

**SB0022**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0022**

Introduced 1/31/2007, by Sen. Jacqueline Y. Collins

**SYNOPSIS AS INTRODUCED:**

New Act

5 ILCS 80/4.28 new

720 ILCS 570/102

from Ch. 56 1/2, par. 1102

Creates the Naturopathic Medical Practice Act. Provides for the regulation of naturopathic physicians through licensure by the Department of Financial and Professional Regulation. Establishes the Board of Naturopathic Medicine, the Naturopathic Childbirth Attendance Advisory Committee, and the Naturopathic Formulary Committee. Sets forth provisions concerning licensure, scope of practice, duties of the Department, and administrative procedure. Amends the Regulatory Sunset Act to set a repeal date for the Naturopathic Medical Practice Act of January 1, 2018. Amends the Illinois Controlled Substances Act to add naturopathic physicians who issue a prescription for a controlled substance in accordance with the naturopathic formulary to the definition of "prescriber".

LRB095 04609 RAS 24666 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1. Short Title. This Act may be cited as the  
5 Naturopathic Medical Practice Act.

6 Section 5. Purpose. The practice of naturopathic medicine  
7 in the State of Illinois is declared to affect the public  
8 health, safety, and welfare and to be subject to regulation and  
9 control in the public interest. It is further declared to be a  
10 matter of public interest and concern that naturopathic  
11 physicians and the practice of naturopathic medicine, as  
12 defined in this Act, merit and receive the confidence of the  
13 public, that only qualified persons be authorized to practice  
14 naturopathic medicine in the State of Illinois, and that no  
15 person shall practice naturopathic medicine without a valid  
16 existing license to do so. The General Assembly recognizes that  
17 naturopathic physicians comprise a distinct health care  
18 profession that affects the public health, safety, and welfare  
19 and increases freedom of choice in health care. This Act shall  
20 be liberally construed to best carry out these subjects and  
21 purposes.

22 Section 10. Definitions. In this Act:

1 "Approved naturopathic medical program" means any of the  
2 following:

3 (1) a naturopathic medical education program  
4 accredited by the United States Council on Naturopathic  
5 Medical Education, or an equivalent federally recognized  
6 accrediting body for the naturopathic medical profession  
7 recognized by the Board, that offers graduate-level  
8 full-time didactic and supervised clinical training  
9 leading to the degree of Doctor of Naturopathy or Doctor of  
10 Naturopathic Medicine and is part of an institution of  
11 higher education that is either accredited or is a  
12 candidate for accreditation by a regional institutional  
13 accrediting agency recognized by the United States  
14 Secretary of Education;

15 (2) a full-time structured program, offered prior to  
16 the existence of the CNME, having been not less than 132  
17 weeks in duration and requiring completion within a period  
18 of not less than 35 months, with a curriculum consisting of  
19 basic sciences and supervised patient care comprising a  
20 doctoral naturopathic medical education offered by a  
21 degree-granting college or university that is reputable  
22 and in good standing in the judgment of the Board, and, if  
23 still in existence, with a current programmatic  
24 accreditation by the CNME or a federally-recognized  
25 equivalent accrediting agency; or

26 (3) a full-time structured program, offered prior to

1 the existence of the CNME, having been not less than 132  
2 weeks in duration and requiring completion within a period  
3 of not less than 35 months, with a curriculum consisting of  
4 sciences and supervised patient care comprising a doctoral  
5 naturopathic medical education offered by a  
6 degree-granting college or university in Canada that is  
7 reputable and in good standing in the judgment of the Board  
8 and has provincial approval for participation in  
9 government-funded student aid programs; such course, as a  
10 prerequisite to graduation therefrom, and, if still in  
11 existence, with a current programmatic accreditation by  
12 the CNME or a federally-recognized equivalent accrediting  
13 agency.

14 "Board" means the Board of Naturopathic Medicine appointed  
15 by the Secretary.

16 "CNME" means the Council on Naturopathic Medical  
17 Education.

18 "Committee" means the Naturopathic Childbirth Attendance  
19 Advisory Committee.

20 "Council" means the Naturopathic Formulary Council  
21 comprised of members appointed pursuant to this Act to  
22 determine and authorize the formulary list.

23 "Department" means the Department of Financial and  
24 Professional Regulation.

25 "Minor office procedures" means the methods used for the  
26 repair of and provision of care incidental to superficial

1 lacerations and abrasions or superficial lesions and the  
2 removal of foreign bodies located in the superficial tissues.

3 "Naturopathic childbirth attendance" means the specialty  
4 practice of natural childbirth by a naturopathic physician that  
5 meets the additional requirements set forth in this Act, that  
6 includes the management of normal pregnancy, normal labor and  
7 delivery, and the normal postpartum period, including normal  
8 newborn care.

9 "Naturopathic formulary" means the list of natural  
10 medicines, nonprescription and prescription that naturopathic  
11 physicians use in the practice of the profession, as determined  
12 by the Council and reviewed by the Board.

13 "Naturopathic medicine" means a system of primary health  
14 care for the prevention, diagnosis, and treatment of human  
15 health conditions, injury, and disease; the promotion or  
16 restoration of health; and the support and stimulation of a  
17 patient's inherent self-healing processes through patient  
18 education and the use of natural therapies and therapeutic  
19 substances.

20 "Naturopathic physician" means a practitioner of  
21 naturopathic medicine who has been properly licensed for that  
22 purpose by the Department under this Act. "Naturopathic  
23 physician" includes all titles and designations associated  
24 with the practice of naturopathic medicine, including, "doctor  
25 of naturopathic medicine", "doctor of naturopathy",  
26 "naturopathic doctor", "naturopath", "doctor of naturopathic

1 medicine", "doctor of naturopathy", "naturopathic medical  
2 doctor", "N.D.", "ND", "N.M.D", and "NMD".

3 "Naturopathic residency" means a post-graduate medical  
4 education program approved by the Council on Naturopathic  
5 Medical Education, a subcommittee thereof, or an equivalent  
6 agency, as recognized by the Board, that provides a structured  
7 curriculum with diagnosis and management of patients under  
8 appropriate levels of supervision for graduates of an approved  
9 naturopathic medical program.

10 "Prescription drug" means any drug defined by Section  
11 503(b) of the federal Food, Drug and Cosmetic Act with a label  
12 that is required to bear the statement "RX only".

13 "Secretary" means the Secretary of Financial and  
14 Professional Regulation.

15 Section 15. Exemption from civil liability. Exemption from  
16 civil liability for emergency care is as provided in the Good  
17 Samaritan Act.

18 While serving upon any professional utilization committee,  
19 professional review organization, peer review committee,  
20 mediation committee, board of Secretaries considering matters  
21 of peer review, or review committee sanctioned by the  
22 profession, a person shall not be liable for civil damages as a  
23 result of his or her acts, omissions, or decisions in  
24 connection with his or her duties on such committees or boards,  
25 except in cases involving willful or wanton misconduct.

1 Section 20. Exceptions.

2 (a) This Act does not prohibit or restrict any of the  
3 following:

4 (1) Any person licensed to practice medicine in all of  
5 its branches under the Medical Practice Act of 1987 who  
6 engages in the practice for which he or she is licensed.

7 (2) The practice of a profession by individuals who are  
8 licensed, certified, or registered under the laws of this  
9 State who are performing services within their authorized  
10 scope of practice.

11 (3) The practice of naturopathic medicine by an  
12 individual employed by the government of the United States  
13 while the individual is engaged in the performance of  
14 duties prescribed by the laws and regulations of the United  
15 States.

16 (4) The practice of naturopathic medicine by students  
17 enrolled in an approved naturopathic medical college. The  
18 performance of services shall be pursuant to a course of  
19 instruction or assignments from an instructor and under the  
20 supervision of the instructor, who shall be a naturopathic  
21 physician licensed under this Act or a duly licensed  
22 professional in the instructed field.

