



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3712

Introduced 2/11/2010, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

See Index

Amends the Veterinary Medicine and Surgery Practice Act of 2004. Provides that no person may practice veterinary medicine in the State except within the context of a veterinarian-client-patient relationship. Changes the definition of "veterinarian-client-patient relationship" to include a licensed veterinarian who has access to the animal patient's records and has been designated by the veterinarian with the prior relationship with the animal patient to provide reasonable and appropriate medical care if he or she is unavailable. Adds exemptions from the Act for certain specified persons. Requires a veterinarian to maintain patient records, which shall include certain specified information, for a minimum of 5 years from the date of the last known contact with an animal patient. Increases the maximum civil penalty allowed for a violation of the Act from \$5,000 to \$10,000. Makes several changes to the definition of "practice of veterinary medicine". Makes changes to the definitions of "accredited program in veterinary technology", "certified veterinary technician", and "complementary, alternative, and integrative therapies". Defines "immediate supervision", "licensed veterinarian", "veterinary premises", "veterinary prescription drugs", and "veterinary specialist". Replaces all references in the Act to "Director" with "Secretary". Makes other changes. Also makes technical changes. Amends the Regulatory Sunset Act. Extends the repeal date of the Veterinary Medicine and Surgery Practice Act of 2004 from January 1, 2014 to January 1, 2020. Effective immediately.

LRB096 19949 ASK 35429 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by changing
5 Sections 4.24 and 4.30 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts repealed on January 1, 2014. The following
8 Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 The Illinois Occupational Therapy Practice Act.

12 The Illinois Public Accounting Act.

13 The Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004.

15 The Registered Surgical Assistant and Registered Surgical
16 Technologist Title Protection Act.

17 ~~The Veterinary Medicine and Surgery Practice Act of 2004.~~

18 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)

19 (5 ILCS 80/4.30)

20 (Text of Section before amendment by P.A. 96-726)

21 Sec. 4.30. Acts ~~Act~~ repealed on January 1, 2020. The
22 following Acts are ~~Act is~~ repealed on January 1, 2020:

1 The Auction License Act.
2 The Illinois Architecture Practice Act of 1989.
3 The Illinois Landscape Architecture Act of 1989.
4 The Illinois Professional Land Surveyor Act of 1989.
5 The Land Sales Registration Act of 1999.
6 The Orthotics, Prosthetics, and Pedorthics Practice Act.
7 The Perfusionist Practice Act.
8 The Professional Engineering Practice Act of 1989.
9 The Real Estate License Act of 2000.
10 The Structural Engineering Practice Act of 1989.
11 The Veterinary Medicine and Surgery Practice Act of 2004.

12 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;
13 96-682, eff. 8-25-09; 96-730, eff. 8-25-09; 96-855, eff.
14 12-31-09; 96-856, eff. 12-31-09; revised 1-6-10.)

15 (Text of Section after amendment by P.A. 96-726)
16 Sec. 4.30. Acts ~~Act~~ repealed on January 1, 2020. The
17 following Acts are ~~Act-is~~ repealed on January 1, 2020:

18 The Auction License Act.
19 The Community Association Manager Licensing and
20 Disciplinary Act.
21 The Illinois Architecture Practice Act of 1989.
22 The Illinois Landscape Architecture Act of 1989.
23 The Illinois Professional Land Surveyor Act of 1989.
24 The Land Sales Registration Act of 1999.
25 The Orthotics, Prosthetics, and Pedorthics Practice Act.

1 The Perfusionist Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 Veterinary Medicine and Surgery Practice Act of 2004

6 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;
7 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.
8 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09; revised
9 1-6-10.)

10 Section 10. The Veterinary Medicine and Surgery Practice
11 Act of 2004 is amended by changing Sections 1, 3, 4, 5, 6, 7,
12 14.1, 25, 25.1, 25.2, 25.4, 25.6, 25.7, 25.8, 25.9, 25.10,
13 25.13, 25.17, and 25.18 and by adding Section 5.5 as follows:

14 (225 ILCS 115/1) (from Ch. 111, par. 7001)

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

16 Sec. 1. The practice of veterinary medicine in the State of
17 Illinois is declared to promote the public health, safety, and
18 welfare by ensuring the delivery of competent veterinary
19 medical care and is subject to State regulation and control in
20 the public interest. It is further declared to be a matter of
21 public interest and concern that the practice of veterinary
22 medicine is a privilege conferred by legislative grant only to
23 persons possessed of the professional qualifications specified
24 in this Act. ~~The practice of veterinary medicine in the State~~

1 ~~of Illinois is declared to affect the public health, safety and~~
2 ~~welfare and to be subject to State regulation and control in~~
3 ~~the public interest. It is further declared to be a matter of~~
4 ~~public interest and concern that the veterinary profession~~
5 ~~merit and receive the confidence of the public and that only~~
6 ~~qualified and licensed persons be permitted to practice~~
7 ~~veterinary medicine.~~

8 (Source: P.A. 83-1016.)

9 (225 ILCS 115/3) (from Ch. 111, par. 7003)

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

11 Sec. 3. Definitions. The following terms have the meanings
12 indicated, unless the context requires otherwise:

13 "Accredited college of veterinary medicine" means a
14 veterinary college, school, or division of a university or
15 college that offers the degree of Doctor of Veterinary Medicine
16 or its equivalent and that is accredited by the Council on
17 Education of the American Veterinary Medical Association
18 (AVMA).

19 "Accredited program in veterinary technology" means any
20 post-secondary educational program that is accredited by the
21 AVMA's Committee on Veterinary Technician Education and
22 Activities or any veterinary technician program that is
23 recognized as its equivalent by the AVMA's Committee on
24 Veterinary Technician Education and Activities.

25 "Animal" means any animal, vertebrate or invertebrate,

1 other than a human.

2 "Board" means the Veterinary Licensing and Disciplinary
3 Board.

