

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.34 and 4.39 as follows:

(5 ILCS 80/4.34)

Sec. 4.34. Acts and Section repealed on January 1, 2024.
The following Acts and Section of an Act are repealed on
January 1, 2024:

The Crematory Regulation Act.

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters Act of
1984.

~~The Illinois Occupational Therapy Practice Act.~~

The Illinois Public Accounting Act.

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

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

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of
2004.

(Source: P.A. 102-291, eff. 8-6-21.)

(5 ILCS 80/4.39)

Sec. 4.39. Acts repealed on January 1, 2029 and December 31, 2029.

(a) The following Act is repealed on January 1, 2029:

The Environmental Health Practitioner Licensing Act.

The Illinois Occupation Therapy Practice Act.

(b) The following Act is repealed on December 31, 2029:

The Structural Pest Control Act.

(Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18; 101-81, eff. 7-12-19.)

Section 10. The Illinois Occupational Therapy Practice Act is amended by changing Sections 2, 3, 3.1, 5, 6.5, 7, 11, 12, 15, 16, 19, 19.2, 19.6, 19.7, 19.9, 19.15, 20, and 21 and by adding Section 2.5 as follows:

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 2. Definitions. In this Act:

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

(2) "Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(3) "Board" means the Illinois Occupational Therapy Licensure Board appointed by the Secretary.

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

(5) "Occupational therapy assistant" means a person initially registered and licensed who assists ~~to assist~~ in the practice of occupational therapy under this Act. The occupational therapy assistant shall work under appropriate supervision of and in partnership with a licensed occupational therapist ~~the supervision of a licensed occupational therapist, and to implement the occupational therapy treatment program as established by the licensed occupational therapist.~~

(6) "Occupational therapy" means the therapeutic use of everyday life occupations and activities with recipients, groups, or populations to support occupational performance and participation. "Occupational therapy practice" includes clinical reasoning and professional judgment to evaluate, analyze, and address occupational challenges, including issues with client factors, performance patterns, and performance skills and provide occupation-based interventions to address the challenges. Through the provision of skilled services and engagement in everyday activities, occupational therapy promotes physical and mental health and well-being by supporting occupational performance in people with, or are at risk of experiencing, a range of developmental, physical, and mental health disorders ~~purposeful and meaningful occupations or goal directed activities to evaluate and provide~~

~~interventions for individuals, groups, and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles, including activities of daily living (ADLs) and instrumental activities of daily living (IADLs). Occupational therapy services are provided for the purpose of habilitation, rehabilitation, and to promote health and wellness.~~
Occupational therapy may be provided via technology or telecommunication methods, also known as telehealth, however the standard of care shall be the same whether a patient or recipient is seen in person, through telehealth, or other method of electronically enabled health care. Occupational therapy practice may include any of the following components:

(A) evaluation of factors affecting activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation;

(B) methods or approaches to identify and select interventions; and

(C) interventions and procedures including:

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

(ii) ~~(b)~~ modification or adaptation of task,

process, or the environment or the teaching of compensatory techniques in order to enhance performance;

(iii) ~~(e)~~ disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(iv) ~~(d)~~ health and wellness promotion strategies, including self-management strategies, and practices that enhance performance abilities.

The licensed occupational therapist or licensed occupational therapy assistant may assume a variety of roles in the licensee's ~~his or her~~ career including, but not limited to, practitioner, supervisor of professional students and volunteers, researcher, scholar, consultant, administrator, faculty, clinical instructor, fieldwork educator, and educator of consumers, peers, ~~and~~ family members, and care-partners.