23 (5) Any person treating himself or herself or his or  
24 her family members based on religious or health beliefs.

25 (6) Any person who sells vitamins and herbs who

1 provides information about such products.

2 (7) Any person or practitioner advising in the use of a  
3 therapy, including, but not limited to, herbal medicine,  
4 homeopathy, nutrition, or other non-drug or non-surgical  
5 therapy within the scope of practice of naturopathic  
6 physicians as set forth in this Act, as long as such  
7 therapy is within that individual's lawful rights, or, if a  
8 licensed healthcare provider, within the legally defined  
9 scope of practice as granted by the existing laws of this  
10 State, and provided that such person is not using a title  
11 protected under this Chapter or holding himself or herself  
12 out to be a naturopathic physician.

13 (b) This Act shall not be construed to prohibit the  
14 practice of naturopathic medicine by persons who are licensed  
15 to practice naturopathic medicine in any other state or  
16 district in the United States who enter this State to consult  
17 with a naturopathic physician licensed under this Act;  
18 provided, however, that the consultation is limited to  
19 examination, recommendation, or testimony in litigation.

20 Section 25. Title and designation.

21 (a) Licensees shall use the title "naturopathic physician"  
22 and the recognized abbreviation "N.D.".

23 (b) Naturopathic physicians shall have the exclusive right  
24 to use the terms: "naturopathic physician", "naturopathic  
25 doctor", "naturopath", "doctor of naturopathic medicine",



1 "doctor of naturopathy", "naturopathic medical doctor",  
2 "naturopathic medicine", "naturopathic health care",  
3 "naturopathy", "N.D.", "ND", "N.M.D." and "NMD".

4 (c) No person shall represent himself or herself to the  
5 public as a naturopathic physician, a doctor of naturopathic  
6 medicine, a doctor of naturopathy, or as being otherwise  
7 authorized to practice naturopathic medicine in this State  
8 without first obtaining from the Department a license to  
9 practice naturopathic medicine under this Act.

10 (d) The titles and designations set forth in this Section  
11 identify naturopathic physicians and are restricted to  
12 describing and identifying licensed practitioners.

13 Section 30. Powers and duties of the Department and the  
14 Secretary.

15 (a) The Department shall exercise the powers and duties  
16 prescribed by the Civil Administrative Code of Illinois for the  
17 administration of licensing acts and shall exercise such other  
18 powers and duties conferred by this Act.

19 (b) The Department may adopt rules consistent with the  
20 provisions of this Act, for the administration and enforcement  
21 thereof and may prescribe forms that shall be issued in  
22 connection therewith.

23 (c) The Department shall adopt as the naturopathic  
24 licensing examination the competency-based national  
25 examination administered by the North American Board of

1 Naturopathic Examiners, or a successor agency that has been  
2 nationally recognized to administer a naturopathic examination  
3 that represents federal standards of education and training.

4 (d) The Secretary shall consider the recommendations of the  
5 Board on questions involving standards of professional  
6 conduct, discipline, and qualifications of candidates and  
7 licensees under this Act.

8 (e) The Department may, at any time, seek the expert advice  
9 and knowledge of the Board on any matter relating to the  
10 administration or enforcement of this Act. Notice of proposed  
11 rulemaking shall be transmitted to the Board and the Department  
12 shall review the response of the Board and any recommendations  
13 made in response.

14 (f) The Secretary shall issue licenses, and renewals  
15 thereof, to all persons who meet the qualifications for  
16 licensure as determined by the Board.

17 (g) The Department shall establish rules for continuing  
18 education as recommended by the Board.

19 (h) The Secretary shall consult the Board on matters  
20 involving all of the following:

21 (1) The qualifications of candidates who apply for  
22 licensure to practice naturopathic medicine in Illinois.

23 (2) The content of any clinical, practical, or  
24 residency requirement.

25 (3) The content of rules and proposed rules governing  
26 the practice of naturopathic medicine in Illinois.

1           (4) The investigation of complaints from naturopathic  
2           physicians and the public and the technical aspects of the  
3           complaint;

4           (5) The requirements for issuance and renewal of  
5           naturopathic medical licenses.

6           Section 35. Naturopathic Medical Licensing Board.

7           (a) There is hereby created the Naturopathic Medical  
8           Licensing Board, which shall consist of 7 members appointed by  
9           the Secretary, 5 of whom shall be licensed naturopathic  
10          physicians who are in good standing in this State, are  
11          residents of this State, and have been engaged in the practice  
12          or instruction of naturopathic medicine for at least 3 years  
13          and 2 of whom shall be residents of this State who are not, and  
14          never have been, licensed health care practitioners and hold no  
15          interest in naturopathic education, naturopathic business, or  
16          naturopathic practice.

17          (b) The Secretary shall take into consideration  
18          recommendations from the Illinois Association of Naturopathic  
19          Physicians in determining the names of naturopathic physicians  
20          eligible to serve on the Board.

21          (c) Members shall serve for terms of 4 years and shall  
22          serve until a successor is appointed, except that, for the  
23          purpose of staggering terms, the Secretary shall initially  
24          appoint to the Board 3 members for terms of 4 years each, 2  
25          members for terms of 3 years each, and 2 members for terms of 2

1 years each.

2 (d) Appointments to fill vacancies shall be made in the  
3 same manner as original appointments, for the unexpired portion  
4 of the vacated term.

5 (e) The Secretary may remove any member of the Board for  
6 cause prior to the expiration of the member's term.

7 (f) The Board, within 30 days after its appointment, and at  
8 least annually thereafter, shall hold a meeting and elect a  
9 chairperson and vice-chairperson. The Board may hold  
10 additional meetings at the call of the chair or at the written  
11 request of any 2 members of the Board. The Board may appoint  
12 committees as it deems necessary to carry out its duties.

13 (g) A majority of the Board shall constitute a quorum. A  
14 vacancy in the membership of the Board shall not impair the  
15 right of the quorum to exercise the rights and perform all of  
16 the duties of the Board.

17 (h) Members of the Board shall be immune from suit in any  
18 action based upon any disciplinary proceedings or other  
19 activities performed in good faith as members of the Board.

20 (i) The members of the Board shall each receive as  
21 compensation a reasonable sum as determined by the Secretary  
22 for each day actually engaged in the duties of office and all  
23 legitimate and necessary expenses incurred in attending the  
24 meetings of the Board.

25 Section 40. Duties of the Board.

1           (a) The Board may recommend such rules as are necessary to  
2 carry out the purposes of this Act and recommend disciplinary  
3 action as provided for under this Act.

4           (b) The Board shall determine the qualifications of persons  
5 applying for licensure and define, by rule, the appropriate  
6 scope of naturopathic medicine in this State, provided however,  
7 that the scope of practice may not exceed that defined in this  
8 Act.

9           (c) The Board shall review the content of rules and  
10 proposed rules governing the practice of naturopathic medicine  
11 in Illinois.

12           (d) The Board shall evaluate the content of any clinical,  
13 practical, or residency requirement.

14           (e) The Board shall grant approval for naturopathic  
15 childbirth attendance privileges to those licensees who apply,  
16 provided that such applicants can document training and  
17 experience equal to or greater than that required by the  
18 Childbirth Attendance Advisory Committee.

19           (f) The Board shall establish, by rule, examination  
20 standards, dates, and locations.

21           (g) The Board shall recommend the minimum amount and type  
22 of continuing education to be required for each naturopathic  
23 physician seeking licensure renewal.

