

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.24 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2014:

10 The Electrologist Licensing Act.

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 ~~The Illinois Occupational Therapy Practice Act.~~

13 The Illinois Public Accounting Act.

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

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

18 Section 2.5 of the Illinois Plumbing License Law.

19 The Veterinary Medicine and Surgery Practice Act of 2004.

20 (Source: P.A. 97-1139, eff. 12-28-12.)

21 (5 ILCS 80/4.34 new)

22 Sec. 4.34. Act repealed on January 1, 2024. The following

1 Act is repealed on January 1, 2024:

2 The Illinois Occupational Therapy Practice Act.

3 Section 10. The Illinois Occupational Therapy Practice Act
4 is amended by changing Sections 2, 3, 3.1, 3.3, 3.5, 4, 5, 6,
5 7, 8, 11, 11.1, 12, 15, 16, 16.5, 18, 19, 19.1, 19.2, 19.3,
6 19.4, 19.5, 19.6, 19.7, 19.8, 19.9, 19.10, 19.11, 19.13, 19.15,
7 19.16, 20, and 21 and by adding Section 19.2a as follows:

8 (225 ILCS 75/2) (from Ch. 111, par. 3702)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 2. Definitions. In this Act:

11 (1) "Department" means the Department of Financial and
12 Professional Regulation.

13 (2) "Secretary" means the Secretary of the Department of
14 Financial and Professional Regulation. ~~"Director" means the~~
15 ~~Director of Professional Regulation.~~

16 (3) "Board" means the Illinois Occupational Therapy
17 Licensure Board appointed by the Secretary. ~~Director.~~

18 (4) "Occupational therapist" means a person initially
19 registered and licensed to practice occupational therapy as
20 defined in this Act, and whose license is in good standing.

21 (5) "Occupational therapy assistant" means a person
22 initially registered and licensed to assist in the practice of
23 occupational therapy under the supervision of a licensed
24 occupational therapist, and to implement the occupational

1 therapy treatment program as established by the licensed
2 occupational therapist. ~~Such program may include training in~~
3 ~~activities of daily living, the use of therapeutic activity~~
4 ~~including task oriented activity to enhance functional~~
5 ~~performance, and guidance in the selection and use of adaptive~~
6 ~~equipment.~~

7 (6) "Occupational therapy" means the therapeutic use of
8 purposeful and meaningful occupations or goal-directed
9 activities to evaluate and provide interventions for
10 individuals, groups, and populations who have a disease or
11 disorder, an impairment, an activity limitation, or a
12 participation restriction that interferes with their ability
13 to function independently in their daily life roles, including
14 activities of daily living (ADLs) and instrumental activities
15 of daily living (IADLs). Occupational therapy services are
16 provided for the purpose of habilitation, rehabilitation, and
17 to promote health and wellness. Occupational therapy may be
18 provided via technology or telecommunication methods, also
19 known as telehealth, however the standard of care shall be the
20 same whether a patient is seen in person, through telehealth,
21 or other method of electronically enabled health care. and to
22 ~~promote health and wellness.~~ Occupational therapy practice
23 ~~intervention~~ may include any of the following:

24 (a) remediation or restoration of performance
25 abilities that are limited due to impairment in biological,
26 physiological, psychological, or neurological processes;

1 (b) modification or adaptation of task, process, or the
2 environment or the teaching of compensatory techniques in
3 order to enhance performance;

4 (c) disability prevention methods and techniques that
5 facilitate the development or safe application of
6 performance skills; and

7 (d) health and wellness promotion strategies,
8 including self-management strategies, and practices that
9 enhance performance abilities.

10 The licensed occupational therapist or licensed
11 occupational therapy assistant may assume a variety of roles in
12 his or her career including, but not limited to, practitioner,
13 supervisor of professional students and volunteers,
14 researcher, scholar, consultant, administrator, faculty,
15 clinical instructor, fieldwork educator, and educator of
16 consumers, peers, and family.

17 (7) "Occupational therapy services" means services that
18 may be provided to individuals, groups, and populations, when
19 provided to treat an occupational therapy need, including,
20 ~~without limitation,~~ the following:

21 (a) evaluating, developing, improving, sustaining, or
22 restoring skills in activities of daily living, work, or
23 productive activities, including instrumental activities
24 of daily living and play and leisure activities;

25 (b) evaluating, developing, remediating, or restoring
26 sensorimotor, cognitive, or psychosocial components of

1 performance with considerations for cultural context and
2 activity demands that affect performance;

3 (c) designing, fabricating, applying, or training in
4 the use of assistive technology, adaptive devices, seating
5 and positioning, or temporary, orthoses and training in the
6 use of orthoses and prostheses;

7 (d) adapting environments and processes, including the
8 application of ergonomic principles, to enhance
9 performance and safety in daily life roles;

10 (e) for the occupational therapist or occupational
11 therapy assistant possessing advanced training, skill, and
12 competency as demonstrated through criteria examinations
13 that shall be determined by the Department, applying
14 physical agent modalities as an adjunct to or in
15 preparation for engagement in occupations;

16 (f) evaluating and providing intervention in
17 collaboration with the client, family, caregiver, or
18 others;

19 (g) educating the client, family, caregiver, or others
20 in carrying out appropriate nonskilled interventions; ~~and~~

21 (h) consulting with groups, programs, organizations,
22 or communities to provide population-based services; ~~and~~

23 (i) assessing, recommending, and training in
24 techniques to enhance functional mobility, including
25 wheelchair management;

26 (j) driver rehabilitation and community mobility;

1 (k) management of feeding, eating, and swallowing to
2 enable or enhance performance of these tasks;

3 (l) low vision rehabilitation;

4 (m) lymphedema and wound care management;

5 (n) pain management; and

6 (o) care coordination, case management, and transition
7 services.

8 (8) (Blank). ~~"An aide in occupational therapy" means an~~
9 ~~individual who provides supportive services to occupational~~
10 ~~therapists or occupational therapy assistants but who is not~~
11 ~~certified by a nationally recognized occupational therapy~~
12 ~~certifying or licensing body.~~

13 (9) "Address of record" means the designated address
14 recorded by the Department in the applicant's or licensee's
15 application file or license file as maintained by the
16 Department's licensure maintenance unit. It is the duty of the
17 applicant or licensee to inform the Department of any change of
18 address, and those changes must be made either through the
19 Department's website or by contacting the Department.

20 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; 92-651,
21 eff. 7-11-02; 93-461, eff. 8-8-03.)

22 (225 ILCS 75/3) (from Ch. 111, par. 3703)

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

24 Sec. 3. Licensure requirement; exempt activities. After
25 the effective date of this Act, no person shall practice

1 occupational therapy or hold himself out as an occupational
2 therapist or an occupational therapy assistant, or as being
3 able to practice occupational therapy or to render services
4 designated as occupational therapy in this State, unless he is
5 licensed in accordance with the provisions of this Act.

