

1 AN ACT concerning professional regulation.

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

4 Section 5. The Illinois Athletic Trainers Practice Act is
5 amended by changing Section 16 as follows:

6 (225 ILCS 5/16) (from Ch. 111, par. 7616)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 16. Refusal to issue, suspension, or revocation of
9 license. The Department may refuse to issue or 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 \$5,000 for each violation, with
13 regard to any licensee for any one or combination of the
14 following:

15 (A) Material misstatement in furnishing information to
16 the Department;

17 (B) Negligent or intentional disregard of this Act, or
18 of the rules or regulations promulgated hereunder;

19 (C) Conviction of any crime under the laws of the
20 United States or any state or territory thereof that is (i)
21 a felony, (ii) a misdemeanor, an essential element of which
22 is dishonesty, or (iii) of any crime that is directly
23 related to the practice of the profession;

1 (D) Making any misrepresentation for the purpose of
2 obtaining registration, or violating any provision of this
3 Act;

4 (E) Professional incompetence;

5 (F) Malpractice;

6 (G) Aiding or assisting another person in violating any
7 provision of this Act or rules;

8 (H) Failing, within 60 days, to provide information in
9 response to a written request made by the Department;

10 (I) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud or harm the public;

13 (J) Habitual intoxication or addiction to the use of
14 drugs;

15 (K) Discipline by another state, District of Columbia,
16 territory, or foreign nation, if at least one of the
17 grounds for the discipline is the same or substantially
18 equivalent to those set forth herein;

19 (L) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate, or other form of compensation
22 for any professional services not actually or personally
23 rendered. Nothing in this subparagraph (L) affects any bona
24 fide independent contractor or employment arrangements
25 among health care professionals, health facilities, health
26 care providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include
2 provisions for compensation, health insurance, pension, or
3 other employment benefits for the provision of services
4 within the scope of the licensee's practice under this Act.
5 Nothing in this subparagraph (L) shall be construed to
6 require an employment arrangement to receive professional
7 fees for services rendered;

8 (M) A finding that the licensee after having his or her
9 license placed on probationary status has violated the
10 terms of probation;

11 (N) Abandonment of an athlete;

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

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

18 (Q) Physical illness, including but not limited to
19 deterioration through the aging process, or loss of motor
20 skill that results in the inability to practice the
21 profession with reasonable judgment, skill, or safety;

22 (R) Solicitation of professional services other than
23 by permitted institutional policy;

24 (S) The use of any words, abbreviations, figures or
25 letters with the intention of indicating practice as an
26 athletic trainer without a valid license as an athletic

1 trainer under this Act;

2 (T) The evaluation or treatment of ailments of human
3 beings other than by the practice of athletic training as
4 defined in this Act or the treatment of injuries of
5 athletes by a licensed athletic trainer except by the
6 referral of a physician, podiatrist, or dentist;

7 (U) Willfully violating or knowingly assisting in the
8 violation of any law of this State relating to the use of
9 habit-forming drugs;

10 (V) Willfully violating or knowingly assisting in the
11 violation of any law of this State relating to the practice
12 of abortion;

13 (W) Continued practice by a person knowingly having an
14 infectious communicable or contagious disease;

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

21 (Y) Failure to file a return, or to pay the tax,
22 penalty, or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty, or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue, until such time as the requirements of any such
26 tax Act are satisfied; or

1 (Z) Failure to fulfill continuing education
2 requirements as prescribed in Section 10 of this Act.

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

13 (Source: P.A. 94-246, eff. 1-1-06.)

14 Section 10. The Clinical Psychologist Licensing Act is
15 amended by changing Section 15 as follows:

16 (225 ILCS 15/15) (from Ch. 111, par. 5365)

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

18 Sec. 15. Disciplinary action; grounds. The Department may
19 refuse to issue, refuse to renew, suspend, or revoke any
20 license, or may place on probation, censure, reprimand, or take
21 other disciplinary action deemed appropriate by the
22 Department, including the imposition of fines not to exceed
23 \$10,000 for each violation, with regard to any license issued
24 under the provisions of this Act for any one or a combination

1 of the following reasons:

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

8 (2) Gross negligence in the rendering of clinical
9 psychological services.

10 (3) Using fraud or making any misrepresentation in
11 applying for a license or in passing the examination
12 provided for in this Act.

13 (4) Aiding or abetting or conspiring to aid or abet a
14 person, not a clinical psychologist licensed under this
15 Act, in representing himself or herself as so licensed or
16 in applying for a license under this Act.

17 (5) Violation of any provision of this Act or the rules
18 promulgated thereunder.

19 (6) Professional connection or association with any
20 person, firm, association, partnership or corporation
21 holding himself, herself, themselves, or itself out in any
22 manner contrary to this Act.

23 (7) Unethical, unauthorized or unprofessional conduct
24 as defined by rule. In establishing those rules, the
25 Department shall consider, though is not bound by, the
26 ethical standards for psychologists promulgated by

1 recognized national psychology associations.

2 (8) Aiding or assisting another person in violating any
3 provisions of this Act or the rules promulgated thereunder.

4 (9) Failing to provide, within 60 days, information in
5 response to a written request made by the Department.

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

10 (11) Discipline by another state, territory, the
11 District of Columbia or foreign country, if at least one of
12 the grounds for the discipline is the same or substantially
13 equivalent to those set forth herein.

14 (12) Directly or indirectly giving or receiving from
15 any person, firm, corporation, association or partnership
16 any fee, commission, rebate, or other form of compensation
17 for any professional service not actually or personally
18 rendered. Nothing in this paragraph (12) affects any bona
19 fide independent contractor or employment arrangements
20 among health care professionals, health facilities, health
21 care providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this Act.
26 Nothing in this paragraph (12) shall be construed to

1 require an employment arrangement to receive professional
2 fees for services rendered.

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

6 (14) Willfully making or filing false records or
7 reports, including but not limited to, false records or
8 reports filed with State agencies or departments.

9 (15) Physical illness, including but not limited to,
10 deterioration through the aging process, mental illness or
11 disability that results in the inability to practice the
12 profession with reasonable judgment, skill and safety.

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

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

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

25 (19) Making a material misstatement in furnishing
26 information to the Department, any other State or federal

1 agency, or any other entity.

2 (20) Failing to report to the Department any adverse
3 judgment, settlement, or award arising from a liability
4 claim related to an act or conduct similar to an act or
5 conduct that would constitute grounds for action as set
6 forth in this Section.

7 (21) Failing to report to the Department any adverse
8 final action taken against a licensee or applicant by
9 another licensing jurisdiction, including any other state
10 or territory of the United States or any foreign state or
11 country, or any peer review body, health care institution,
12 professional society or association related to the
13 profession, governmental agency, law enforcement agency,
14 or court for an act or conduct similar to an act or conduct
15 that would constitute grounds for disciplinary action as
16 set forth in this Section.

17 The entry of an order by any circuit court establishing
18 that any person holding a license under this Act is subject to
19 involuntary admission or judicial admission as provided for in
20 the Mental Health and Developmental Disabilities Code,
21 operates as an automatic suspension of that license. That
22 person may have his or her license restored only upon the
23 determination by a circuit court that the patient is no longer
24 subject to involuntary admission or judicial admission and the
25 issuance of an order so finding and discharging the patient and
26 upon the Board's recommendation to the Department that the

1 license be restored. Where the circumstances so indicate, the
2 Board may recommend to the Department that it require an
3 examination prior to restoring any license so automatically
4 suspended.

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

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

1 psychologist of his or her choice present during all aspects of
2 the examination. Failure of any person to submit to a mental or
3 physical examination, when directed, shall be grounds for
4 suspension of a license until the person submits to the
5 examination if the Board finds, after notice and hearing, that
6 the refusal to submit to the examination was without reasonable
7 cause.

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

24 In instances in which the Secretary immediately suspends a
25 person's license under this Section, a hearing on that person's
26 license must be convened by the Board within 15 days after the

1 suspension and completed without appreciable delay. The Board
2 shall have the authority to review the subject person's record
3 of treatment and counseling regarding the impairment, to the
4 extent permitted by applicable federal statutes and
5 regulations safeguarding the confidentiality of medical
6 records.

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

12 (Source: P.A. 94-870, eff. 6-16-06.)

13 Section 15. The Clinical Social Work and Social Work
14 Practice Act is amended by changing Section 19 as follows:

15 (225 ILCS 20/19) (from Ch. 111, par. 6369)

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

17 Sec. 19. Grounds for disciplinary action.

18 (1) The Department may refuse to issue, refuse to renew,
19 suspend, or revoke any license, or may place on probation,
20 censure, reprimand, or take other disciplinary or
21 non-disciplinary action deemed appropriate by the Department,
22 including the imposition of fines not to exceed \$10,000 for
23 each violation, with regard to any license issued under the
24 provisions of this Act for any one or a combination of the

1 following reasons:

2 (a) material misstatements of fact in furnishing
3 information to the Department or to any other State agency
4 or in furnishing information to any insurance company with
5 respect to a claim on behalf of a licensee or a patient;

6 (b) violations or negligent or intentional disregard
7 of this Act, or any of the rules promulgated hereunder;

8 (c) conviction of or entry of a plea of guilty or nolo
9 contendere to any crime that is a felony under the laws of
10 the United States or any state or territory thereof or that
11 is a misdemeanor, of which an essential element is
12 dishonesty, or any crime that is directly related to the
13 practice of the clinical social work or social work
14 professions;

15 (d) making any misrepresentation for the purpose of
16 obtaining licenses, or violating any provision of this Act
17 or any of the rules promulgated hereunder;

18 (e) professional incompetence;

19 (f) malpractice;

20 (g) aiding or assisting another person in violating any
21 provision or this Act or any rules;

22 (h) failing to provide information within 30 days in
23 response to a written request made by the Department;

24 (i) engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public as defined by the rules of the

1 Department, or violating the rules of professional conduct
2 adopted by the Board and published by the Department;

3 (j) habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 that results in a clinical social worker's or social
6 worker's inability to practice with reasonable judgment,
7 skill, or safety;

8 (k) discipline by another jurisdiction, if at least one
9 of the grounds for the discipline is the same or
10 substantially equivalent to those set forth in this
11 Section;

12 (l) directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership, or association
14 any fee, commission, rebate or other form of compensation
15 for any professional service not actually rendered.
16 Nothing in this paragraph (l) affects any bona fide
17 independent contractor or employment arrangements among
18 health care professionals, health facilities, health care
19 providers, or other entities, except as otherwise
20 prohibited by law. Any employment arrangements may include
21 provisions for compensation, health insurance, pension, or
22 other employment benefits for the provision of services
23 within the scope of the licensee's practice under this Act.
24 Nothing in this paragraph (l) shall be construed to require
25 an employment arrangement to receive professional fees for
26 services rendered;

1 (m) a finding by the Board that the licensee, after
2 having the license placed on probationary status, has
3 violated the terms of probation;

4 (n) abandonment, without cause, of a client;

5 (o) wilfully filing false reports relating to a
6 licensee's practice, including but not limited to false
7 records filed with Federal or State agencies or
8 departments;

9 (p) wilfully failing to report an instance of suspected
10 child abuse or neglect as required by the Abused and
11 Neglected Child Reporting Act;

12 (q) being named as a perpetrator in an indicated report
13 by the Department of Children and Family Services under the
14 Abused and Neglected Child Reporting Act, and upon proof by
15 clear and convincing evidence that the licensee has caused
16 a child to be or failed to take reasonable steps to prevent
17 a child from being an abused child or neglected child as
18 defined in the Abused and Neglected Child Reporting Act;

19 (r) physical illness, mental illness, or any other
20 impairment or disability, including, but not limited to,
21 deterioration through the aging process, or loss of motor
22 skills that results in the inability to practice the
23 profession with reasonable judgment, skill or safety;

24 (s) solicitation of professional services by using
25 false or misleading advertising; or

26 (t) violation of the Health Care Worker Self-Referral

1 Act.

2 (2) (Blank).

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

13 (4) The Department may refuse to issue or renew or may
14 suspend the license of a person who (i) fails to file a return,
15 pay the tax, penalty, or interest shown in a filed return, or
16 pay any final assessment of tax, penalty, or interest, as
17 required by any tax Act administered by the Department of
18 Revenue, until the requirements of the tax Act are satisfied or
19 (ii) has failed to pay any court-ordered child support as
20 determined by a court order or by referral from the Department
21 of Healthcare and Family Services.

22 (5) In enforcing this Section, the Board upon a showing of
23 a possible violation may compel a person licensed to practice
24 under this Act, or who has applied for licensure or
25 certification pursuant to this Act, to submit to a mental or
26 physical examination, or both, as required by and at the

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

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

1 and who fails to comply with such terms, conditions, or
2 restrictions, shall be referred to the Secretary for a
3 determination as to whether the person shall have his or her
4 license suspended immediately, pending a hearing by the Board.

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

14 A person licensed under this Act and affected under this
15 Section shall be afforded an opportunity to demonstrate to the
16 Board that he or she can resume practice in compliance with
17 acceptable and prevailing standards under the provisions of his
18 or her license.

19 (Source: P.A. 95-687, eff. 10-23-07.)

20 Section 20. 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)

24 Sec. 23. Refusal, revocation or suspension of dental

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

7 1. Fraud in procuring the license.