4 "Certified veterinary technician" means a person who is
5 validly and currently licensed to practice veterinary
6 technology in this State ~~has graduated from a veterinary~~
7 ~~technology program accredited by the Committee on Veterinary~~
8 ~~Technician Education and Activities of the American Veterinary~~
9 ~~Medical Association who has filed an application with the~~
10 ~~Department, paid the fee, passed the examination as prescribed~~
11 ~~by rule, and works under a supervising veterinarian.~~

12 "Client" means an entity, person, group, or corporation
13 that has entered into an agreement with a veterinarian for the
14 purposes of obtaining veterinary medical services.

15 "Complementary, alternative, and integrative therapies"
16 means a heterogeneous group of preventive, diagnostic, and
17 therapeutic philosophies and practices, which at the time they
18 are performed may differ from current scientific knowledge, or
19 whose theoretical basis and techniques may diverge from
20 veterinary medicine routinely taught in accredited veterinary
21 medical colleges, or both. "Complementary, alternative, and
22 integrative therapies" include, but are not limited to,
23 veterinary acupuncture, acuthery, and acupressure;
24 veterinary homeopathy; veterinary manual or manipulative
25 therapy or therapy based on techniques practiced in osteopathy,
26 chiropractic medicine, or physical medicine and therapy;

1 veterinary nutraceutical therapy; and veterinary phytotherapy;
2 or other therapies as defined by rule. "Complementary,
3 alternative, and integrative therapies" means ~~preventative,~~
4 ~~diagnostic, and therapeutic practices that, at the time they~~
5 ~~are performed, may differ from current scientific knowledge or~~
6 ~~for which the theoretical basis and techniques may diverge from~~
7 ~~veterinary medicine routinely taught in approved veterinary~~
8 ~~medical programs. This includes but is not limited to~~
9 ~~veterinary acupuncture, acutherapy, acupressure, veterinary~~
10 ~~homeopathy, veterinary manual or manipulative therapy (i.e.~~
11 ~~therapies based on techniques practiced in osteopathy,~~
12 ~~chiropractic medicine, or physical medicine and therapy),~~
13 ~~veterinary nutraceutical therapy, veterinary phytotherapy, or~~
14 ~~other therapies as defined by rule.~~

15 "Consultation" means when a veterinarian receives advice
16 in person, telephonically, electronically, or by any other
17 method of communication from a veterinarian licensed in this or
18 any other state or other person whose expertise, in the opinion
19 of the veterinarian, would benefit a patient. Under any
20 circumstance, the responsibility for the welfare of the patient
21 remains with the veterinarian receiving consultation.

22 "Department" means the Department of Financial and
23 Professional Regulation.

24 "Direct supervision" means the supervising veterinarian is
25 readily available on the premises where the animal is being
26 treated.

1 ~~"Director" means the Director of Professional Regulation.~~

2 "Immediate supervision" means the supervising veterinarian
3 is in the immediate area, within audible and visual range of
4 the animal patient and the person treating the patient.

5 "Impaired veterinarian" means a veterinarian who is unable
6 to practice veterinary medicine with reasonable skill and
7 safety because of a physical or mental disability as evidenced
8 by a written determination or written consent based on clinical
9 evidence, including deterioration through the aging process,
10 loss of motor skills, or abuse of drugs or alcohol of
11 sufficient degree to diminish a person's ability to deliver
12 competent patient care.

13 "Indirect supervision" means the supervising veterinarian
14 need not be on the premises, but has given either written or
15 oral instructions for the treatment of the animal and is
16 available by telephone or other form of communication.

17 "Licensed veterinarian" means a person who is validly and
18 currently licensed to practice veterinary medicine in this
19 State.

20 "Patient" means an animal that is examined or treated by a
21 veterinarian.

22 "Person" means an individual, firm, partnership (general,
23 limited, or limited liability), association, joint venture,
24 cooperative, corporation, limited liability company, or any
25 other group or combination acting in concert, whether or not
26 acting as a principal, partner, member, trustee, fiduciary,

1 receiver, or any other kind of legal or personal
2 representative, or as the successor in interest, assignee,
3 agent, factor, servant, employee, director, officer, or any
4 other representative of such person.

5 "Practice of veterinary medicine" means to diagnose,
6 prognose, treat, correct, change, alleviate, or prevent animal
7 disease, illness, pain, deformity, defect, injury, or other
8 physical, dental, or mental conditions by any method or mode;
9 including the performance of one or more of the following:

10 (1) Prescribing, dispensing, administering, applying,
11 or ordering the administration of any drug, medicine,
12 biologic, apparatus, anesthetic, or other therapeutic or
13 diagnostic substance, or medical or surgical technique
14 ~~Directly or indirectly consulting, diagnosing, prognosing,~~
15 ~~correcting, supervising, or recommending treatment of an~~
16 ~~animal for the prevention, cure, or relief of a wound,~~
17 ~~fracture, bodily injury, defect, disease, or physical or~~
18 ~~mental condition by any method or mode.~~

19 (2) (Blank). ~~Prescribing, dispensing, or administering~~
20 ~~a drug, medicine, biologic appliance, application, or~~
21 ~~treatment of whatever nature.~~

22 (3) Performing upon an animal a surgical or dental
23 operation ~~or a complementary, alternative, or integrative~~
24 ~~veterinary medical procedure.~~

25 (3.5) Performing upon an animal complementary,
26 alternative, or integrative therapy.

1 (4) Performing upon an animal any manual or mechanical
2 procedure for reproductive management, including the
3 diagnosis or treatment of pregnancy, sterility, or
4 infertility.

5 (4.5) The rendering of advice or recommendation by any
6 means, including telephonic and other electronic
7 communications, with regard to the performing upon an
8 animal any manual or mechanical procedure for reproductive
9 management, including the diagnosis or treatment of
10 pregnancy, sterility, or infertility ~~procedure for the~~
11 ~~diagnoses or treatment of pregnancy, sterility, or~~
12 ~~infertility.~~

13 (5) Determining the health and fitness of an animal.

14 (6) Representing oneself, directly or indirectly, as
15 engaging in the practice of veterinary medicine.