(7) "Occupational therapy services" means services that may be provided to individuals, groups, and populations, when provided to treat an occupational therapy need, including the following:

(a) evaluating, developing, improving, sustaining, or restoring skills in self-care, self-management, health management, including medication-management, health routines, rest and sleep, home management, community and work integration, school activities, work performance, ~~activities of daily living, work, or productive~~

~~activities, including instrumental activities of daily living and play and leisure activities;~~

(b) identification, development, and remediation or compensation for deficits in physical, neuromusculoskeletal, sensory-perceptual, emotional regulation, visual, mental, and cognitive functions; pain tolerance and management; praxis; developmental skills; and behavioral skills or psychosocial components of performance with considerations for cultural context and activity demands that affect performance ~~evaluating, developing, remediating, or restoring sensorimotor, cognitive, or psychosocial components of performance with considerations for cultural context and activity demands that affect performance;~~

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

(d) modification of contexts in settings, such as home, school, work, and community, and adaptation of processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles ~~adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;~~

(e) for the occupational therapist or occupational

therapy assistant possessing advanced training, skill, and competency as demonstrated through criteria that shall be determined by the Department, applying physical agent modalities, including dry needling, as an adjunct to or in preparation for engagement in occupations;

(f) evaluating and providing intervention in collaboration with the recipient ~~client~~, family, caregiver, or others;

(g) educating the recipient ~~client~~, family, caregiver, groups, populations, or others in carrying out appropriate nonskilled interventions;

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

(i) assessing, recommending, and training in techniques to enhance functional mobility, including wheelchair fitting and management and other mobility devices;

(j) driver rehabilitation and community mobility;

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

(l) low vision rehabilitation;

(m) lymphedema and wound care management;

(n) pain management; ~~and~~

(o) care coordination, case management, and transition services; ~~+~~

(p) exercises, including tasks and methods to increase

motion, strength, and endurance for occupational participation;

(q) virtual interventions, including simulated, real-time, and near-time technologies, consisting of telehealth and mobile technology;

(r) evaluating and treating problems of rest and sleep;

(s) group interventions, including the use of dynamics of group and social interaction to facilitate learning and skill acquisition across the life course; and

(t) habilitation, rehabilitation, and the promotion of physical and mental health and wellness for clients with all levels of ability-related needs and for clients who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, and activity limitation or participation restriction.

(8) (Blank).

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

(10) "Recipient" means a person, group, or population who receives occupational therapy services.

(11) "Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

(12) "Care-partner" or "caregiver" means someone, in a paid or unpaid capacity, who, by mutual agreement with the individual living with a temporary or chronic condition or disability, assists that individual with the individual's physical, mental, emotional, or spiritual care in either habilitative or rehabilitative capacity.

(Source: P.A. 102-307, eff. 1-1-22.)

(225 ILCS 75/2.5 new)

Sec. 2.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 3. Licensure requirement; exempt activities. After the effective date of this Act, no person shall practice occupational therapy or hold oneself ~~himself~~ out as an occupational therapist or an occupational therapy assistant, or as being able to practice occupational therapy or to render services designated as occupational therapy in this State, unless the person ~~he~~ is licensed in accordance with the provisions of this Act.

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

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

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

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

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

(5) Any person performing occupational therapy services in the State, if such a person is not a resident of this State and is not licensed under this Act, and if such services are performed for no more than 60 days a calendar year in association with an occupational therapist licensed under this Act and if such person meets the qualifications for license under this Act and:

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

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

(6) The practice of occupational therapy by one who has applied in writing to the Department for a license, in form and substance satisfactory to the Department, and has

complied with all the provisions of either Section 8 or 9 except the passing of the examination to be eligible to receive such license. In no event shall this exemption extend to any person for longer than 6 months, except as follows:

(i) if the date on which a person can take the next available examination authorized by the Department extends beyond 6 months from the date the person completes the occupational therapy program as required under Section 8 or 9, the Department shall extend the exemption until the results of that examination become available to the Department; or

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

In the event such applicant fails the examination, the applicant shall cease work immediately until such time as the applicant is licensed to practice occupational therapy in this State; or

(7) The practice of occupational therapy by one who has applied to the Department, in form and substance satisfactory to the Department, and who is licensed to

practice occupational therapy under the laws of another state, territory of the United States or country and who is qualified to receive a license under the provisions of either Section 8 or 9 of this Act. In no event shall this exemption extend to any person for longer than 6 months; or

(8) (Blank).

(Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

(225 ILCS 75/3.1)

(Section scheduled to be repealed on January 1, 2024)

Sec. 3.1. Referrals.

(a) A licensed occupational therapist or licensed occupational therapy assistant may evaluate, initiate, and provide occupational therapy services and consult with, educate, evaluate, and monitor services for individuals, groups, and populations concerning occupational therapy needs without a referral. ~~Except as indicated in subsections (b) and (c) of this Section, implementation of direct occupational therapy treatment to individuals for their specific health care conditions shall be based upon a referral from a licensed physician, dentist, podiatric physician, advanced practice registered nurse, physician assistant, or optometrist.~~

(b) (Blank). ~~A referral is not required for the purpose of providing consultation, habilitation, screening, education, wellness, prevention, environmental assessments, and~~

~~work-related ergonomic services to individuals, groups, or populations.~~

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

(d) An occupational therapist shall refer ~~to a licensed physician, dentist, optometrist, advanced practice registered nurse, physician assistant, or podiatric physician~~ any a patient to the patient's treating health care professional of record, or to a health care professional of the patient's choosing if there is no health care professional of record, if:

(1) the patient does not demonstrate measurable or functional improvement after 10 visits or 15 business days, whichever occurs first, and continued improvement thereafter;

(2) the patient was under the care of an occupational therapist without a diagnosis established by a health care professional of a chronic disease that may benefit from occupational therapy and returns for services for the same or similar condition 30 calendar days after being discharged by the occupational therapist; or

(3) the patient's ~~whose~~ medical condition ~~should~~, at

the time of evaluation or services ~~treatment~~, is ~~be~~ determined to be beyond the scope of practice of the occupational therapist.

(Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 5. Board. The Secretary shall appoint an Illinois Occupational Therapy Licensure Board as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Four members must be licensed occupational therapists in good standing, and actively engaged in the practice of occupational therapy in this State; 2 members must be licensed occupational therapy assistants in good standing and actively engaged in the practice of occupational therapy in this State; and 1 member must be a public member who is not licensed under this Act, or a similar Act of another jurisdiction, and is not a provider of health care service.

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

The Secretary shall have the authority to remove or

suspend any member of the Board for cause at any time before the expiration of the member's ~~his or her~~ term. The Secretary shall be the sole arbiter of cause.

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

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

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

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

(Source: P.A. 98-264, eff. 12-31-13.)

(225 ILCS 75/6.5)

(Section scheduled to be repealed on January 1, 2024)

Sec. 6.5. Social Security Number or individual taxpayer identification number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or individual taxpayer identification number, which shall be retained in the agency's records pertaining to the license. As

soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 7. Examinations. The Department shall authorize examinations of applicants for a license under this Act at the times and place as it may designate. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice occupational therapy.

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

If an applicant neglects, fails or refuses to take the examination within 90 days after the date the Confirmation of Examination and Eligibility to Examine Notice is issued or fails to pass an examination for certification under this Act,

the application shall be denied. If an applicant fails to pass an examination for registration under this Act within 3 years after filing the ~~his~~ application, the application shall be denied. The applicant may thereafter make a new application accompanied by the required fee, however, the applicant shall meet all requirements in effect at the time of subsequent application before obtaining licensure.

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

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

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

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

(b) Any occupational therapist or occupational therapy assistant who has permitted the ~~his or her~~ license to expire or who has had the ~~his or her~~ license on inactive status may have the ~~his or her~~ license restored by making application to the Department, by filing proof acceptable to the Department of the licensee's ~~his~~ fitness to have the ~~his~~ license restored, by paying the required fee, and by showing proof of compliance with any continuing education requirements. Proof of fitness may include sworn evidence certifying to active practice in

another jurisdiction.

If the occupational therapist or occupational therapy assistant has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, the licensee's ~~his~~ fitness to resume active status and shall establish procedures and requirements for restoration.

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

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

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

Any occupational therapist or occupational therapy assistant requesting restoration from inactive or expired status shall be required to pay the current renewal fee, demonstrate compliance with continuing education requirements, if any, and shall be required to restore the ~~his~~ license as provided in Section 11.