6 Nothing in this Act shall be construed as preventing or
7 restricting the practice, services, or activities of:

8 (1) Any person licensed in this State by any other law from
9 engaging in the profession or occupation for which he is
10 licensed; or

11 (2) Any person employed as an occupational therapist or
12 occupational therapy assistant by the Government of the United
13 States, if such person provides occupational therapy solely
14 under the direction or control of the organization by which he
15 or she is employed; or

16 (3) Any person pursuing a course of study leading to a
17 degree or certificate in occupational therapy at an accredited
18 or approved educational program if such activities and services
19 constitute a part of a supervised course of study, and if such
20 person is designated by a title which clearly indicates his or
21 her status as a student or trainee; or

22 (4) Any person fulfilling the supervised work experience
23 requirements of Sections 8 and 9 of this Act, if such
24 activities and services constitute a part of the experience
25 necessary to meet the requirement of those Sections; or

26 (5) Any person performing occupational therapy services in

1 the State, if such a person is not a resident of this State and
2 is not licensed under this Act, and if such services are
3 performed for no more than 60 days a calendar year in
4 association with an occupational therapist licensed under this
5 Act and if such person meets the qualifications for license
6 under this Act and:

7 (i) such person is licensed under the law of another
8 state which has licensure requirements at least as
9 restrictive as the requirements of this Act, or

10 (ii) such person meets the requirements for
11 certification as an Occupational Therapist Registered
12 (O.T.R.) or a Certified Occupational Therapy Assistant
13 (C.O.T.A.) established by the National Board for
14 Certification of Occupational Therapy or another
15 nationally recognized credentialing body approved by the
16 Board; or

17 (6) The practice of occupational therapy by one who has
18 applied in writing to the Department for a license, in form and
19 substance satisfactory to the Department, and has complied with
20 all the provisions of either Section 8 or 9 except the passing
21 of the examination to be eligible to receive such license. In
22 no event shall this exemption extend to any person for longer
23 than 6 months, except as follows:

24 (i) if the date on which a person can take the next
25 available examination authorized by the Department extends
26 beyond 6 months from the date the person completes the

1 occupational therapy program as required under Section 8 or
2 9, the Department shall extend the exemption until the
3 results of that examination become available to the
4 Department; or

5 (ii) if the Department is unable to complete its
6 evaluation and processing of a person's application for a
7 license within 6 months after the date on which the
8 application is submitted to the Department in proper form,
9 the Department shall extend the exemption until the
10 Department has completed its evaluation and processing of
11 the application.

12 In the event such applicant fails the examination, the
13 applicant shall cease work immediately until such time as the
14 applicant is licensed to practice occupational therapy in this
15 State.

16 (7) The practice of occupational therapy by one who has
17 applied to the Department, in form and substance satisfactory
18 to the Department, and who is licensed to practice occupational
19 therapy under the laws of another state, territory of the
20 United States or country and who is qualified to receive a
21 license under the provisions of either Section 8 or 9 of this
22 Act. In no event shall this exemption extend to any person for
23 longer than 6 months.

24 (8) (Blank). ~~The practice of occupational therapy by one~~
25 ~~who has applied to the Department, in form and substance~~
26 ~~satisfactory to the Department, and who is qualified to receive~~

1 ~~a license under the provisions of either Section 8 or 9 of this~~
2 ~~Act. In no event shall this exemption extend to any person for~~
3 ~~longer than 6 months.~~

4 (Source: P.A. 93-461, eff. 8-8-03.)

5 (225 ILCS 75/3.1)

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

7 Sec. 3.1. Referrals.

8 (a) A licensed occupational therapist or licensed
9 occupational therapy assistant may consult with, educate,
10 evaluate, and monitor services for individuals, groups, and
11 populations ~~clients~~ concerning ~~non-medical~~ occupational
12 therapy needs. Except as indicated in subsections (b) and (c)
13 of this Section, implementation ~~Implementation~~ of direct
14 occupational therapy treatment to individuals for their
15 specific health care conditions shall be based upon a referral
16 from a licensed physician, dentist, podiatrist, advanced
17 practice nurse who has a written collaborative agreement with a
18 collaborating physician to provide or accept referrals from
19 licensed occupational therapists, physician assistant who has
20 been delegated authority to provide or accept referrals from or
21 to licensed occupational therapists, or optometrist.

22 (b) A referral is not required for the purpose of providing
23 consultation, habilitation, screening, education, wellness,
24 prevention, environmental assessments, and work-related
25 ergonomic services to individuals, groups, or populations.

1 (c) Referral from a physician or other health care provider
2 is not required for evaluation or intervention for children and
3 youths if an occupational therapist or occupational therapy
4 assistant provides services in a school-based or educational
5 environment, including the child's home.

6 (d) An occupational therapist shall refer to a licensed
7 physician, dentist, optometrist, advanced practice nurse,
8 physician assistant, or podiatrist any patient whose medical
9 condition should, at the time of evaluation or treatment, be
10 determined to be beyond the scope of practice of the
11 occupational therapist.

12 (Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03; 93-962,
13 eff. 8-20-04.)

14 (225 ILCS 75/3.3)

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

16 Sec. 3.3. Rules. The Department shall promulgate rules to
17 define and regulate the activities of an aide in occupational
18 therapy ~~aides~~.

19 (Source: P.A. 92-297, eff. 1-1-02.)

20 (225 ILCS 75/3.5)

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

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

23 (a) In addition to any other penalty provided by law, any
24 ~~Any~~ person who practices, offers to practice, attempts to

1 practice, or holds oneself out to practice as an occupational
2 therapist or assistant without being licensed under this Act
3 shall, in addition to any other penalty provided by law, pay a
4 civil penalty to the Department in an amount not to exceed
5 \$10,000 ~~\$5,000~~ for each offense as determined by the
6 Department. The civil penalty shall be assessed by the
7 Department after a hearing is held in accordance with the
8 provisions set forth in this Act regarding the provision of a
9 hearing for the discipline of a licensee.

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

12 (c) The civil penalty shall be paid within 60 days after
13 the effective date of the order imposing the civil penalty. The
14 order shall constitute a judgment and may be filed and
15 execution had thereon in the same manner as any judgment from
16 any court of record.

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

18 (225 ILCS 75/4) (from Ch. 111, par. 3704)

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

20 Sec. 4. Administration of Act; rules and forms.

21 (a) The Department shall exercise the powers and duties
22 prescribed by the Civil Administrative Code of Illinois for the
23 administration of licensing Acts and shall exercise such other
24 powers and duties necessary for effectuating the purposes of
25 this Act.

