectly giving to or receiving from  
26          any person, firm, corporation, partnership, or association

1 any fee, commission, rebate or other form of compensation  
2 for any professional services not actually or personally  
3 rendered.

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

7 (13) Abandonment of a patient.

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

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

14 (16) Physical illness, or mental illness or impairment  
15 that results in the inability to practice the profession  
16 with reasonable judgment, skill, or safety, including, but  
17 not limited to, deterioration through the aging process or  
18 loss of motor skill.

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

26 (18) (Blank).

1           (19) Gross negligence resulting in permanent injury or  
2 death of a patient.

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

6           (21) Exceeding the authority delegated to him or her by  
7 his or her supervising physician in guidelines established  
8 by the physician/physician assistant team.

9           (22) Immoral conduct in the commission of any act, such  
10 as sexual abuse, sexual misconduct or sexual exploitation  
11 related to the licensee's practice.

12           (23) Violation of the Health Care Worker Self-Referral  
13 Act.

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

16           (25) Making a false or misleading statement regarding  
17 his or her skill or the efficacy or value of the medicine,  
18 treatment, or remedy prescribed by him or her in the course  
19 of treatment.

20           (26) Allowing another person to use his or her license  
21 to practice.

22           (27)        Prescribing,        selling,        administering,  
23 distributing,    giving,    or self-administering a drug  
24 classified as a controlled substance (designated product)  
25 or narcotic for other than medically-accepted therapeutic  
26 purposes.

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

4           (29) A pattern of practice or other behavior that  
5           demonstrates incapacity or incompetence to practice under  
6           this Act.

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

9           (31) Exceeding the limited prescriptive authority  
10          delegated by the supervising physician or violating the  
11          written guidelines delegating that authority.

12          (32) Practicing without providing to the Department a  
13          notice of supervision or delegation of prescriptive  
14          authority.

15          (33) Violating any provision of the Internet  
16          Prescribing Prohibition Act.

17          (b) The Department may, without a hearing, refuse to issue  
18          or renew or may suspend the license of any person who fails to  
19          file a return, or to pay the tax, penalty or interest shown in  
20          a filed return, or to pay any final assessment of the tax,  
21          penalty, or interest as required by any tax Act administered by  
22          the Illinois Department of Revenue, until such time as the  
23          requirements of any such tax Act are satisfied.

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

1 Code operates as an automatic suspension. The suspension will  
2 end only upon a finding by a court that the patient is no  
3 longer subject to involuntary admission or judicial admission  
4 and issues an order so finding and discharging the patient, and  
5 upon the recommendation of the Disciplinary Board to the  
6 Secretary that the licensee be allowed to resume his or her  
7 practice.

8 (d) In enforcing this Section, the Department upon a  
9 showing of a possible violation may compel an individual  
10 licensed to practice under this Act, or who has applied for  
11 licensure under this Act, to submit to a mental or physical  
12 examination, or both, as required by and at the expense of the  
13 Department. The Department may order the examining physician to  
14 present testimony concerning the mental or physical  
15 examination of the licensee or applicant. No information shall  
16 be excluded by reason of any common law or statutory privilege  
17 relating to communications between the licensee or applicant  
18 and the examining physician. The examining physicians shall be  
19 specifically designated by the Department. The individual to be  
20 examined may have, at his or her own expense, another physician  
21 of his or her choice present during all aspects of this  
22 examination. Failure of an individual to submit to a mental or  
23 physical examination, when directed, shall be grounds for  
24 suspension of his or her license until the individual submits  
25 to the examination if the Department finds, after notice and  
26 hearing, that the refusal to submit to the examination was

1 without reasonable cause.

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

18 In instances in which the Secretary immediately suspends a  
19 person's license under this Section, a hearing on that person's  
20 license must be convened by the Department within 30 days after  
21 the suspension and completed without appreciable delay. The  
22 Department shall have the authority to review the subject  
23 individual's record of treatment and counseling regarding the  
24 impairment to the extent permitted by applicable federal  
25 statutes and regulations safeguarding the confidentiality of  
26 medical records.



1           An individual licensed under this Act and affected under  
2 this Section shall be afforded an opportunity to demonstrate to  
3 the Department that he or she can resume practice in compliance  
4 with acceptable and prevailing standards under the provisions  
5 of his or her license.

6           (Source: P.A. 95-703, eff. 12-31-07.)