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

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

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

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

22 Nothing in this item 5 affects any bona fide independent
23 contractor or employment arrangements among health care
24 professionals, health facilities, health care providers,
25 or other entities, except as otherwise prohibited by law.

26 Any employment arrangements may include provisions for

1 compensation, health insurance, pension, or other
2 employment benefits for the provision of services within
3 the scope of the licensee's practice under this Act.
4 Nothing in this item 5 shall be construed to require an
5 employment arrangement to receive professional fees for
6 services rendered.

7 6. Employing, procuring, inducing, aiding or abetting
8 a person not licensed or registered as a dentist to engage
9 in the practice of dentistry. The person practiced upon is
10 not an accomplice, employer, procurer, inducer, aider, or
11 abetter within the meaning of this Act.

12 7. Making any misrepresentations or false promises,
13 directly or indirectly, to influence, persuade or induce
14 dental patronage.

15 8. Professional connection or association with or
16 lending his name to another for the illegal practice of
17 dentistry by another, or professional connection or
18 association with any person, firm or corporation holding
19 himself, herself, themselves, or itself out in any manner
20 contrary to this Act.

21 9. Obtaining or seeking to obtain practice, money, or
22 any other things of value by false or fraudulent
23 representations, but not limited to, engaging in such
24 fraudulent practice to defraud the medical assistance
25 program of the Department of Healthcare and Family Services
26 (formerly Department of Public Aid).

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

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

5 12. Conviction in this or another State of any crime
6 which is a felony under the laws of this State or
7 conviction of a felony in a federal court, conviction of a
8 misdemeanor, an essential element of which is dishonesty,
9 or conviction of any crime which is directly related to the
10 practice of dentistry or dental hygiene.

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

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

16 15. A violation of any provision of this Act or any
17 rules promulgated under this Act.

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

20 17. Violating any provision of Section 45 relating to
21 advertising.

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

26 19. Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting Act.

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

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

9 22. Willfully making or filing false records or reports
10 in his practice as a dentist, including, but not limited
11 to, false records to support claims against the dental
12 assistance program of the Department of Healthcare and
13 Family Services (formerly Illinois Department of Public
14 Aid).

15 23. Professional incompetence as manifested by poor
16 standards of care.

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

25 25. Repeated irregularities in billing a third party
26 for services rendered to a patient. For purposes of this

1 paragraph 25, "irregularities in billing" shall include:

2 (a) Reporting excessive charges for the purpose of
3 obtaining a total payment in excess of that usually
4 received by the dentist for the services rendered.

5 (b) Reporting charges for services not rendered.

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

8 26. Continuing the active practice of dentistry while
9 knowingly having any infectious, communicable, or
10 contagious disease proscribed by rule or regulation of the
11 Department.

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

18 28. Violating the Health Care Worker Self-Referral
19 Act.

20 29. Abandonment of a patient.

21 30. Mental incompetency as declared by a court of
22 competent jurisdiction.

23 All proceedings to suspend, revoke, place on probationary
24 status, or take any other disciplinary action as the Department
25 may deem proper, with regard to a license on any of the
26 foregoing grounds, must be commenced within 3 years after

1 receipt by the Department of a complaint alleging the
2 commission of or notice of the conviction order for any of the
3 acts described herein. Except for fraud in procuring a license,
4 no action shall be commenced more than 5 years after the date
5 of the incident or act alleged to have violated this Section.
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 The Department may refuse to issue or may suspend the
11 license of any person who fails to file a return, or to pay the
12 tax, penalty or interest shown in a filed return, or to pay any
13 final assessment of tax, penalty or interest, as required by
14 any tax Act administered by the Illinois Department of Revenue,
15 until such time as the requirements of any such tax Act are
16 satisfied.

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

18 Section 25. The Dietetic and Nutrition Services Practice
19 Act is amended by changing Section 95 as follows:

20 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 95. Grounds for discipline.

23 (1) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary action as the Department may deem proper,
2 including fines not to exceed \$1000 for each violation, with
3 regard to any license or certificate for any one or combination
4 of the following causes:

5 (a) Material misstatement in furnishing information to
6 the Department.

7 (b) Violations of this Act or its rules.

8 (c) Conviction of any crime under the laws of the
9 United States or any state or territory thereof that is (i)
10 a felony; (ii) a misdemeanor, an essential element of which
11 is dishonesty; or (iii) a crime that is directly related to
12 the practice of the profession.

13 (d) Making any misrepresentation for the purpose of
14 obtaining licensure or violating any provision of this Act.

15 (e) Professional incompetence or gross negligence.

16 (f) Malpractice.

17 (g) Aiding or assisting another person in violating any
18 provision of this Act or its rules.

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

21 (i) Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

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

1 judgment, skill, or safety.

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

6 (l) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered. Nothing in this paragraph (1) affects any bona
11 fide independent contractor or employment arrangements
12 among health care professionals, health facilities, health
13 care providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (1) shall be construed to require
19 an employment arrangement to receive professional fees for
20 services rendered.

21 (m) A finding by the Department that the licensee,
22 after having his or her license placed on probationary
23 status, has violated the terms of probation.

24 (n) Conviction by any court of competent jurisdiction,
25 either within or outside this State, of any violation of
26 any law governing the practice of dietetics or nutrition

1 counseling, if the Department determines, after
2 investigation, that the person has not been sufficiently
3 rehabilitated to warrant the public trust.

4 (o) A finding that licensure has been applied for or
5 obtained by fraudulent means.

6 (p) Practicing or attempting to practice under a name
7 other than the full name as shown on the license or any
8 other legally authorized name.

9 (q) Gross and willful overcharging for professional
10 services including filing statements for collection of
11 fees or monies for which services are not rendered.

12 (r) Failure to (i) file a return, (ii) pay the tax,
13 penalty or interest shown in a filed return, or (iii) pay
14 any final assessment of tax, penalty or interest, as
15 required by any tax Act administered by the Illinois
16 Department of Revenue, until the requirements of any such
17 tax Act are satisfied.

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

21 (2) In enforcing this Section, the Board, upon a showing of
22 a possible violation, may compel a licensee or applicant to
23 submit to a mental or physical examination, or both, as
24 required by and at the expense of the Department. The examining
25 physician shall be specifically designated by the Board. The
26 Board or the Department may order the examining physician to

1 present testimony concerning the mental or physical
2 examination of a licensee or applicant. No information may be
3 excluded by reason of any common law or statutory privilege
4 relating to communications between a licensee or applicant and
5 the examining physician. An individual to be examined may have,
6 at his or her own expense, another physician of his or her
7 choice present during all aspects of the examination. Failure
8 of an individual to submit to a mental or physical examination,
9 when directed, is grounds for suspension of his or her license.
10 The license must remain suspended until the time that the
11 individual submits to the examination or the Board finds, after
12 notice and a hearing, that the refusal to submit to the
13 examination was with reasonable cause. If the Board finds that
14 an individual is unable to practice because of the reasons set
15 forth in this Section, the Board must require the individual to
16 submit to care, counseling, or treatment by a physician
17 approved by the Board, as a condition, term, or restriction for
18 continued, reinstated, or renewed licensure to practice. In
19 lieu of care, counseling, or treatment, the Board may recommend
20 that the Department file a complaint to immediately suspend or
21 revoke the license of the individual or otherwise discipline
22 him or her. Any individual whose license was granted,
23 continued, reinstated, or renewed subject to conditions,
24 terms, or 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 individual shall have his or
2 her license suspended immediately, pending a hearing by the
3 Board.

4 The Department shall deny any license or renewal under this
5 Act to any person who has defaulted on an educational loan
6 guaranteed by the Illinois Student Assistance Commission;
7 however, the Department may issue a license or renewal if the
8 person in default has established a satisfactory repayment
9 record as determined by the Illinois Student Assistance
10 Commission.

11 The determination by a circuit court that a registrant is
12 subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. This suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission,
17 the issuance of an order so finding and discharging the
18 patient, and the recommendation of the Board to the Director
19 that the registrant be allowed to resume practice.

20 (Source: P.A. 92-642, eff. 10-31-03.)

21 Section 27. The Health Care Worker Self-Referral Act is
22 amended by adding Section 50 as follows:

23 (225 ILCS 47/50 new)

24 Sec. 50. Statutorily required referrals.

1 (a) With respect to statutorily required referrals for
2 physical therapy services, occupational therapy services,
3 athletic trainer services, or genetic counselor services, a
4 patient shall be informed that he or she may request a referral
5 for these services outside or independent of the authorized
6 referring health care worker's group practice, facility, or
7 health professional's or provider's office (hereinafter
8 "practice"). This notice to the patient may take the following
9 or a similar form:

10 For your information, the health care professionals in
11 this practice (or legal entity) are financially
12 integrated. If you are referred to a health care
13 professional in this practice for physical therapy
14 services, occupational therapy services, athletic trainer
15 services, or genetic counselor services, please note that
16 you may request and receive a referral for these services
17 outside or independent of this practice.

18 (b) For the purposes of this Section, "referral" means the
19 authority required by Illinois law for a physical therapist,
20 occupational therapist, athletic trainer, or genetic counselor
21 to provide services to a patient.

22 Section 30. The Hearing Instrument Consumer Protection Act
23 is amended by changing Section 18 as follows:

24 (225 ILCS 50/18) (from Ch. 111, par. 7418)

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

2 Sec. 18. Discipline by the Department. The Department may
3 refuse to issue or renew a license or it may revoke, suspend,
4 place on probation, censure, fine, or reprimand a licensee for
5 any of the following:

6 (a) Material misstatement in furnishing information to the
7 Department or to any other State or federal agency.

8 (b) Violations of this Act, or the rules promulgated
9 hereunder.

10 (c) Conviction of any crime under the laws of the United
11 States or any state or territory thereof which is a felony or
12 misdemeanor, an essential element of dishonesty, or of any
13 crime which is directly related to the practice of the
14 profession.

15 (d) Making any misrepresentation for the purpose of
16 obtaining a license or renewing a license, including
17 falsification of the continuing education requirement.

18 (e) Professional incompetence.

19 (f) Malpractice.

20 (g) Aiding or assisting another person in violating any
21 provision of this Act or the rules promulgated hereunder.

22 (h) Failing, within 30 days, to provide in writing
23 information in response to a written request made by the
24 Department.

25 (i) Engaging in dishonorable, unethical or unprofessional
26 conduct which is likely to deceive, defraud or harm the public.

1 (j) Knowingly employing, directly or indirectly, any
2 suspended or unlicensed person to perform any services covered
3 by this Act.

4 (k) Habitual intoxication or addiction to the use of drugs.

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

9 (m) Directly or indirectly giving to or receiving from any
10 person, firm, corporation, partnership, or association any
11 fee, commission, rebate, or other form of compensation for any
12 service not actually rendered. Nothing in this paragraph (m)
13 affects any bona fide independent contractor or employment
14 arrangements among health care professionals, health
15 facilities, health care providers, or other entities, except as
16 otherwise prohibited by law. Any employment arrangements may
17 include provisions for compensation, health insurance,
18 pension, or other employment benefits for the provision of
19 services within the scope of the licensee's practice under this
20 Act. Nothing in this paragraph (m) shall be construed to
21 require an employment arrangement to receive professional fees
22 for services rendered.

23 (n) A finding by the Board that the licensee, after having
24 his or her license placed on probationary status has violated
25 the terms or probation.

26 (o) Willfully making or filing false records or reports.

1 (p) Willfully failing to report an instance of suspected
2 child abuse or neglect as required by the Abused and Neglected
3 Child Reporting Act.

4 (q) Physical illness, including but not limited to,
5 deterioration through the aging process, or loss of motor skill
6 which results in the inability to practice the profession with
7 reasonable judgement, skill or safety.

8 (r) Solicitation of services or products by advertising
9 that is false or misleading. An advertisement is false or
10 misleading if it:

11 (1) contains an intentional misrepresentation of fact;

12 (2) contains a false statement as to the licensee's
13 professional achievements, education, skills, or
14 qualifications in the hearing instrument dispensing
15 profession;

16 (3) makes a partial disclosure of a relevant fact,
17 including:

18 (i) the advertisement of a discounted price of an
19 item without identifying in the advertisement or at the
20 location of the item either the specific product being
21 offered at the discounted price or the usual price of
22 the item; and

23 (ii) the advertisement of the price of a
24 specifically identified hearing instrument if more
25 than one hearing instrument appears in the same
26 advertisement without an accompanying price;

1 (4) contains a representation that a product
2 innovation is new when, in fact, the product was first
3 offered by the manufacturer to the general public in this
4 State not less than 12 months before the date of the
5 advertisement;

6 (5) contains any other representation, statement, or
7 claim that is inherently misleading or deceptive; or

8 (6) contains information that the licensee
9 manufactures hearing instruments at the licensee's office
10 location unless the following statement includes a
11 statement disclosing that the instruments are manufactured
12 by a specified manufacturer and assembled by the licensee.

13 (s) Participating in subterfuge or misrepresentation in
14 the fitting or servicing of a hearing instrument.

15 (t) (Blank).