1 (b) The Secretary may ~~Director shall~~ promulgate rules
2 consistent with the provisions of this Act for the
3 administration and enforcement thereof, and for the payment of
4 fees connected therewith, and may prescribe forms which shall
5 be issued in connection therewith. The rules may ~~shall~~ include
6 but not be limited to the standards and criteria for licensure
7 and professional conduct and discipline; the standards and
8 criteria used in determining when oral interviews will be
9 conducted; the standards and criteria used when determining
10 fitness to practice therapy; and the procedures followed in
11 oral interviews. The Department may ~~shall~~ consult with the
12 Board in promulgating rules. ~~Notice of proposed rulemaking~~
13 ~~shall be transmitted to the Board and the Department shall~~
14 ~~review the Board's response and any recommendations made~~
15 ~~therein. The Department shall notify the Board in writing with~~
16 ~~proper explanation of deviations from the Board's~~
17 ~~recommendations and responses.~~

18 (c) The Department may at any time seek the advice and the
19 expert knowledge of the Board on any matter relating to the
20 administration of this Act.

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

24 (Source: P.A. 84-793.)

25 (225 ILCS 75/5) (from Ch. 111, par. 3705)

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

2 Sec. 5. Board. The Secretary ~~Director~~ shall appoint an
3 Illinois Occupational Therapy Licensure Board as follows: 7
4 persons who shall be appointed by and shall serve in an
5 advisory capacity to the Secretary. ~~Director.~~ Four ~~One member~~
6 ~~must be a physician licensed to practice medicine in all of its~~
7 ~~branches;~~ 3 members must be licensed occupational therapists in
8 good standing, and actively engaged in the practice of
9 occupational therapy in this State; 2 members must be licensed
10 occupational therapy assistants in good standing and actively
11 engaged in the practice of occupational therapy in this State;
12 and 1 member must be a public member who is not licensed under
13 this Act, or a similar Act of another jurisdiction, and is not
14 a provider of health care service.

15 Members shall serve 4 year terms and until their successors
16 are appointed and qualified. No member shall be appointed under
17 this or any prior Act to the Board for service which would
18 constitute more than 2 full consecutive terms. Appointments to
19 fill vacancies shall be made in the same manner as original
20 appointments, for the unexpired portion of the vacated term.
21 ~~Initial terms shall begin upon the effective date of this Act.~~

22 ~~The membership of the Board should reasonably reflect~~
23 ~~representation from the geographic areas in this State.~~

24 The Secretary shall have the authority to remove or suspend
25 any member of the Board for cause at any time before the
26 expiration of his or her term. The Secretary shall be the sole

1 ~~arbiter of cause. Director may terminate the appointment of any~~
2 ~~member for cause which in the opinion of the Director~~
3 ~~reasonably justifies such termination.~~

4 The Secretary ~~Director~~ shall consider the recommendations
5 of the Board on questions involving standards of professional
6 conduct, discipline and qualifications of candidates and
7 license holders under this Act.

8 Four members of the Board shall constitute a quorum. A
9 quorum is required for all Board decisions.

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

13 Members of the Board shall be reimbursed for all
14 legitimate, necessary, and authorized expenses incurred in
15 attending the meetings of the Board.

16 (Source: P.A. 93-461, eff. 8-8-03.)

17 (225 ILCS 75/6) (from Ch. 111, par. 3706)

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

19 Sec. 6. Applications for original licensure. Applications
20 for original licensure shall be made to the Department in
21 writing on forms prescribed by the Department and shall be
22 accompanied by the required fee, which shall not be returnable.
23 Any such application shall require such information as in the
24 judgment of the Department will enable the Department to pass
25 on the qualifications of the applicant for licensure.

1 Applicants have 3 years from the date of application to
2 complete the application process. If the process has not been
3 completed within 3 years, the application shall be denied, the
4 fee forfeited, and the applicant must reapply and meet the
5 requirements in effect at the time of reapplication.

6 (Source: P.A. 83-696.)

7 (225 ILCS 75/7) (from Ch. 111, par. 3707)

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

9 Sec. 7. Examinations. The Department shall authorize
10 examinations of applicants for a license under this Act at the
11 times ~~at least annually and at such time~~ and place as it may
12 designate. The examination shall be of a character to give a
13 fair test of the qualifications of the applicant to practice
14 occupational therapy.

15 Applications for examination as occupational therapists
16 and occupational therapy assistants shall be required to pay,
17 either to the Department or the designated testing service, a
18 fee covering the cost of providing the examination. Failure to
19 appear for the examination on the scheduled date, at the time
20 and place specified, after the applicant's application for
21 examination has been received and acknowledged by the
22 Department or the designated testing service, shall result in
23 the forfeiture of the examination fee.

24 If an applicant neglects, fails or refuses to take the
25 examination within 90 days after the date the Confirmation of

1 Examination and Eligibility to Examine Notice is issued or
2 fails to pass an examination for certification under this Act,
3 the application shall be denied. If an applicant fails to pass
4 an examination for registration under this Act within 3 years
5 after filing his application, the application shall be denied.
6 The applicant may thereafter make a new application accompanied
7 by the required fee, however, the applicant shall meet all
8 requirements in effect at the time of subsequent application
9 before obtaining licensure.

10 The Department may employ consultants for the purposes of
11 preparing and conducting examinations.

12 (Source: P.A. 93-461, eff. 8-8-03.)

13 (225 ILCS 75/8) (from Ch. 111, par. 3708)

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

15 Sec. 8. A person shall be qualified for licensure as an
16 occupational therapist if that person:

17 (1) has applied in writing in form and substance to the
18 Department;

19 (2) (blank);

20 (3) has completed an occupational therapy program ~~of at~~
21 ~~least 4 years in length,~~ leading to a Masters or doctoral
22 ~~baccalaureate~~ degree, or its equivalent, approved by the
23 Department; and

24 (4) has successfully completed the examination
25 authorized by the Department within the past 5 years.

1 (Source: P.A. 93-461, eff. 8-8-03.)

2 (225 ILCS 75/11) (from Ch. 111, par. 3711)

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

4 Sec. 11. Expiration and renewal; restoration; military
5 service.

6 (a) The expiration date and renewal period for each
7 certificate issued under this Act shall be set by rule.

8 (b) Any occupational therapist or occupational therapy
9 assistant who has permitted his or her license to expire or who
10 has had his or her license on inactive status may have his or
11 her license restored by making application to the Department,
12 by and filing proof acceptable to the Department of his fitness
13 to have his license restored, by paying the required fee, and
14 by showing proof of compliance with any continuing education
15 requirements. Proof ~~The Department may consider a certificate~~
16 ~~expired less than 5 years as prima facie evidence that the~~
17 ~~applicant is fit. If the applicant's license has expired or~~
18 ~~been placed on inactive status, proof of fitness may include~~
19 ~~sworn evidence certifying to active practice in another~~
20 ~~jurisdiction satisfactory to the Department and by paying the~~
21 ~~required restoration fee.~~

22 If the occupational therapist or occupational therapy
23 assistant has not maintained an active practice in another
24 jurisdiction satisfactory to the Department, the Department
25 shall determine, by an evaluation program established by rule,

1 his fitness to resume active status and shall establish
2 procedures and requirements for restoration. ~~may require the~~
3 ~~occupational therapist or occupational therapy assistant to~~
4 ~~successfully complete a practice examination.~~

5 (c) However, any occupational therapist or occupational
6 therapy assistant whose license expired while he was (1) in
7 Federal Service on active duty with the Armed Forces of the
8 United States, or the State Militia called into service or
9 training, or (2) in training or education under the supervision
10 of the United States preliminary to induction into the military
11 service, may have his or her license ~~certificate~~ renewed or
12 restored without paying any lapsed renewal fees if within 2
13 years after honorable termination of such service, training or
14 education except under conditions other than honorable, he or
15 she furnishes ~~furnished~~ the Department with satisfactory
16 evidence to the effect that he or she has been so engaged and
17 that his or her service, training, or education has been so
18 terminated.