7           Section 115. The Podiatric Medical Practice Act of 1987 is  
8 amended by changing Section 24 as follows:

9           (225 ILCS 100/24) (from Ch. 111, par. 4824)

10           (Section scheduled to be repealed on January 1, 2018)

11           Sec. 24. Grounds for disciplinary action. The Department  
12 may refuse to issue, may refuse to renew, may refuse to  
13 restore, may suspend, or may revoke any license, or may place  
14 on probation, reprimand or take other disciplinary or  
15 non-disciplinary action as the Department may deem proper,  
16 including fines not to exceed \$10,000 for each violation upon  
17 anyone licensed under this Act for any of the following  
18 reasons:

19           (1) Making a material misstatement in furnishing  
20 information to the Department.

21           (2) Violations of this Act, or of the rules or  
22 regulations promulgated hereunder.

23           (3) Conviction of or entry of a plea of guilty or nolo  
24 contendere to any crime that is a felony under the laws of

1 the United States or any state or territory of the United  
2 States that is a misdemeanor, of which an essential element  
3 is dishonesty, or of any crime that is directly related to  
4 the practice of the profession.

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

9 (5) Professional incompetence.

10 (6) Gross or repeated malpractice or negligence.

11 (7) Aiding or assisting another person in violating any  
12 provision of this Act or rules.

13 (8) Failing, within 30 days, to provide information in  
14 response to a written request made by the Department.

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

18 (10) Habitual or excessive use of alcohol, narcotics,  
19 stimulants or other chemical agent or drug that results in  
20 the inability to practice podiatric medicine with  
21 reasonable judgment, skill or safety.

22 (11) Discipline by another United States jurisdiction  
23 if at least one of the grounds for the discipline is the  
24 same or substantially equivalent to those set forth in this  
25 Section.

26 (12) Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership or association  
2 any fee, commission, rebate or other form of compensation  
3 for any professional services not actually or personally  
4 rendered. This shall not be deemed to include rent or other  
5 remunerations paid to an individual, partnership, or  
6 corporation, by a licensee, for the lease, rental or use of  
7 space, owned or controlled, by the individual, partnership  
8 or corporation.

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

13 (14) Abandonment of a patient.

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

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

20 (17) Physical illness, mental illness, or other  
21 impairment, including but not limited to, deterioration  
22 through the aging process, or loss of motor skill that  
23 results in the inability to practice the profession with  
24 reasonable judgment, skill or safety.

25 (18) Solicitation of professional services other than  
26 permitted advertising.

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

12           (20) Holding oneself out to treat human ailments under  
13 any name other than his or her own, or the impersonation of  
14 any other physician.

15           (21) Revocation or suspension or other action taken  
16 with respect to a podiatric medical license in another  
17 jurisdiction that would constitute disciplinary action  
18 under this Act.

19           (22) Promotion of the sale of drugs, devices,  
20 appliances or goods provided for a patient in such manner  
21 as to exploit the patient for financial gain of the  
22 podiatric physician.

23           (23) Gross, willful, and continued overcharging for  
24 professional services including filing false statements  
25 for collection of fees for those services, including, but  
26 not limited to, filing false statement for collection of

1 monies for services not rendered from the medical  
2 assistance program of the Department of Healthcare and  
3 Family Services (formerly Department of Public Aid) under  
4 the Illinois Public Aid Code or other private or public  
5 third party payor.

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

13 (25) Willfully making or filing false records or  
14 reports in the practice of podiatric medicine, including,  
15 but not limited to, false records to support claims against  
16 the medical assistance program of the Department of  
17 Healthcare and Family Services (formerly Department of  
18 Public Aid) under the Illinois Public Aid Code.

19 (26) (Blank).

20 (27) Immoral conduct in the commission of any act  
21 including, sexual abuse, sexual misconduct, or sexual  
22 exploitation, related to the licensee's practice.

23 (28) Violation of the Health Care Worker Self-Referral  
24 Act.

25 (29) Failure to report to the Department any adverse  
26 final action taken against him or her by another licensing

1 jurisdiction (another state or a territory of the United  
2 States or a foreign state or country) by a peer review  
3 body, by any health care institution, by a professional  
4 society or association related to practice under this Act,  
5 by a governmental agency, by a law enforcement agency, or  
6 by a court for acts or conduct similar to acts or conduct  
7 that would constitute grounds for action as defined in this  
8 Section.