16 (u) Representing that the service of a licensed physician
17 or other health professional will be used or made available in
18 the fitting, adjustment, maintenance, or repair of hearing
19 instruments when that is not true, or using the words "doctor",
20 "audiologist", "clinic", "Clinical Audiologist", "Certified
21 Hearing Aid Audiologist", "State Licensed", "State Certified",
22 "Hearing Care Professional", "Licensed Hearing Instrument
23 Dispenser", "Licensed Hearing Aid Dispenser", "Board Certified
24 Hearing Instrument Specialist", "Hearing Instrument
25 Specialist", "Licensed Audiologist", or any other term,
26 abbreviation or symbol which would give the impression that

1 service is being provided by persons who are licensed or
2 awarded a degree or title, or that the person's service who is
3 holding the license has been recommended by a governmental
4 agency or health provider, when such is not the case.

5 (v) Advertising a manufacturer's product or using a
6 manufacturer's name or trademark implying a relationship which
7 does not exist.

8 (w) Directly or indirectly giving or offering anything of
9 value to any person who advises another in a professional
10 capacity, as an inducement to influence the purchase of a
11 product sold or offered for sale by a hearing instrument
12 dispenser or influencing persons to refrain from dealing in the
13 products of competitors.

14 (x) Conducting business while suffering from a contagious
15 disease.

16 (y) Engaging in the fitting or sale of hearing instruments
17 under a name with fraudulent intent.

18 (z) Dispensing a hearing instrument to a person who has not
19 been given tests utilizing appropriate established procedures
20 and instrumentation in the fitting of hearing instruments,
21 except where there is the replacement of a hearing instrument,
22 of the same make and model within one year of the dispensing of
23 the original hearing instrument.

24 (aa) Unavailability or unwillingness to adequately provide
25 for service or repair of hearing instruments fitted and sold by
26 the dispenser.

1 (bb) Violating the regulations of the Federal Food and Drug
2 Administration or the Federal Trade Commission as they affect
3 hearing instruments.

4 (cc) Violating any provision of the Consumer Fraud and
5 Deceptive Business Practices Act.

6 (dd) Violating the Health Care Worker Self-Referral Act.
7 The Department, with the approval of the Board, may impose a
8 fine not to exceed \$1,000 plus costs for the first violation
9 and not to exceed \$5,000 plus costs for each subsequent
10 violation of this Act, and the rules promulgated hereunder, on
11 any person or entity described in this Act. Such fine may be
12 imposed as an alternative to any other disciplinary measure,
13 except for probation. The imposition by the Department of a
14 fine for any violation does not bar the violation from being
15 alleged in subsequent disciplinary proceedings. Such fines
16 shall be deposited in the Fund.

17 (Source: P.A. 89-72, eff. 12-31-95.)

18 Section 35. The Marriage and Family Therapy Licensing Act
19 is amended by changing Section 85 as follows:

20 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

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

23 (a) The Department may refuse to issue or renew, or may
24 revoke a license, or may suspend, place on probation, fine, or

1 take any disciplinary or non-disciplinary action as the
2 Department may deem proper, including fines not to exceed
3 \$10,000 for each violation, with regard to any licensee for any
4 one or combination of the following causes:

5 (1) Material misstatement in furnishing information to
6 the Department.

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

8 (3) Conviction of or entry of a plea of guilty or nolo
9 contendere to any crime that is a felony under the laws of
10 the United States or any state or territory thereof or a
11 misdemeanor of which an essential element is dishonesty or
12 that is directly related to the practice of the profession.

13 (4) Making any misrepresentation for the purpose of
14 obtaining a license or violating any provision of this Act
15 or its rules.

16 (5) Professional incompetence.

17 (6) Gross negligence.

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

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

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

1 (10) Habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants, or any other chemical agent or drug
3 that results in the inability to practice with reasonable
4 judgment, skill, or safety.

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

9 (12) Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership, or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional services not actually or personally
13 rendered. Nothing in this paragraph (12) affects any bona
14 fide independent contractor or employment arrangements
15 among health care professionals, health facilities, health
16 care providers, or other entities, except as otherwise
17 prohibited by law. Any employment arrangements may include
18 provisions for compensation, health insurance, pension, or
19 other employment benefits for the provision of services
20 within the scope of the licensee's practice under this Act.
21 Nothing in this paragraph (12) shall be construed to
22 require an employment arrangement to receive professional
23 fees for services rendered.

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

1 (14) Abandonment of a patient without cause.

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

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

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

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

20 (19) Solicitation of professional services by using
21 false or misleading advertising.

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

24 (21) Practicing or attempting to practice under a name
25 other than the full name as shown on the license or any
26 other legally authorized name.

1 (22) Gross overcharging for professional services
2 including filing statements for collection of fees or
3 moneys for which services are not rendered.

4 (b) The Department shall deny any application for a license
5 or renewal, without hearing, under this Act to any person who
6 has defaulted on an educational loan guaranteed by the Illinois
7 Student Assistance Commission; however, the Department may
8 issue a license or renewal if the person in default has
9 established a satisfactory repayment record as determined by
10 the Illinois Student Assistance Commission.

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

22 (d) The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, pay the tax,
24 penalty, or interest shown in a filed return or pay any final
25 assessment of tax, penalty, or interest, as required by any tax
26 Act administered by the Illinois Department of Revenue, until

1 the time the requirements of the tax Act are satisfied.

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

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

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

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

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

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

2 Section 40. The Medical Practice Act of 1987 is amended by
3 adding Section 22.3 as follows:

4 (225 ILCS 60/22.3 new)

5 Sec. 22.3. Employment of allied health care personnel.
6 Nothing in this Act prohibits physicians, physician practices,
7 or entities authorized by law to employ physicians from also
8 employing other licensed health care workers and other persons.

9 Section 45. The Naprapathic Practice Act is amended by
10 changing Section 110 as follows:

11 (225 ILCS 63/110)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 110. Grounds for disciplinary action; refusal,
14 revocation, suspension.

15 (a) The Department may refuse to issue or to renew, or may
16 revoke, suspend, place on probation, reprimand or take other
17 disciplinary action as the Department may deem proper,
18 including fines not to exceed \$5,000 for each violation, with
19 regard to any licensee or license for any one or combination of
20 the following causes:

21 (1) Violations of this Act or its rules.

22 (2) Material misstatement in furnishing information to

1 the Department.

2 (3) Conviction of any crime under the laws of any U.S.
3 jurisdiction that is (i) a felony, (ii) a misdemeanor, an
4 essential element of which is dishonesty, or (iii) directly
5 related to the practice of the profession.

6 (4) Making any misrepresentation for the purpose of
7 obtaining a license.

8 (5) Professional incompetence or gross negligence.

9 (6) Gross malpractice.

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

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

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

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

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

25 (12) 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. This shall not be deemed to include rent or other
4 remunerations paid to an individual, partnership, or
5 corporation by a naprapath for the lease, rental, or use of
6 space, owned or controlled by the individual, partnership,
7 corporation, or association. Nothing in this paragraph
8 (12) affects any bona fide independent contractor or
9 employment arrangements among health care professionals,
10 health facilities, health care providers, or other
11 entities, except as otherwise prohibited by law. Any
12 employment arrangements may include provisions for
13 compensation, health insurance, pension, or other
14 employment benefits for the provision of services within
15 the scope of the licensee's practice under this Act.
16 Nothing in this paragraph (12) shall be construed to
17 require an employment arrangement to receive professional
18 fees for services rendered.

19 (13) Using the title "Doctor" or its abbreviation
20 without further clarifying that title or abbreviation with
21 the word "naprapath" or "naprapathy" or the designation
22 "D.N."

23 (14) A finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status, has violated the terms of probation.

26 (15) Abandonment of a patient without cause.

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

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

8 (18) Physical illness, including but not limited to,
9 deterioration through the aging process or loss of motor
10 skill that results in the inability to practice the
11 profession with reasonable judgment, skill, or safety.

12 (19) Solicitation of professional services by means
13 other than permitted advertising.

14 (20) Failure to provide a patient with a copy of his or
15 her record upon the written request of the patient.

16 (21) Conviction by any court of competent
17 jurisdiction, either within or without this State, of any
18 violation of any law governing the practice of naprapathy,
19 conviction in this or another state of any crime which is a
20 felony under the laws of this State or conviction of a
21 felony in a federal court, if the Department determines,
22 after investigation, that the person has not been
23 sufficiently rehabilitated to warrant the public trust.

24 (22) A finding that licensure has been applied for or
25 obtained by fraudulent means.

26 (23) Continued practice by a person knowingly having an

1 infectious or contagious disease.

2 (24) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 under 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 a neglected
7 child as defined in the Abused and Neglected Child
8 Reporting Act.

9 (25) Practicing or attempting to practice under a name
10 other than the full name shown on the license.

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

14 (27) Maintaining a professional relationship with any
15 person, firm, or corporation when the naprapath knows, or
16 should know, that the person, firm, or corporation is
17 violating this Act.

18 (28) Promotion of the sale of food supplements,
19 devices, appliances, or goods provided for a client or
20 patient in such manner as to exploit the patient or client
21 for financial gain of the licensee.

22 (29) Having treated ailments of human beings other than
23 by the practice of naprapathy as defined in this Act, or
24 having treated ailments of human beings as a licensed
25 naprapath independent of a documented referral or
26 documented current and relevant diagnosis from a

1 physician, dentist, or podiatrist, or having failed to
2 notify the physician, dentist, or podiatrist who
3 established a documented current and relevant diagnosis
4 that the patient is receiving naprapathic treatment
5 pursuant to that diagnosis.

6 (30) Use by a registered naprapath of the word
7 "infirmary", "hospital", "school", "university", in
8 English or any other language, in connection with the place
9 where naprapathy may be practiced or demonstrated.

10 (31) Continuance of a naprapath in the employ of any
11 person, firm, or corporation, or as an assistant to any
12 naprapath or naprapaths, directly or indirectly, after his
13 or her employer or superior has been found guilty of
14 violating or has been enjoined from violating the laws of
15 the State of Illinois relating to the practice of
16 naprapathy when the employer or superior persists in that
17 violation.

18 (32) The performance of naprapathic service in
19 conjunction with a scheme or plan with another person,
20 firm, or corporation known to be advertising in a manner
21 contrary to this Act or otherwise violating the laws of the
22 State of Illinois concerning the practice of naprapathy.

23 (33) Failure to provide satisfactory proof of having
24 participated in approved continuing education programs as
25 determined by the Committee and approved by the Director.
26 Exceptions for extreme hardships are to be defined by the

1 rules of the Department.

2 (34) Willfully making or filing false records or
3 reports in the practice of naprapathy, 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 (35) Gross or willful overcharging for professional
9 services including filing false statements for collection
10 of fees for which services are not rendered, including, but
11 not limited to, filing false statements for collection of
12 monies for services not rendered from the medical
13 assistance program of the Department of Healthcare and
14 Family Services (formerly Department of Public Aid) under
15 the Illinois Public Aid Code.

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

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

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

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

1 directed, shall be grounds for suspension of a license until
2 the person submits to the examination if the Department finds,
3 after notice and hearing, that the refusal to submit to the
4 examination was without reasonable cause.

5 If the Department finds an individual unable to practice
6 because of the reasons set forth in this Section, the
7 Department may require that individual to submit to care,
8 counseling, or treatment by physicians approved or designated
9 by the Department, as a condition, term, or restriction for
10 continued, reinstated, or renewed licensure to practice or, in
11 lieu of care, counseling, or treatment, the Department may file
12 a complaint to immediately suspend, revoke, or otherwise
13 discipline the license of the individual.

14 Any person whose license was granted, continued,
15 reinstated, renewed, disciplined, or supervised subject to
16 such terms, conditions, or restrictions and who fails to comply
17 with such terms, conditions, or restrictions shall be referred
18 to the Director for a determination as to whether the person
19 shall have his or her license suspended immediately, pending a
20 hearing by the Department.

21 In instances in which the Director 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 15 days after
24 the suspension and completed without appreciable delay. The
25 Department shall have the authority to review the subject
26 person's record of treatment and counseling regarding the

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

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

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

10 Section 50. The Nurse Practice Act is amended by changing
11 Section 70-5 as follows:

12 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

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

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

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

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

24 (1) Material deception in furnishing information to

1 the Department.

2 (2) Material violations of any provision of this Act or
3 violation of the rules of or final administrative action of
4 the Secretary, after consideration of the recommendation
5 of the Board.

6 (3) Conviction by plea of guilty or nolo contendere,
7 finding of guilt, jury verdict, or entry of judgment or by
8 sentencing of any crime, including, but not limited to,
9 convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation, under
11 the laws of any jurisdiction of the United States: (i) that
12 is a felony; or (ii) that is a misdemeanor, an essential
13 element of which is dishonesty, or that is directly related
14 to the practice of the profession.

15 (4) A pattern of practice or other behavior which
16 demonstrates incapacity or incompetency to practice under
17 this Act.

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

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

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

26 (8) Unlawful taking, theft, selling, distributing, or

1 manufacturing of any drug, narcotic, or prescription
2 device.

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

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

11 (11) A finding that the licensee, after having her or
12 his license placed on probationary status or subject to
13 conditions or restrictions, has violated the terms of
14 probation or failed to comply with such terms or
15 conditions.

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

23 (13) Willful omission to file or record, or willfully
24 impeding the filing or recording or inducing another person
25 to omit to file or record medical reports as required by
26 law or willfully failing to report an instance of suspected

1 child abuse or neglect as required by the Abused and
2 Neglected Child Reporting Act.

