



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2996

by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Illinois Occupational Therapy Practice Act from January 1, 2014 to January 1, 2024. Amends the Illinois Occupational Therapy Practice Act. Makes changes to Section headings and provisions concerning definitions, civil penalties, administration of Act, the Occupational Therapy Board, applications, examinations, licenses, fees, advertising, discipline, injunctions, investigations, hearings, confidentiality, subpoenas, findings and reports of the Board, restoration of licenses, suspensions, penalties, and home rule. Makes other changes. Effective December 31, 2013.

LRB098 10815 MGM 41283 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.24 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.

8 The following Acts and Section of an Act are repealed on  
9 January 1, 2014:

10 The Electrologist Licensing Act.

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 ~~The Illinois Occupational Therapy Practice Act.~~

13 The Illinois Public Accounting Act.

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

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

18 Section 2.5 of the Illinois Plumbing License Law.

19 The Veterinary Medicine and Surgery Practice Act of 2004.

20 (Source: P.A. 97-1139, eff. 12-28-12.)

21 (5 ILCS 80/4.34 new)

22 Sec. 4.34. Act repealed on January 1, 2024. The following

1 Act is repealed on January 1, 2024:

2 The Illinois Occupational Therapy Practice Act.

3 Section 10. The Illinois Occupational Therapy Practice Act  
4 is amended by changing Sections 2, 3, 3.5, 4, 5, 6, 7, 11,  
5 11.1, 12, 16, 16.5, 18, 19, 19.1, 19.2, 19.3, 19.4, 19.5, 19.6,  
6 19.7, 19.8, 19.9, 19.10, 19.11, 19.13, 19.15, 19.16, 20, and 21  
7 and by adding Section 19.2a as follows:

8 (225 ILCS 75/2) (from Ch. 111, par. 3702)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 2. Definitions. In this Act:

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

13 (2) "Secretary" means the Secretary of the Department of  
14 Financial and Professional Regulation. ~~"Director" means the~~  
15 ~~Director of Professional Regulation.~~

16 (3) "Board" means the Illinois Occupational Therapy  
17 Licensure Board appointed by the Secretary. ~~Director.~~

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

21 (5) "Occupational therapy assistant" means a person  
22 initially registered and licensed to assist in the practice of  
23 occupational therapy under the supervision of a licensed  
24 occupational therapist, and to implement the occupational

1 therapy treatment program as established by the licensed  
2 occupational therapist. Such program may include training in  
3 activities of daily living, the use of therapeutic activity  
4 including task oriented activity to enhance functional  
5 performance, and guidance in the selection and use of adaptive  
6 equipment.

7 (6) "Occupational therapy" means the therapeutic use of  
8 purposeful and meaningful occupations or goal-directed  
9 activities to evaluate and provide interventions for  
10 individuals and populations who have a disease or disorder, an  
11 impairment, an activity limitation, or a participation  
12 restriction that interferes with their ability to function  
13 independently in their daily life roles and to promote health  
14 and wellness. Occupational therapy intervention may include  
15 any of the following:

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

19 (b) adaptation of task, process, or the environment or  
20 the teaching of compensatory techniques in order to enhance  
21 performance;

22 (c) disability prevention methods and techniques that  
23 facilitate the development or safe application of  
24 performance skills; and

25 (d) health promotion strategies and practices that  
26 enhance performance abilities.

1           The licensed occupational therapist or licensed  
2 occupational therapy assistant may assume a variety of roles in  
3 his or her career including, but not limited to, practitioner,  
4 supervisor of professional students and volunteers,  
5 researcher, scholar, consultant, administrator, faculty,  
6 clinical instructor, and educator of consumers, peers, and  
7 family.

8           (7) "Occupational therapy services" means services that  
9 may be provided to individuals and populations including,  
10 without limitation, the following:

11           (a) evaluating, developing, improving, sustaining, or  
12 restoring skills in activities of daily living, work, or  
13 productive activities, including instrumental living and  
14 play and leisure activities;

15           (b) evaluating, developing, remediating, or restoring  
16 sensorimotor, cognitive, or psychosocial components of  
17 performance;

18           (c) designing, fabricating, applying, or training in  
19 the use of assistive technology or temporary, orthoses and  
20 training in the use of orthoses and prostheses;

21           (d) adapting environments and processes, including the  
22 application of ergonomic principles, to enhance  
23 performance and safety in daily life roles;

24           (e) for the occupational therapist or occupational  
25 therapy assistant possessing advanced training, skill, and  
26 competency as demonstrated through examinations that shall

1 be determined by the Department, applying physical agent  
2 modalities as an adjunct to or in preparation for  
3 engagement in occupations;

4 (f) evaluating and providing intervention in  
5 collaboration with the client, family, caregiver, or  
6 others;

7 (g) educating the client, family, caregiver, or others  
8 in carrying out appropriate nonskilled interventions; and

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

11 (8) "An aide in occupational therapy" means an individual  
12 who provides supportive services to occupational therapists or  
13 occupational therapy assistants but who is not certified by a  
14 nationally recognized occupational therapy certifying or  
15 licensing body.