24           Section 45. Naturopathic Formulary Council.

25           (a) There is hereby established a Naturopathic Formulary

1 Council, separate and distinct from the Board, to be composed  
2 of 5 members, 2 of whom shall be naturopathic physicians  
3 licensed under this Act and appointed by the Board, 2 of whom  
4 shall be pharmacists licensed under Illinois Pharmacy Practice  
5 Act and appointed by the Board from a list of nominees provided  
6 by the State Board of Pharmacy, and one of whom shall be a  
7 physician licensed under the Medical Practice Act of 1987 and  
8 appointed by the Board from a list of nominees provided by the  
9 Medical Licensing Board.

10 (b) It shall be the duty of the Council to establish a  
11 formulary for use by naturopathic physicians. Immediately upon  
12 adoption or revision of the formulary, the Council shall  
13 transmit the approved formulary to the Department and the  
14 Department shall adopt the formulary by temporary rule.

15 (c) The formulary will be reviewed annually by the Council,  
16 or at any time at the request of the Board.

17 (d) The formulary list may not go beyond the scope of  
18 natural medicines, prescription substances and devices covered  
19 by approved naturopathic education and training and existing  
20 naturopathic formularies, or continuing education approved by  
21 the Board.

22 (e) The naturopathic formulary shall not include medicines  
23 and devices that are inconsistent with the training provided by  
24 approved naturopathic medical programs.

25 (f) Nothing in this Act shall allow a naturopathic  
26 physician to dispense, administer, or prescribe any legend drug

1 or device as defined in the Illinois Controlled Substance Act,  
2 unless such prescription drug or legend device is specifically  
3 included in the naturopathic formulary.

4 Section 50. Naturopathic childbirth attendance.

5 (a) The Secretary shall establish a Naturopathic  
6 Childbirth Attendance Advisory Committee to issue  
7 recommendations concerning the practice of naturopathic  
8 childbirth attendance based upon a review of naturopathic  
9 medical education and training. The Committee shall be  
10 comprised of 4 members, one of whom shall be a medical doctor  
11 with a clinical specialty or board certification in obstetrics,  
12 one of whom shall be a certified nurse midwife, and 2 of whom  
13 shall be naturopathic physicians with clinical experience in  
14 natural childbirth.

15 (b) The Committee shall review naturopathic education and  
16 training and make specific recommendations to the Department  
17 regarding the practice of naturopathic childbirth attendance  
18 and qualifications for the practice of naturopathic childbirth  
19 attendance. The Department shall adopt these recommendations  
20 as rule for use in reviewing all naturopathic physician  
21 applicants seeking privileges to perform naturopathic  
22 childbirth attendance.

23 (c) A person must pass the North American Registry of  
24 Midwives (NARM) examination, or an examination that is  
25 determined by the Committee to be equivalent, to practice

1 naturopathic childbirth attendance.

2 (d) The Committee shall make recommendations to the Board  
3 concerning the practice of naturopathic childbirth attendance.

4 Section 55. Qualifications for licensure.

5 (a) Applicants for a license to practice naturopathic  
6 medicine under this Act must submit the following to the Board:

7 (1) an application for licensure designed and approved  
8 by the Department;

9 (2) an application fee established by the Department;

10 (3) documentation attesting to the applicant's good,  
11 ethical, and professional reputation;

12 (4) evidence that the applicant is a graduate of an  
13 approved naturopathic medical program, in accordance with  
14 the requirements of this Act, and that he or she has  
15 successfully passed a competency-based national  
16 naturopathic licensing examination administered by the  
17 North American Board of Naturopathic Examiners or an  
18 equivalent agency, as recognized by the Board; and

19 (5) in the case of persons who graduated from a  
20 degree-granting approved naturopathic medical program  
21 prior to 1986, and in lieu of passage of a national  
22 licensing examination, evidence of successful passage of a  
23 State competency examination or a Canadian provincial  
24 examination approved by the Board.

25 (b) The Department shall adopt rules instituting a



1 naturopathic medicine residency program of no less than one  
2 year post-doctoral duration with medical schools, teaching  
3 hospitals, clinics, and private practices. These rules shall be  
4 consistent with the residency standards of the CNME. The Board  
5 shall recommend the time upon which residency shall become a  
6 prerequisite for licensure, and this recommendation shall  
7 include an assessment of the availability of an adequate number  
8 of CNME-approved residencies. The Department shall implement a  
9 mandatory residency program within a reasonable amount of time  
10 after the effective date of this Act and shall present a  
11 progress report to the Department on or before October 1, 2008.

12 Section 60. Scope of practice.

13 (a) A naturopathic physician may order and perform physical  
14 and laboratory examinations consistent with naturopathic  
15 education and training, for diagnostic purposes, including,  
16 but not limited to, phlebotomy, clinical laboratory tests,  
17 orificial examinations, and physiological function tests.

18 (b) A naturopathic physician may order diagnostic imaging  
19 studies consistent with naturopathic training.

20 (c) A naturopathic physician may dispense, administer,  
21 order, and prescribe or perform any of the following:

22 (1) Food, extracts of food, nutraceuticals, vitamins,  
23 amino acids, minerals, enzymes, botanicals and their  
24 extracts, botanical medicines, homeopathic medicines, all  
25 dietary supplements, and nonprescription drugs, as defined

1 by the federal Food, Drug, and Cosmetic Act.

2 (2) Prescription substances as determined by the  
3 Naturopathic Formulary Council.

4 (3) Hot or cold hydrotherapy, naturopathic physical  
5 medicine, electromagnetic energy, colon hydrotherapy, and  
6 therapeutic exercise.

7 (4) Devices, including, but not limited to,  
8 therapeutic devices, barrier contraception, and durable  
9 medical equipment.

10 (5) Health education and health counseling.

11 (6) Repair and care incidental to superficial  
12 lacerations and abrasions.

13 (7) Removal of foreign bodies located in the  
14 superficial tissues.

15 (8) Musculoskeletal manipulation consistent with  
16 naturopathic education and training, not to exceed level 4  
17 high velocity manipulation.

18 (d) A naturopathic physician may utilize routes of  
19 administration that include oral, nasal, auricular, ocular,  
20 rectal, vaginal, transdermal, intradermal, subcutaneous,  
21 intravenous, and intramuscular and are consistent with the  
22 education and training of a naturopathic physician.

23 (e) A naturopathic physician may perform those therapies in  
24 which he or she is trained and educated, and are approved by  
25 the Board.

1           Section 65. Prohibitions. A naturopathic physician  
2 licensed under this Act may not do any of the following:

3           (1) Prescribe, dispense, or administer any controlled  
4 substance or device identified in the federal Controlled  
5 Substance Act, as amended, except as authorized by this  
6 Act.

7           (2) Perform surgical procedures other than those minor  
8 office procedures authorized by this Act.

9           (3) Practice or claim to practice as a medical doctor,  
10 osteopath, dentist, podiatrist, optometrist, psychologist,  
11 advanced practice professional nurse, physician assistant,  
12 chiropractor, physical therapist, acupuncturist, or any  
13 other health care professional not authorized under this  
14 Act, unless licensed to do so.

15           (4) Use general or spinal anesthetics.

16           (5) Administer ionizing radioactive substances for  
17 therapeutic purposes.

18           (6) Perform surgical procedures using a laser device.

19           (7) Perform surgical procedures involving the eye,  
20 ear, tendons, nerves, veins, or arteries extending beyond  
21 superficial tissue.

22           (8) Induce or perform abortions.

23           (9) Treat any lesion suspicious of malignancy or  
24 requiring surgical removal. Lesions suspicious of  
25 malignancy or requiring surgical removal shall be referred  
26 to an appropriately licensed health care professional.

1           Nothing in this Act shall prohibit treatment of a person  
2           with suspicious or malignant lesions in collaboration with  
3           a physician licensed to practice medicine in all of its  
4           branches.