16 (7) Using any word, letters, or title under such
17 circumstances as to induce the belief that the person using
18 them is qualified to engage in the practice of veterinary
19 medicine or any of its branches. Such use shall be prima
20 facie evidence of the intention to represent oneself as
21 engaging in the practice of veterinary medicine.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 "Supervising veterinarian" means a veterinarian who
25 assumes responsibility for the professional care given to an
26 animal by a person working under his or her direction in either

1 an immediate, direct, or indirect supervision arrangement. The
2 supervising veterinarian must have examined the animal at such
3 time as acceptable veterinary medical practices requires,
4 consistent with the particular delegated animal health care
5 task.

6 "Veterinarian-client-patient relationship" means that all
7 of the following conditions have been met:

8 (1) The veterinarian has assumed the responsibility
9 for making clinical judgments regarding the health of an
10 animal and the need for medical treatment and the client,
11 owner, or other caretaker has agreed to follow the
12 instructions of the veterinarian;

13 (2) There is sufficient knowledge of an animal by the
14 veterinarian to initiate at least a general or preliminary
15 diagnosis of the medical condition of the animal. This
16 means that the veterinarian has recently seen and is
17 personally acquainted with the keeping and care of the
18 animal by virtue of an examination of the animal or by
19 medically appropriate and timely visits to the premises
20 where the animal is kept, or the veterinarian has access to
21 the animal patient's records and has been designated by the
22 veterinarian with the prior relationship to provide
23 reasonable and appropriate medical care if he or she is
24 unavailable; and

25 (3) The practicing veterinarian is readily available
26 for follow-up in case of adverse reactions or failure of

1 the treatment regimen or, if unavailable, has designated
2 another available veterinarian who has access to the animal
3 patient's records to provide reasonable and appropriate
4 medical care of therapy.

5 "Veterinarian-client-patient relationship" does not mean a
6 relationship solely based on telephonic or other electronic
7 communications.

8 "Veterinary medicine" means all branches and specialties
9 included within the practice of veterinary medicine.

10 "Veterinary premises" means any premises or facility where
11 the practice of veterinary medicine occurs, including, but not
12 limited to, a mobile clinic, outpatient clinic, satellite
13 clinic, or veterinary hospital or clinic. "Veterinary
14 premises" does not mean the premises of a veterinary client,
15 research facility, a federal military base, or an accredited
16 college of veterinary medicine.

17 "Veterinary prescription drugs" means those drugs
18 restricted to use by or on the order of a licensed veterinarian
19 in accordance with Section 503(f) of the Federal Food, Drug,
20 and Cosmetic Act (21 U.S.C. 353).

21 "Veterinary specialist" means that a veterinarian is a
22 diplomate within an AVMA-recognized veterinary specialty
23 organization.

24 "Veterinary technology" means the performance of services
25 within the field of veterinary medicine by a person who, for
26 compensation or personal profit, is employed by a licensed

1 veterinarian to perform duties that require an understanding of
2 veterinary medicine necessary to carry out the orders of the
3 veterinarian. Those services, however, shall not include
4 diagnosing, prognosing, writing prescriptions, or surgery.

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

6 (225 ILCS 115/4) (from Ch. 111, par. 7004)

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

8 Sec. 4. Exemptions. Nothing in this Act shall apply to any
9 of the following:

10 (1) Veterinarians employed by the federal or State
11 government while engaged in their official duties.

12 (2) Licensed veterinarians from other states who are
13 invited to Illinois for consultation by a veterinarian
14 licensed in Illinois ~~or lecturing~~.

15 (3) Veterinarians employed by colleges or universities
16 while engaged in the performance of their official duties,
17 or faculty engaged in animal husbandry or animal management
18 programs of colleges or universities.

19 (3.5) A veterinarian or veterinary technician from
20 another state or country who (A) is not licensed under this
21 Act; (B) is currently licensed as a veterinarian or
22 veterinary technician in another state or country, or
23 otherwise exempt from licensure in the other state; (C) is
24 an invited guest of a professional veterinary association,
25 veterinary training program, or continuing education

1 provider approved by the Department; and (D) engages in
2 professional education through lectures, clinics, or
3 demonstrations.

4 (4) A veterinarian employed by an accredited college of
5 veterinary medicine providing assistance requested by a
6 veterinarian licensed in Illinois, acting with informed
7 consent from the client and acting under the direct or
8 indirect supervision and control of the licensed
9 veterinarian. Providing assistance involves hands-on
10 active participation in the treatment and care of the
11 patient. The licensed veterinarian shall maintain
12 responsibility for the veterinarian-client-patient
13 relationship.

14 (5) Veterinary students in an accredited college of
15 veterinary medicine, university, department of a
16 university, or other institution of veterinary medicine
17 and surgery engaged in duties assigned by their instructors
18 or working under the immediate or direct supervision of a
19 licensed veterinarian.

20 (5.5) Students of an accredited program in veterinary
21 technology performing veterinary technology duties or
22 actions assigned by instructors or working under the
23 immediate or direct supervision of a licensed
24 veterinarian.

25 (6) Any person engaged in bona fide scientific research
26 which requires the use of animals.

1 (7) An owner of livestock and any of the owner's
2 employees or the owner and employees of a service and care
3 provider of livestock caring for and treating livestock
4 belonging to the owner or under a provider's care,
5 including but not limited to, the performance of husbandry
6 and livestock management practices such as dehorning,
7 castration, emasculation, or docking of cattle, horses,
8 sheep, goats, and swine, artificial insemination, and
9 drawing of semen. Nor shall this Act be construed to
10 prohibit any person from administering in a humane manner
11 medicinal or surgical treatment to any livestock in the
12 care of such person. However, any such services shall
13 comply with the Humane Care for Animals Act.