19 (Source: P.A. 93-461, eff. 8-8-03.)

20 (225 ILCS 75/11.1)

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

22 Sec. 11.1. Continuing education requirement. As a
23 condition for renewal of a license, licensees shall be required
24 to complete continuing education in occupational therapy in
25 accordance with rules established by the Department. ~~All~~

1 ~~renewal applicants shall provide proof of having met the~~
2 ~~continuing competency requirements set forth in the rules of~~
3 ~~the Department. The Department shall provide by rule for an~~
4 ~~orderly process for the reinstatement of licenses that have not~~
5 ~~been renewed for failure to meet the continuing competency~~
6 ~~requirements. The continuing competency requirements may be~~
7 ~~waived in cases of extreme hardship as defined by rule.~~

8 ~~The Department shall establish by rule a means for~~
9 ~~verifying the completion of the continuing competency required~~
10 ~~by this Section. This verification may be accomplished through~~
11 ~~audits of records maintained by licensees, by requiring the~~
12 ~~filing of continuing competency certificates with the~~
13 ~~Department, or by any other means established by the~~
14 ~~Department.~~

15 (Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03.)

16 (225 ILCS 75/12) (from Ch. 111, par. 3712)

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

18 Sec. 12. Inactive status; restoration. Any occupational
19 therapist or occupational therapy assistant who notifies the
20 Department in writing on forms prescribed by the Department,
21 may elect to place his license on an inactive status and shall,
22 subject to rules of the Department, be excused from payment of
23 renewal fees until he notifies the Department in writing of his
24 desire to resume active status.

25 Any occupational therapist or occupational therapy

1 assistant requesting restoration from inactive or expired
2 status shall be required to pay the current renewal fee,
3 demonstrate compliance with continuing education requirements,
4 if any, and shall be required to restore his license as
5 provided in Section 11.

6 Any occupational therapist or occupational therapy
7 assistant whose license is in expired or ~~an~~ inactive status
8 shall not practice occupational therapy in the State of
9 Illinois.

10 (Source: P.A. 83-696.)

11 (225 ILCS 75/15) (from Ch. 111, par. 3715)

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

13 Sec. 15. Any person who is issued a license as an
14 occupational therapist registered under the terms of this Act
15 may use the words "occupational therapist" or "licensed
16 occupational therapist", or may use the letters "O.T.", "OT/L",
17 or "OTR/L", "~~O.T.~~", in connection with his or her name or place
18 of business to denote his or her licensure under this Act.

19 Any person who is issued a license as a occupational
20 therapy assistant under the terms of this Act may use the
21 words, "occupational therapy assistant" or "licensed
22 occupational therapy assistant", or he or she may use the
23 letters "O.T.A.", "OTA/L", or "COTA/L" in connection with his
24 or her name or place of business to denote his or her licensure
25 under this Act.

1 (Source: P.A. 93-461, eff. 8-8-03.)

2 (225 ILCS 75/16) (from Ch. 111, par. 3716)

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

4 Sec. 16. Fees; returned checks. The fees for the
5 administration and enforcement of this Act, including but not
6 limited to, original certification, renewal, and restoration
7 of a license issued under this Act, shall be set by rule. The
8 fees shall be non-refundable.

9 Any person who delivers a check or other payment to the
10 Department that is returned to the Department unpaid by the
11 financial institution upon which it is drawn shall pay to the
12 Department, in addition to the amount already owed to the
13 Department, a fine of \$50. The fines imposed by this Section
14 are in addition to any other discipline provided under this Act
15 for unlicensed practice or practice on a nonrenewed license.
16 The Department shall notify the person that payment of fees and
17 fines shall be paid to the Department by certified check or
18 money order within 30 calendar days of the notification. If,
19 after the expiration of 30 days from the date of the
20 notification, the person has failed to submit the necessary
21 remittance, the Department shall automatically terminate the
22 license or certificate or deny the application, without
23 hearing. If, after termination or denial, the person seeks a
24 license or certificate, he or she shall apply to the Department
25 for restoration or issuance of the license or certificate and

1 pay all fees and fines due to the Department. The Department
2 may establish a fee for the processing of an application for
3 restoration of a license or certificate to pay all expenses of
4 processing this application. The Secretary ~~Director~~ may waive
5 the fines due under this Section in individual cases where the
6 Secretary ~~Director~~ finds that the fines would be unreasonable
7 or unnecessarily burdensome.

8 ~~However, any person whose license has expired while he has~~
9 ~~been engaged (1) in federal or state service active duty, or~~
10 ~~(2) in training or education under the supervision of the~~
11 ~~United States preliminary to induction into the military~~
12 ~~service, may have his license renewed, reinstated or restored~~
13 ~~without paying any lapsed renewal and restoration fees, if~~
14 ~~within 2 years after termination of such service, training or~~
15 ~~education other than by dishonorable discharge, he furnishes~~
16 ~~the Department with satisfactory proof that he has been so~~
17 ~~engaged and that his service, training or education has been so~~
18 ~~terminated.~~

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

20 (225 ILCS 75/16.5)

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

22 Sec. 16.5. Deposit of fees and fines. All ~~Beginning July 1,~~
23 ~~1995, all of the fees, penalties, and fines collected under~~
24 this Act shall be deposited into the General Professions
25 Dedicated Fund and shall be appropriated to the Department for

1 the ordinary and contingent expenses of the Department in the
2 administration of this Act.

3 (Source: P.A. 88-683, eff. 1-24-95.)

4 (225 ILCS 75/18) (from Ch. 111, par. 3718)

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

6 Sec. 18. Advertising.

7 (a) Any person licensed under this Act may advertise the
8 availability of professional services in the public media or on
9 the premises where such professional services are rendered as
10 permitted by law, on the condition that such advertising is
11 truthful and not misleading and is in conformity with rules
12 promulgated by the Department. Advertisements shall not
13 include false, fraudulent, deceptive, or misleading material
14 or guarantees of success.

15 (b) A licensee shall include in every advertisement for
16 services regulated under this Act his or her title as it
17 appears on the license or the initials authorized under this
18 Act.

19 (Source: P.A. 91-310, eff. 1-1-00.)