5           (10) Perform acupuncture, unless licensed as an  
6           acupuncturist, as defined in the Illinois Acupuncture  
7           Practice Act.

8           Section 70. Licensure without additional examination. The  
9           Department may issue a license without additional examination  
10          to any applicant who submits an application for licensure,  
11          together with the appropriate fee, and proof acceptable to the  
12          Department of current licensure in good standing in another  
13          state, the District of Columbia, or a territory of the United  
14          States whose standards for licensure are at least equivalent to  
15          those of this State.

16          Any applicant seeking a license without additional  
17          examination under this Section shall provide proof of licensure  
18          in good standing in all states in which he or she is licensed.

19          Section 75. License expiration; renewal. The expiration  
20          date and renewal period for each license issued under this Act  
21          shall be set by rule. The Department shall adopt rules for  
22          continuing education required for the renewal of licenses.

23          Section 80. Fees. The fees assessed under this Act shall be

1 determined by rule. All fees and fines collected under this Act  
2 shall be deposited into the General Professions Dedicated Fund.  
3 All moneys in the Fund shall be used by the Department, as  
4 appropriated, for the ordinary and contingent expenses of the  
5 Department.

6 Section 85. Mandated reporting.

7 (a) The following persons shall report to the Department,  
8 in writing and within 30 days after becoming aware of such  
9 information, any information that the person has reason to  
10 believe indicates that a naturopathic physician is or may be  
11 medically or legally incompetent, engaged in the unauthorized  
12 practice of naturopathic medicine, guilty of unprofessional  
13 conduct, or mentally or physically unable to engage safely in  
14 the practice of naturopathic medicine:

- 15 (1) naturopathic physicians licensed under this Act;  
16 (2) licensed health care providers;  
17 (3) employees of licensed health care institutions in  
18 the State;  
19 (4) State agency employees; and  
20 (5) State law enforcement personnel.

21 (b) A naturopathic physician's voluntary resignation from  
22 the staff of a health care institution, voluntary limitation of  
23 staff privileges, or failure to reapply for hospital privileges  
24 at such an institution, shall be promptly reported to the  
25 Department by the health care institution and the licensee, if

1 such action occurs while the licensee is under investigation by  
2 the institution or a committee thereof for any reason related  
3 to possible medical incompetence, unprofessional conduct, or  
4 mental or physical impairment.

5 (c) Upon receiving a credible complaint or report  
6 concerning a licensee, or on its own motion, the Department may  
7 investigate any evidence of a licensee's medical incompetence,  
8 unprofessional conduct, or inability to engage safely in the  
9 practice of medicine due to mental or physical illness.

10 (d) Any person, institution, agency, or organization  
11 required to report under this Section who does so in good faith  
12 shall not be subject to civil damages or criminal prosecution  
13 for so reporting.

14 (e) Within 10 days after receipt of a report mandated under  
15 this Section, the Secretary shall acknowledge receipt of all  
16 reports and any complaint against a licensee submitted to the  
17 Department. Within 10 days thereafter, the Secretary shall  
18 inform any person or entity whose report or complaint has  
19 resulted in action by the Department, of the final disposition  
20 of the matter.

21 (f) Any person or entity who fails to make a report as  
22 mandated under this Section may be assessed by the Secretary,  
23 in his or her discretion and after consultation with the Board,  
24 a civil penalty. Assessment of a civil penalty pursuant to this  
25 subsection (f) shall be supported by substantial evidence and  
26 may be appealed to the circuit court. On appeal, the circuit

1 court may receive any relevant evidence supporting or opposing  
2 the assessment and may affirm or reverse the Secretary's  
3 decision.

4 Section 90. Refusal of licensure.

5 (a) The Department may refuse to issue or renew a license  
6 on any of the following grounds:

7 (1) The conviction of a felony, a criminal conviction  
8 record, or a pending criminal charge relating to an  
9 offense, the circumstances of which substantially relate  
10 to the practice of naturopathic medicine.

11 (2) Impairment related to drugs or alcohol that would  
12 limit an applicant's ability to undertake the practice of  
13 naturopathic medicine in a manner consistent with the  
14 safety of the public.

15 (3) Mental incompetence that impairs an applicant's  
16 ability to undertake the practice of naturopathic medicine  
17 in a manner consistent with the safety of the public, as  
18 determined by a physician.

19 (b) The Department shall not reinstate the license of a  
20 naturopathic physician until such time as the Department is  
21 satisfied that such person has complied with all the terms and  
22 conditions set forth in the final order and that such person is  
23 capable of safely engaging in the practice of naturopathic  
24 medicine.

1           Section 95. Disciplinary action. The following acts  
2 constitute grounds for denial of a license or disciplinary  
3 action:

4           (1) Attempting to obtain, obtaining, or renewing a  
5 license to practice naturopathic medicine by bribery, or by  
6 fraudulent misrepresentation.

7           (2) Having a license to practice naturopathic medicine  
8 revoked, suspended, or otherwise acted against, including  
9 the denial of licensure, by the licensing authority of  
10 another state, territory, or country.

11           (3) Being convicted or found guilty, regardless of  
12 adjudication, of a crime in any jurisdiction which directly  
13 relates to the practice of naturopathic medicine or to the  
14 ability to practice naturopathic medicine. Any plea of nolo  
15 contendere shall be considered a conviction for purposes of  
16 this Act.

17           (4) False, deceptive, or misleading advertising.

18           (5) Advertising, practicing, or attempting to practice  
19 under a name other than one's own.

20           (6) Aiding, assisting, procuring, or advising any  
21 unlicensed person to practice naturopathic medicine  
22 contrary to this Act or a rule of the Department or the  
23 Board.

24           (7) Making or filing a report which the licensee knows  
25 to be false, intentionally or negligently failing to file a  
26 report or record required by State or federal law, or



1 willfully impeding or obstructing such filing or inducing  
2 another person to do so. Such reports or records shall  
3 include only those which are signed in the capacity as a  
4 licensed naturopathic physician.

5 (8) Paying or receiving any commission, bonus,  
6 kickback, or rebate, or engaging in any split-fee  
7 arrangement in any form whatsoever with a physician,  
8 organization, agency, or person, either directly or  
9 indirectly, for patients referred to providers of health  
10 care goods and services, including, but not limited to,  
11 hospitals, nursing homes, clinical laboratories,  
12 ambulatory surgical centers, or pharmacies. The provisions  
13 of this paragraph shall not be construed to prevent a  
14 doctor of naturopathic medicine or naturopathic physician  
15 from receiving a fee for professional consultation  
16 services.

17 (9) Exercising influence within a patient-physician  
18 relationship for the purposes of engaging a patient in  
19 sexual activity. A patient shall be presumed to be  
20 incapable of giving free, full, and informed consent to  
21 sexual activity with her or his naturopathic physician.

22 (10) Failing to keep written medical records  
23 justifying the course of treatment of the patient,  
24 including, but not limited to, patient histories,  
25 examination results, test results, imaging results, and  
26 records of the prescribing, dispensing, and administering

1 of drugs.

2 (11) Gross or repeated malpractice or the failure to  
3 practice naturopathic medicine with that level of care,  
4 skill, and treatment that is recognized by a reasonably  
5 prudent similarly situated naturopathic physician as being  
6 acceptable under similar conditions and circumstances.

7 (12) Delegating professional responsibilities to a  
8 person while knowing or having reason to know that the  
9 person is not qualified by training, experience, or  
10 licensure to perform such responsibilities.

11 (13) Violating any provision of this Act or any rules  
12 adopted pursuant to this Act.

13 (14) Selling, fraudulently obtaining, or furnishing  
14 any naturopathic diploma, license, record, or registration  
15 or aiding or abetting in the same.

