



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3542

by Rep. Adam Brown

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.26	
5 ILCS 80/4.36 new	
225 ILCS 90/1	from Ch. 111, par. 4251
225 ILCS 90/2.5 new	
225 ILCS 90/8	from Ch. 111, par. 4258
225 ILCS 90/12	from Ch. 111, par. 4262
225 ILCS 90/16.2	
225 ILCS 90/19.5 new	
225 ILCS 90/31.5 new	

Amends the Regulatory Sunset Act. Extends the repeal date of the Illinois Physical Therapy Act from January 1, 2016 to January 1, 2026. Amends the Illinois Physical Therapy Act. Provides that anyone engaged in the unlicensed practice of physical therapy shall, in addition to any other penalty provided by law, be subject to a civil penalty not exceeding \$10,000 per offense. Extends the 60-day post-notification exam deadline for applicants when no exam will be held within that time frame. Appropriates all penalties collected for violations of the Act for the Department of Professional and Financial Regulation. Requires that all information collected by the Department during the investigation of a licensee or applicant remain confidential and only be disclosed to law enforcement officials, other regulatory agencies with an appropriate regulatory interest in the information, or a party presenting a lawful subpoena for the information. Requires that anyone licensed under the Act who has been certified by court order as not having paid restitution to another under the Illinois Public Aid Code, the Criminal Code of 2012, or the Criminal Code of 1961 shall have his or her license suspended. Makes other changes. Effective immediately.

LRB099 03728 HAF 23740 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and  
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 ~~The Illinois Physical Therapy Act.~~

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;  
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Illinois Physical Therapy Act.

3 Section 10. The Illinois Physical Therapy Act is amended by  
4 changing Sections 1, 8, 12, and 16.2 and by adding Sections  
5 2.5, 19.5, and 31.5 as follows:

6 (225 ILCS 90/1) (from Ch. 111, par. 4251)

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

8 Sec. 1. Definitions. As used in this Act:

9 (1) "Physical therapy" means all of the following:

10 (A) Examining, evaluating, and testing individuals who  
11 may have mechanical, physiological, or developmental  
12 impairments, functional limitations, disabilities, or  
13 other health and movement-related conditions, classifying  
14 these disorders, determining a rehabilitation prognosis  
15 and plan of therapeutic intervention, and assessing the  
16 on-going effects of the interventions.

17 (B) Alleviating impairments, functional limitations,  
18 or disabilities by designing, implementing, and modifying  
19 therapeutic interventions that may include, but are not  
20 limited to, the evaluation or treatment of a person through  
21 the use of the effective properties of physical measures  
22 and heat, cold, light, water, radiant energy, electricity,  
23 sound, and air and use of therapeutic massage, therapeutic  
24 exercise, mobilization, and rehabilitative procedures,

1 with or without assistive devices, for the purposes of  
2 preventing, correcting, or alleviating a physical or  
3 mental impairment, functional limitation, or disability.

4 (C) Reducing the risk of injury, impairment,  
5 functional limitation, or disability, including the  
6 promotion and maintenance of fitness, health, and  
7 wellness.

8 (D) Engaging in administration, consultation,  
9 education, and research.

10 Physical therapy includes, but is not limited to: (a)  
11 performance of specialized tests and measurements, (b)  
12 administration of specialized treatment procedures, (c)  
13 interpretation of referrals from physicians, dentists,  
14 advanced practice nurses, physician assistants, and podiatric  
15 physicians, (d) establishment, and modification of physical  
16 therapy treatment programs, (e) administration of topical  
17 medication used in generally accepted physical therapy  
18 procedures when such medication is either prescribed by the  
19 patient's physician, licensed to practice medicine in all its  
20 branches, the patient's physician licensed to practice  
21 podiatric medicine, the patient's advanced practice nurse, the  
22 patient's physician assistant, or the patient's dentist or used  
23 following the physician's orders or written instructions, and  
24 (f) supervision or teaching of physical therapy. Physical  
25 therapy does not include radiology, electrosurgery,  
26 chiropractic technique or determination of a differential

1 diagnosis; provided, however, the limitation on determining a  
2 differential diagnosis shall not in any manner limit a physical  
3 therapist licensed under this Act from performing an evaluation  
4 pursuant to such license. Nothing in this Section shall limit a  
5 physical therapist from employing appropriate physical therapy  
6 techniques that he or she is educated and licensed to perform.  
7 A physical therapist shall refer to a licensed physician,  
8 advanced practice nurse, physician assistant, dentist, ~~or~~  
9 podiatric physician, other physical therapist, or other health  
10 care provider any patient whose medical condition should, at  
11 the time of evaluation or treatment, be determined to be beyond  
12 the scope of practice of the physical therapist.