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

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

7 (16) Failure of a licensee to report to the Department
8 any adverse final action taken against him or her by
9 another licensing jurisdiction of the United States or any
10 foreign state or country, any peer review body, any health
11 care institution, any professional or nursing society or
12 association, any governmental agency, any law enforcement
13 agency, or any court or a nursing liability claim related
14 to acts or conduct similar to acts or conduct that would
15 constitute grounds for action as defined in this Section.

16 (17) Failure of a licensee to report to the Department
17 surrender by the licensee of a license or authorization to
18 practice nursing or advanced practice nursing in another
19 state or jurisdiction or current surrender by the licensee
20 of membership on any nursing staff or in any nursing or
21 advanced practice nursing or professional association or
22 society while under disciplinary investigation by any of
23 those authorities or bodies for acts or conduct similar to
24 acts or conduct that would constitute grounds for action as
25 defined by this Section.

26 (18) Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

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

4 (20) Fraud, deceit or misrepresentation in applying
5 for or procuring a license under this Act or in connection
6 with applying for renewal of a license under this Act.

7 (21) Allowing another person or organization to use the
8 licensees' license to deceive the public.

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

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

17 (24) Immoral conduct in the commission of an act,
18 including, but not limited to, sexual abuse, sexual
19 misconduct, or sexual exploitation, related to the
20 licensee's practice.

21 (25) Willfully or negligently violating the
22 confidentiality between nurse and patient except as
23 required by law.

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

26 (27) The use of any false, fraudulent, or deceptive

1 statement in any document connected with the licensee's
2 practice.

3 (28) Directly or indirectly giving to or receiving from
4 a person, firm, corporation, partnership, or association a
5 fee, commission, rebate, or other form of compensation for
6 professional services not actually or personally rendered.
7 Nothing in this paragraph (28) affects any bona fide
8 independent contractor or employment arrangements among
9 health care professionals, health facilities, health care
10 providers, or other entities, except as otherwise
11 prohibited by law. Any employment arrangements may include
12 provisions for compensation, health insurance, pension, or
13 other employment benefits for the provision of services
14 within the scope of the licensee's practice under this Act.
15 Nothing in this paragraph (28) shall be construed to
16 require an employment arrangement to receive professional
17 fees for services rendered.

18 (29) A violation of the Health Care Worker
19 Self-Referral Act.

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

25 (31) Exceeding the terms of a collaborative agreement
26 or the prescriptive authority delegated to a licensee by

1 his or her collaborating physician or podiatrist in
2 guidelines established under a written collaborative
3 agreement.

4 (32) Making a false or misleading statement regarding a
5 licensee's skill or the efficacy or value of the medicine,
6 treatment, or remedy prescribed by him or her in the course
7 of treatment.

8 (33) Prescribing, selling, administering,
9 distributing, giving, or self-administering a drug
10 classified as a controlled substance (designated product)
11 or narcotic for other than medically accepted therapeutic
12 purposes.

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

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

18 (36) Willfully or negligently violating the
19 confidentiality between an advanced practice nurse,
20 collaborating physician, dentist, or podiatrist and a
21 patient, except as required by law.

22 (37) A violation of any provision of this Act or any
23 rules promulgated under this Act.

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

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

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

1 Board or Department. The individual to be examined may have, at
2 his or her own expense, another physician of his or her choice
3 present during all aspects of this examination. Failure of an
4 individual to submit to a mental or physical examination, when
5 directed, shall result in an automatic suspension without
6 hearing.

7 All substance-related violations shall mandate an
8 automatic substance abuse assessment. Failure to submit to an
9 assessment by a licensed physician who is certified as an
10 addictionist or an advanced practice nurse with specialty
11 certification in addictions may be grounds for an automatic
12 suspension, as defined by rule.

13 If the Department or Board finds an individual unable to
14 practice or unfit for duty because of the reasons set forth in
15 this Section, the Department or Board may require that
16 individual to submit to a substance abuse evaluation or
17 treatment by individuals or programs approved or designated by
18 the Department or Board, as a condition, term, or restriction
19 for continued, reinstated, or renewed licensure to practice;
20 or, in lieu of evaluation or treatment, the Department may
21 file, or the Board may recommend to the Department to file, a
22 complaint to immediately suspend, revoke, or otherwise
23 discipline the license of the individual. An individual whose
24 license was granted, continued, reinstated, renewed,
25 disciplined or supervised subject to such terms, conditions, or
26 restrictions, and who fails to comply with such terms,

1 conditions, or restrictions, shall be referred to the Secretary
2 for a determination as to whether the individual shall have his
3 or her license suspended immediately, pending a hearing by the
4 Department.

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

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

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

20 Section 55. The Illinois Occupational Therapy Practice Act
21 is amended by changing Section 19 as follows:

22 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

24 Sec. 19. (a) The Department may refuse to issue or renew,

1 or may revoke, suspend, place on probation, reprimand or take
2 other disciplinary action as the Department may deem proper,
3 including fines not to exceed \$2,500 for each violation, with
4 regard to any license for any one or combination of the
5 following:

6 (1) Material misstatement in furnishing information to
7 the Department;

8 (2) Wilfully violating this Act, or of the rules
9 promulgated thereunder;

10 (3) Conviction of any crime under the laws of the
11 United States or any state or territory thereof which is a
12 felony or which is a misdemeanor, an essential element of
13 which is dishonesty, or of any crime which is directly
14 related to the practice of occupational therapy;

15 (4) Making any misrepresentation for the purpose of
16 obtaining certification, or violating any provision of
17 this Act or the rules promulgated thereunder pertaining to
18 advertising;

19 (5) Having demonstrated unworthiness, or incompetency
20 to act as an occupational therapist or occupational therapy
21 assistant in such manner as to safeguard the interest of
22 the public;

23 (6) Wilfully aiding or assisting another person, firm,
24 partnership or corporation in violating any provision of
25 this Act or rules;

26 (7) Failing, within 60 days, to provide information in

1 response to a written request made by the Department;

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

5 (9) Habitual intoxication or addiction to the use of
6 drugs;

7 (10) Discipline by another state, the District of
8 Columbia, a territory, or foreign nation, if at least one
9 of the grounds for the discipline is the same or
10 substantially equivalent to those set forth herein;

11 (11) Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate or other form of compensation
14 for professional services not actually or personally
15 rendered. Nothing in this paragraph (11) affects any bona
16 fide independent contractor or employment arrangements
17 among health care professionals, health facilities, health
18 care providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this Act.
23 Nothing in this paragraph (11) shall be construed to
24 require an employment arrangement to receive professional
25 fees for services rendered;

26 (12) A finding by the Department that the license

1 holder, after having his license disciplined, has violated
2 the terms of the discipline;

3 (13) Wilfully making or filing false records or reports
4 in the practice of occupational therapy, including but not
5 limited to false records filed with the State agencies or
6 departments;

7 (14) Physical illness, including but not limited to,
8 deterioration through the aging process, or loss of motor
9 skill which results in the inability to practice the
10 profession with reasonable judgment, skill or safety;

11 (15) Solicitation of professional services other than
12 by permitted advertising;

13 (16) Wilfully exceeding the scope of practice
14 customarily undertaken by persons licensed under this Act,
15 which conduct results in, or may result in, harm to the
16 public;

17 (17) Holding one's self out to practice occupational
18 therapy under any name other than his own or impersonation
19 of any other occupational therapy licensee;

20 (18) Gross negligence;

21 (19) Malpractice;

22 (20) Obtaining a fee in money or gift in kind of any
23 other items of value or in the form of financial profit or
24 benefit as personal compensation, or as compensation, or
25 charge, profit or gain for an employer or for any other
26 person or persons, on the fraudulent misrepresentation

1 that a manifestly incurable condition of sickness, disease
2 or injury to any person can be cured;

3 (21) Accepting commissions or rebates or other forms of
4 remuneration for referring persons to other professionals;

5 (22) Failure to file a return, or to pay the tax,
6 penalty or interest shown in a filed return, or to pay any
7 final assessment of tax, penalty or interest, as required
8 by any tax Act administered by the Illinois Department of
9 Revenue, until such time as the requirements of any such
10 tax Act are satisfied;

11 (23) Violating the Health Care Worker Self-Referral
12 Act; and

13 (24) Having treated patients other than by the practice
14 of occupational therapy as defined in this Act, or having
15 treated patients as a licensed occupational therapist
16 independent of a referral from a physician, advanced
17 practice nurse or physician assistant in accordance with
18 Section 3.1, dentist, podiatrist, or optometrist, or
19 having failed to notify the physician, advanced practice
20 nurse, physician assistant, dentist, podiatrist, or
21 optometrist who established a diagnosis that the patient is
22 receiving occupational therapy pursuant to that diagnosis.

23 (b) The determination by a circuit court that a license
24 holder is subject to involuntary admission or judicial
25 admission as provided in the Mental Health and Developmental
26 Disabilities Code, as now or hereafter amended, operates as an

1 automatic suspension. Such suspension will end only upon a
2 finding by a court that the patient is no longer subject to
3 involuntary admission or judicial admission, an order by the
4 court so finding and discharging the patient, and the
5 recommendation of the Board to the Director that the license
6 holder be allowed to resume his practice.

7 (c) 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 (d) 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. 93-461, eff. 8-8-03; 93-962, eff. 8-20-04.)

4 Section 60. The Orthotics, Prosthetics, and Pedorthics
5 Practice Act is amended by changing Section 90 as follows:

6 (225 ILCS 84/90)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 90. Grounds for discipline.

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

16 (1) Making a material misstatement in furnishing
17 information to the Department or the Board.

18 (2) Violations of or negligent or intentional
19 disregard of this Act or its rules.

20 (3) Conviction of, or entry of a plea of guilty or nolo
21 contendere to any crime that is a felony under the laws of
22 the United States or any state or territory thereof or that
23 is a misdemeanor of which an essential element is
24 dishonesty, or any crime that is directly related to the

1 practice of the profession.

2 (4) Making a misrepresentation for the purpose of
3 obtaining a license.

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

7 (6) Gross negligence under this Act.

8 (7) Aiding or assisting another person in violating a
9 provision of this Act or its rules.

10 (8) Failing to provide information within 60 days in
11 response to a written request made by the Department.

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

15 (10) Inability to practice with reasonable judgment,
16 skill, or safety as a result of habitual or excessive use
17 or addiction to alcohol, narcotics, stimulants, or any
18 other chemical agent or drug.

19 (11) Discipline by another state or territory of the
20 United States, the federal government, or foreign nation,
21 if at least one of the grounds for the discipline is the
22 same or substantially equivalent to one set forth in this
23 Section.

24 (12) Directly or indirectly giving to or receiving from
25 a person, firm, corporation, partnership, or association a
26 fee, commission, rebate, or other form of compensation for

1 professional services not actually or personally rendered.
2 Nothing in this paragraph (12) affects any bona fide
3 independent contractor or employment arrangements among
4 health care professionals, health facilities, health care
5 providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this Act.
10 Nothing in this paragraph (12) shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered.

13 (13) A finding by the Board that the licensee or
14 registrant, after having his or her license placed on
15 probationary status, has violated the terms of probation.

16 (14) Abandonment of a patient or client.

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

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

23 (17) Inability to practice the profession with
24 reasonable judgment, skill, or safety as a result of a
25 physical illness, including, but not limited to,
26 deterioration through the aging process or loss of motor

1 skill, or a mental illness or disability.

2 (18) Solicitation of professional services using false
3 or misleading advertising.

4 (b) In enforcing this Section, the Department or Board upon
5 a showing of a possible violation, may compel a licensee or
6 applicant to submit to a mental or physical examination, or
7 both, as required by and at the expense of the Department. The
8 Department or Board may order the examining physician to
9 present testimony concerning the mental or physical
10 examination of the licensee or applicant. No information shall
11 be excluded by reason of any common law or statutory privilege
12 relating to communications between the licensee or applicant
13 and the examining physician. The examining physicians shall be
14 specifically designated by the Board or Department. The
15 individual to be examined may have, at his or her own expense,
16 another physician of his or her choice present during all
17 aspects of this examination. Failure of an individual to submit
18 to a mental or physical examination, when directed, shall be
19 grounds for the immediate suspension of his or her license
20 until the individual submits to the examination if the
21 Department finds that the refusal to submit to the examination
22 was without reasonable cause as defined by rule.

23 In instances in which the Secretary immediately suspends a
24 person's license for his or her failure to submit to a mental
25 or physical examination, when directed, a hearing on that
26 person's license must be convened by the Department within 15

1 days after the suspension and completed without appreciable
2 delay.

3 In instances in which the Secretary otherwise suspends a
4 person's license pursuant to the results of a compelled mental
5 or physical examination, a hearing on that person's license
6 must be convened by the Department within 15 days after the
7 suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 subject individual's record of treatment and counseling
10 regarding the impairment to the extent permitted by applicable
11 federal statutes and regulations safeguarding the
12 confidentiality of medical records.

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

18 (c) The Department shall deny a license or renewal
19 authorized by this Act to a person who has defaulted on an
20 educational loan or scholarship provided or guaranteed by the
21 Illinois Student Assistance Commission or any governmental
22 agency of this State in accordance with subsection (a)(5) of
23 Section 15 of the Department of Professional Regulation Law of
24 the Civil Administrative Code of Illinois (20 ILCS
25 2105/2105-15).