14 (8) An owner of an animal or any of the owner's regular
15 employees, or an agent of the owner acting with the owner's
16 approval, in caring for, ~~training,~~ or treating an animal
17 belonging to the owner, so long as that individual or
18 regular employee agent does not represent himself or
19 herself as a veterinarian or use any title associated with
20 the practice of veterinary medicine or surgery or diagnose,
21 prescribe any drugs, or perform surgery. Notwithstanding
22 the other provisions of this item (8), a
23 veterinarian-client-patient relationship must exist when
24 prescription drugs or over-the-counter drugs intended for
25 extra-label use are administered, dispensed, or
26 prescribed. ~~The agent shall provide the owner with a~~

1 ~~written statement summarizing the nature of the services~~
2 ~~provided and obtain a signed acknowledgment from the owner~~
3 ~~that they accept the services provided.~~ The services
4 provided shall comply with the Humane Care for Animals Act.
5 The provisions of this item (8) do not apply to a person
6 who is exempt under item (7).

7 (8.5) Any person who provides appropriate training for
8 animals that does not include diagnosing or the prescribing
9 or dispensing of any therapeutic agent.

10 (9) A member in good standing of another licensed or
11 regulated profession within any state or a member of an
12 organization or group approved by the Department by rule
13 providing assistance that is requested in writing by a
14 veterinarian licensed in this State acting within a
15 veterinarian-client-patient relationship and with informed
16 consent from the client and the member is acting under the
17 immediate, direct, or indirect supervision and control of
18 the licensed veterinarian. Providing assistance involves
19 hands-on active participation in the treatment and care of
20 the patient, as defined by rule. The licensed veterinarian
21 shall maintain responsibility for the
22 veterinarian-client-patient relationship, but shall be
23 immune from liability in any civil or criminal action if a
24 member providing assistance does not meet the requirements
25 of this item (9).

26 (10) A graduate of a non-accredited college of

1 veterinary medicine who is in the process of obtaining a
2 certificate of educational equivalence and is performing
3 duties or actions assigned by instructors in an approved
4 college of veterinary medicine.

5 (10.5) A veterinarian who is enrolled in a postgraduate
6 instructional program in an accredited college of
7 veterinary medicine performing duties or actions assigned
8 by instructors or working under the immediate or direct
9 supervision of a licensed veterinarian or a faculty member
10 of the College of Veterinary Medicine at the University of
11 Illinois.

12 (11) A certified euthanasia technician who is
13 authorized to perform euthanasia in the course and scope of
14 his or her employment only as permitted by the Humane
15 Euthanasia in Animal Shelters Act.

16 (12) A person who, without expectation of
17 compensation, provides emergency veterinary care in an
18 emergency or disaster situation so long as he or she does
19 not represent himself or herself as a veterinarian or use a
20 title or degree pertaining to the practice of veterinary
21 medicine and surgery.

22 (13) Any certified veterinary technician or other ~~An~~
23 employee of a licensed veterinarian performing permitted
24 duties other than diagnosis, prognosis, prescription, or
25 surgery under the appropriate direction and supervision of
26 the veterinarian, who shall be responsible for the

1 performance of the employee.

2 (13.5) Any pharmacist licensed in the State, merchant,
3 or manufacturer selling at his or her regular place of
4 business medicines, feed, appliances, or other products
5 used in the prevention or treatment of animal diseases as
6 permitted by law and provided that the services he or she
7 provides do not include diagnosing, prognosing, writing
8 prescriptions, or surgery.

9 (14) An approved humane investigator regulated under
10 the Humane Care for Animals Act or employee of a shelter
11 licensed under the Animal Welfare Act, working under the
12 indirect supervision of a licensed veterinarian.

13 (15) An individual providing equine dentistry services
14 requested by a veterinarian licensed to practice in this
15 State, an owner, or an owner's regular employee ~~agent~~. For
16 the purposes of this item (15), "equine dentistry services"
17 means floating teeth without the use of drugs or
18 extraction.

19 (15.5) In the event of an emergency or disaster, a
20 veterinarian or veterinary technician not licensed in this
21 State who (A) is responding to a request for assistance
22 from the Illinois Department of Agriculture, the Illinois
23 Department of Public Health, the Illinois Emergency
24 Management Agency, or other State agency as determined by
25 the Department; (B) is licensed and in good standing in
26 another state; and (C) has been granted a temporary waiver

1 from licensure by the Department.

2 (16) Private treaty sale of animals unless otherwise
3 provided by law.

4 (17) Persons or entities practicing the specified
5 occupations set forth in subsection (a) of, and pursuant to
6 a licensing exemption granted in subsection (b) or (d) of,
7 Section 2105-350 of the Department of Professional
8 Regulation Law of the Civil Administrative Code of
9 Illinois, but only for so long as the 2016 Olympic and
10 Paralympic Games Professional Licensure Exemption Law is
11 operable.

12 (Source: P.A. 96-7, eff. 4-3-09.)

13 (225 ILCS 115/5) (from Ch. 111, par. 7005)

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

15 Sec. 5. No person shall practice veterinary medicine and
16 surgery in any of its branches without a valid license to do
17 so. Any person not licensed under this Act who performs any of
18 the functions described as the practice of veterinary medicine
19 or surgery as defined in this Act, who announces to the public
20 in any way an intention to practice veterinary medicine and
21 surgery, who uses the title Doctor of Veterinary Medicine or
22 the initials D.V.M. or V.M.D., or who opens an office,
23 hospital, or clinic for such purposes is considered to have
24 violated this Act and may be subject to all the penalties
25 provided for such violations.

1 It shall be unlawful for any person who is not licensed in
2 this State to provide veterinary medical services from any
3 state to a client or patient in this State through telephonic,
4 electronic, or other means, except where a bonafide
5 veterinarian-client-patient relationship exists.

6 Nothing in this Act shall be construed to prevent members
7 of other professions from performing functions for which they
8 are duly licensed, subject to the requirements of Section 4 of
9 this Act. Other professionals may not, however, hold themselves
10 out or refer to themselves by any title or descriptions stating
11 or implying that they are engaged in the practice of veterinary
12 medicine or that they are licensed to engage in the practice of
13 veterinary medicine.

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

15 (225 ILCS 115/5.5 new)

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

17 Sec. 5.5. Practice outside veterinarian-client-patient
18 relationship prohibited. No person may practice veterinary
19 medicine in the State except within the context of a
20 veterinarian-client-patient relationship.