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

23 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02; 92-651,  
24 eff. 7-11-02; 93-461, eff. 8-8-03.)

25 (225 ILCS 75/3) (from Ch. 111, par. 3703)

1 (Section scheduled to be repealed on January 1, 2014)

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

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

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

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

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

25 (4) Any person fulfilling the supervised work experience  
26 requirements of Sections 8 and 9 of this Act, if such

1 activities and services constitute a part of the experience  
2 necessary to meet the requirement of those Sections; or

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

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

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

20 (6) The practice of occupational therapy by one who has  
21 applied in writing to the Department for a license, in form and  
22 substance satisfactory to the Department, and has complied with  
23 all the provisions of either Section 8 or 9 except the passing  
24 of the examination to be eligible to receive such license. In  
25 no event shall this exemption extend to any person for longer  
26 than 6 months, except as follows:

1           (i) if the date on which a person can take the next  
2           available examination authorized by the Department extends  
3           beyond 6 months from the date the person completes the  
4           occupational therapy program as required under Section 8 or  
5           9, the Department shall extend the exemption until the  
6           results of that examination become available to the  
7           Department; or

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

15          In the event such applicant fails the examination, the  
16          applicant shall cease work immediately until such time as the  
17          applicant is licensed to practice occupational therapy in this  
18          State.

19          (7) The practice of occupational therapy by one who has  
20          applied to the Department, in form and substance satisfactory  
21          to the Department, and who is licensed to practice occupational  
22          therapy under the laws of another state, territory of the  
23          United States or country and who is qualified to receive a  
24          license under the provisions of either Section 8 or 9 of this  
25          Act. In no event shall this exemption extend to any person for  
26          longer than 6 months.

1       ~~(8) The practice of occupational therapy by one who has~~  
2       ~~applied to the Department, in form and substance satisfactory~~  
3       ~~to the Department, and who is qualified to receive a license~~  
4       ~~under the provisions of either Section 8 or 9 of this Act. In~~  
5       ~~no event shall this exemption extend to any person for longer~~  
6       ~~than 6 months.~~

7       (Source: P.A. 93-461, eff. 8-8-03.)

8           (225 ILCS 75/3.5)

9           (Section scheduled to be repealed on January 1, 2014)

10          Sec. 3.5. Unlicensed practice; violation; civil penalty.

11          (a) In addition to any other penalty provided by law, any  
12       ~~Any~~ person who practices, offers to practice, attempts to  
13       practice, or holds oneself out to practice as an occupational  
14       therapist or assistant without being licensed under this Act  
15       shall, in addition to any other penalty provided by law, pay a  
16       civil penalty to the Department in an amount not to exceed  
17       \$10,000 ~~\$5,000~~ for each offense as determined by the Department  
18       and the assessment of costs as provided under Section 19.3. The  
19       civil penalty shall be assessed by the Department after a  
20       hearing is held in accordance with the provisions set forth in  
21       this Act regarding the provision of a hearing for the  
22       discipline of a licensee.

23          (b) The Department has the authority and power to  
24       investigate any and all unlicensed activity.

25          (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty. The  
2 order shall constitute a judgment and may be filed and  
3 execution had thereon in the same manner as any judgment from  
4 any court of record.

5 (Source: P.A. 89-474, eff. 6-18-96.)

6 (225 ILCS 75/4) (from Ch. 111, par. 3704)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 4. Administration of Act; rules and forms.

9 (a) The Department shall exercise the powers and duties  
10 prescribed by the Civil Administrative Code of Illinois for the  
11 administration of licensing Acts and shall exercise such other  
12 powers and duties necessary for effectuating the purposes of  
13 this Act.

14 (b) The Secretary may ~~Director shall~~ promulgate rules  
15 consistent with the provisions of this Act for the  
16 administration and enforcement thereof, and for the payment of  
17 fees connected therewith, and may prescribe forms which shall  
18 be issued in connection therewith. The rules may ~~shall~~ include  
19 but not be limited to the standards and criteria for licensure  
20 and professional conduct and discipline; the standards and  
21 criteria used in determining when oral interviews will be  
22 conducted; the standards and criteria used when determining  
23 fitness to practice therapy; and the procedures followed in  
24 oral interviews. The Department may ~~shall~~ consult with the  
25 Board in promulgating rules. ~~Notice of proposed rulemaking~~

1 ~~shall be transmitted to the Board and the Department shall~~  
2 ~~review the Board's response and any recommendations made~~  
3 ~~therein. The Department shall notify the Board in writing with~~  
4 ~~proper explanation of deviations from the Board's~~  
5 ~~recommendations and responses.~~

6 (c) The Department may at any time seek the advice and the  
7 expert knowledge of the Board on any matter relating to the  
8 administration of this Act.