Any occupational therapist or occupational therapy assistant whose license is in expired or inactive status shall not practice occupational therapy in the State or present oneself as an occupational therapist or occupational therapy assistant ~~of Illinois~~.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 15. Any person who is issued a license as an occupational therapist registered under the terms of this Act may use the words "occupational therapist" or "licensed

occupational therapist", or may use the letters "O.T.", "OT/L", or "OTR/L", in connection with the licensee's ~~his or her~~ name or place of business to denote the licensee's ~~his or her~~ licensure under this Act.

Any person who is issued a license as an occupational therapy assistant under the terms of this Act may use the words, "occupational therapy assistant" or "licensed occupational therapy assistant", or the licensee ~~he or she~~ may use the letters "O.T.A.", "OTA/L", or "COTA/L" in connection with the licensee's ~~his or her~~ name or place of business to denote the licensee's ~~his or her~~ licensure under this Act.

(Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

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

(Section scheduled to be repealed on January 1, 2024)

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

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this

Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 19. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may

deem proper, including imposing fines not to exceed \$10,000 for each violation and the assessment of costs as provided under Section 19.3 of this Act, with regard to any license for any one or combination of the following:

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

(2) Violations of this Act, or of the rules promulgated thereunder;

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

(4) Fraud, ~~or any~~ misrepresentation, or concealment in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act;

(5) Professional incompetence;

(6) Aiding or assisting another person, firm, partnership or corporation in violating any provision of this Act or rules;

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

response to a written request made by the Department;

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

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

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

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered. Nothing in this paragraph (11) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this

paragraph (11) shall be construed to require an employment arrangement to receive professional fees for services rendered;

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

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

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

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

(16) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act;

(17) Practicing under a false or, except as provided by law, assumed name;

(18) Professional incompetence or gross negligence;

(19) Malpractice;

(20) Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in any manner to exploit the client for financial gain of the licensee;

(21) Gross, willful, or continued overcharging for

professional services;

(22) Mental illness or disability that results in the inability to practice under this Act with reasonable judgment, skill, or safety;

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

(24) Failing to refer a patient or individual whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist to an appropriate health care professional ~~Having treated patients other than by the practice of occupational therapy as defined in this Act, or having treated patients as a licensed occupational therapist independent of a referral from a physician, advanced practice registered nurse or physician assistant in accordance with Section 3.1, dentist, podiatric physician, or optometrist, or having failed to notify the physician, advanced practice registered nurse, physician assistant, dentist, podiatric physician, or optometrist who established a diagnosis that the patient is receiving occupational therapy pursuant to that diagnosis;~~

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

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

fees for which services are not rendered;~~;~~

(27) Practicing beyond the scope of the practice of occupational therapy;

(28) Providing substandard care as an occupational therapist due to a deliberate or negligent act, negligent supervision of an occupational therapy assistant, or failure to act regardless of whether actual injury to the recipient is established;

(29) Providing substandard care as an occupational therapy assistant, including exceeding the authority to perform components of intervention selected and delegated by the supervising occupational therapist regardless of whether actual injury to the recipient is established;

(30) Knowingly delegating responsibilities to an individual who does not have the knowledge, skills, or abilities to perform those responsibilities; and

(31) Engaging in sexual misconduct. For the purposes of this paragraph, sexual misconduct includes:

(A) engaging in or soliciting a sexual relationship, whether consensual or non-consensual, while an occupational therapist or occupational therapy assistant with the recipient of occupational therapy services; and

(B) making sexual advances, requesting sexual favors, or engaging in physical contact of a sexual nature with the recipient of occupational therapy

services.

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

(b) The determination by a circuit court that a license holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and an order by the court so finding and discharging the patient. In any case where a license is suspended under this provision, the licensee shall file a petition for restoration and shall include evidence acceptable to the Department that the licensee can resume practice in compliance with acceptable and prevailing standards of their profession.