21 (225 ILCS 115/6) (from Ch. 111, par. 7006)

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

23 Sec. 6. Administration of Act.

24 (a) The Department shall exercise the powers and duties

1 prescribed by the Civil Administrative Code of Illinois for the
2 administration of licensing Acts and shall exercise any other
3 powers and duties necessary for effectuating the purpose of
4 this Act.

5 (b) The Secretary ~~Director~~ shall adopt ~~promulgate~~ rules
6 consistent with the provisions of this Act for the
7 administration and enforcement thereof, and for the payment of
8 fees connected therewith, and may prescribe forms that shall be
9 issued in connection therewith. The rules shall include
10 standards and criteria for licensure, certification, and
11 professional conduct and discipline. The Department shall
12 consult with the Board in promulgating rules. Notice of
13 proposed rulemaking shall be transmitted to the Board and the
14 Department shall review the Board's response and any
15 recommendations made therein. The Department shall notify the
16 Board in writing with an explanation of the deviations in the
17 Board's recommendations and responses.

18 (c) The Department shall solicit the advice and expert
19 knowledge of the Board on any matter relating to the
20 administration and enforcement of this Act.

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

24 (Source: P.A. 88-424.)

25 (225 ILCS 115/7) (from Ch. 111, par. 7007)

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

2 Sec. 7. Veterinarian Licensing and Disciplinary Board. The
3 Secretary ~~Director~~ shall appoint a Veterinarian Licensing and
4 Disciplinary Board as follows: 7 persons shall be appointed by
5 and shall serve in an advisory capacity to the Secretary
6 ~~Director~~, 6 members must be licensed, in good standing,
7 veterinarians in this State, and must be actively engaged in
8 the practice of veterinary medicine and surgery in this State,
9 and one member must be a member of the public who is not
10 licensed under this Act, or a similar Act of another
11 jurisdiction and who has no connection with the veterinary
12 profession.

13 Members shall serve 4 year terms and until their successors
14 are appointed and qualified, except that of the initial
15 appointments, one member shall be appointed to serve for one
16 year, 2 shall be appointed to serve for 2 years, 2 shall be
17 appointed to serve for 3 years, and the remaining, one of which
18 shall be a public member, shall be appointed to serve for 4
19 years and until their successors are appointed and qualified.
20 No member shall be reappointed to the Board for more than 2
21 terms. Appointments to fill vacancies shall be made in the same
22 manner as original appointments, for the unexpired portion of
23 the vacated term. Initial terms shall begin upon the effective
24 date of this Act.

25 The membership of the Board should reasonably reflect
26 representation from the geographic areas in this State. The

1 Secretary ~~Director~~ shall consider the recommendations made by
2 the State Veterinary Medical Association in making
3 appointments.

4 The Secretary ~~Director~~ may terminate the appointment of any
5 member for cause which in the opinion of the Secretary ~~Director~~
6 reasonably justifies such termination.

7 The Board shall annually elect a Chairman who shall be a
8 Veterinarian.

9 The Secretary ~~Director~~ shall consider the advice and
10 recommendations of the Board on questions involving standards
11 of professional conduct, discipline and qualifications of
12 candidates and licensees under this Act.

13 Members of the Board shall be entitled to receive a per
14 diem at a rate set by the Secretary ~~Director~~ and shall be
15 reimbursed for all authorized expenses incurred in the exercise
16 of their duties.

17 Members of the Board have no liability in any action based
18 upon any disciplinary proceeding or other activity performed in
19 good faith as a member of the Board.

20 (Source: P.A. 91-827, eff. 6-13-00.)

21 (225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

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

23 Sec. 14.1. Returned checks; fines. Any person who delivers
24 a check or other payment to the Department that is returned to
25 the Department unpaid by the financial institution upon which

1 it is drawn shall pay to the Department, in addition to the
2 amount already owed to the Department, a fine of \$50. The fines
3 imposed by this Section are in addition to any other discipline
4 provided under this Act for unlicensed practice or practice on
5 a nonrenewed license or certificate. The Department shall
6 notify the person that payment of fees and fines shall be paid
7 to the Department by certified check or money order within 30
8 calendar days of the notification. If, after the expiration of
9 30 days from the date of the notification, the person has
10 failed to submit the necessary remittance, the Department shall
11 automatically terminate the license or certificate or deny the
12 application, without hearing. If, after termination or denial,
13 the person seeks a license or certificate, he or she shall
14 apply to the Department for restoration or issuance of the
15 license or certificate and pay all fees and fines due to the
16 Department. The Department may establish a fee for the
17 processing of an application for restoration of a license or
18 certificate to pay all expenses of processing this application.
19 The Secretary ~~Director~~ may waive the fines due under this
20 Section in individual cases where the Secretary ~~Director~~ finds
21 that the fines would be unreasonable or unnecessarily
22 burdensome.

23 (Source: P.A. 92-146, eff. 1-1-02.)

24 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

1 Sec. 25. Disciplinary actions.

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

8 A. Material misstatement in furnishing information to
9 the Department.

10 B. Violations of this Act, or of the rules adopted
11 pursuant to ~~promulgated under~~ this Act.

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

17 D. Making any misrepresentation for the purpose of
18 obtaining licensure or certification, or violating any
19 provision of this Act or the rules adopted pursuant to
20 ~~promulgated under~~ this Act pertaining to advertising.

21 E. Professional incompetence.

22 F. Gross malpractice.

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

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

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

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

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

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 professional services not actually or personally
16 rendered.

17 M. A finding by the Board that the licensee or
18 certificate holder, after having his license or
19 certificate placed on probationary status, has violated
20 the terms of probation.

21 N. Willfully making or filing false records or reports
22 in his practice, including but not limited to false records
23 filed with State agencies or departments.

24 O. 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 ~~judgement~~, skill, or
2 safety.

3 P. Solicitation of professional services other than
4 permitted advertising.

5 Q. Having professional connection with or lending
6 one's name, directly or indirectly, to any illegal
7 practitioner of veterinary medicine and surgery and the
8 various branches thereof.

