



Sen. Kwame Raoul

Filed: 3/6/2014

09800SB0637sam001

LRB098 04413 ZMM 56282 a

1 AMENDMENT TO SENATE BILL 637

2 AMENDMENT NO. _____. Amend Senate Bill 637 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Physical Therapy Act is amended by
5 changing Section 17 as follows:

6 (225 ILCS 90/17) (from Ch. 111, par. 4267)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 17. (1) The Department may refuse to issue or to
9 renew, or may revoke, suspend, place on probation, reprimand,
10 or take other disciplinary action as the Department deems
11 appropriate, including the issuance of fines not to exceed
12 \$5000, with regard to a license for any one or a combination of
13 the following:

14 A. Material misstatement in furnishing information to
15 the Department or otherwise making misleading, deceptive,
16 untrue, or fraudulent representations in violation of this

1 Act or otherwise in the practice of the profession;

2 B. Violations of this Act, or of the rules or
3 regulations promulgated hereunder;

4 C. Conviction of any crime under the laws of the United
5 States or any state or territory thereof which is a felony
6 or which is a misdemeanor, an essential element of which is
7 dishonesty, or of any crime which is directly related to
8 the practice of the profession; conviction, as used in this
9 paragraph, shall include a finding or verdict of guilty, an
10 admission of guilt or a plea of nolo contendere;

11 D. Making any misrepresentation for the purpose of
12 obtaining licenses, or violating any provision of this Act
13 or the rules promulgated thereunder pertaining to
14 advertising;

15 E. A pattern of practice or other behavior which
16 demonstrates incapacity or incompetency to practice under
17 this Act;

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

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

22 H. Engaging in dishonorable, unethical or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public. Unprofessional conduct shall
25 include any departure from or the failure to conform to the
26 minimal standards of acceptable and prevailing physical

1 therapy practice, in which proceeding actual injury to a
2 patient need not be established;

3 I. Unlawful distribution of any drug or narcotic, or
4 unlawful conversion of any drug or narcotic not belonging
5 to the person for such person's own use or benefit or for
6 other than medically accepted therapeutic purposes;

7 J. Habitual or excessive use or addiction to alcohol,
8 narcotics, stimulants, or any other chemical agent or drug
9 which results in a physical therapist's or physical
10 therapist assistant's inability to practice with
11 reasonable judgment, skill or safety;

12 K. Revocation or suspension of a license to practice
13 physical therapy as a physical therapist or physical
14 therapist assistant or the taking of other disciplinary
15 action by the proper licensing authority of another state,
16 territory or country;

17 L. Directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate or other form of compensation
20 for any professional services not actually or personally
21 rendered. Nothing contained in this paragraph prohibits
22 persons holding valid and current licenses under this Act
23 from practicing physical therapy in partnership under a
24 partnership agreement, including a limited liability
25 partnership, a limited liability company, or a corporation
26 under the Professional Service Corporation Act or from

1 pooling, sharing, dividing, or apportioning the fees and
2 monies received by them or by the partnership, company, or
3 corporation in accordance with the partnership agreement
4 or the policies of the company or professional corporation.
5 Nothing in this paragraph (L) affects any bona fide
6 independent contractor or employment arrangements among
7 health care professionals, health facilities, health care
8 providers, or other entities, except as otherwise
9 prohibited by law. Any employment arrangements may include
10 provisions for compensation, health insurance, pension, or
11 other employment benefits for the provision of services
12 within the scope of the licensee's practice under this Act.
13 Nothing in this paragraph (L) shall be construed to require
14 an employment arrangement to receive professional fees for
15 services rendered;

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

19 N. Abandonment of a patient;

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

23 P. Willfully failing to report an instance of suspected
24 elder abuse or neglect as required by the Elder Abuse
25 Reporting Act;

26 Q. Physical illness, including but not limited to,

1 deterioration through the aging process, or loss of motor
2 skill which results in the inability to practice the
3 profession with reasonable judgement, skill or safety;

4 R. The use of any words (such as physical therapy,
5 physical therapist physiotherapy or physiotherapist),
6 abbreviations, figures or letters with the intention of
7 indicating practice as a licensed physical therapist
8 without a valid license as a physical therapist issued
9 under this Act;

10 S. The use of the term physical therapist assistant, or
11 abbreviations, figures, or letters with the intention of
12 indicating practice as a physical therapist assistant
13 without a valid license as a physical therapist assistant
14 issued under this Act;

15 T. Willfully violating or knowingly assisting in the
16 violation of any law of this State relating to the practice
17 of abortion;

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

20 V. Having treated ailments of human beings otherwise
21 than by the practice of physical therapy as defined in this
22 Act, or, as provided in this paragraph V, having treated
23 ailments of human beings as a licensed physical therapist
24 independent of a documented referral or a documented
25 current and relevant diagnosis from a physician, dentist,
26 advanced practice nurse, physician assistant, or podiatric

1 physician, or having failed to notify the physician,
2 dentist, advanced practice nurse, physician assistant, or
3 podiatric physician who established a documented current
4 and relevant diagnosis that the patient is receiving
5 physical therapy pursuant to that diagnosis; referral from
6 a physician or other health care provider under this
7 paragraph V is not required:

8 (1) for interventions provided by a physical
9 therapist or physical therapist assistant supervised
10 by a physical therapist:

11 (a) in a school-based or educational
12 environment, including the child's home; or

13 (b) in any natural environment where early
14 intervention services are delivered; or

15 (2) for the purposes of providing consultation,
16 habilitation, screening, education, wellness,
17 prevention, environmental assessments, and
18 work-related services to individuals, groups, or
19 populations;

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

26 X. Interpretation of referrals, performance of

1 evaluation procedures, planning or making major
2 modifications of patient programs by a physical therapist
3 assistant;

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

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

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

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

26 (Source: P.A. 98-214, eff. 8-9-13.)".