13 (2) "Physical therapist" means a person who practices  
14 physical therapy and who has met all requirements as provided  
15 in this Act.

16 (3) "Department" means the Department of Professional  
17 Regulation.

18 (4) "Director" means the Director of Professional  
19 Regulation.

20 (5) "Board" means the Physical Therapy Licensing and  
21 Disciplinary Board approved by the Director.

22 (6) "Referral" means a written or oral authorization for  
23 physical therapy services for a patient by a physician,  
24 dentist, advanced practice nurse, physician assistant, or  
25 podiatric physician who maintains medical supervision of the  
26 patient and makes a diagnosis or verifies that the patient's

1 condition is such that it may be treated by a physical  
2 therapist.

3 (7) "Documented current and relevant diagnosis" for the  
4 purpose of this Act means a diagnosis, substantiated by  
5 signature or oral verification of a physician, dentist,  
6 advanced practice nurse, physician assistant, or podiatric  
7 physician, that a patient's condition is such that it may be  
8 treated by physical therapy as defined in this Act, which  
9 diagnosis shall remain in effect until changed by the  
10 physician, dentist, advanced practice nurse, physician  
11 assistant, or podiatric physician.

12 (8) "State" includes:

13 (a) the states of the United States of America;

14 (b) the District of Columbia; and

15 (c) the Commonwealth of Puerto Rico.

16 (9) "Physical therapist assistant" means a person licensed  
17 to assist a physical therapist and who has met all requirements  
18 as provided in this Act and who works under the supervision of  
19 a licensed physical therapist to assist in implementing the  
20 physical therapy treatment program as established by the  
21 licensed physical therapist. The patient care activities  
22 provided by the physical therapist assistant shall not include  
23 the interpretation of referrals, evaluation procedures, or the  
24 planning or major modification of patient programs.

25 (10) "Physical therapy aide" means a person who has  
26 received on the job training, specific to the facility in which

1 he is employed, ~~but who has not completed an approved physical~~  
2 ~~therapist assistant program.~~

3 (11) "Advanced practice nurse" means a person licensed  
4 under the Nurse Practice Act who has a collaborative agreement  
5 with a collaborating physician that authorizes referrals to  
6 physical therapists.

7 (12) "Physician assistant" means a person licensed under  
8 the Physician Assistant Practice Act of 1987 who has been  
9 delegated authority to make referrals to physical therapists.

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

11 (225 ILCS 90/2.5 new)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 2.5. Unlicensed practice; violation; civil penalty.

14 (a) In addition to any other penalty provided by law, any  
15 person who practices, offers to practice, attempts to practice,  
16 or holds oneself out to practice as a physical therapist or  
17 assistant without being licensed under this Act shall, in  
18 addition to any other penalty provided by law, pay a civil  
19 penalty to the Department in an amount not to exceed \$10,000  
20 for each offense as determined by the Department. The civil  
21 penalty shall be assessed by the Department after a hearing is  
22 held in accordance with the provisions set forth in this Act  
23 regarding the provision of a hearing for the discipline of a  
24 licensee.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

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

7 (225 ILCS 90/8) (from Ch. 111, par. 4258)

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

9 Sec. 8. Qualifications for licensure as a Physical  
10 Therapist.

11 (a) A person is qualified to receive a license as a  
12 physical therapist if that person has applied in writing, on  
13 forms prescribed by the Department, has paid the required fees,  
14 and meets all of the following requirements:

15 (1) He or she is at least 21 ~~18~~ years of age and of good  
16 moral character. In determining moral character, the  
17 Department may take into consideration any felony  
18 conviction of the applicant, but such a conviction shall  
19 not operate automatically as a complete bar to a license.

20 (2) He or she has graduated from a curriculum in  
21 physical therapy approved by the Department. In approving a  
22 curriculum in physical therapy, the Department shall  
23 consider, but not be bound by, accreditation by the  
24 Commission on Accreditation in Physical Therapy Education.  
25 A person who graduated from a physical therapy program



1 outside the United States or its territories shall have his  
2 or her degree validated as equivalent to a physical therapy  
3 degree conferred by a regionally accredited college or  
4 university in the United States. The Department may  
5 establish by rule a method for the completion of course  
6 deficiencies.