26 (d) In cases where the Department of Healthcare and Family

1 Services (formerly Department of Public Aid) has previously
2 determined that a licensee or a potential licensee is more than
3 30 days delinquent in the payment of child support and has
4 subsequently certified the delinquency to the Department, the
5 Department may refuse to issue or renew or may revoke or
6 suspend that person's license or may take other disciplinary
7 action against that person based solely upon the certification
8 of delinquency made by the Department of Healthcare and Family
9 Services in accordance with subsection (a) (5) of Section 15 of
10 the Department of Professional Regulation Law of the Civil
11 Administrative Code of Illinois (20 ILCS 2105/2105-15).

12 (e) The Department may refuse to issue or renew a license,
13 or may revoke or suspend a license, for failure to file a
14 return, to pay the tax, penalty, or interest shown in a filed
15 return, or to pay any final assessment of tax, penalty, or
16 interest as required by any tax Act administered by the
17 Department of Revenue, until such time as the requirements of
18 the tax Act are satisfied in accordance with subsection (g) of
19 Section 15 of the Department of Professional Regulation Law of
20 the Civil Administrative Code of Illinois (20 ILCS
21 2105/2105-15).

22 (Source: P.A. 96-682, eff. 8-25-09.)

23 Section 65. The Pharmacy Practice Act is amended by
24 changing Section 30 as follows:

1 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

3 Sec. 30. Refusal, revocation, or suspension.

4 (a) The Department may refuse to issue or renew, or may
5 revoke a license or registration, or may suspend, place on
6 probation, fine, or take any disciplinary or non-disciplinary
7 action as the Department may deem proper, including fines not
8 to exceed \$10,000 for each violation, with regard to any
9 licensee or registrant for any one or combination of the
10 following causes:

11 1. Material misstatement in furnishing information to
12 the Department.

13 2. Violations of this Act, or the rules promulgated
14 hereunder.

15 3. Making any misrepresentation for the purpose of
16 obtaining licenses.

17 4. A pattern of conduct which demonstrates
18 incompetence or unfitness to practice.

19 5. Aiding or assisting another person in violating any
20 provision of this Act or rules.

21 6. Failing, within 60 days, to respond to a written
22 request made by the Department for information.

23 7. Engaging in unprofessional, dishonorable, or
24 unethical conduct of a character likely to deceive, defraud
25 or harm the public.

26 8. Discipline by another U.S. jurisdiction or foreign

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

4 9. Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate or other form of compensation
7 for any professional services not actually or personally
8 rendered. Nothing in this item 9 affects any bona fide
9 independent contractor or employment arrangements among
10 health care professionals, health facilities, health care
11 providers, or other entities, except as otherwise
12 prohibited by law. Any employment arrangements may include
13 provisions for compensation, health insurance, pension, or
14 other employment benefits for the provision of services
15 within the scope of the licensee's practice under this Act.
16 Nothing in this item 9 shall be construed to require an
17 employment arrangement to receive professional fees for
18 services rendered.

19 10. A finding by the Department that the licensee,
20 after having his license placed on probationary status has
21 violated the terms of probation.

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

24 12. Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill which results in the inability to practice the

1 profession with reasonable judgment, skill or safety.

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

4 14. The applicant or licensee has been convicted in
5 state or federal court of or entered a plea of guilty, nolo
6 contendere, or the equivalent in a state or federal court
7 to any crime which is a felony or any misdemeanor related
8 to the practice of pharmacy or which an essential element
9 is dishonesty.

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

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

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

1 the Public Aid Code.

2 18. Dispensing prescription drugs without receiving a
3 written or oral prescription in violation of law.

4 19. Upon a finding of a substantial discrepancy in a
5 Department audit of a prescription drug, including
6 controlled substances, as that term is defined in this Act
7 or in the Illinois Controlled Substances Act.

8 20. Physical or mental illness or any other impairment
9 or disability, including without limitation deterioration
10 through the aging process or loss of motor skills that
11 results in the inability to practice with reasonable
12 judgment, skill or safety, or mental incompetence, as
13 declared by a court of competent jurisdiction.

14 21. Violation of the Health Care Worker Self-Referral
15 Act.

16 22. Failing to sell or dispense any drug, medicine, or
17 poison in good faith. "Good faith", for the purposes of
18 this Section, has the meaning ascribed to it in subsection
19 (u) of Section 102 of the Illinois Controlled Substances
20 Act. "Good faith", as used in this item (22), shall not be
21 limited to the sale or dispensing of controlled substances,
22 but shall apply to all prescription drugs.

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

26 24. Failing to report within 60 days to the Department

1 any adverse final action taken against a pharmacist,
2 pharmacist technician, or certified pharmacist technician
3 by another licensing jurisdiction in any other state or any
4 territory of the United States or any foreign jurisdiction,
5 any governmental agency, any law enforcement agency, or any
6 court for acts or conduct similar to acts or conduct that
7 would constitute grounds for discipline as defined in this
8 Section.

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

11 26. Disclosing protected health information in
12 violation of any State or federal law.

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

20 (c) The Department shall revoke the license or certificate
21 of registration issued under the provisions of this Act or any
22 prior Act of this State of any person who has been convicted a
23 second time of committing any felony under the Illinois
24 Controlled Substances Act, or who has been convicted a second
25 time of committing a Class 1 felony under Sections 8A-3 and
26 8A-6 of the Illinois Public Aid Code. A person whose license or

1 certificate of registration issued under the provisions of this
2 Act or any prior Act of this State is revoked under this
3 subsection (c) shall be prohibited from engaging in the
4 practice of pharmacy in this State.

5 (d) Fines may be imposed in conjunction with other forms of
6 disciplinary action, but shall not be the exclusive disposition
7 of any disciplinary action arising out of conduct resulting in
8 death or injury to a patient. Fines shall be paid within 60
9 days or as otherwise agreed to by the Department. Any funds
10 collected from such fines shall be deposited in the Illinois
11 State Pharmacy Disciplinary Fund.

12 (e) The entry of an order or judgment by any circuit court
13 establishing that any person holding a license or certificate
14 under this Act is a person in need of mental treatment operates
15 as a suspension of that license. A licensee may resume his or
16 her practice only upon the entry of an order of the Department
17 based upon a finding by the Board that he or she has been
18 determined to be recovered from mental illness by the court and
19 upon the Board's recommendation that the licensee be permitted
20 to resume his or her practice.

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

24 (g) In enforcing this Section, the Board or the Department,
25 upon a showing of a possible violation, may compel any licensee
26 or applicant for licensure under this Act to submit to a mental

1 or physical examination or both, as required by and at the
2 expense of the Department. The examining physician, or
3 multidisciplinary team involved in providing physical and
4 mental examinations led by a physician consisting of one or a
5 combination of licensed physicians, licensed clinical
6 psychologists, licensed clinical social workers, licensed
7 clinical professional counselors, and other professional and
8 administrative staff, shall be those specifically designated
9 by the Department. The Board or the Department may order the
10 examining physician or any member of the multidisciplinary team
11 to present testimony concerning this mental or physical
12 examination of the licensee or applicant. No information,
13 report, or other documents in any way related to the
14 examination shall be excluded by reason of any common law or
15 statutory privilege relating to communication between the
16 licensee or applicant and the examining physician or any member
17 of the multidisciplinary team. The individual to be examined
18 may have, at his or her own expense, another physician of his
19 or her choice present during all aspects of the examination.
20 Failure of any individual to submit to a mental or physical
21 examination when directed shall be grounds for suspension of
22 his or her license until such time as the individual submits to
23 the examination if the Board finds, after notice and hearing,
24 that the refusal to submit to the examination was without
25 reasonable cause. If the Board finds a pharmacist, certified
26 pharmacy technician, or pharmacy technician unable to practice

1 because of the reasons set forth in this Section, the Board
2 shall require such pharmacist, certified pharmacy technician,
3 or pharmacy technician to submit to care, counseling, or
4 treatment by physicians or other appropriate health care
5 providers approved or designated by the Board as a condition
6 for continued, reinstated, or renewed licensure to practice.
7 Any pharmacist, certified pharmacy technician, or pharmacy
8 technician whose license was granted, continued, reinstated,
9 renewed, disciplined, or supervised, subject to such terms,
10 conditions, or restrictions, and who fails to comply with such
11 terms, conditions, or restrictions or to complete a required
12 program of care, counseling, or treatment, as determined by the
13 chief pharmacy coordinator or a deputy pharmacy coordinator,
14 shall be referred to the Secretary for a determination as to
15 whether the licensee shall have his or her license suspended
16 immediately, pending a hearing by the Board. In instances in
17 which the Secretary immediately suspends a license under this
18 subsection (g), a hearing upon such person's license must be
19 convened by the Board within 15 days after such suspension and
20 completed without appreciable delay. The Board shall have the
21 authority to review the subject pharmacist's, certified
22 pharmacy technician's, or pharmacy technician's record of
23 treatment and counseling regarding the impairment.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-689, eff. 10-29-07;
25 96-673, eff. 1-1-10.)

1 Section 70. The Illinois Physical Therapy Act is amended by
2 changing Section 17 as follows:

3 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

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

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

15 B. Violations of this Act, or of the rules or
16 regulations promulgated hereunder;

17 C. Conviction of any crime under the laws of the United
18 States or any state or territory thereof which is a felony
19 or which is a misdemeanor, an essential element of which is
20 dishonesty, or of any crime which is directly related to
21 the practice of the profession; conviction, as used in this
22 paragraph, shall include a finding or verdict of guilty, an
23 admission of guilt or a plea of nolo contendere;

24 D. Making any misrepresentation for the purpose of
25 obtaining licenses, or violating any provision of this Act

1 or the rules promulgated thereunder pertaining to
2 advertising;

3 E. A pattern of practice or other behavior which
4 demonstrates incapacity or incompetency to practice under
5 this Act;

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

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

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

17 I. Unlawful distribution of any drug or narcotic, or
18 unlawful conversion of any drug or narcotic not belonging
19 to the person for such person's own use or benefit or for
20 other than medically accepted therapeutic purposes;

21 J. Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 which results in a physical therapist's or physical
24 therapist assistant's inability to practice with
25 reasonable judgment, skill or safety;

26 K. Revocation or suspension of a license to practice

1 physical therapy as a physical therapist or physical
2 therapist assistant or the taking of other disciplinary
3 action by the proper licensing authority of another state,
4 territory or country;

5 L. Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate or other form of compensation
8 for any professional services not actually or personally
9 rendered. Nothing contained in this paragraph prohibits
10 persons holding valid and current licenses under this Act
11 from practicing physical therapy in partnership under a
12 partnership agreement, including a limited liability
13 partnership, a limited liability company, or a corporation
14 under the Professional Service Corporation Act or from
15 pooling, sharing, dividing, or apportioning the fees and
16 monies received by them or by the partnership, company, or
17 corporation in accordance with the partnership agreement
18 or the policies of the company or professional corporation.
19 Nothing in this paragraph (L) affects any bona fide
20 independent contractor or employment arrangements among
21 health care professionals, health facilities, health care
22 providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements may include
24 provisions for compensation, health insurance, pension, or
25 other employment benefits for the provision of services
26 within the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (L) shall be construed to require
2 an employment arrangement to receive professional fees for
3 services rendered;

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

7 N. Abandonment of a patient;

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

11 P. Willfully failing to report an instance of suspected
12 elder abuse or neglect as required by the Elder Abuse
13 Reporting Act;

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

18 R. The use of any words (such as physical therapy,
19 physical therapist physiotherapy or physiotherapist),
20 abbreviations, figures or letters with the intention of
21 indicating practice as a licensed physical therapist
22 without a valid license as a physical therapist issued
23 under this Act;

24 S. The use of the term physical therapist assistant, or
25 abbreviations, figures, or letters with the intention of
26 indicating practice as a physical therapist assistant

1 without a valid license as a physical therapist assistant
2 issued under this Act;

3 T. Willfully violating or knowingly assisting in the
4 violation of any law of this State relating to the practice
5 of abortion;

6 U. Continued practice by a person knowingly having an
7 infectious, communicable or contagious disease;

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

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

25 X. Interpretation of referrals, performance of
26 evaluation procedures, planning or making major

1 modifications of patient programs by a physical therapist
2 assistant;

3 Y. Failure by a physical therapist assistant and
4 supervising physical therapist to maintain continued
5 contact, including periodic personal supervision and
6 instruction, to insure safety and welfare of patients;

7 Z. Violation of the Health Care Worker Self-Referral
8 Act.

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

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

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

1 Section 75. The Physician Assistant Practice Act of 1987 is
2 amended by changing Section 21 as follows:

3 (225 ILCS 95/21) (from Ch. 111, par. 4621)

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

5 Sec. 21. Grounds for disciplinary action.

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

13 (1) Material misstatement in furnishing information to
14 the Department.

15 (2) Violations of this Act, or the rules adopted under
16 this Act.

17 (3) Conviction of or entry of a plea of guilty or nolo
18 contendere to any crime that is a felony under the laws of
19 the United States or any state or territory thereof or that
20 is a misdemeanor of which an essential element is
21 dishonesty or that is directly related to the practice of
22 the profession.