9 (30) Violating any provision of the Internet  
10 Prescribing Prohibition Act.

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

18 Upon receipt of a written communication from the Secretary  
19 of Human Services, the Director of Healthcare and Family  
20 Services (formerly Director of Public Aid), or the Director of  
21 Public Health that continuation of practice of a person  
22 licensed under this Act constitutes an immediate danger to the  
23 public, the Secretary may immediately suspend the license of  
24 such person without a hearing. In instances in which the  
25 Secretary immediately suspends a license under this Section, a  
26 hearing upon such person's license must be convened by the

1 Board within 15 days after such suspension and completed  
2 without appreciable delay, such hearing held to determine  
3 whether to recommend to the Secretary that the person's license  
4 be revoked, suspended, placed on probationary status or  
5 reinstated, or such person be subject to other disciplinary  
6 action. In such hearing, the written communication and any  
7 other evidence submitted therewith may be introduced as  
8 evidence against such person; provided, however, the person or  
9 his counsel shall have the opportunity to discredit or impeach  
10 such evidence and submit evidence rebutting the same.

11 Except for fraud in procuring a license, all proceedings to  
12 suspend, revoke, place on probationary status, or take any  
13 other disciplinary action as the Department may deem proper,  
14 with regard to a license on any of the foregoing grounds, must  
15 be commenced within 5 years after receipt by the Department of  
16 a complaint alleging the commission of or notice of the  
17 conviction order for any of the acts described in this Section.  
18 Except for the grounds set forth in items (8), (9), (26), and  
19 (29) of this Section, no action shall be commenced more than 10  
20 years after the date of the incident or act alleged to have  
21 been a violation of this Section. In the event of the  
22 settlement of any claim or cause of action in favor of the  
23 claimant or the reduction to final judgment of any civil action  
24 in favor of the plaintiff, such claim, cause of action, or  
25 civil action being grounded on the allegation that a person  
26 licensed under this Act was negligent in providing care, the

1 Department shall have an additional period of 2 years from the  
2 date of notification to the Department under Section 26 of this  
3 Act of such settlement or final judgment in which to  
4 investigate and commence formal disciplinary proceedings under  
5 Section 24 of this Act, except as otherwise provided by law.  
6 The time during which the holder of the license was outside the  
7 State of Illinois shall not be included within any period of  
8 time limiting the commencement of disciplinary action by the  
9 Department.

10 In enforcing this Section, the Department or Board upon a  
11 showing of a possible violation may compel an individual  
12 licensed to practice under this Act, or who has applied for  
13 licensure under this Act, to submit to a mental or physical  
14 examination, or both, as required by and at the expense of the  
15 Department. The Department or Board may order the examining  
16 physician to present testimony concerning the mental or  
17 physical examination of the licensee or applicant. No  
18 information shall be excluded by reason of any common law or  
19 statutory privilege relating to communications between the  
20 licensee or applicant and the examining physician. The  
21 examining physicians shall be specifically designated by the  
22 Board or Department. The individual to be examined may have, at  
23 his or her own expense, another physician of his or her choice  
24 present during all aspects of this examination. Failure of an  
25 individual to submit to a mental or physical examination, when  
26 directed, shall be grounds for suspension of his or her license



1 until the individual submits to the examination if the  
2 Department finds, after notice and hearing, that the refusal to  
3 submit to the examination was without reasonable cause.

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

21 In instances in which the Secretary immediately suspends a  
22 person's license under this Section, a hearing on that person's  
23 license must be convened by the Department within 30 days after  
24 the suspension and completed without appreciable delay. The  
25 Department and Board shall have the authority to review the  
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable  
2 federal statutes and regulations safeguarding the  
3 confidentiality of medical records.

4 An individual licensed under this Act and affected under  
5 this Section shall be afforded an opportunity to demonstrate to  
6 the Department or Board that he or she can resume practice in  
7 compliance with acceptable and prevailing standards under the  
8 provisions of his or her license.

9 (Source: P.A. 95-235, eff. 8-17-07; 95-331, eff. 8-21-07.)