20 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

22 Sec. 19. Grounds for discipline.

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

1 disciplinary or non-disciplinary action as the Department may
2 deem proper, including imposing fines not to exceed \$10,000
3 ~~\$2,500~~ for each violation and the assessment of costs as
4 provided under Section 19.3 of this Act, with regard to any
5 license for any one or combination of the following:

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

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

10 (3) Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or
12 sentencing of any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States that is
16 (i) a felony or (ii) a misdemeanor, an essential element of
17 which is dishonesty, or that is directly related to the
18 practice of the profession; ~~of any crime under the laws of~~
19 ~~the United States or any state or territory thereof which~~
20 ~~is a felony or which is a misdemeanor, an essential element~~
21 ~~of which is dishonesty, or of any crime which is directly~~
22 ~~related to the practice of occupational therapy;~~

23 (4) Fraud or Making any misrepresentation in applying
24 for or procuring a license under this Act, or in connection
25 with applying for renewal of a license under this Act; ~~for~~
26 ~~the purpose of obtaining certification, or violating any~~

1 ~~provision of this Act or the rules promulgated thereunder~~
2 ~~pertaining to advertising;~~

3 (5) Professional incompetence; ~~Having demonstrated~~
4 ~~unworthiness, or incompetency to act as an occupational~~
5 ~~therapist or occupational therapy assistant in such manner~~
6 ~~as to safeguard the interest of the public;~~

7 (6) Aiding ~~Wilfully aiding~~ or assisting another
8 person, firm, partnership or corporation in violating any
9 provision of this Act or rules;

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

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

15 (9) Habitual or excessive use or abuse of drugs defined
16 in law as controlled substances, alcohol, or any other
17 substance that results in the inability to practice with
18 reasonable judgment, skill, or safety; ~~intoxication or~~
19 ~~addiction to the use of drugs;~~

20 (10) Discipline by another state, unit of government,
21 government agency, the District of Columbia, a territory,
22 or foreign nation, if at least one of the grounds for the
23 discipline is the same or substantially equivalent to those
24 set forth herein;

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

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

14 (12) A finding by the Department that the license
15 holder, after having his license disciplined, has violated
16 the terms of the discipline;

17 (13) Wilfully making or filing false records or reports
18 in the practice of occupational therapy, including but not
19 limited to false records filed with the State agencies or
20 departments;

21 (14) Physical illness, including but not limited to,
22 deterioration through the aging process, or loss of motor
23 skill which results in the inability to practice under this
24 Act ~~the profession~~ with reasonable judgment, skill, or
25 safety;

26 (15) Solicitation of professional services other than

1 by permitted advertising;

2 (16) Allowing one's license under this Act to be used
3 by an unlicensed person in violation of this Act; Wilfully
4 exceeding the scope of practice customarily undertaken by
5 persons licensed under this Act, which conduct results in,
6 or may result in, harm to the public;

7 (17) Practicing under a false or, except as provided by
8 law, assumed name; Holding one's self out to practice
9 occupational therapy under any name other than his own or
10 impersonation of any other occupational therapy licensee;

11 (18) Professional incompetence or gross Gross
12 negligence;

13 (19) Malpractice;

14 (20) 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 licensee;
17 Obtaining a fee in money or gift in kind of any other items
18 of value or in the form of financial profit or benefit as
19 personal compensation, or as compensation, or charge,
20 profit or gain for an employer or for any other person or
21 persons, on the fraudulent misrepresentation that a
22 manifestly incurable condition of sickness, disease or
23 injury to any person can be cured;

24 (21) Gross, willful, or continued overcharging for
25 professional services; Accepting commissions or rebates or
26 other forms of remuneration for referring persons to other

1 ~~professionals;~~

2 (22) Mental illness or disability that results in the
3 inability to practice under this Act with reasonable
4 judgment, skill, or safety; ~~Failure to file a return, or to~~
5 ~~pay the tax, penalty or interest shown in a filed return,~~
6 ~~or to pay any final assessment of tax, penalty or interest,~~
7 ~~as required by any tax Act administered by the Illinois~~
8 ~~Department of Revenue, until such time as the requirements~~
9 ~~of any such tax Act are satisfied;~~

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

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

23 (25) Cheating on or attempting to subvert the licensing
24 examination administered under this Act; and

25 (26) Charging for professional services not rendered,
26 including filing false statements for the collection of

1 fees for which services are not rendered.

2 All fines imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the fine
4 or in accordance with the terms set forth in the order imposing
5 the fine.

6 (b) The determination by a circuit court that a license
7 holder is subject to involuntary admission or judicial
8 admission as provided in the Mental Health and Developmental
9 Disabilities Code, as now or hereafter amended, operates as an
10 automatic suspension. Such suspension will end only upon a
11 finding by a court that the patient is no longer subject to
12 involuntary admission or judicial admission, ~~and~~ and an order by
13 the court so finding and discharging the patient. In any case
14 where a license is suspended under this provision, the licensee
15 shall file a petition for restoration and shall include
16 evidence acceptable to the Department that the licensee can
17 resume practice in compliance with acceptable and prevailing
18 standards of their profession. ~~, and the recommendation of the~~
19 ~~Board to the Director that the license holder be allowed to~~
20 ~~resume his practice.~~

21 (c) The Department may refuse to issue or may suspend
22 without hearing, as provided for in the Code of Civil
23 Procedure, ~~take disciplinary action concerning~~ the license of
24 any person who fails to file a return, to pay the tax, penalty,
25 or interest shown in a filed return, or to pay any final
26 assessment of tax, penalty, or interest as required by any tax

1 Act administered by the Illinois Department of Revenue, until
2 such time as the requirements of any such tax Act are satisfied
3 in accordance with subsection (a) of Section 2105-15 of the
4 Department of Professional Regulation Law of the Civil
5 Administrative Code of Illinois. ~~as determined by the~~
6 ~~Department of Revenue.~~

7 (d) In enforcing this Section, the Department, upon a
8 showing of a possible violation, may compel any individual who
9 is licensed under this Act or any individual who has applied
10 for licensure to submit to a mental or physical examination or
11 evaluation, or both, which may include a substance abuse or
12 sexual offender evaluation, at the expense of the Department.
13 The Department shall specifically designate the examining
14 physician licensed to practice medicine in all of its branches
15 or, if applicable, the multidisciplinary team involved in
16 providing the mental or physical examination and evaluation.
17 The multidisciplinary team shall be led by a physician licensed
18 to practice medicine in all of its branches and may consist of
19 one or more or a combination of physicians licensed to practice
20 medicine in all of its branches, licensed chiropractic
21 physicians, licensed clinical psychologists, licensed clinical
22 social workers, licensed clinical professional counselors, and
23 other professional and administrative staff. Any examining
24 physician or member of the multidisciplinary team may require
25 any person ordered to submit to an examination and evaluation
26 pursuant to this Section to submit to any additional

1 supplemental testing deemed necessary to complete any
2 examination or evaluation process, including, but not limited
3 to, blood testing, urinalysis, psychological testing, or
4 neuropsychological testing.