9 R. Conviction of or cash compromise of a charge or
10 violation of the Harrison Act or the Illinois Controlled
11 Substances Act, regulating narcotics.

12 S. Fraud or dishonesty in applying, treating, or
13 reporting on tuberculin or other biological tests.

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

16 U. Fraudulent use or misuse of any health certificate,
17 shipping certificate, brand inspection certificate, or
18 other blank forms used in practice that might lead to the
19 dissemination of disease or the transportation of diseased
20 animals dead or alive; or dilatory methods, willful
21 neglect, or misrepresentation in the inspection of milk,
22 meat, poultry, and the by-products thereof.

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

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

26 X. Failure to provide satisfactory proof of having

1 participated in approved continuing education programs.

2 Y. Failure to (i) file a return, (ii) pay the tax,
3 penalty, or interest shown in a filed return, or (iii) pay
4 any final assessment of tax, penalty, or interest, as
5 required by any tax Act administered by the Illinois
6 Department of Revenue, until the requirements of that tax
7 Act are satisfied.

8 Z. Conviction by any court of competent jurisdiction,
9 either within or outside this State, of any violation of
10 any law governing the practice of veterinary medicine, if
11 the Department determines, after investigation, that the
12 person has not been sufficiently rehabilitated to warrant
13 the public trust.

14 AA. Promotion of the sale of drugs, devices,
15 appliances, or goods provided for a patient in any manner
16 to exploit the client for financial gain of the
17 veterinarian.

18 BB. Gross, willful, or continued overcharging for
19 professional services, including filing false statements
20 for collection of fees for which services are not rendered.

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

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

26 EE. Cheating on or attempting to subvert the licensing

1 examination administered under this Act.

2 FF. Using, prescribing, or selling a prescription drug
3 or the extra-label use of a prescription drug by any means
4 in the absence of a valid veterinarian-client-patient
5 relationship.

6 GG. Failing to report a case of suspected aggravated
7 cruelty, torture, or animal fighting pursuant to Section
8 3.07 or 4.01 of the Humane Care for Animals Act or Section
9 26-5 of the Criminal Code of 1961.

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

20 3. All proceedings to suspend, revoke, place on
21 probationary status, or take any other disciplinary action as
22 the Department may deem proper, with regard to a license or
23 certificate on any of the foregoing grounds, must be commenced
24 within 3 years after receipt by the Department of a complaint
25 alleging the commission of or notice of the conviction order
26 for any of the acts described in this Section. Except for

1 proceedings brought for violations of items (CC), (DD), or
2 (EE), no action shall be commenced more than 5 years after the
3 date of the incident or act alleged to have violated this
4 Section. In the event of the settlement of any claim or cause
5 of action in favor of the claimant or the reduction to final
6 judgment of any civil action in favor of the plaintiff, the
7 claim, cause of action, or civil action being grounded on the
8 allegation that a person licensed or certified under this Act
9 was negligent in providing care, the Department shall have an
10 additional period of one year from the date of the settlement
11 or final judgment in which to investigate and begin formal
12 disciplinary proceedings under Section 25.2 of this Act, except
13 as otherwise provided by law. The time during which the holder
14 of the license or certificate was outside the State of Illinois
15 shall not be included within any period of time limiting the
16 commencement of disciplinary action by the Department.

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

25 5. In enforcing this Section, the Board, upon a showing of
26 a possible violation, may compel a licensee or applicant to

1 submit to a mental or physical examination, or both, as
2 required by and at the expense of the Department. The examining
3 physicians or clinical psychologists shall be those
4 specifically designated by the Board. The Board or the
5 Department may order (i) the examining physician to present
6 testimony concerning the mental or physical examination of a
7 licensee or applicant or (ii) the examining clinical
8 psychologist to present testimony concerning the mental
9 examination of a licensee or applicant. No information shall be
10 excluded by reason of any common law or statutory privilege
11 relating to communications between a licensee or applicant and
12 the examining physician or clinical psychologist. An
13 individual to be examined may have, at his or her own expense,
14 another physician or clinical psychologist of his or her choice
15 present during all aspects of the examination. Failure of an
16 individual to submit to a mental or physical examination, when
17 directed, is grounds for suspension of his or her license. The
18 license must remain suspended until the person submits to the
19 examination or the Board finds, after notice and hearing, that
20 the refusal to submit to the examination was with reasonable
21 cause.

22 If the Board finds an individual unable to practice because
23 of the reasons set forth in this Section, the Board must
24 require the individual to submit to care, counseling, or
25 treatment by a physician or clinical psychologist approved by
26 the Board, as a condition, term, or restriction for continued,

1 reinstated, or renewed licensure to practice. In lieu of care,
2 counseling, or treatment, the Board may recommend that the
3 Department file a complaint to immediately suspend or revoke
4 the license of the individual or otherwise discipline the
5 licensee.

6 Any individual whose license was granted, continued,
7 reinstated, or renewed subject to conditions, terms, or
8 restrictions, as provided for in this Section, or any
9 individual who was disciplined or placed on supervision
10 pursuant to this Section must be referred to the Secretary
11 ~~Director~~ for a determination as to whether the person shall
12 have his or her license suspended immediately, pending a
13 hearing by the Board.

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

15 (225 ILCS 115/25.1) (from Ch. 111, par. 7025.1)

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

17 Sec. 25.1. (a) If any person violates a provision of this
18 Act, the Secretary ~~Director~~ may, in the name of the People of
19 the State of Illinois, through the Attorney General of the
20 State of Illinois, petition, for an order enjoining such
21 violation or for an order enforcing compliance with this Act.
22 Upon the filing of a verified petition in such court, the court
23 may issue a temporary restraining order, without notice or
24 bond, and may preliminarily and permanently enjoin such
25 violation, and if it is established that such person has

1 violated or is violating the injunction, the court may punish
2 the offender for contempt of court. Proceedings under this
3 Section shall be in addition to, and not in lieu of, all other
4 remedies and penalties provided by this Act.

