

AN ACT concerning professional regulation.

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

Section 5. The Acupuncture Practice Act is amended by changing Sections 10, 15, 40, and 110 as follows:

(225 ILCS 2/10)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Definitions. As used in this Act:

"Acupuncture" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a differential diagnosis. An acupuncturist registered under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as being qualified to provide physical therapy or physiotherapy services. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

"Acupuncturist" means a person who practices acupuncture and who is licensed by the Department.

"Board" means the Board of Acupuncture.

"Dentist" means a person licensed under the Illinois Dental Practice Act.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Physician" means a person licensed under the Medical Practice Act of 1987.

"Referral by written order" for purposes of this Act means a diagnosis, substantiated by signature of a physician or dentist, identifying ~~that~~ a patient's condition and recommending treatment ~~is such that it may be treated~~ by acupuncture as defined in this Act. The diagnosis shall remain in effect until changed by the physician or dentist who may, through express direction in the referral, ~~shall~~ maintain management of the patient.

"State" includes:

- (1) the states of the United States of America;
- (2) the District of Columbia; and
- (3) the Commonwealth of Puerto Rico.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/15)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Who may practice acupuncture. No person licensed under this Act may treat human ailments otherwise than by the practice of acupuncture as defined in this Act; ~~and no person licensed under this Act may practice acupuncture on another person without having on file a written referral order from a physician or dentist licensed in Illinois.~~ A physician or dentist licensed in Illinois may practice acupuncture. A physician or a dentist may refer by written order a patient to an acupuncturist for the practice of acupuncture as defined in this Act and may, through express direction in the referral, maintain management of the patient. Nothing in this Act shall be construed to require a referral of a patient to an acupuncturist for evaluation and treatment based on

acupuncture principles and techniques as taught by schools accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/40)

(Section scheduled to be repealed on January 1, 2008)

Sec. 40. Application for licensure. Applications for original licensure as an acupuncturist shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.

Until December 31, 2001, applicants shall submit with the application proof of passing the National Certification Commission for Acupuncture and Oriental Medicine ~~National Commission for the Certification of Acupuncturists~~ examination or a substantially equivalent examination approved by the Department or meeting any other qualifications established by the Department.

On and after January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of each of the following:

(1) (A) graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine ~~National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine~~ or a similar accrediting body approved by the Department; or (B) completion of a comprehensive educational program approved by the Department; and

(2) passing the National Certification Commission for Acupuncture and Oriental Medicine ~~National Commission for the Certification of Acupuncturists~~ examination or a

substantially equivalent examination approved by the Department.

An applicant has 3 years from the date of his or her application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97; 90-723, eff. 1-1-99.)

(225 ILCS 2/110)

(Section scheduled to be repealed on January 1, 2008)

Sec. 110. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, place on probation, suspend, revoke or take other disciplinary action as deemed appropriate including the imposition of fines not to exceed \$5,000 for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) Violations of the Act or its rules.

(2) Conviction of any crime under the laws of any U.S. jurisdiction that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Aiding or assisting another person in violating any provision of this Act or its rules.

(5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.

(6) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in

this Section.

(7) Solicitation of professional services by means other than permitted under this Act.

(8) Failure to provide a patient with a copy of his or her record upon the written request of the patient.

(9) Gross negligence in the practice of acupuncture.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an acupuncturist's inability to practice with reasonable judgment, skill, or safety.

(11) A finding that licensure has been applied for or obtained by fraudulent means.

(12) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(13) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

(16) Using testimonials or claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.

(17) Advertising of professional services that the

offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to ~~independent of~~ a ~~written~~ referral by written order that provides for management of the patient by ~~from~~ a physician or dentist without having notified, ~~or having failed to notify~~ the physician or dentist who established the diagnosis that the patient is receiving acupuncture treatment ~~pursuant to that diagnosis.~~

(19) Unethical, unauthorized, or unprofessional conduct as defined by rule.

(20) Physical illness including but not limited to deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.

(21) Violation of the Health Care Worker Self-Referral Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination

prior to restoring a suspended license.

The Department may refuse to issue or renew the license of any person who fails to (i) file a return or to pay the tax, penalty or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. 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 this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the

Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual'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.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

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