16 (15) Practicing naturopathic medicine under the cover  
17 of any diploma, license, record, or registration illegally  
18 or fraudulently obtained or secured or issued unlawfully or  
19 upon fraudulent representations.

20 (16) Advertising the practice of naturopathic medicine  
21 under a name other than one's own or under an assumed name.

22 (17) Falsely impersonating another practitioner of a  
23 like or different name.

24 (18) Practicing or advertising the practice of  
25 naturopathic medicine or using in connection with one's own  
26 name any designation tending to imply or to designate a

1 person as a practitioner of naturopathic medicine without  
2 then being lawfully licensed and authorized to practice  
3 naturopathic medicine in this State.

4 (19) Practicing naturopathic medicine under a  
5 suspended or revoked license.

6 Section 100. Returned checks; fines. Any person who  
7 delivers a check or other payment to the Department that is  
8 returned to the Department unpaid by the financial institution  
9 upon which it is drawn shall pay to the Department, in addition  
10 to the amount already owed to the Department, a fine of \$50.  
11 The fines imposed by this Section are in addition to any other  
12 discipline provided under this Act for unlicensed practice or  
13 practice on a nonrenewed license. The Department shall notify  
14 the person that fees and fines shall be paid to the Department  
15 by certified check or money order within 30 calendar days of  
16 the notification. If, after the expiration of 30 days from the  
17 date of the notification, the person has failed to submit the  
18 necessary remittance, the Department shall automatically  
19 terminate the license or deny the application, without hearing.  
20 If, after termination or denial, the person seeks a license, he  
21 or she shall apply to the Department for restoration or  
22 issuance of the license and pay all fees and fines due to the  
23 Department. The Department may establish a fee for the  
24 processing of an application for restoration of a license to  
25 defray all expenses of processing the application. The

1 Secretary may waive the fines due under this Section in  
2 individual cases where the Secretary finds that the fines would  
3 be unreasonable or unnecessarily burdensome.

4 Section 105. Injunctions; cease and desist orders.

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

19 (b) If any person practices as a naturopathic physician or  
20 holds himself or herself out as a naturopathic physician  
21 without being licensed under the provisions of this Act then  
22 any licensed naturopathic physician, any interested party, or  
23 any person injured thereby may, in addition to the Secretary,  
24 petition for relief as provided in subsection (a) of this  
25 Section.

1           (c) Whenever in the opinion of the Department any person  
2 violates any provision of this Act, the Department may issue a  
3 rule to show cause why an order to cease and desist should not  
4 be entered against that person. The rule shall clearly set  
5 forth the grounds relied upon by the Department and shall  
6 provide a period of 7 days after the date of the rule to file an  
7 answer to the satisfaction of the Department. Failure to answer  
8 to the satisfaction of the Department shall cause an order to  
9 cease and desist to be issued immediately.

10           Section 110. Violation; penalty.       Whoever knowingly  
11 practices or offers to practice naturopathic medicine in this  
12 State without being licensed for that purpose shall be guilty  
13 of a Class A misdemeanor.

14           Section 115. Investigation; notice; hearing.       The  
15 Department may investigate the actions of any applicant or of  
16 any person or persons holding or claiming to hold a license.  
17 Before refusing to issue, refusing to renew, or taking any  
18 disciplinary action regarding a license, the Department shall,  
19 at least 30 days prior to the date set for the hearing, notify  
20 in writing the applicant for, or holder of, a license of the  
21 nature of any charges and that a hearing will be held on a date  
22 designated. The Department shall direct the applicant or  
23 licensee to file a written answer with the Committee under oath  
24 within 20 days after the service of the notice and inform the

1 applicant or licensee that failure to file an answer shall  
2 result in default being taken against the applicant or licensee  
3 and that the license may be suspended, revoked, or placed on  
4 probationary status, or that other disciplinary action may be  
5 taken, including limiting the scope, nature, or extent of  
6 practice, as the Secretary may deem proper. Written notice may  
7 be served by personal delivery or certified or registered mail  
8 to the respondent at the address of his or her last  
9 notification to the Department. If the person fails to file an  
10 answer after receiving notice, his or her license may, in the  
11 discretion of the Department, be suspended, revoked, or placed  
12 on probationary status, or the Department may take any  
13 disciplinary action deemed proper, including limiting the  
14 scope, nature, or extent of the person's practice or the  
15 imposition of a fine, without a hearing, if the act or acts  
16 charged constitute sufficient grounds for such action under  
17 this Act. At the time and place fixed in the notice, the  
18 Committee shall proceed to hear the charges and the parties or  
19 their counsel shall be accorded ample opportunity to present  
20 such statements, testimony, evidence and argument as may be  
21 pertinent to the charges or to their defense. The Committee may  
22 continue a hearing from time to time.

23 Section 120. Formal hearing; preservation of record. The  
24 Department, at its expense, shall preserve a record of all  
25 proceedings at the formal hearing of any case. The notice of

1 hearing, complaint, and all other documents in the nature of  
2 pleadings and written motions filed in the proceedings, the  
3 transcript of testimony, the report of the Committee or hearing  
4 officer, and order of the Department shall be the record of the  
5 proceeding. The Department shall furnish a transcript of the  
6 record to any person interested in the hearing upon payment of  
7 the fee required under Section 2105-115 of the Department of  
8 Professional Regulation Law (20 ILCS 2105/2105-115).

9 Section 125. Witnesses; production of documents; contempt.  
10 Any circuit court may, upon application of the Department or  
11 its designee or of the applicant or licensee against whom  
12 proceedings under Section 95 of this Act are pending, enter an  
13 order requiring the attendance of witnesses and their testimony  
14 and the production of documents, papers, files, books, and  
15 records in connection with any hearing or investigation. The  
16 court may compel obedience to its order by proceedings for  
17 contempt.

18 Section 130. Subpoena; oaths. The Department shall have  
19 power to subpoena and bring before it any person in this State  
20 and to take testimony either orally or by deposition or both  
21 with the same fees and mileage and in the same manner as  
22 prescribed in civil cases in circuit courts of this State.

23 The Secretary, the designated hearing officer, and every  
24 member of the Committee has power to administer oaths to

1 witnesses at any hearing that the Department is authorized to  
2 conduct and any other oaths authorized in any Act administered  
3 by the Department. Any circuit court may, upon application of  
4 the Department or its designee or upon application of the  
5 person against whom proceedings under this Act are pending,  
6 enter an order requiring the attendance of witnesses and their  
7 testimony, and the production of documents, papers, files,  
8 books and records in connection with any hearing or  
9 investigation. The court may compel obedience to its order by  
10 proceedings for contempt.

11 Section 135. Findings of facts, conclusions of law, and  
12 recommendations. At the conclusion of the hearing the  
13 Committee shall present to the Secretary a written report of  
14 its findings of fact, conclusions of law, and recommendations.  
15 The report shall contain a finding whether or not the accused  
16 person violated this Act or failed to comply with the  
17 conditions required in this Act. The Committee shall specify  
18 the nature of the violation or failure to comply and shall make  
19 its recommendations to the Secretary.

20 The report of findings of fact, conclusions of law, and  
21 recommendations of the Committee shall be the basis for the  
22 Department's order. If the Secretary disagrees in any regard  
23 with the report of the Committee, the Secretary may issue an  
24 order in contravention of the report. The finding is not  
25 admissible in evidence against the person in a criminal



1 prosecution brought for the violation of this Act, but the  
2 hearing and findings are not a bar to a criminal prosecution  
3 brought for the violation of this Act.