7 (3) He or she has passed an examination approved by the  
8 Department to determine his fitness for practice as a  
9 physical therapist, or is entitled to be licensed without  
10 examination as provided in Sections 10 and 11 of this Act.  
11 A person who graduated from a physical therapy program  
12 outside the United States or its territories and whose  
13 first language is not English shall submit certification of  
14 passage of the Test of English as a Foreign Language  
15 (TOEFL) and the Test of Spoken English (TSE) as defined by  
16 rule prior to taking the licensure examination.

17 (b) The Department reserves the right and may request a  
18 personal interview of an applicant before the Board to further  
19 evaluate his or her qualifications for a license.

20 (Source: P.A. 94-651, eff. 1-1-06.)

21 (225 ILCS 90/12) (from Ch. 111, par. 4262)

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

23 Sec. 12. Examinations. The Department shall examine  
24 applicants for licenses as physical therapists or physical  
25 therapist assistants at such times and places as it may

1 determine. At least 2 written examinations shall be given  
2 during each calendar year for both physical therapists and  
3 physical therapist assistants. The examination shall be  
4 approved by the Department.

5       Following notification of eligibility for examination, an  
6 applicant who fails to take the examination for a license under  
7 this Act within 60 days of the notification or on the next  
8 available exam date, if no exam is held within 60 days of the  
9 notification, shall forfeit his or her fee and his or her right  
10 to practice as a physical therapist or physical therapist  
11 assistant until such time as the applicant has passed the  
12 appropriate examination. Any applicant failing the examination  
13 three times in any jurisdiction will not be allowed to sit for  
14 another examination until the applicant has presented  
15 satisfactory evidence to the Board of appropriate remedial work  
16 as set forth in the rules and regulations.

17       If an applicant neglects, fails or refuses to take an  
18 examination or fails to pass an examination for a license or  
19 otherwise fails to complete the application process under this  
20 Act within 3 years after filing his application, the  
21 application shall be denied. However, such applicant may make a  
22 new application for examination accompanied by the required  
23 fee, and must furnish proof of meeting qualifications for  
24 examination in effect at the time of new application.

25 (Source: P.A. 94-651, eff. 1-1-06.)

1 (225 ILCS 90/16.2)

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

3 Sec. 16.2. Deposit of fees and fines; appropriations. All  
4 fees, penalties, and fines collected under this Act shall be  
5 deposited into the General Professions Dedicated Fund and shall  
6 be. ~~All moneys in the Fund shall be used by the Department of~~  
7 ~~Professional Regulation, as~~ appropriated to the Department,  
8 for the ordinary and contingent expenses of the Department in  
9 the administration of this Act.

10 (Source: P.A. 89-387, eff. 1-1-96.)

11 (225 ILCS 90/19.5 new)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 19.5. Confidentiality. All information collected by  
14 the Department in the course of an examination or investigation  
15 of a licensee or applicant, including, but not limited to, any  
16 complaint against a licensee filed with the Department and  
17 information collected to investigate any such complaint, shall  
18 be maintained for the confidential use of the Department and  
19 shall not be disclosed. The Department may not disclose the  
20 information to anyone other than law enforcement officials,  
21 other regulatory agencies that have an appropriate regulatory  
22 interest as determined by the Secretary of the Department, or a  
23 party presenting a lawful subpoena to the Department.  
24 Information and documents disclosed to a federal, State,  
25 county, or local law enforcement agency shall not be disclosed

1 by the agency for any purpose to any other agency or person. A  
2 formal complaint filed by the Department against a licensee or  
3 applicant shall be a public record, except as otherwise  
4 prohibited by law.

5 (225 ILCS 90/31.5 new)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 31.5. Suspension of license for failure to pay  
8 restitution. The Department, without further process or  
9 hearing, shall suspend the license or other authorization to  
10 practice of any person issued under this Act who has been  
11 certified by court order as not having paid restitution to a  
12 person under Section 8A-3.5 of the Illinois Public Aid Code or  
13 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012. A person whose license or other  
15 authorization to practice is suspended under this Section is  
16 prohibited from practicing until the restitution is made in  
17 full.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.