10 Section 120. The Veterinary Medicine and Surgery Practice  
11 Act of 2004 is amended by changing Section 25 as follows:

12 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

14 Sec. 25. Disciplinary actions.

15 1. The Department may refuse to issue or renew, or may  
16 revoke, suspend, place on probation, reprimand, or take other  
17 disciplinary action as the Department may deem appropriate,  
18 including fines not to exceed \$1,000 for each violation, with  
19 regard to any license or certificate for any one or combination  
20 of the following:

21 A. Material misstatement in furnishing information to  
22 the Department.

23 B. Violations of this Act, or of the rules promulgated  
24 under this Act.

1           C. Conviction of any crime under the laws of the United  
2 States or any state or territory of the United States that  
3 is a felony or that is a misdemeanor, an essential element  
4 of which is dishonesty, or of any crime that is directly  
5 related to the practice of the profession.

6           D. Making any misrepresentation for the purpose of  
7 obtaining licensure or certification, or violating any  
8 provision of this Act or the rules promulgated under this  
9 Act pertaining to advertising.

10          E. Professional incompetence.

11          F. Gross malpractice.

12          G. Aiding or assisting another person in violating any  
13 provision of this Act or rules.

14          H. Failing, within 60 days, to provide information in  
15 response to a written request made by the Department.

16          I. Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud or harm the public.

19          J. Habitual or excessive use or addiction to alcohol,  
20 narcotics, stimulants, or any other chemical agent or drug  
21 that results in the inability to practice with reasonable  
22 judgment, skill, or safety.

23          K. Discipline by another state, District of Columbia,  
24 territory, or foreign nation, if at least one of the  
25 grounds for the discipline is the same or substantially  
26 equivalent to those set forth herein.

1 L. Directly or indirectly giving to or receiving from  
2 any person, firm, corporation, partnership or association  
3 any fee, commission, rebate or other form of compensation  
4 for professional services not actually or personally  
5 rendered.

6 M. A finding by the Board that the licensee or  
7 certificate holder, after having his license or  
8 certificate placed on probationary status, has violated  
9 the terms of probation.

10 N. Willfully making or filing false records or reports  
11 in his practice, including but not limited to false records  
12 filed with State agencies or departments.

13 O. Physical illness, including but not limited to,  
14 deterioration through the aging process, or loss of motor  
15 skill which results in the inability to practice the  
16 profession with reasonable judgement, skill or safety.

17 P. Solicitation of professional services other than  
18 permitted advertising.

19 Q. Having professional connection with or lending  
20 one's name, directly or indirectly, to any illegal  
21 practitioner of veterinary medicine and surgery and the  
22 various branches thereof.

23 R. Conviction of or cash compromise of a charge or  
24 violation of the Harrison Act or the Illinois Controlled  
25 Substances Act, regulating narcotics.

26 S. Fraud or dishonesty in applying, treating, or

1 reporting on tuberculin or other biological tests.

2 T. Failing to report, as required by law, or making  
3 false report of any contagious or infectious diseases.

4 U. Fraudulent use or misuse of any health certificate,  
5 shipping certificate, brand inspection certificate, or  
6 other blank forms used in practice that might lead to the  
7 dissemination of disease or the transportation of diseased  
8 animals dead or alive; or dilatory methods, willful  
9 neglect, or misrepresentation in the inspection of milk,  
10 meat, poultry, and the by-products thereof.

11 V. Conviction on a charge of cruelty to animals.

12 W. Failure to keep one's premises and all equipment  
13 therein in a clean and sanitary condition.

14 X. Failure to provide satisfactory proof of having  
15 participated in approved continuing education programs.

16 Y. Failure to (i) file a return, (ii) pay the tax,  
17 penalty, or interest shown in a filed return, or (iii) pay  
18 any final assessment of tax, penalty, or interest, as  
19 required by any tax Act administered by the Illinois  
20 Department of Revenue, until the requirements of that tax  
21 Act are satisfied.

22 Z. Conviction by any court of competent jurisdiction,  
23 either within or outside this State, of any violation of  
24 any law governing the practice of veterinary medicine, if  
25 the Department determines, after investigation, that the  
26 person has not been sufficiently rehabilitated to warrant

1 the public trust.

2 AA. Promotion of the sale of drugs, devices,  
3 appliances, or goods provided for a patient in any manner  
4 to exploit the client for financial gain of the  
5 veterinarian.

6 BB. Gross, willful, or continued overcharging for  
7 professional services, including filing false statements  
8 for collection of fees for which services are not rendered.

9 CC. Practicing under a false or, except as provided by  
10 law, an assumed name.

11 DD. Fraud or misrepresentation in applying for, or  
12 procuring, a license under this Act or in connection with  
13 applying for renewal of a license under this Act.