4 Section 140. Hearing officer. The Secretary shall have the  
5 authority to appoint any attorney duly licensed to practice law  
6 in the State of Illinois to serve as the hearing officer in any  
7 action for Departmental refusal to issue, renew, or license an  
8 applicant, or disciplinary action against a licensee. The  
9 hearing officer shall have full authority to conduct the  
10 hearing. The hearing officer shall report his or her findings  
11 of fact, conclusions of law, and recommendations to the  
12 Committee and the Secretary. The Committee shall have 60  
13 calendar days from receipt of the report to review the report  
14 of the hearing officer and present its findings of fact,  
15 conclusions of law, and recommendations to the Secretary. If  
16 the Committee fails to present its report within the 60  
17 calendar day period, the Secretary may issue an order based on  
18 the report of the hearing officer. If the Secretary disagrees  
19 with the recommendation of the Committee or hearing officer, he  
20 or she may issue an order in contravention of that  
21 recommendation.

22 Section 145. Service of report; rehearing; order. In any  
23 case involving the discipline of a license, a copy of the  
24 Committee's report shall be served upon the respondent by the

1 Department, either personally or as provided in this Act for  
2 the service of the notice of hearing. Within 20 days after the  
3 service, the respondent may present to the Department a motion  
4 in writing for a rehearing that shall specify the particular  
5 grounds for rehearing. If no motion for rehearing is filed,  
6 then upon the expiration of the time specified for filing a  
7 motion, or if a motion for rehearing is denied, then upon the  
8 denial the Secretary may enter an order in accordance with this  
9 Act. If the respondent orders from the reporting service and  
10 pays for a transcript of the record within the time for filing  
11 a motion for rehearing, the 20 calendar day period within which  
12 the motion may be filed shall commence upon the delivery of the  
13 transcript to the respondent.

14 Section 150. Substantial justice to be done; rehearing.  
15 Whenever the Secretary is satisfied that substantial justice  
16 has not been done in the revocation, suspension, or refusal to  
17 issue or renew a license, the Secretary may order a rehearing  
18 by the same or another hearing officer or by the Committee.

19 Section 155. Order or certified copy as prima facie proof.  
20 An order or a certified copy thereof, over the seal of the  
21 Department and purporting to be signed by the Secretary, shall  
22 be prima facie proof:

23 (a) that the signature is the genuine signature of the  
24 Secretary;

- 1 (b) that such Secretary is duly appointed and qualified;
- 2 (c) that the Committee and its members are qualified to
- 3 act.

4 Section 160. Restoration of license. At any time after the

5 suspension or revocation of any license the Department may

6 restore the license to the accused person, unless after an

7 investigation and a hearing the Department determines that

8 restoration is not in the public interest.

9 Section 165. Surrender of license. Upon the revocation or

10 suspension of any license, the licensee shall immediately

11 surrender the license to the Department. If the licensee fails

12 to do so, the Department shall have the right to seize the

13 license.

14 Section 170. Imminent danger to public; summary

15 suspension. The Secretary may summarily suspend the license of

16 a naturopathic physician without a hearing, simultaneously

17 with the institution of proceedings for a hearing provided for

18 in this Act, if the Secretary finds that evidence in his or her

19 possession indicates that continuation in practice would

20 constitute an imminent danger to the public. In the event that

21 the Secretary summarily suspends a license without a hearing, a

22 hearing by the Department must be held within 30 days after the

23 suspension has occurred.

1           Section 175. Review under Administrative Review Law. All  
2 final administrative decisions of the Department are subject to  
3 judicial review under the Administrative Review Law and its  
4 rules. The term "administrative decision" is defined as in  
5 Section 3-101 of the Code of Civil Procedure.

6           Section 180. The Department shall not be required to  
7 certify any record to the Court or file any answer in court or  
8 otherwise appear in any court in a judicial review proceeding,  
9 unless there is filed in the court, with the complaint, a  
10 receipt from the Department acknowledging payment of the costs  
11 of furnishing and certifying the record. Failure on the part  
12 of the plaintiff to file a receipt in court shall be grounds  
13 for dismissal of the action.

14           Section 185. Administrative Procedure Act. The Illinois  
15 Administrative Procedure Act is expressly adopted and  
16 incorporated in this Act as if all of the provisions of that  
17 Act were included in this Act, except that the provision of  
18 paragraph (d) of Section 10-65 of the Illinois Administrative  
19 Procedure Act, which provides that at hearings the licensee has  
20 the right to show compliance with all lawful requirements for  
21 retention, continuation, or renewal of the license, is  
22 specifically excluded. For the purpose of this Act, the notice  
23 required under Section 10-25 of the Administrative Procedure

1 Act is deemed sufficient when mailed to the last known address  
2 of a party.

3 Section 190. Severability. If any provision of this Act or  
4 its application to any person or circumstance is held invalid,  
5 the remainder of the act or the application of the provision to  
6 other persons or circumstances is not affected.

7 Section 195. The Regulatory Sunset Act is amended by adding  
8 Section 4.28 as follows:

9 (5 ILCS 80/4.28 new)

10 Sec. 4.28. Act repealed on January 1, 2018. The following  
11 Act is repealed on January 1, 2018:

12 The Naturopathic Medical Practice Act.

13 Section 200. The Illinois Controlled Substances Act is  
14 amended by changing Section 102 as follows:

15 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

16 Sec. 102. Definitions. As used in this Act, unless the  
17 context otherwise requires:

18 (a) "Addict" means any person who habitually uses any drug,  
19 chemical, substance or dangerous drug other than alcohol so as  
20 to endanger the public morals, health, safety or welfare or who  
21 is so far addicted to the use of a dangerous drug or controlled

1 substance other than alcohol as to have lost the power of self  
2 control with reference to his addiction.

3 (b) "Administer" means the direct application of a  
4 controlled substance, whether by injection, inhalation,  
5 ingestion, or any other means, to the body of a patient,  
6 research subject, or animal (as defined by the Humane  
7 Euthanasia in Animal Shelters Act) by:

8 (1) a practitioner (or, in his presence, by his  
9 authorized agent),

10 (2) the patient or research subject at the lawful  
11 direction of the practitioner, or

12 (3) a euthanasia technician as defined by the Humane  
13 Euthanasia in Animal Shelters Act.

14 (c) "Agent" means an authorized person who acts on behalf  
15 of or at the direction of a manufacturer, distributor, or  
16 dispenser. It does not include a common or contract carrier,  
17 public warehouseman or employee of the carrier or warehouseman.

18 (c-1) "Anabolic Steroids" means any drug or hormonal  
19 substance, chemically and pharmacologically related to  
20 testosterone (other than estrogens, progestins, and  
21 corticosteroids) that promotes muscle growth, and includes:

22 (i) boldenone,

23 (ii) chlorotestosterone,

24 (iii) chostebol,

25 (iv) dehydrochlormethyltestosterone,

26 (v) dihydrotestosterone,

1 (vi) drostanolone,  
2 (vii) ethylestrenol,  
3 (viii) fluoxymesterone,  
4 (ix) formebulone,  
5 (x) mesterolone,  
6 (xi) methandienone,  
7 (xii) methandranone,  
8 (xiii) methandriol,  
9 (xiv) methandrostenolone,  
10 (xv) methenolone,  
11 (xvi) methyltestosterone,  
12 (xvii) mibolerone,  
13 (xviii) nandrolone,  
14 (xix) norethandrolone,  
15 (xx) oxandrolone,  
16 (xxi) oxymesterone,  
17 (xxii) oxymetholone,  
18 (xxiii) stanolone,  
19 (xxiv) stanozolol,  
20 (xxv) testolactone,  
21 (xxvi) testosterone,  
22 (xxvii) trenbolone, and  
23 (xxviii) any salt, ester, or isomer of a drug or  
24 substance described or listed in this paragraph, if  
25 that salt, ester, or isomer promotes muscle growth.  
26 Any person who is otherwise lawfully in possession of an

1 anabolic steroid, or who otherwise lawfully manufactures,  
2 distributes, dispenses, delivers, or possesses with intent to  
3 deliver an anabolic steroid, which anabolic steroid is  
4 expressly intended for and lawfully allowed to be administered  
5 through implants to livestock or other nonhuman species, and  
6 which is approved by the Secretary of Health and Human Services  
7 for such administration, and which the person intends to  
8 administer or have administered through such implants, shall  
9 not be considered to be in unauthorized possession or to  
10 unlawfully manufacture, distribute, dispense, deliver, or  
11 possess with intent to deliver such anabolic steroid for  
12 purposes of this Act.