23 (4) Making any misrepresentation for the purpose of
24 obtaining licenses.

25 (5) Professional incompetence.

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

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

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

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

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

16 (11) Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate or other form of compensation
19 for any professional services not actually or personally
20 rendered. Nothing in this paragraph (11) affects any bona
21 fide independent contractor or employment arrangements,
22 which may include provisions for compensation, health
23 insurance, pension, or other employment benefits, with
24 persons or entities authorized under this Act for the
25 provision of services within the scope of the licensee's
26 practice under this Act.

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

4 (13) Abandonment of a patient.

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

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

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

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

23 (18) (Blank).

24 (19) Gross negligence resulting in permanent injury or
25 death of a patient.

26 (20) Employment of fraud, deception or any unlawful

1 means in applying for or securing a license as a physician
2 assistant.

3 (21) Exceeding the authority delegated to him or her by
4 his or her supervising physician in a written supervision
5 agreement.

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

9 (23) Violation of the Health Care Worker Self-Referral
10 Act.

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

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

17 (26) Allowing another person to use his or her license
18 to practice.

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

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

1 (29) A pattern of practice or other behavior that
2 demonstrates incapacity or incompetence to practice under
3 this Act.

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

6 (31) Exceeding the prescriptive authority delegated by
7 the supervising physician or violating the written
8 supervision agreement delegating that authority.

9 (32) Practicing without providing to the Department a
10 notice of supervision or delegation of prescriptive
11 authority.

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

19 (c) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code operates as an automatic suspension. The suspension will
23 end only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission
25 and issues an order so finding and discharging the patient, and
26 upon the recommendation of the Disciplinary Board to the

1 Secretary that the licensee be allowed to resume his or her
2 practice.

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

23 If the Department finds an individual unable to practice
24 because of the reasons set forth in this Section, the
25 Department may require that individual to submit to care,
26 counseling, or treatment by physicians approved or designated

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

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

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

1 (Source: P.A. 95-703, eff. 12-31-07; 96-268, eff. 8-11-09.)

2 Section 80. The Podiatric Medical Practice Act of 1987 is
3 amended by changing Section 24 as follows:

4 (225 ILCS 100/24) (from Ch. 111, par. 4824)

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

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

14 (1) Making a material misstatement in furnishing
15 information to the Department.

16 (2) Violations of this Act, or of the rules or
17 regulations promulgated hereunder.

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

24 (4) Making any misrepresentation for the purpose of

1 obtaining licenses, or violating any provision of this Act
2 or the rules promulgated thereunder pertaining to
3 advertising.

4 (5) Professional incompetence.

5 (6) Gross or repeated malpractice or negligence.

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

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

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

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

17 (11) Discipline by another United States jurisdiction
18 if at least one of the grounds for the discipline is the
19 same or substantially equivalent to those set forth in this
20 Section.

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

1 corporation, by a licensee, for the lease, rental or use of
2 space, owned or controlled, by the individual, partnership
3 or corporation. Nothing in this paragraph (12) affects any
4 bona fide independent contractor or employment
5 arrangements among health care professionals, health
6 facilities, health care providers, or other entities,
7 except as otherwise prohibited by law. Any employment
8 arrangements may include provisions for compensation,
9 health insurance, pension, or other employment benefits
10 for the provision of services within the scope of the
11 licensee's practice under this Act. Nothing in this
12 paragraph (12) shall be construed to require an employment
13 arrangement to receive professional fees for services
14 rendered.

15 (13) A finding by the Podiatric Medical Licensing Board
16 that the licensee, after having his or her license placed
17 on probationary status, has violated the terms of
18 probation.

19 (14) Abandonment of a patient.

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

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

26 (17) Physical illness, mental illness, or other

1 impairment, including but not limited to, deterioration
2 through the aging process, or loss of motor skill that
3 results in the inability to practice the profession with
4 reasonable judgment, skill or safety.

5 (18) Solicitation of professional services other than
6 permitted advertising.

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

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

21 (21) Revocation or suspension or other action taken
22 with respect to a podiatric medical license in another
23 jurisdiction that would constitute disciplinary action
24 under this Act.

25 (22) Promotion of the sale of drugs, devices,
26 appliances or goods provided for a patient in such manner

1 as to exploit the patient for financial gain of the
2 podiatric physician.

3 (23) Gross, willful, and continued overcharging for
4 professional services including filing false statements
5 for collection of fees for those services, including, but
6 not limited to, filing false statement for collection of
7 monies for services not rendered from the medical
8 assistance program of the Department of Healthcare and
9 Family Services (formerly Department of Public Aid) under
10 the Illinois Public Aid Code or other private or public
11 third party payor.

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

19 (25) Willfully making or filing false records or
20 reports in the practice of podiatric medicine, including,
21 but not limited to, false records to support claims against
22 the medical assistance program of the Department of
23 Healthcare and Family Services (formerly Department of
24 Public Aid) under the Illinois Public Aid Code.

25 (26) (Blank).

26 (27) Immoral conduct in the commission of any act

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

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

5 (29) Failure to report to the Department any adverse
6 final action taken against him or her by another licensing
7 jurisdiction (another state or a territory of the United
8 States or a foreign state or country) by a peer review
9 body, by any health care institution, by a professional
10 society or association related to practice under this Act,
11 by a governmental agency, by a law enforcement agency, or
12 by a court for acts or conduct similar to acts or conduct
13 that would constitute grounds for action as defined in this
14 Section.

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

22 Upon receipt of a written communication from the Secretary
23 of Human Services, the Director of Healthcare and Family
24 Services (formerly Director of Public Aid), or the Director of
25 Public Health that continuation of practice of a person
26 licensed under this Act constitutes an immediate danger to the

1 public, the Secretary may immediately suspend the license of
2 such person without a hearing. In instances in which the
3 Secretary immediately suspends a license under this Section, a
4 hearing upon such person's license must be convened by the
5 Board within 15 days after such suspension and completed
6 without appreciable delay, such hearing held to determine
7 whether to recommend to the Secretary that the person's license
8 be revoked, suspended, placed on probationary status or
9 reinstated, or such person be subject to other disciplinary
10 action. In such hearing, the written communication and any
11 other evidence submitted therewith may be introduced as
12 evidence against such person; provided, however, the person or
13 his counsel shall have the opportunity to discredit or impeach
14 such evidence and submit evidence rebutting the same.

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

1 claimant or the reduction to final judgment of any civil action
2 in favor of the plaintiff, such claim, cause of action, or
3 civil action being grounded on the allegation that a person
4 licensed under this Act was negligent in providing care, the
5 Department shall have an additional period of 2 years from the
6 date of notification to the Department under Section 26 of this
7 Act of such settlement or final judgment in which to
8 investigate and commence formal disciplinary proceedings under
9 Section 24 of this Act, except as otherwise provided by law.
10 The time during which the holder of the license was outside the
11 State of Illinois shall not be included within any period of
12 time limiting the commencement of disciplinary action by the
13 Department.

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

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

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

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

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

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

14 Section 85. The Respiratory Care Practice Act is amended by
15 changing Section 95 as follows:

16 (225 ILCS 106/95)

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

18 Sec. 95. Grounds for discipline.

19 (a) The Department may refuse to issue, renew, or may
20 revoke, suspend, place on probation, reprimand, or take other
21 disciplinary action as the Department considers appropriate,
22 including the issuance of fines not to exceed \$5,000 for each
23 violation, with regard to any license for any one or more of
24 the following:

1 (1) Material misstatement in furnishing information to
2 the Department or to any other State or federal agency.

3 (2) Violations of this Act, or any of its rules.

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

9 (4) Making any misrepresentation for the purpose of
10 obtaining a license.

11 (5) Professional incompetence or negligence in the
12 rendering of respiratory care services.

13 (6) Malpractice.

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

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

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

21 (10) Violating the rules of professional conduct
22 adopted by the Department.

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

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 rendered.
4 Nothing in this paragraph (12) affects any bona fide
5 independent contractor or employment arrangements among
6 health care professionals, health facilities, health care
7 providers, or other entities, except as otherwise
8 prohibited by law. Any employment arrangements may include
9 provisions for compensation, health insurance, pension, or
10 other employment benefits for the provision of services
11 within the scope of the licensee's practice under this Act.
12 Nothing in this paragraph (12) shall be construed to
13 require an employment arrangement to receive professional
14 fees for services rendered.

15 (13) A finding by the Department that the licensee,
16 after having the license placed on probationary status, has
17 violated the terms of the probation.

18 (14) Abandonment of a patient.

19 (15) Willfully filing false reports relating to a
20 licensee's practice including, but not limited to, false
21 records filed with a federal or State agency or department.

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

25 (17) Providing respiratory care, other than pursuant
26 to an order.

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

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

7 (20) Failure to file a tax return, or to pay the tax,
8 penalty, or interest shown in a filed return, or to pay any
9 final assessment of tax penalty, or interest, as required
10 by any tax Act administered by the Illinois Department of
11 Revenue or any successor agency or the Internal Revenue
12 Service or any successor agency.

13 (21) Irregularities in billing a third party for
14 services rendered or in reporting charges for services not
15 rendered.

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

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

1 (24) Being named as a perpetrator in an indicated
2 report by the Department on Aging under the Elder Abuse and
3 Neglect Act, and upon proof by clear and convincing
4 evidence that the licensee has caused an elderly person to
5 be abused or neglected as defined in the Elder Abuse and
6 Neglect Act.

7 (25) Willfully failing to report an instance of
8 suspected elder abuse or neglect as required by the Elder
9 Abuse and Neglect Act.

10 (b) The determination by a court that a licensee is subject
11 to involuntary admission or judicial admission as provided in
12 the Mental Health and Developmental Disabilities Code will
13 result in an automatic suspension of his or her license. The
14 suspension will end upon a finding by a court that the licensee
15 is no longer subject to involuntary admission or judicial
16 admission, the issuance of an order so finding and discharging
17 the patient, and the recommendation of the Board to the
18 Director that the licensee be allowed to resume his or her
19 practice.

20 (Source: P.A. 94-523, eff. 1-1-06.)

21 Section 90. The Professional Counselor and Clinical
22 Professional Counselor Licensing Act is amended by changing
23 Section 80 as follows:

24 (225 ILCS 107/80)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 80. Grounds for discipline.

3 (a) The Department may refuse to issue, renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary action as the Department deems appropriate,
6 including the issuance of fines not to exceed \$1000 for each
7 violation, with regard to any license for any one or more of
8 the following:

9 (1) Material misstatement in furnishing information to
10 the Department or to any other State agency.

11 (2) Violations or negligent or intentional disregard
12 of this Act, or any of its rules.

13 (3) Conviction of any crime under the laws of the
14 United States or any state or territory thereof that is a
15 felony, or that is a misdemeanor, an essential element of
16 which is dishonesty, or of any crime which is directly
17 related to the practice of the profession.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license, or violating any provision of this Act
20 or its rules.

21 (5) Professional incompetence or gross negligence in
22 the rendering of professional counseling or clinical
23 professional counseling services.

24 (6) Malpractice.

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

1 (8) Failing to provide information within 60 days in
2 response to a written request made by the Department.

3 (9) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public and violating the rules of
6 professional conduct adopted by the Department.

7 (10) Habitual or excessive use or addiction to alcohol,
8 narcotics, stimulants, or any other chemical agent or drug
9 which results in inability to practice with reasonable
10 skill, judgment, or safety.

11 (11) Discipline by another jurisdiction, if at least
12 one of the grounds for the discipline is the same or
13 substantially equivalent to those set forth in this
14 Section.

15 (12) Directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate or other form of compensation
18 for any professional service not actually rendered.
19 Nothing in this paragraph (12) affects any bona fide
20 independent contractor or employment arrangements among
21 health care professionals, health facilities, health care
22 providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements may include
24 provisions for compensation, health insurance, pension, or
25 other employment benefits for the provision of services
26 within the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (12) shall be construed to
2 require an employment arrangement to receive professional
3 fees for services rendered.

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

7 (14) Abandonment of a client.

8 (15) Willfully filing false reports relating to a
9 licensee's practice, including but not limited to false
10 records filed with federal or State agencies or
11 departments.

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

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

22 (18) Physical or mental disability, including
23 deterioration through the aging process or loss of
24 abilities and skills which results in the inability to
25 practice the profession with reasonable judgment, skill,
26 or safety.

1 (19) Solicitation of professional services by using
2 false or misleading advertising.

3 (20) Failure to file a return, or to pay the tax,
4 penalty or interest shown in a filed return, or to pay any
5 final assessment of tax, penalty or interest, as required
6 by any tax Act administered by the Illinois Department of
7 Revenue or any successor agency or the Internal Revenue
8 Service or any successor agency.

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

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

14 (23) Gross overcharging for professional services
15 including filing statements for collection of fees or
16 monies for which services are not rendered.

17 (24) Rendering professional counseling or clinical
18 professional counseling services without a license or
19 practicing outside the scope of a license.

20 (25) Clinical supervisors failing to adequately and
21 responsibly monitor supervisees.

22 (b) The Department shall deny, without hearing, any
23 application or renewal for a license under this Act to any
24 person who has defaulted on an educational loan guaranteed by
25 the Illinois State Assistance Commission; however, the
26 Department may issue a license or renewal if the person in

1 default has established a satisfactory repayment record as
2 determined by the Illinois Student Assistance Commission.