5 The Department may order the examining physician or any
6 member of the multidisciplinary team to provide to the
7 Department any and all records, including business records,
8 that relate to the examination and evaluation, including any
9 supplemental testing performed. The Department may order the
10 examining physician or any member of the multidisciplinary team
11 to present testimony concerning this examination and
12 evaluation of the licensee or applicant, including testimony
13 concerning any supplemental testing or documents relating to
14 the examination and evaluation. No information, report,
15 record, or other documents in any way related to the
16 examination and evaluation shall be excluded by reason of any
17 common law or statutory privilege relating to communication
18 between the licensee or applicant and the examining physician
19 or any member of the multidisciplinary team. No authorization
20 is necessary from the licensee or applicant ordered to undergo
21 an evaluation and examination for the examining physician or
22 any member of the multidisciplinary team to provide
23 information, reports, records, or other documents or to provide
24 any testimony regarding the examination and evaluation. The
25 individual to be examined may have, at his or her own expense,
26 another physician of his or her choice present during all

1 aspects of the examination.

2 Failure of any individual to submit to mental or physical
3 examination or evaluation, or both, when directed, shall result
4 in an automatic suspension without hearing, until such time as
5 the individual submits to the examination. If the Department
6 finds a licensee unable to practice because of the reasons set
7 forth in this Section, the Department shall require the
8 licensee to submit to care, counseling, or treatment by
9 physicians approved or designated by the Department as a
10 condition for continued, reinstated, or renewed licensure.

11 When the Secretary immediately suspends a license under
12 this Section, a hearing upon such person's license must be
13 convened by the Department within 15 days after the suspension
14 and completed without appreciable delay. The Department shall
15 have the authority to review the licensee's record of treatment
16 and counseling regarding the impairment to the extent permitted
17 by applicable federal statutes and regulations safeguarding
18 the confidentiality of medical records.

19 Individuals licensed under this Act that are affected under
20 this Section, shall be afforded an opportunity to demonstrate
21 to the Department that they can resume practice in compliance
22 with acceptable and prevailing standards under the provisions
23 of their license. ~~In enforcing this Section, the Board, upon a~~
24 ~~showing of a possible violation, may compel a licensee or~~
25 ~~applicant to submit to a mental or physical examination, or~~
26 ~~both, as required by and at the expense of the Department. The~~

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

20 ~~If the Board finds an individual unable to practice because~~
21 ~~of the reasons set forth in this Section, the Board must~~
22 ~~require the individual to submit to care, counseling, or~~
23 ~~treatment by a physician or clinical psychologist approved by~~
24 ~~the Board, as a condition, term, or restriction for continued,~~
25 ~~reinstated, or renewed licensure to practice. In lieu of care,~~
26 ~~counseling, or treatment, the Board may recommend that the~~

1 ~~Department file a complaint to immediately suspend or revoke~~
2 ~~the license of the individual or otherwise discipline the~~
3 ~~licensee.~~

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

11 (e) The Department shall deny a license or renewal
12 authorized by this Act to a person who has defaulted on an
13 educational loan or scholarship provided or guaranteed by the
14 Illinois Student Assistance Commission or any governmental
15 agency of this State in accordance with paragraph (5) of
16 subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (f) In cases where the Department of Healthcare and Family
20 Services has previously determined a licensee or a potential
21 licensee is more than 30 days delinquent in the payment of
22 child support and has subsequently certified the delinquency to
23 the Department, the Department may refuse to issue or renew or
24 may revoke or suspend that person's license or may take other
25 disciplinary action against that person based solely upon the
26 certification of delinquency made by the Department of

1 Healthcare and Family Services in accordance with paragraph (5)
2 of subsection (a) of Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code of
4 Illinois.

5 (Source: P.A. 96-1482, eff. 11-29-10.)

6 (225 ILCS 75/19.1) (from Ch. 111, par. 3720)

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

8 Sec. 19.1. Injunctive relief; order to cease and desist.

9 (a) If any person violates the provisions of this Act, the
10 Secretary ~~Director~~ may, in the name of the People of the State
11 of Illinois, through the Attorney General of the State of
12 Illinois or the State's Attorney of the county in which the
13 violation is alleged to have occurred, petition for an order
14 enjoining such violation or for an order enforcing compliance
15 with this Act. Upon the filing of a verified petition in such
16 court, the court may issue a temporary restraining order,
17 without notice or bond, and may preliminarily and permanently
18 enjoin such violation. If it is established that such person
19 has violated or is violating the injunction, the court may
20 punish the offender for contempt of court. Proceedings under
21 this Section shall be in addition to, and not in lieu of, all
22 other remedies and penalties provided by this Act.

23 (b) If any person practices ~~shall practice~~ as an
24 occupational therapist or an occupational therapy assistant or
25 holds himself or herself ~~hold himself~~ out as such without being

1 licensed under the provisions of this Act then any person
2 licensed under this Act, any interested party or any person
3 injured thereby may, in addition to the Secretary ~~Director~~,
4 petition for relief as provided in subsection (a).

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

14 (Source: P.A. 83-696.)

15 (225 ILCS 75/19.2) (from Ch. 111, par. 3721)

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

17 Sec. 19.2. Investigations; notice and hearing. The
18 Department may investigate the actions of any applicant or of
19 any person or person holding or claiming to hold a license. The
20 Department shall, before refusing to issue, renew, or
21 discipline ~~taking action under Section 19 against~~ a licensee or
22 applicant, at least 30 days prior to the date set for the
23 hearing, notify the applicant or licensee in writing ~~the~~
24 ~~applicant for, or holder of, a license~~ of the nature of the
25 charges and the time and place for, ~~that~~ a hearing on the

1 ~~charges. will be held on the date designated, and The~~
2 Department shall direct the applicant or licensee ~~applicant or~~
3 ~~licensee~~ to file a written answer to the charges with the Board
4 under oath within 20 days after the service of the notice and
5 inform the applicant or licensee that failure to file an answer
6 will result in default being taken against the applicant or
7 licensee. At the time and place fixed in the notice, the
8 Department shall proceed to hear the charges and the parties or
9 their counsel shall be accorded ample opportunity to present
10 any pertinent statements, testimony, evidence, and arguments.
11 The Department may continue the hearing from time to time. In
12 case the person, after receiving the notice, fails to file an
13 answer, his or her license may, in the discretion of the
14 Department, be revoked, suspended, placed on probationary
15 status, or the Department may take whatever disciplinary action
16 considered proper, including limiting the scope, nature, or
17 extent of the person's practice or the imposition of a fine,
18 without a hearing, if the act or acts charged constitute
19 sufficient grounds for that action under the Act. The written
20 notice and any notice in the subsequent proceeding may be
21 served by registered or certified mail to the licensee's
22 address of record. ~~applicant or licensee and that the license~~
23 ~~or certificate may be suspended, revoked, placed on~~
24 ~~probationary status, or other disciplinary action may be taken,~~
25 ~~including limiting the scope, nature or extent of practice, as~~
26 ~~the Director may deem proper. Written notice may be served by~~