13 (d) "Administration" means the Drug Enforcement  
14 Administration, United States Department of Justice, or its  
15 successor agency.

16 (e) "Control" means to add a drug or other substance, or  
17 immediate precursor, to a Schedule under Article II of this Act  
18 whether by transfer from another Schedule or otherwise.

19 (f) "Controlled Substance" means a drug, substance, or  
20 immediate precursor in the Schedules of Article II of this Act.

21 (g) "Counterfeit substance" means a controlled substance,  
22 which, or the container or labeling of which, without  
23 authorization bears the trademark, trade name, or other  
24 identifying mark, imprint, number or device, or any likeness  
25 thereof, of a manufacturer, distributor, or dispenser other  
26 than the person who in fact manufactured, distributed, or



1 dispensed the substance.

2 (h) "Deliver" or "delivery" means the actual, constructive  
3 or attempted transfer of possession of a controlled substance,  
4 with or without consideration, whether or not there is an  
5 agency relationship.

6 (i) "Department" means the Illinois Department of Human  
7 Services (as successor to the Department of Alcoholism and  
8 Substance Abuse) or its successor agency.

9 (j) "Department of State Police" means the Department of  
10 State Police of the State of Illinois or its successor agency.

11 (k) "Department of Corrections" means the Department of  
12 Corrections of the State of Illinois or its successor agency.

13 (l) "Department of Professional Regulation" means the  
14 Department of Professional Regulation of the State of Illinois  
15 or its successor agency.

16 (m) "Depressant" or "stimulant substance" means:

17 (1) a drug which contains any quantity of (i)  
18 barbituric acid or any of the salts of barbituric acid  
19 which has been designated as habit forming under section  
20 502 (d) of the Federal Food, Drug, and Cosmetic Act (21  
21 U.S.C. 352 (d)); or

22 (2) a drug which contains any quantity of (i)  
23 amphetamine or methamphetamine and any of their optical  
24 isomers; (ii) any salt of amphetamine or methamphetamine or  
25 any salt of an optical isomer of amphetamine; or (iii) any  
26 substance which the Department, after investigation, has

1 found to be, and by rule designated as, habit forming  
2 because of its depressant or stimulant effect on the  
3 central nervous system; or

4 (3) lysergic acid diethylamide; or

5 (4) any drug which contains any quantity of a substance  
6 which the Department, after investigation, has found to  
7 have, and by rule designated as having, a potential for  
8 abuse because of its depressant or stimulant effect on the  
9 central nervous system or its hallucinogenic effect.

10 (n) (Blank).

11 (o) "Director" means the Director of the Department of  
12 State Police or the Department of Professional Regulation or  
13 his designated agents.

14 (p) "Dispense" means to deliver a controlled substance to  
15 an ultimate user or research subject by or pursuant to the  
16 lawful order of a prescriber, including the prescribing,  
17 administering, packaging, labeling, or compounding necessary  
18 to prepare the substance for that delivery.

19 (q) "Dispenser" means a practitioner who dispenses.

20 (r) "Distribute" means to deliver, other than by  
21 administering or dispensing, a controlled substance.

22 (s) "Distributor" means a person who distributes.

23 (t) "Drug" means (1) substances recognized as drugs in the  
24 official United States Pharmacopoeia, Official Homeopathic  
25 Pharmacopoeia of the United States, or official National  
26 Formulary, or any supplement to any of them; (2) substances

1 intended for use in diagnosis, cure, mitigation, treatment, or  
2 prevention of disease in man or animals; (3) substances (other  
3 than food) intended to affect the structure of any function of  
4 the body of man or animals and (4) substances intended for use  
5 as a component of any article specified in clause (1), (2), or  
6 (3) of this subsection. It does not include devices or their  
7 components, parts, or accessories.

8 (t-5) "Euthanasia agency" means an entity certified by the  
9 Department of Professional Regulation for the purpose of animal  
10 euthanasia that holds an animal control facility license or  
11 animal shelter license under the Animal Welfare Act. A  
12 euthanasia agency is authorized to purchase, store, possess,  
13 and utilize Schedule II nonnarcotic and Schedule III  
14 nonnarcotic drugs for the sole purpose of animal euthanasia.

15 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
16 substances (nonnarcotic controlled substances) that are used  
17 by a euthanasia agency for the purpose of animal euthanasia.

18 (u) "Good faith" means the prescribing or dispensing of a  
19 controlled substance by a practitioner in the regular course of  
20 professional treatment to or for any person who is under his  
21 treatment for a pathology or condition other than that  
22 individual's physical or psychological dependence upon or  
23 addiction to a controlled substance, except as provided herein:  
24 and application of the term to a pharmacist shall mean the  
25 dispensing of a controlled substance pursuant to the  
26 prescriber's order which in the professional judgment of the

1 pharmacist is lawful. The pharmacist shall be guided by  
2 accepted professional standards including, but not limited to  
3 the following, in making the judgment:

4 (1) lack of consistency of doctor-patient  
5 relationship,

6 (2) frequency of prescriptions for same drug by one  
7 prescriber for large numbers of patients,

8 (3) quantities beyond those normally prescribed,

9 (4) unusual dosages,

10 (5) unusual geographic distances between patient,  
11 pharmacist and prescriber,

12 (6) consistent prescribing of habit-forming drugs.

13 (u-1) "Home infusion services" means services provided by a  
14 pharmacy in compounding solutions for direct administration to  
15 a patient in a private residence, long-term care facility, or  
16 hospice setting by means of parenteral, intravenous,  
17 intramuscular, subcutaneous, or intraspinal infusion.

18 (v) "Immediate precursor" means a substance:

19 (1) which the Department has found to be and by rule  
20 designated as being a principal compound used, or produced  
21 primarily for use, in the manufacture of a controlled  
22 substance;

23 (2) which is an immediate chemical intermediary used or  
24 likely to be used in the manufacture of such controlled  
25 substance; and

26 (3) the control of which is necessary to prevent,

1 curtail or limit the manufacture of such controlled  
2 substance.

3 (w) "Instructional activities" means the acts of teaching,  
4 educating or instructing by practitioners using controlled  
5 substances within educational facilities approved by the State  
6 Board of Education or its successor agency.

7 (x) "Local authorities" means a duly organized State,  
8 County or Municipal peace unit or police force.

9 (y) "Look-alike substance" means a substance, other than a  
10 controlled substance which (1) by overall dosage unit  
11 appearance, including shape, color, size, markings or lack  
12 thereof, taste, consistency, or any other identifying physical  
13 characteristic of the substance, would lead a reasonable person  
14 to believe that the substance is a controlled substance, or (2)  
15 is expressly or impliedly represented to be a controlled  
16 substance or is distributed under circumstances which would  
17 lead a reasonable person to believe that the substance is a  
18 controlled substance. For the purpose of determining whether  
19 the representations made or the circumstances of the  
20 distribution would lead a reasonable person to believe the  
21 substance to be a controlled substance under this clause (2) of  
22 subsection (y), the court or other authority may consider the  
23 following factors in addition to any other factor that may be  
24 relevant:

25 (a) statements made by the owner or person in control  
26 of the substance concerning its nature, use or effect;

1 (b) statements made to the buyer or recipient that the  
2 substance may be resold for profit;

3 (c) whether the substance is packaged in a manner  
4 normally used for the illegal distribution of controlled  
5 substances;

6 (d) whether the distribution or attempted distribution  
7 included an exchange of or demand for money or other  
8 property as consideration, and whether the amount of the  
9 consideration was substantially greater than the  
10 reasonable retail market value of the substance.