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

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

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

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

20 Any individual whose license was granted, continued,
21 reinstated, or renewed subject to conditions, terms, or
22 restrictions, as provided for in this Section, or any
23 individual who was disciplined or placed on supervision
24 pursuant to this Section must be referred to the Director for a
25 determination as to whether the person shall have his or her
26 license suspended immediately, pending a hearing by the Board.

1 (Source: P.A. 92-719, eff. 7-25-02.)

2 Section 95. The Illinois Speech-Language Pathology and
3 Audiology Practice Act is amended by changing Section 16 as
4 follows:

5 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

7 Sec. 16. Refusal, revocation or suspension of licenses.

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

14 (a) Fraud in procuring the license.

15 (b) (Blank).

16 (c) Willful or repeated violations of the rules of the
17 Department of Public Health.

18 (d) Division of fees or agreeing to split or divide the
19 fees received for speech-language pathology or audiology
20 services with any person for referring an individual, or
21 assisting in the care or treatment of an individual,
22 without the knowledge of the individual or his or her legal
23 representative. Nothing in this paragraph (d) affects any
24 bona fide independent contractor or employment

1 arrangements among health care professionals, health
2 facilities, health care providers, or other entities,
3 except as otherwise prohibited by law. Any employment
4 arrangements may include provisions for compensation,
5 health insurance, pension, or other employment benefits
6 for the provision of services within the scope of the
7 licensee's practice under this Act. Nothing in this
8 paragraph (d) shall be construed to require an employment
9 arrangement to receive professional fees for services
10 rendered.

11 (e) Employing, procuring, inducing, aiding or abetting
12 a person not licensed as a speech-language pathologist or
13 audiologist to engage in the unauthorized practice of
14 speech-language pathology or audiology.

15 (e-5) Employing, procuring, inducing, aiding, or
16 abetting a person not licensed as a speech-language
17 pathology assistant to perform the functions and duties of
18 a speech-language pathology assistant.

19 (f) Making any misrepresentations or false promises,
20 directly or indirectly, to influence, persuade or induce
21 patronage.

22 (g) Professional connection or association with, or
23 lending his or her name to another for the illegal practice
24 of speech-language pathology or audiology by another, or
25 professional connection or association with any person,
26 firm or corporation holding itself out in any manner

1 contrary to this Act.

2 (h) Obtaining or seeking to obtain checks, money, or
3 any other things of value by false or fraudulent
4 representations, including but not limited to, engaging in
5 such fraudulent practice to defraud the medical assistance
6 program of the Department of Healthcare and Family Services
7 (formerly Department of Public Aid).

8 (i) Practicing under a name other than his or her own.

9 (j) Improper, unprofessional or dishonorable conduct
10 of a character likely to deceive, defraud or harm the
11 public.

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

18 (l) Permitting a person under his or her supervision to
19 perform any function not authorized by this Act.

20 (m) A violation of any provision of this Act or rules
21 promulgated thereunder.

22 (n) Discipline by another state, the District of
23 Columbia, territory, or foreign nation of a license to
24 practice speech-language pathology or audiology or a
25 license to practice as a speech-language pathology
26 assistant in its jurisdiction if at least one of the

1 grounds for that discipline is the same as or the
2 equivalent of one of the grounds for discipline set forth
3 herein.

4 (o) Willfully failing to report an instance of
5 suspected child abuse or neglect as required by the Abused
6 and Neglected Child Reporting Act.

7 (p) Gross or repeated malpractice.

8 (q) Willfully making or filing false records or reports
9 in his or her practice as a speech-language pathologist,
10 speech-language pathology assistant, or audiologist,
11 including, but not limited to, false records to support
12 claims against the public assistance program of the
13 Department of Healthcare and Family Services (formerly
14 Illinois Department of Public Aid).

15 (r) Professional incompetence as manifested by poor
16 standards of care or mental incompetence as declared by a
17 court of competent jurisdiction.

18 (s) Repeated irregularities in billing a third party
19 for services rendered to an individual. For purposes of
20 this Section, "irregularities in billing" shall include:

21 (i) reporting excessive charges for the purpose of
22 obtaining a total payment in excess of that usually
23 received by the speech-language pathologist,
24 speech-language pathology assistant, or audiologist
25 for the services rendered;

26 (ii) reporting charges for services not rendered;

1 or

2 (iii) incorrectly reporting services rendered for
3 the purpose of obtaining payment not earned.

4 (t) (Blank).

5 (u) Violation of the Health Care Worker Self-Referral
6 Act.

7 (v) Inability to practice with reasonable judgment,
8 skill, or safety as a result of habitual or excessive use
9 of or addiction to alcohol, narcotics, or stimulants or any
10 other chemical agent or drug or as a result of physical
11 illness, including, but not limited to, deterioration
12 through the aging process or loss of motor skill, mental
13 illness, or disability.

14 (w) Violation of the Hearing Instrument Consumer
15 Protection Act.

16 (x) Failure by a speech-language pathology assistant
17 and supervising speech-language pathologist to comply with
18 the supervision requirements set forth in Section 8.8.

19 (y) Wilfully exceeding the scope of duties customarily
20 undertaken by speech-language pathology assistants set
21 forth in Section 8.7 that results in, or may result in,
22 harm to the public.

23 (2) The Department shall deny a license or renewal
24 authorized by this Act to any person who has defaulted on an
25 educational loan guaranteed by the Illinois State Scholarship
26 Commission; however, the Department may issue a license or

1 renewal if the aforementioned persons have established a
2 satisfactory repayment record as determined by the Illinois
3 State Scholarship Commission.

4 (3) The entry of an order by a circuit court establishing
5 that any person holding a license under this Act is subject to
6 involuntary admission or judicial admission as provided for in
7 the Mental Health and Developmental Disabilities Code,
8 operates as an automatic suspension of that license. That
9 person may have his or her license restored only upon the
10 determination by a circuit court that the patient is no longer
11 subject to involuntary admission or judicial admission and the
12 issuance of an order so finding and discharging the patient,
13 and upon the Board's recommendation to the Department that the
14 license be restored. Where the circumstances so indicate, the
15 Board may recommend to the Department that it require an
16 examination prior to restoring any license automatically
17 suspended under this subsection.

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

25 (5) In enforcing this Section, the Board upon a showing of
26 a possible violation may compel an individual licensed to

1 practice under this Act, or who has applied for licensure
2 pursuant to 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 examining physicians or clinical psychologists
5 shall be those specifically designated by the Board. The
6 individual to be examined may have, at his or her own expense,
7 another physician or clinical psychologist of his or her choice
8 present during all aspects of this examination. Failure of any
9 individual to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of his or her license
11 until the individual submits to the examination if the Board
12 finds, after notice and hearing, that the refusal to submit to
13 the examination was without reasonable cause.

14 If the Board finds an individual unable to practice because
15 of the reasons set forth in this Section, the Board may require
16 that individual to submit to care, counseling, or treatment by
17 physicians or clinical psychologists approved or designated by
18 the Board, as a condition, term, or restriction for continued,
19 reinstated, or renewed licensure to practice; or, in lieu of
20 care, counseling, or treatment, the Board may recommend to the
21 Department to file a complaint to immediately suspend, revoke,
22 or otherwise discipline the license of the individual. Any
23 individual whose license was granted, continued, reinstated,
24 renewed, disciplined or supervised subject to such terms,
25 conditions, or restrictions, and who fails to comply with such
26 terms, conditions, or restrictions, shall be referred to the

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

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

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

18 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07.)

19 Section 100. The Perfusionist Practice Act is amended by
20 changing Section 105 as follows:

21 (225 ILCS 125/105)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 105. Disciplinary actions.

24 (a) The Department may refuse to issue, renew, or restore a

1 license, or may revoke or suspend a license, or may place on
2 probation, reprimand, or take other disciplinary or
3 non-disciplinary action with regard to a person licensed under
4 this Act, including but not limited to the imposition of fines
5 not to exceed \$10,000 for each violation, for one or any
6 combination of the following causes:

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

9 (2) Violation of this Act or any rule promulgated under
10 this Act.

11 (3) Conviction of, or entry of a plea of guilty or nolo
12 contendere to, any crime that is a felony under the laws of
13 the United States or any state or territory thereof, or any
14 crime that is a misdemeanor of which an essential element
15 is dishonesty, or any crime that is directly related to the
16 practice as a perfusionist.

17 (4) Making a misrepresentation for the purpose of
18 obtaining, renewing, or restoring a license.

19 (5) Aiding or assisting another person in violating a
20 provision of this Act or its rules.

21 (6) Failing to provide information within 60 days in
22 response to a written request made by the Department.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public, as defined by rule of the
26 Department.

1 (8) Discipline by another state, the District of
2 Columbia, or territory, or a foreign nation, if at least
3 one of the grounds for discipline is the same or
4 substantially equivalent to those set forth in this
5 Section.

6 (9) Directly or indirectly giving to or receiving from
7 a person, firm, corporation, partnership, or association a
8 fee, commission, rebate, or other form of compensation for
9 professional services not actually or personally rendered.
10 Nothing in this paragraph (9) affects any bona fide
11 independent contractor or employment arrangements among
12 health care professionals, health facilities, health care
13 providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this Act.
18 Nothing in this paragraph (9) shall be construed to require
19 an employment arrangement to receive professional fees for
20 services rendered.

21 (10) A finding by the Board that the licensee, after
22 having his or her license placed on probationary status,
23 has violated the terms of probation.

24 (11) Wilfully making or filing false records or reports
25 in his or her practice, including but not limited to false
26 records or reports filed with State agencies or

1 departments.

2 (12) Wilfully making or signing a false statement,
3 certificate, or affidavit to induce payment.

4 (13) Wilfully failing to report an instance of
5 suspected child abuse or neglect as required under the
6 Abused and Neglected Child Reporting Act.

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

13 (15) Employment of fraud, deception, or any unlawful
14 means in applying for or securing a license as a
15 perfusionist.

16 (16) Allowing another person to use his or her license
17 to practice.

18 (17) Failure to report to the Department (A) any
19 adverse final action taken against the licensee by another
20 licensing jurisdiction, government agency, law enforcement
21 agency, or any court or (B) liability for conduct that
22 would constitute grounds for action as set forth in this
23 Section.

24 (18) Inability to practice the profession with
25 reasonable judgment, skill or safety as a result of a
26 physical illness, including but not limited to

1 deterioration through the aging process or loss of motor
2 skill, or a mental illness or disability.

3 (19) Inability to practice the profession for which he
4 or she is licensed with reasonable judgment, skill, or
5 safety as a result of habitual or excessive use or
6 addiction to alcohol, narcotics, stimulants, or any other
7 chemical agent or drug.

8 (20) Gross malpractice.

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

13 (22) Violation of the Health Care Worker Self-Referral
14 Act.

15 (23) Solicitation of business or professional
16 services, other than permitted advertising.

17 (24) Conviction of or cash compromise of a charge or
18 violation of the Illinois Controlled Substances Act.

19 (25) Gross, willful, or continued overcharging for
20 professional services, including filing false statements
21 for collection of fees for which services are not rendered.

22 (26) Practicing under a false name or, except as
23 allowed by law, an assumed name.

24 (27) Violating any provision of this Act or the rules
25 promulgated under this Act, including, but not limited to,
26 advertising.

1 (b) A licensee or applicant who, because of a physical or
2 mental illness or disability, including, but not limited to,
3 deterioration through the aging process or loss of motor skill,
4 is unable to practice the profession with reasonable judgment,
5 skill, or safety, may be required by the Department to submit
6 to care, counseling or treatment by physicians approved or
7 designated by the Department, as a condition, term, or
8 restriction for continued, reinstated, or renewed licensure to
9 practice. Submission to care, counseling or treatment as
10 required by the Department shall not be considered discipline
11 of the licensee. If the licensee refuses to enter into a care,
12 counseling or treatment agreement or fails to abide by the
13 terms of the agreement the Department may file a complaint to
14 suspend or revoke the license or otherwise discipline the
15 licensee. The Secretary may order the license suspended
16 immediately, pending a hearing by the Department. Fines shall
17 not be assessed in the disciplinary actions involving physical
18 or mental illness or impairment.

19 (b-5) The Department may refuse to issue or may suspend,
20 without a hearing as provided for in the Civil Administrative
21 Code of Illinois, the license of a person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 15 of the Department of Professional Regulation Law of
2 the Civil Administrative Code of Illinois (20 ILCS
3 2105/2105-15).

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

14 (d) In enforcing this Section, the Department or Board,
15 upon a showing of a possible violation, may order a licensee or
16 applicant to submit to a mental or physical examination, or
17 both, at the expense of the Department. The Department or Board
18 may order the examining physician to present testimony
19 concerning his or her examination of the licensee or applicant.
20 No information shall be excluded by reason of any common law or
21 statutory privilege relating to communications between the
22 licensee or applicant and the examining physician. The
23 examining physicians shall be specifically designated by the
24 Board or Department. The licensee or applicant may have, at his
25 or her own expense, another physician of his or her choice
26 present during all aspects of the examination. Failure of a

1 licensee or applicant to submit to any such examination when
2 directed, without reasonable cause as defined by rule, shall be
3 grounds for either the immediate suspension of his or her
4 license or immediate denial of his or her application.