14 EE. Cheating on or attempting to subvert the licensing  
15 examination administered under this Act.

16 FF. Using, prescribing, or selling a prescription drug  
17 or the extra-label use of a prescription drug by any means  
18 in the absence of a valid veterinarian-client-patient  
19 relationship.

20 GG. Failing to report a case of suspected aggravated  
21 cruelty, torture, or animal fighting pursuant to Section  
22 3.07 or 4.01 of the Humane Care for Animals Act or Section  
23 26-5 of the Criminal Code of 1961.

24 HH. Violating any provision of the Internet  
25 Prescribing Prohibition Act.

26 2. The determination by a circuit court that a licensee or

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

10 3. All proceedings to suspend, revoke, place on  
11 probationary status, or take any other disciplinary action as  
12 the Department may deem proper, with regard to a license or  
13 certificate on any of the foregoing grounds, must be commenced  
14 within 3 years after receipt by the Department of a complaint  
15 alleging the commission of or notice of the conviction order  
16 for any of the acts described in this Section. Except for  
17 proceedings brought for violations of items (CC), (DD), or  
18 (EE), no action shall be commenced more than 5 years after the  
19 date of the incident or act alleged to have violated this  
20 Section. In the event of the settlement of any claim or cause  
21 of action in favor of the claimant or the reduction to final  
22 judgment of any civil action in favor of the plaintiff, the  
23 claim, cause of action, or civil action being grounded on the  
24 allegation that a person licensed or certified under this Act  
25 was negligent in providing care, the Department shall have an  
26 additional period of one year from the date of the settlement

1 or final judgment in which to investigate and begin formal  
2 disciplinary proceedings under Section 25.2 of this Act, except  
3 as otherwise provided by law. The time during which the holder  
4 of the license or certificate was outside the State of Illinois  
5 shall not be included within any period of time limiting the  
6 commencement of disciplinary action by the Department.

7 4. The Department may refuse to issue or take disciplinary  
8 action concerning the license of any person who fails to file a  
9 return, to pay the tax, penalty, or interest shown in a filed  
10 return, or to pay any final assessment of tax, penalty, or  
11 interest as required by any tax Act administered by the  
12 Department of Revenue, until such time as the requirements of  
13 any such tax Act are satisfied as determined by the Department  
14 of Revenue.

15 5. In enforcing this Section, the Board, upon a showing of  
16 a possible violation, may compel a licensee or applicant to  
17 submit to a mental or physical examination, or both, as  
18 required by and at the expense of the Department. The examining  
19 physicians or clinical psychologists shall be those  
20 specifically designated by the Board. The Board or the  
21 Department may order (i) the examining physician to present  
22 testimony concerning the mental or physical examination of a  
23 licensee or applicant or (ii) the examining clinical  
24 psychologist to present testimony concerning the mental  
25 examination of a licensee or applicant. No information shall be  
26 excluded by reason of any common law or statutory privilege



1 relating to communications between a licensee or applicant and  
2 the examining physician or clinical psychologist. An  
3 individual to be examined may have, at his or her own expense,  
4 another physician or clinical psychologist of his or her choice  
5 present during all aspects of the examination. Failure of an  
6 individual to submit to a mental or physical examination, when  
7 directed, is grounds for suspension of his or her license. The  
8 license must remain suspended until the person submits to the  
9 examination or the Board finds, after notice and hearing, that  
10 the refusal to submit to the examination was with reasonable  
11 cause.

12 If the Board finds an individual unable to practice because  
13 of the reasons set forth in this Section, the Board must  
14 require the individual to submit to care, counseling, or  
15 treatment by a physician or clinical psychologist approved by  
16 the Board, as a condition, term, or restriction for continued,  
17 reinstated, or renewed licensure to practice. In lieu of care,  
18 counseling, or treatment, the Board may recommend that the  
19 Department file a complaint to immediately suspend or revoke  
20 the license of the individual or otherwise discipline the  
21 licensee.

22 Any individual whose license was granted, continued,  
23 reinstated, or renewed subject to conditions, terms, or  
24 restrictions, as provided for in this Section, or any  
25 individual who was disciplined or placed on supervision  
26 pursuant to this Section must be referred to the Director for a

1 determination as to whether the person shall have his or her  
2 license suspended immediately, pending a hearing by the Board.

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