11 Clause (1) of this subsection (y) shall not apply to a  
12 noncontrolled substance in its finished dosage form that was  
13 initially introduced into commerce prior to the initial  
14 introduction into commerce of a controlled substance in its  
15 finished dosage form which it may substantially resemble.

16 Nothing in this subsection (y) prohibits the dispensing or  
17 distributing of noncontrolled substances by persons authorized  
18 to dispense and distribute controlled substances under this  
19 Act, provided that such action would be deemed to be carried  
20 out in good faith under subsection (u) if the substances  
21 involved were controlled substances.

22 Nothing in this subsection (y) or in this Act prohibits the  
23 manufacture, preparation, propagation, compounding,  
24 processing, packaging, advertising or distribution of a drug or  
25 drugs by any person registered pursuant to Section 510 of the  
26 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

1           (y-1) "Mail-order pharmacy" means a pharmacy that is  
2 located in a state of the United States, other than Illinois,  
3 that delivers, dispenses or distributes, through the United  
4 States Postal Service or other common carrier, to Illinois  
5 residents, any substance which requires a prescription.

6           (z) "Manufacture" means the production, preparation,  
7 propagation, compounding, conversion or processing of a  
8 controlled substance other than methamphetamine, either  
9 directly or indirectly, by extraction from substances of  
10 natural origin, or independently by means of chemical  
11 synthesis, or by a combination of extraction and chemical  
12 synthesis, and includes any packaging or repackaging of the  
13 substance or labeling of its container, except that this term  
14 does not include:

15                 (1) by an ultimate user, the preparation or compounding  
16 of a controlled substance for his own use; or

17                 (2) by a practitioner, or his authorized agent under  
18 his supervision, the preparation, compounding, packaging,  
19 or labeling of a controlled substance:

20                         (a) as an incident to his administering or  
21 dispensing of a controlled substance in the course of  
22 his professional practice; or

23                         (b) as an incident to lawful research, teaching or  
24 chemical analysis and not for sale.

25           (z-1) (Blank).

26           (aa) "Narcotic drug" means any of the following, whether

1 produced directly or indirectly by extraction from substances  
2 of natural origin, or independently by means of chemical  
3 synthesis, or by a combination of extraction and chemical  
4 synthesis:

5 (1) opium and opiate, and any salt, compound,  
6 derivative, or preparation of opium or opiate;

7 (2) any salt, compound, isomer, derivative, or  
8 preparation thereof which is chemically equivalent or  
9 identical with any of the substances referred to in clause  
10 (1), but not including the isoquinoline alkaloids of opium;

11 (3) opium poppy and poppy straw;

12 (4) coca leaves and any salts, compound, isomer, salt  
13 of an isomer, derivative, or preparation of coca leaves  
14 including cocaine or ecgonine, and any salt, compound,  
15 isomer, derivative, or preparation thereof which is  
16 chemically equivalent or identical with any of these  
17 substances, but not including decocainized coca leaves or  
18 extractions of coca leaves which do not contain cocaine or  
19 ecgonine (for the purpose of this paragraph, the term  
20 "isomer" includes optical, positional and geometric  
21 isomers).

22 (bb) "Nurse" means a registered nurse licensed under the  
23 Nursing and Advanced Practice Nursing Act.

24 (cc) (Blank).

25 (dd) "Opiate" means any substance having an addiction  
26 forming or addiction sustaining liability similar to morphine



1 or being capable of conversion into a drug having addiction  
2 forming or addiction sustaining liability.

3 (ee) "Opium poppy" means the plant of the species *Papaver*  
4 *somniferum* L., except its seeds.

5 (ff) "Parole and Pardon Board" means the Parole and Pardon  
6 Board of the State of Illinois or its successor agency.

7 (gg) "Person" means any individual, corporation,  
8 mail-order pharmacy, government or governmental subdivision or  
9 agency, business trust, estate, trust, partnership or  
10 association, or any other entity.

11 (hh) "Pharmacist" means any person who holds a certificate  
12 of registration as a registered pharmacist, a local registered  
13 pharmacist or a registered assistant pharmacist under the  
14 Pharmacy Practice Act of 1987.

15 (ii) "Pharmacy" means any store, ship or other place in  
16 which pharmacy is authorized to be practiced under the Pharmacy  
17 Practice Act of 1987.

18 (jj) "Poppy straw" means all parts, except the seeds, of  
19 the opium poppy, after mowing.

20 (kk) "Practitioner" means a physician licensed to practice  
21 medicine in all its branches, dentist, podiatrist,  
22 veterinarian, scientific investigator, pharmacist, physician  
23 assistant, advanced practice nurse, licensed practical nurse,  
24 registered nurse, hospital, laboratory, or pharmacy, or other  
25 person licensed, registered, or otherwise lawfully permitted  
26 by the United States or this State to distribute, dispense,

1 conduct research with respect to, administer or use in teaching  
2 or chemical analysis, a controlled substance in the course of  
3 professional practice or research.

4 (ll) "Pre-printed prescription" means a written  
5 prescription upon which the designated drug has been indicated  
6 prior to the time of issuance.

7 (mm) "Prescriber" means a physician licensed to practice  
8 medicine in all its branches, dentist, podiatrist or  
9 veterinarian who issues a prescription, a physician assistant  
10 who issues a prescription for a Schedule III, IV, or V  
11 controlled substance in accordance with Section 303.05 and the  
12 written guidelines required under Section 7.5 of the Physician  
13 Assistant Practice Act of 1987, ~~or~~ an advanced practice nurse  
14 with prescriptive authority in accordance with Section 303.05  
15 and a written collaborative agreement under Sections 15-15 and  
16 15-20 of the Nursing and Advanced Practice Nursing Act, or a  
17 naturopathic physician who issues a prescription for a  
18 controlled substance in accordance with the naturopathic  
19 formulary established under Section 45 of the Naturopathic  
20 Medical Practice Act.

21 (nn) "Prescription" means a lawful written, facsimile, or  
22 verbal order of a physician licensed to practice medicine in  
23 all its branches, dentist, podiatrist or veterinarian for any  
24 controlled substance, of a physician assistant for a Schedule  
25 III, IV, or V controlled substance in accordance with Section  
26 303.05 and the written guidelines required under Section 7.5 of

1 the Physician Assistant Practice Act of 1987, or of an advanced  
2 practice nurse who issues a prescription for a Schedule III,  
3 IV, or V controlled substance in accordance with Section 303.05  
4 and a written collaborative agreement under Sections 15-15 and  
5 15-20 of the Nursing and Advanced Practice Nursing Act.

6 (oo) "Production" or "produce" means manufacture,  
7 planting, cultivating, growing, or harvesting of a controlled  
8 substance other than methamphetamine.

9 (pp) "Registrant" means every person who is required to  
10 register under Section 302 of this Act.

11 (qq) "Registry number" means the number assigned to each  
12 person authorized to handle controlled substances under the  
13 laws of the United States and of this State.

14 (rr) "State" includes the State of Illinois and any state,  
15 district, commonwealth, territory, insular possession thereof,  
16 and any area subject to the legal authority of the United  
17 States of America.

18 (ss) "Ultimate user" means a person who lawfully possesses  
19 a controlled substance for his own use or for the use of a  
20 member of his household or for administering to an animal owned  
21 by him or by a member of his household.

22 (Source: P.A. 93-596, eff. 8-26-03; 93-626, eff. 12-23-03;  
23 94-556, eff. 9-11-05.)