5 If the Secretary immediately suspends the license of a
6 licensee for his or her failure to submit to a mental or
7 physical examination when directed, a hearing must be convened
8 by the Department within 15 days after the suspension and
9 completed without appreciable delay.

10 If the Secretary otherwise suspends a license pursuant to
11 the results of the licensee's mental or physical examination, a
12 hearing must be convened by the Department within 15 days after
13 the suspension and completed without appreciable delay. The
14 Department and Board shall have the authority to review the
15 licensee's record of treatment and counseling regarding the
16 relevant impairment or impairments to the extent permitted by
17 applicable federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 Any licensee suspended or otherwise affected under this
20 subsection (d) shall be afforded an opportunity to demonstrate
21 to the Department or Board that he or she can resume practice
22 in compliance with the acceptable and prevailing standards
23 under the provisions of his or her license.

24 (Source: P.A. 96-682, eff. 8-25-09.)

25 Section 105. The Registered Surgical Assistant and

1 Registered Surgical Technologist Title Protection Act is
2 amended by changing Section 75 as follows:

3 (225 ILCS 130/75)

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

5 Sec. 75. Grounds for disciplinary action.

6 (a) The Department may refuse to issue, renew, or restore a
7 registration, may revoke or suspend a registration, or may
8 place on probation, censure, reprimand, or take other
9 disciplinary action with regard to a person registered under
10 this Act, including but not limited to the imposition of fines
11 not to exceed \$5,000 for each violation, for any one or
12 combination of the following causes:

13 (1) Making a material misstatement in furnishing
14 information to the Department.

15 (2) Violating a provision of this Act or its rules.

16 (3) Conviction under the laws of a United States
17 jurisdiction of a crime that is a felony or a misdemeanor,
18 an essential element of which is dishonesty, or of a crime
19 that is directly related to the practice as a surgical
20 assistant or surgical technologist.

21 (4) Making a misrepresentation for the purpose of
22 obtaining, renewing, or restoring a registration.

23 (5) Wilfully aiding or assisting another person in
24 violating a provision of this Act or its rules.

25 (6) Failing to provide information within 60 days in

1 response to a written request made by the Department.

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

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

10 (9) Directly or indirectly giving to or receiving from
11 a person, firm, corporation, partnership, or association a
12 fee, commission, rebate, or other form of compensation for
13 professional services not actually or personally rendered.
14 Nothing in this paragraph (9) affects any bona fide
15 independent contractor or employment arrangements among
16 health care professionals, health facilities, health care
17 providers, or other entities, except as otherwise
18 prohibited by law. Any employment arrangements may include
19 provisions for compensation, health insurance, pension, or
20 other employment benefits for the provision of services
21 within the scope of the licensee's practice under this Act.
22 Nothing in this paragraph (9) shall be construed to require
23 an employment arrangement to receive professional fees for
24 services rendered.

25 (10) A finding by the Department that the registrant,
26 after having his or her registration placed on probationary

1 status, has violated the terms of probation.

2 (11) Wilfully making or filing false records or reports
3 in his or her practice, including but not limited to false
4 records or reports filed with State agencies.

5 (12) Wilfully making or signing a false statement,
6 certificate, or affidavit to induce payment.

7 (13) Wilfully failing to report an instance of
8 suspected child abuse or neglect as required under the
9 Abused and Neglected Child Reporting Act.

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

16 (15) Employment of fraud, deception, or any unlawful
17 means in applying for or securing a license as a surgical
18 assistant.

19 (16) Failure to report to the Department (A) any
20 adverse final action taken against the registrant by
21 another registering or licensing jurisdiction, government
22 agency, law enforcement agency, or any court or (B)
23 liability for conduct that would constitute grounds for
24 action as set forth in this Section.

25 (17) Habitual intoxication or addiction to the use of
26 drugs.

1 (18) Physical illness, including but not limited to
2 deterioration through the aging process or loss of motor
3 skills, which results in the inability to practice the
4 profession for which he or she is registered with
5 reasonable judgment, skill, or safety.

6 (19) Gross malpractice resulting in permanent injury
7 or death of a patient.

8 (20) Immoral conduct in the commission of an act
9 related to the registrant's practice, including but not
10 limited to sexual abuse, sexual misconduct, or sexual
11 exploitation.

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

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

20 (c) The determination by a circuit court that a registrant
21 is subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code operates as an automatic suspension. The suspension will
24 end only upon (1) a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission,
26 (2) issuance of an order so finding and discharging the

1 patient, and (3) the recommendation of the Department to the
2 Director that the registrant be allowed to resume his or her
3 practice.

4 (Source: P.A. 93-280, eff. 7-1-04.)

5 Section 110. The Genetic Counselor Licensing Act is amended
6 by changing Section 95 as follows:

7 (225 ILCS 135/95)

8 (Section scheduled to be repealed on January 1, 2015)

9 Sec. 95. Grounds for discipline.

10 (a) The Department may refuse to issue, renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary action as the Department deems appropriate,
13 including the issuance of fines not to exceed \$1,000 for each
14 violation, with regard to any license for any one or more of
15 the following:

16 (1) Material misstatement in furnishing information to
17 the Department or to any other State agency.

18 (2) Violations or negligent or intentional disregard
19 of this Act, or any of its rules.

20 (3) Conviction of any crime under the laws of the
21 United States or any state or territory thereof that is a
22 felony, a misdemeanor, an essential element of which is
23 dishonesty, or a crime that is directly related to the
24 practice of the profession.

1 (4) Making any misrepresentation for the purpose of
2 obtaining a license, or violating any provision of this Act
3 or its rules.

4 (5) Professional incompetence or gross negligence in
5 the rendering of genetic counseling services.

6 (6) Gross or repeated negligence.

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

9 (8) Failing to provide information within 60 days in
10 response to a written request made by the Department.

11 (9) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public and violating the rules of
14 professional conduct adopted by the Department.

15 (10) Failing to maintain the confidentiality of any
16 information received from a client, unless otherwise
17 authorized or required by law.

18 (11) Exploiting a client for personal advantage,
19 profit, or interest.

20 (12) Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 which results in inability to practice with reasonable
23 skill, judgment, or safety.

24 (13) Discipline by another jurisdiction, if at least
25 one of the grounds for the discipline is the same or
26 substantially equivalent to those set forth in this

1 Section.

2 (14) Directly or indirectly giving to or receiving from
3 any person, firm, corporation, partnership, or association
4 any fee, commission, rebate, or other form of compensation
5 for any professional service not actually rendered.
6 Nothing in this paragraph (14) affects any bona fide
7 independent contractor or employment arrangements among
8 health care professionals, health facilities, health care
9 providers, or other entities, except as otherwise
10 prohibited by law. Any employment arrangements may include
11 provisions for compensation, health insurance, pension, or
12 other employment benefits for the provision of services
13 within the scope of the licensee's practice under this Act.
14 Nothing in this paragraph (14) shall be construed to
15 require an employment arrangement to receive professional
16 fees for services rendered.

17 (15) A finding by the Department that the licensee,
18 after having the license placed on probationary status has
19 violated the terms of probation.

20 (16) Failing to refer a client to other health care
21 professionals when the licensee is unable or unwilling to
22 adequately support or serve the client.

23 (17) Willfully filing false reports relating to a
24 licensee's practice, including but not limited to false
25 records filed with federal or State agencies or
26 departments.

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

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

11 (20) Physical or mental disability, including
12 deterioration through the aging process or loss of
13 abilities and skills which results in the inability to
14 practice the profession with reasonable judgment, skill,
15 or safety.

16 (21) Solicitation of professional services by using
17 false or misleading advertising.

18 (22) Failure to file a return, or to pay the tax,
19 penalty of interest shown in a filed return, or to pay any
20 final assessment of tax, penalty or interest, as required
21 by any tax Act administered by the Illinois Department of
22 Revenue or any successor agency or the Internal Revenue
23 Service or any successor agency.

24 (23) A finding that licensure has been applied for or
25 obtained by fraudulent means.

26 (24) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any
2 other legally authorized name.

3 (25) Gross overcharging for professional services,
4 including filing statements for collection of fees or
5 monies for which services are not rendered.

6 (26) Providing genetic counseling services to
7 individuals, couples, groups, or families without a
8 referral from either a physician licensed to practice
9 medicine in all its branches, an advanced practice nurse
10 who has a collaborative agreement with a collaborating
11 physician that authorizes the advanced practice nurse to
12 make referrals to a genetic counselor, or a physician
13 assistant who has been delegated authority to make
14 referrals to genetic counselors.

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

22 (c) The determination by a court that a licensee is subject
23 to involuntary admission or judicial admission as provided in
24 the Mental Health and Developmental Disabilities Code will
25 result in an automatic suspension of his or her license. The
26 suspension will end upon a finding by a court that the licensee

1 is no longer subject to involuntary admission or judicial
2 admission, the issuance of an order so finding and discharging
3 the patient, and the determination of the Director that the
4 licensee be allowed to resume professional practice.

5 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

6 Section 115. The Electrologist Licensing Act is amended by
7 changing Section 75 as follows:

8 (225 ILCS 412/75)

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

10 Sec. 75. Grounds for discipline.

11 (a) The Department may refuse to issue or renew and may
12 revoke or suspend a license under this Act, and may place on
13 probation, censure, reprimand, or take other disciplinary
14 action with regard to any licensee under this Act, as the
15 Department may consider proper, including the issuance of fines
16 not to exceed \$5,000 for each violation, for one or any
17 combination of the following causes:

18 (1) Material misstatement in furnishing information to
19 the Department.

20 (2) Violation of this Act or its rules.

21 (3) Conviction of any felony under the laws of any U.S.
22 jurisdiction, any misdemeanor an essential element of
23 which is dishonesty, or any crime that is directly related
24 to the practice of the profession.

1 (4) Making any misrepresentation for the purpose of
2 obtaining a license.

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

5 (6) Failing to provide information within 60 days in
6 response to a written request made by the Department.

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

10 (8) Habitual or excessive use or addiction to alcohol,
11 narcotics, stimulants, or any other chemical agent or drug
12 that results in an electrologist's inability to practice
13 with reasonable judgement, skill, or safety.

14 (9) Discipline by another U.S. jurisdiction or foreign
15 nation if at least one of the grounds for discipline is the
16 same as or substantially equivalent to any of those set
17 forth in this Act.

18 (10) Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership, or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional services not actually or personally
22 rendered. Nothing in this paragraph (10) affects any bona
23 fide independent contractor or employment arrangements
24 among health care professionals, health facilities, health
25 care providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements with health

1 care providers may include provisions for compensation,
2 health insurance, pension, or other employment benefits
3 for the provision of services within the scope of the
4 licensee's practice under this Act. Nothing in this
5 paragraph (10) shall be construed to require an employment
6 arrangement to receive professional fees for services
7 rendered.

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

11 (12) Abandonment of a patient.

12 (13) Willfully making or filing false records or
13 reports in the licensee's practice, including, but not
14 limited to, false records filed with State agencies or
15 departments.

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

20 (15) Gross negligence in his or her practice under this
21 Act.

22 (16) Use of fraud, deception, or any unlawful means in
23 applying for and securing a license as an electrologist.

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

1 (18) Failure to comply with standards of sterilization
2 and sanitation as defined in the rules of the Department.

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

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

19 (d) In enforcing this Section, the Department upon a
20 showing of a possible violation may compel any person licensed
21 to practice under this Act or who has applied for licensure or
22 certification pursuant to this Act to submit to a mental or
23 physical examination, or both, as required by and at the
24 expense of the Department. The examining physicians shall be
25 those specifically designated by the Department. The
26 Department may order the examining physician to present

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

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

22 Any person whose license was granted, continued,
23 reinstated, renewed, disciplined or supervised subject to such
24 terms, conditions or restrictions, and who fails to comply with
25 such terms, conditions or restrictions, shall be referred to
26 the Director for a determination as to whether the person shall

1 have his or her license suspended immediately, pending a
2 hearing by the Department.

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

12 A person licensed under this Act and affected under this
13 Section shall be afforded an opportunity to demonstrate to the
14 Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

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

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.

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2		Statutes amended in order of appearance
3	225 ILCS 5/16	from Ch. 111, par. 7616
4	225 ILCS 15/15	from Ch. 111, par. 5365
5	225 ILCS 20/19	from Ch. 111, par. 6369
6	225 ILCS 25/23	from Ch. 111, par. 2323
7	225 ILCS 30/95	from Ch. 111, par. 8401-95
8	225 ILCS 50/18	from Ch. 111, par. 7418
9	225 ILCS 55/85	from Ch. 111, par. 8351-85
10	225 ILCS 60/22.3 new	
11	225 ILCS 63/110	
12	225 ILCS 65/70-5	was 225 ILCS 65/10-45
13	225 ILCS 75/19	from Ch. 111, par. 3719
14	225 ILCS 84/90	
15	225 ILCS 85/30	from Ch. 111, par. 4150
16	225 ILCS 90/17	from Ch. 111, par. 4267
17	225 ILCS 95/21	from Ch. 111, par. 4621
18	225 ILCS 100/24	from Ch. 111, par. 4824
19	225 ILCS 106/95	
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21	225 ILCS 110/16	from Ch. 111, par. 7916
22	225 ILCS 125/105	
23	225 ILCS 130/75	
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