(c) The Department may refuse to issue or may suspend without hearing, as provided for in the Code of Civil Procedure, the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance

with subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied for licensure to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing,

urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

Failure of any individual to submit to mental or physical

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

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

Individuals licensed under this Act that are affected under this Section, shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

(e) (Blank).

(f) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential

licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 100-513, eff. 1-1-18; 100-872, eff. 8-14-18.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 19.2. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or person holding or claiming to hold a license. The Department shall, before refusing to issue, renew, or discipline a licensee or applicant, at least 30 days prior to the date set for the hearing, notify the applicant or licensee in writing of the nature of the charges and the time and place for a hearing on the charges. The Department shall direct the applicant or licensee to file a written answer to the charges with the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against

the applicant or licensee. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice and any notice in the subsequent proceeding may be served by personal delivery or by registered or certified mail to the licensee's address or email address of record.

The written notice and any notice in the subsequent proceeding may be served electronically to the licensee's email address of record, or, if in the course of the administrative proceeding the party has previously designated a specific email address at which to accept electronic service for that specific proceeding, by sending a copy by email to the party's email address on record.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 19.6. Findings of Board. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary. The report of findings of fact, conclusions of law and recommendations of the Board may be the basis for the Secretary's ~~Department's~~ order for refusing to issue, restore, or renew a license or otherwise disciplining a licensee. If the Secretary disagrees in any regard with the report of the Board he may issue an order in contravention thereof. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 19.7. Report of Board; motion for rehearing. In any case involving the refusal to issue or renew, or the taking of

disciplinary action against, a license, a copy of the Board's report shall be served upon the respondent by the Department as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Secretary ~~Department~~ a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with recommendations of the Board except as provided in Section 19.6. If the respondent shall order from the reporting service, and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day ~~20-day~~ period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 19.9. Appointment of hearing officer. The Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action involving a refusal to issue or renew, or the taking of disciplinary action against a license. The hearing officer shall have full authority to conduct the

hearing. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board ~~and the Secretary~~. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusion of law and recommendations to the Secretary. If the Board fails to present its report within the 60-day ~~60-day~~ period, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the report of the Board or hearing officer, then the Secretary may issue an order in contravention thereof.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 19.15. Certification of record. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. ~~Exhibits shall be certified without cost.~~ Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 20. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the certificate holder has the right to show compliance with all lawful requirements for retention, continuation or renewal of certification is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record of a party.

(Source: P.A. 98-264, eff. 12-31-13.)

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

(Section scheduled to be repealed on January 1, 2024)

Sec. 21. Home rule. The regulation and licensing as an occupational therapist are exclusive powers and functions of the State. A home rule unit may not regulate or license an occupational therapist, occupational therapy assistant, or the practice of occupational therapy. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Public Act 103-0251

SB2057 Enrolled

LRB103 25412 AMQ 51759 b

(Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

(225 ILCS 75/17 rep.)

Section 15. The Illinois Occupational Therapy Practice Act is amended by repealing Section 17.

Section 99. Effective date. This Section and Section 5 take effect upon becoming law.

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Statutes amended in order of appearance

5 ILCS 80/4.34	
5 ILCS 80/4.39	
225 ILCS 75/2	from Ch. 111, par. 3702
225 ILCS 75/2.5 new	
225 ILCS 75/3	from Ch. 111, par. 3703
225 ILCS 75/5	from Ch. 111, par. 3705
225 ILCS 75/6.5	
225 ILCS 75/7	from Ch. 111, par. 3707
225 ILCS 75/11	from Ch. 111, par. 3711
225 ILCS 75/12	from Ch. 111, par. 3712
225 ILCS 75/15	from Ch. 111, par. 3715
225 ILCS 75/16	from Ch. 111, par. 3716
225 ILCS 75/19	from Ch. 111, par. 3719
225 ILCS 75/19.2	from Ch. 111, par. 3721
225 ILCS 75/19.6	from Ch. 111, par. 3725
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225 ILCS 75/19.9	from Ch. 111, par. 3728
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