1 ~~personal delivery or certified or registered mail to the~~
2 ~~respondent at the address of his last notification to the~~
3 ~~Department. In case the person fails to file an answer after~~
4 ~~receiving notice, his or her license or certificate may, in the~~
5 ~~discretion of the Department, be suspended, revoked, or placed~~
6 ~~on probationary status, or the Department may take whatever~~
7 ~~disciplinary action deemed proper, including limiting the~~
8 ~~scope, nature, or extent of the person's practice or the~~
9 ~~imposition of a fine, without a hearing, if the act or acts~~
10 ~~charged constitute sufficient grounds for such action under~~
11 ~~this Act. At the time and place fixed in the notice, the Board~~
12 ~~shall proceed to hear the charges and the parties or their~~
13 ~~counsel shall be accorded ample opportunity to represent such~~
14 ~~statements, testimony, evidence and argument as may be~~
15 ~~pertinent to the charges or to their defense. The Board may~~
16 ~~continue the hearing from time to time.~~

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

18 (225 ILCS 75/19.2a new)

19 Sec. 19.2a. Confidentiality. All information collected by
20 the Department in the course of an examination or investigation
21 of a licensee or applicant, including, but not limited to, any
22 complaint against a licensee filed with the Department and
23 information collected to investigate any such complaint, shall
24 be maintained for the confidential use of the Department and
25 shall not be disclosed. The Department may not disclose the

1 information to anyone other than law enforcement officials,
2 other regulatory agencies that have an appropriate regulatory
3 interest as determined by the Secretary, or to a party
4 presenting a lawful subpoena to the Department. Information and
5 documents disclosed to a federal, State, county, or local law
6 enforcement agency shall not be disclosed by the agency for any
7 purpose to any other agency or person. A formal complaint filed
8 against a licensee by the Department or any order issued by the
9 Department against a licensee or applicant shall be a public
10 record, except as otherwise prohibited by law.

11 (225 ILCS 75/19.3) (from Ch. 111, par. 3722)

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

13 Sec. 19.3. Record of proceedings. The department, at its
14 expense, shall preserve a record of all proceedings at the
15 formal hearing of any case ~~involving the refusal to issue or~~
16 ~~renew, or the taking of disciplinary action against, a license.~~
17 The notice of hearing, complaint and all other documents in the
18 nature of pleadings and written motions filed in the
19 proceedings, the transcript of testimony, the report of the
20 Board and orders of the Department, shall be the record of such
21 proceedings. Any licensee who is found to have violated this
22 Act or who fails to appear for a hearing to refuse to issue,
23 restore, or renew a license or to discipline a licensee may be
24 required by the Department to pay for the costs of the
25 proceeding. These costs are limited to costs for court

1 reporters, transcripts, and witness attendance and mileage
2 fees. All costs imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the
4 fine.

5 (Source: P.A. 83-696.)

6 (225 ILCS 75/19.4) (from Ch. 111, par. 3723)

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

8 Sec. 19.4. Subpoenas; oaths. The Department ~~may shall have~~
9 ~~the power to~~ subpoena and bring before it any person ~~in this~~
10 ~~State~~ and to take the oral or written testimony or compel the
11 production of any books, papers, records, or any other
12 documents that the Secretary or his or her designee deems
13 relevant or material to an investigation or hearing conducted
14 by the Department ~~either orally or by deposition, or both,~~ with
15 the same fees and mileage and in the same manner as prescribed
16 by law in judicial procedure in civil cases in courts of this
17 State.

18 The Secretary ~~Director,~~ the designated hearing officer,
19 any and every member of the Board, or a certified shorthand
20 court reporter may ~~shall have power to~~ administer oaths ~~to~~
21 ~~witness~~ at any hearing which the Department conducts. ~~is~~
22 ~~authorized by law to conduct, and any other oaths required or~~
23 ~~authorized in any Act administered by the Department.~~
24 Notwithstanding any other statute or Department rule to the
25 contrary, all requests for testimony or production of documents

1 or records shall be in accordance with this Act.

2 (Source: P.A. 83-696.)

3 (225 ILCS 75/19.5) (from Ch. 111, par. 3724)

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

5 Sec. 19.5. Attendance of witnesses; contempt. Any circuit
6 court ~~may~~, upon application of the Department or ~~its designee,~~
7 ~~or the applicant or licensee,~~ may ~~against whom proceedings~~
8 ~~under Section 19 are pending,~~ enter an order ~~requiring~~ the
9 attendance and testimony of witnesses ~~and their testimony~~, and
10 the production of relevant documents, papers, files, books, and
11 records in connection with any hearing or investigation. The
12 court may compel obedience to its order by proceedings for
13 contempt.

14 (Source: P.A. 83-696.)

15 (225 ILCS 75/19.6) (from Ch. 111, par. 3725)

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

17 Sec. 19.6. Findings of Board. At the conclusion of the
18 hearing the Board shall present to the Secretary ~~Director~~ a
19 written report of its findings of fact, conclusions of law, and
20 recommendations. The report shall contain a finding whether or
21 not the accused person violated this Act or failed to comply
22 with the conditions required in this Act. The Board shall
23 specify the nature of the violation or failure to comply, and
24 shall make its recommendations to the Secretary ~~Director~~. The

1 report of findings of fact, conclusions of law and
2 recommendations of the Board may be the basis for the
3 Department's order for refusing to issue, restore, or renew a
4 license or otherwise disciplining a licensee. ~~action regarding~~
5 ~~a certificate.~~ If the Secretary ~~Director~~ disagrees in any
6 regard with the report of the Board he may issue an order in
7 contravention thereof. ~~The Director shall provide to the Board~~
8 ~~a written explanation for any deviation and shall specify with~~
9 ~~particularity the reasons for such action in the final order.~~
10 The finding is not admissible in evidence against the person in
11 a criminal prosecution brought for the violation of this Act,
12 but the hearing and findings are not a bar to a criminal
13 prosecution brought for the violation of this Act.

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

15 (225 ILCS 75/19.7) (from Ch. 111, par. 3726)

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

17 Sec. 19.7. Report of Board; motion for rehearing. In any
18 case involving the refusal to issue or renew, or the taking of
19 disciplinary action against, a license, a copy of the Board's
20 report shall be served upon the respondent by the Department as
21 provided in this Act for the service of the notice of hearing.
22 Within 20 days after such service, the respondent may present
23 to the Department a motion in writing for a rehearing, which
24 motion shall specify the particular grounds therefor. If no
25 motion for rehearing is filed, then upon the expiration of the

1 time specified for filing such a motion, or if a motion for
2 rehearing is denied, then upon such denial the Secretary
3 ~~Director~~ may enter an order in accordance with recommendations
4 of the Board except as provided in Section 19.6. If the
5 respondent shall order from the reporting service, and pays pay
6 for a transcript of the record within the time for filing a
7 motion for rehearing, the 20 day period within which such a
8 motion may be filed shall commence upon the delivery of the
9 transcript to the respondent.

10 (Source: P.A. 83-696.)

11 (225 ILCS 75/19.8) (from Ch. 111, par. 3727)

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

13 Sec. 19.8. Rehearing. Whenever the Secretary ~~Director~~ is
14 satisfied that substantial justice has not been done in the
15 revocation or suspension of, or the refusal to issue or renew,
16 a license, the Secretary ~~Director~~ may order a rehearing by the
17 Board or a designated hearing officer.