5 (b) If any person shall practice as a veterinarian or hold
6 himself out as a veterinarian without being licensed under the
7 provision of this Act then any licensed veterinarian, any
8 interested party or any person injured thereby may, in addition
9 to the Secretary ~~Director~~, petition for relief as provided in
10 subsection (a) of this Section.

11 (c) Whenever in the opinion of the Department any person
12 violates any provision of this Act, the Department may issue a
13 rule to show cause why an order to cease and desist should not
14 be entered against him. The rule shall clearly set forth the
15 grounds relied upon by the Department and shall provide a
16 period of 7 days from the date of the rule to file an answer to
17 the satisfaction of the Department. Failure to answer to the
18 satisfaction of the Department shall cause an order to cease
19 and desist to be issued forthwith.

20 (Source: P.A. 83-1016.)

21 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

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

23 Sec. 25.2. Investigation; notice. The Department may
24 investigate the actions of any applicant or of any person or
25 persons holding or claiming to hold a license or certificate.

1 The Department shall, before refusing to issue, to renew or
2 discipline a license or certificate under Section 25, at least
3 30 days prior to the date set for the hearing, notify in
4 writing the applicant for, or holder of, a license or
5 certificate of the nature of the charges and that a hearing
6 will be held on the date designated. The Department shall
7 direct the applicant, certificate holder, or licensee to file a
8 written answer to the Board under oath within 20 days after the
9 service of the notice and inform the applicant, certificate
10 holder, or licensee that failure to file an answer will result
11 in default being taken against the applicant, certificate
12 holder, or licensee and that the license or certificate may be
13 suspended, revoked, placed on probationary status, or other
14 disciplinary action may be taken, including limiting the scope,
15 nature or extent of practice, as the Secretary ~~Director~~ may
16 deem proper. Written notice may be served by personal delivery
17 or certified or registered mail to the respondent at the
18 address of his last notification to the Department. In case the
19 person fails to file an answer after receiving notice, his or
20 her license or certificate may, in the discretion of the
21 Department, be suspended, revoked, or placed on probationary
22 status, or the Department may take whatever disciplinary action
23 deemed proper, including limiting the scope, nature, or extent
24 of the person's practice or the imposition of a fine, without a
25 hearing, if the act or acts charged constitute sufficient
26 grounds for such action under this Act. At the time and place

1 fixed in the notice, the Board shall proceed to hear the
2 charges and the parties or their counsel shall be accorded
3 ample opportunity to present any statements, testimony,
4 evidence, and argument pertinent to the charges or to their
5 defense. The Board may continue a hearing from time to time.

6 (Source: P.A. 87-1031; 88-424.)

7 (225 ILCS 115/25.4) (from Ch. 111, par. 7025.4)

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

9 Sec. 25.4. The Department shall have the power to subpoena
10 and bring before it any person in this State and to take
11 testimony either orally or by deposition, or both, with the
12 same fees and mileage and in the same manner as prescribed by
13 law in judicial procedure in civil cases in courts of this
14 State.

15 The Secretary ~~Director~~, the designated hearing officer,
16 and every member of the Board shall have power to administer
17 oaths to witnesses at any hearing which the Department is
18 authorized by law to conduct, and any other oaths required or
19 authorized in any Act administered by the Department.

20 (Source: P.A. 83-1016.)

21 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

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

23 Sec. 25.6. Written report. At the conclusion of the hearing
24 the Board shall present to the Secretary ~~Director~~ a written

1 report of its findings of fact, conclusions of law, and
2 recommendations. The report shall contain a finding whether or
3 not the accused person violated this Act or failed to comply
4 with the conditions required in this Act. The Board shall
5 specify the nature of the violation or failure to comply, and
6 shall make its recommendations to the Secretary ~~Director~~.

7 The report of findings of fact, conclusions of law and
8 recommendation of the Board shall be the basis for the
9 Department's order or refusal or for the granting of a license,
10 certificate, or permit. If the Secretary ~~Director~~ disagrees in
11 any regard with the report of the Board, then the Secretary
12 ~~Director~~ may issue an order in contravention thereof. The
13 Secretary ~~Director~~ shall provide a written report to the Board
14 on any deviation, and shall specify with particularity the
15 reasons for the action in the final order. The finding is not
16 admissible in evidence against the person in a criminal
17 prosecution brought for the violation of this Act, but the
18 hearing and finding are not a bar to a criminal prosecution
19 brought for the violation of this Act.

20 (Source: P.A. 88-424.)

21 (225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

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

23 Sec. 25.7. Procedure upon refusal to license or issue
24 certificate. In any case under Section 25 involving the refusal
25 to issue, renew, or discipline a license or certificate, a copy

1 of the Board's report shall be served upon the respondent by
2 the Department, either personally or as provided in this Act
3 for the service of the notice of hearing. Within 20 days after
4 service, the respondent may present to the Department a motion
5 in writing for a rehearing. The motion shall specify the
6 particular grounds for the rehearing. If no motion for
7 rehearing is filed, then upon the expiration of the time
8 specified for filing a motion, or if a motion for rehearing is
9 denied, then upon the denial, then the Secretary ~~Director~~ may
10 enter an order in accordance with recommendations of the Board
11 except as provided in Section 25.6 of this Act. If the
12 respondent orders from the reporting service, and pays for a
13 transcript of the record within the time for filing a motion
14 for rehearing, the 20 day period within which such a motion may
15 be filed shall commence upon the delivery of the transcript to
16 the respondent.

17 (Source: P.A. 88-424.)

18 (225 ILCS 115/25.8) (from Ch. 111, par. 7025.8)

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

20 Sec. 25.8. Rehearing ordered by Secretary ~~Director~~.
21 Whenever the Secretary ~~Director~~ is satisfied that substantial
22 justice has not been done in the revocation, suspension, or
23 refusal to issue or renew a license or certificate, the
24 Secretary ~~Director~~ may order a rehearing by the Board or a
25 designated hearing officer.