18 (Source: P.A. 83-696.)

19 (225 ILCS 75/19.9) (from Ch. 111, par. 3728)

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

21 Sec. 19.9. Appointment of hearing officer. The Secretary
22 ~~Notwithstanding the provisions of Section 19.2, the Director~~
23 shall have the authority to appoint any attorney duly licensed
24 to practice law in the State of Illinois to serve as the

1 hearing officer in any action involving a refusal to issue or
2 renew, or the taking of disciplinary action against a license.
3 ~~The Director shall notify the Board of such appointment.~~ The
4 hearing officer shall have full authority to conduct the
5 hearing. The hearing officer shall report his or her findings
6 of fact, conclusions of law and recommendations to the Board
7 and the Secretary ~~Director~~. The Board shall have 60 days from
8 receipt of the report to review the report of the hearing
9 officer and present their findings of fact, conclusion of law
10 and recommendations to the Secretary ~~Director~~. If the Board
11 fails to present its report within the 60 day period, the
12 Secretary ~~Director~~ may issue an order based on the report of
13 the hearing officer. If the Secretary ~~Director~~ disagrees ~~in any~~
14 ~~regard~~ with the report of the Board or hearing officer, then
15 the Secretary ~~he~~ may issue an order in contravention thereof.
16 ~~The Director shall provide to the Board a written explanation~~
17 ~~for any deviation, and shall specify with particularity the~~
18 ~~reasons for such action in the final order.~~

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

20 (225 ILCS 75/19.10) (from Ch. 111, par. 3729)

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

22 Sec. 19.10. Order or certified copy; prima facie proof. An
23 order or a certified copy thereof, over the seal of the
24 Department and purporting to be signed by the Secretary
25 ~~Director~~, shall be prima facie proof that:

1 (1) the signature is the genuine signature of the
2 Secretary Director; and

3 (2) the Secretary Director is duly appointed and
4 qualified. ~~, and~~

5 ~~(3) the Board and the members thereof are qualified to~~
6 ~~act.~~

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

8 (225 ILCS 75/19.11) (from Ch. 111, par. 3730)

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

10 Sec. 19.11. Restoration of license from discipline. At any
11 time after successful completion of a term of indefinite
12 probation, suspension, or revocation of a license, the
13 Department may restore the license to the licensee, unless,
14 after an investigation and a hearing, the Secretary determines
15 that restoration is not in the public interest or that the
16 licensee has not been sufficiently rehabilitated to warrant the
17 public trust. No person or entity whose license, certificate,
18 or authority has been revoked as authorized in this Act may
19 apply for restoration of that license, certification, or
20 authority until such time as provided for in the Civil
21 Administrative Code of Illinois. ~~the suspension or revocation~~
22 ~~of any license, the Department may restore it to the accused~~
23 ~~person, upon the written recommendation of the Board, unless~~
24 ~~after an investigation and a hearing, the Department determines~~
25 ~~that restoration is not in the public interest.~~

1 (Source: P.A. 83-696.)

2 (225 ILCS 75/19.13) (from Ch. 111, par. 3732)

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

4 Sec. 19.13. Summary suspension pending hearing. The
5 Secretary ~~Director~~ may summarily ~~temporarily~~ suspend a license
6 issued under this Act without a hearing, simultaneously with
7 the institution of proceedings for a hearing provided for in
8 Section 19.2 of this Act, if the Secretary ~~Director~~ finds that
9 the evidence ~~in his possession~~ indicates that an occupational
10 therapist's or occupational therapy assistant's continuation
11 in practice would constitute an imminent danger to the public.
12 In the event that the Secretary ~~Director~~ summarily ~~temporarily~~
13 suspends a license without a hearing, a hearing ~~by the Board~~
14 must be commenced ~~held~~ within 30 days after such suspension has
15 occurred and shall be concluded as expeditiously as possible.

16 (Source: P.A. 83-696.)

17 (225 ILCS 75/19.15) (from Ch. 111, par. 3734)

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

19 Sec. 19.15. Certification of record. The Department shall
20 not be required to certify any record to the court or file any
21 answer in court or otherwise appear in any court in a judicial
22 review proceeding, unless and until the Department has received
23 from the plaintiff ~~there is filed in the court, with the~~
24 ~~complaint, a receipt from the Department acknowledging payment~~

1 of the costs of furnishing and certifying the record, which
2 costs shall be determined by the Department. Exhibits shall be
3 certified without cost. Failure on the part of the plaintiff to
4 file a receipt in court shall be grounds for dismissal of the
5 action.

6 (Source: P.A. 87-1031.)

7 (225 ILCS 75/19.16) (from Ch. 111, par. 3735)

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

9 Sec. 19.16. Criminal penalties. Any person who is found to
10 have violated ~~knowingly violates~~ any provision of this Act is
11 guilty of a Class A misdemeanor for the first offense. On
12 conviction of a second or subsequent offense the violator shall
13 be guilty of a Class 4 felony.

14 (Source: P.A. 83-696.)

15 (225 ILCS 75/20) (from Ch. 111, par. 3736)

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

17 Sec. 20. Administrative Procedure Act. The Illinois
18 Administrative Procedure Act is hereby expressly adopted and
19 incorporated herein as if all of the provisions of that Act
20 were included in this Act, except that the provision of
21 subsection (d) of Section 10-65 of the Illinois Administrative
22 Procedure Act that provides that at hearings the certificate
23 holder has the right to show compliance with all lawful
24 requirements for retention, continuation or renewal of

1 certification is specifically excluded. For the purpose of this
2 Act the notice required under Section 10-25 of the Illinois
3 Administrative Procedure Act is deemed sufficient when mailed
4 to the last known address of record of a party.

5 (Source: P.A. 88-45.)

6 (225 ILCS 75/21) (from Ch. 111, par. 3737)

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

8 Sec. 21. Home rule. The regulation and licensing as a
9 occupational therapist are exclusive powers and functions of
10 the State. A home rule unit may not regulate or license an
11 occupational therapist or the practice of occupational
12 therapy. This Section is a denial and limitation of home rule
13 powers and functions under subsection (h) of Section 6 of
14 Article VII of the Illinois Constitution. It is declared to be
15 the public policy of this State, pursuant to paragraphs (h) and
16 (i) of Section 6 of Article VII of the Illinois Constitution of
17 1970, that any power or function set forth in this Act to be
18 exercised by the State is an exclusive State power or function.
19 Such power or function shall not be exercised concurrently,
20 either directly or indirectly, by any unit of local government,
21 including home rule units, except as otherwise provided in this
22 Act.

23 (Source: P.A. 83-696.)

24 (225 ILCS 75/10 rep.)

1 Section 15. The Illinois Occupational Therapy Practice Act
2 is amended by repealing Section 10.

3 Section 99. Effective date. This Act takes effect December
4 31, 2013.