1 (Source: P.A. 88-424.)

2 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

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

4 Sec. 25.9. Hearing officers; reports; review.

5 Notwithstanding the provisions of Section 25.2 of this Act, the
6 Secretary ~~Director~~ shall have the authority to appoint any
7 attorney duly licensed to practice law in the State of Illinois
8 to serve as the hearing officer in any action for refusal to
9 issue, renew, or discipline of a license, certificate, or
10 permit. The Secretary ~~Director~~ shall notify the Board of any
11 appointment. The hearing officer shall have full authority to
12 conduct the hearing. The hearing officer shall report his or
13 her findings of fact, conclusions of law, and recommendations
14 to the Board and the Secretary ~~Director~~. The Board shall have
15 60 days from receipt of the report to review the report of the
16 hearing officer and present its findings of fact, conclusions
17 of law, and recommendations to the Secretary ~~Director~~. If the
18 Board fails to present its report within the 60 day period,
19 then the Secretary ~~Director~~ may issue an order based on the
20 report of the hearing officer. If the Secretary ~~Director~~
21 disagrees in any regard with the report of the Board or hearing
22 officer, then the Secretary ~~Director~~ may issue an order in
23 contravention of the report. The Secretary ~~Director~~ shall
24 provide a written explanation to the Board on any deviation,
25 and shall specify with particularity the reasons for the action

1 in the final order. At least 2 licensed veterinarian members of
2 the Board should be present at all formal hearings on the
3 merits of complaints brought under the provisions of this Act.

4 (Source: P.A. 88-424.)

5 (225 ILCS 115/25.10) (from Ch. 111, par. 7025.10)

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

7 Sec. 25.10. Order or certified copy; prima facie proof. An
8 order or a certified copy thereof, over the seal of the
9 Department and purporting to be signed by the Secretary
10 ~~Director~~, shall be prima facie proof that:

11 (a) the signature is the genuine signature of the
12 Secretary ~~Director~~;

13 (b) the Secretary ~~Director~~ is duly appointed and
14 qualified; and

15 (c) the Board and the members thereof are qualified to
16 act.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18 (225 ILCS 115/25.13) (from Ch. 111, par. 7025.13)

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

20 Sec. 25.13. The Secretary ~~Director~~ may temporarily suspend
21 the license of a veterinarian without a hearing, simultaneously
22 with the institution of proceedings for a hearing provided for
23 in Section 25.2 of this Act, if the Secretary ~~Director~~ finds
24 that evidence in his possession indicates that a veterinarian's

1 continuation in practice would constitute an imminent danger to
2 the public. In the event that the Secretary ~~Director~~ suspends,
3 temporarily, the license of a veterinarian without a hearing, a
4 hearing by the Board must be held within 30 days after such
5 suspension has occurred.

6 (Source: P.A. 83-1016.)

7 (225 ILCS 115/25.17)

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

9 Sec. 25.17. Disclosure of patient records; maintenance
10 information.

11 (a) No veterinarian shall be required to disclose any
12 information concerning the veterinarian's care of an animal
13 except on written authorization or other waiver by the
14 veterinarian's client or on appropriate court order or
15 subpoena. Any veterinarian releasing information under written
16 authorization, or other waiver by the client, or court order of
17 subpoena is not liable to the client or any other person. The
18 privilege provided by this Section is waived to the extent that
19 the veterinarian's client or the owner of the animal places the
20 care and treatment or the nature and extent of injuries to the
21 animal at issue in any civil or criminal proceeding. When
22 communicable disease laws, cruelty to animal laws, or laws
23 providing for public health and safety are involved, the
24 privilege provided by this Section is waived.

25 (b) Copies of patient records must be released to the

1 client upon written request as provided for by rule.

2 (c) Each person who provides veterinary medical services
3 shall maintain appropriate patient records as defined by rule.
4 The patient records are the property of the practice and the
5 practice owner. Patient records shall, if applicable, include
6 the following:

7 (1) patient identification;

8 (2) client identification;

9 (3) dated reason for visit and pertinent history;

10 (4) physical exam findings;

11 (5) diagnostic, medical, surgical or therapeutic
12 procedures performed;

13 (6) all medical treatment must include identification
14 of each medication given in the practice, together with the
15 date, dosage, and route of administration and frequency and
16 duration of treatment;

17 (7) all medicines dispensed or prescribed must be
18 recorded, including directions for use and quantity;

19 (8) any changes in medications or dosages, including
20 telephonically or electronically initiated changes, must
21 be recorded;

22 (9) if a necropsy is performed, then the record must
23 reflect the findings;

24 (10) any written records and notes, radiographs,
25 sonographic images, video recordings, photographs or other
26 images, and laboratory reports;

1 (11) other information received as the result of
2 consultation;

3 (12) identification of any designated agent of the
4 client for the purpose of authorizing veterinary medical or
5 animal health care decisions; and

6 (13) any authorizations, releases, waivers, or other
7 related documents.

8 (d) Patient records must be maintained for a minimum of 5
9 years from the date of the last known contact with an animal
10 patient.

11 (e) Information and records related to patient care shall
12 remain confidential except as provided in subsections (a) and
13 (b) of this Section.

14 (Source: P.A. 88-424.)

15 (225 ILCS 115/25.18)

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

17 Sec. 25.18. Penalties.

18 (a) In addition to any other penalty provided by law, any
19 person who violates Section 5 of this Act or any other
20 provision of this Act shall forfeit and pay a civil penalty to
21 the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for
22 each offense as determined by the Department. The civil penalty
23 shall be assessed by the Department in accordance with the
24 provisions set forth in Section 25.3 through Section 25.10 and
25 Section 25.14.

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

3 (c) The civil penalty shall be paid within 60 days after
4 the effective date of the order imposing the civil penalty. The
5 order shall constitute a judgment and may be filed and
6 execution had thereon in the same manner as any judgment from
7 any court of record.

8 (d) All monies collected under this Section shall be
9 deposited into the Professional Regulation Evidence Fund.

10 (Source: P.A. 88-424.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.

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