9 ~~(d) The Department shall issue quarterly a report to the~~  
10 ~~Board of the status of all complaints related to the profession~~  
11 ~~filed with the Department.~~

12 (Source: P.A. 84-793.)

13 (225 ILCS 75/5) (from Ch. 111, par. 3705)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 5. Occupational Therapy Board. The Secretary Director  
16 shall appoint an Illinois Occupational Therapy Licensure Board  
17 as follows: 7 persons who shall be appointed by and shall serve  
18 in an advisory capacity to the Secretary. Director. Four One  
19 ~~member must be a physician licensed to practice medicine in all~~  
20 ~~of its branches;~~ 3 members must be licensed occupational  
21 therapists in good standing, and actively engaged in the  
22 practice of occupational therapy in this State; 2 members must  
23 be licensed occupational therapy assistants in good standing  
24 and actively engaged in the practice of occupational therapy in  
25 this State; and 1 member must be a public member who is not

1 licensed under this Act, or a similar Act of another  
2 jurisdiction, and is not a provider of health care service.

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

10 ~~The membership of the Board should reasonably reflect~~  
11 ~~representation from the geographic areas in this State.~~

12 The Secretary shall have the authority to remove or suspend  
13 any member of the Board for cause at any time before the  
14 expiration of his or her term. The Secretary shall be the sole  
15 arbiter of cause. ~~Director may terminate the appointment of any~~  
16 ~~member for cause which in the opinion of the Director~~  
17 ~~reasonably justifies such termination.~~

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

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

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

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

4       (Source: P.A. 93-461, eff. 8-8-03.)

5               (225 ILCS 75/6) (from Ch. 111, par. 3706)

6               (Section scheduled to be repealed on January 1, 2014)

7       Sec. 6. Applications for original licensure. Applications  
8       for original licensure shall be made to the Department in  
9       writing on forms prescribed by the Department and shall be  
10       accompanied by the required fee, which shall not be returnable.  
11       Any such application shall require such information as in the  
12       judgment of the Department will enable the Department to pass  
13       on the qualifications of the applicant for licensure.  
14       Applicants have 3 years from the date of application to  
15       complete the application process. If the process has not been  
16       completed within 3 years, the application shall be denied, the  
17       fee forfeited, and the applicant must reapply and meet the  
18       requirements in effect at the time of reapplication.

19       (Source: P.A. 83-696.)

20               (225 ILCS 75/7) (from Ch. 111, par. 3707)

21               (Section scheduled to be repealed on January 1, 2014)

22       Sec. 7. Examinations. The Department shall authorize  
23       examinations of applicants for a license under this Act at the  
24       times ~~at least annually and at such time~~ and place as it may

1 designate. The examination shall be of a character to give a  
2 fair test of the qualifications of the applicant to practice  
3 occupational therapy.

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

13 If an applicant neglects, fails or refuses to take the  
14 examination within 90 days after the date the Confirmation of  
15 Examination and Eligibility to Examine Notice is issued or  
16 fails to pass an examination for certification under this Act,  
17 the application shall be denied. If an applicant fails to pass  
18 an examination for registration under this Act within 3 years  
19 after filing his application, the application shall be denied.  
20 The applicant may thereafter make a new application accompanied  
21 by the required fee, however, the applicant shall meet all  
22 requirements in effect at the time of subsequent application  
23 before obtaining licensure.

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

26 (Source: P.A. 93-461, eff. 8-8-03.)

1 (225 ILCS 75/11) (from Ch. 111, par. 3711)

2 (Section scheduled to be repealed on January 1, 2014)

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

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

7 (b) Any occupational therapist or occupational therapy  
8 assistant who has permitted his or her license to expire or who  
9 has had his or her license on inactive status may have his or  
10 her license restored by making application to the Department,  
11 by and filing proof acceptable to the Department of his fitness  
12 to have his license restored, by paying the required fee, and  
13 by showing proof of compliance with any continuing education  
14 requirements. Proof ~~The Department may consider a certificate~~  
15 ~~expired less than 5 years as prima facie evidence that the~~  
16 ~~applicant is fit. If the applicant's license has expired or~~  
17 ~~been placed on inactive status, proof of fitness may include~~  
18 sworn evidence certifying to active practice in another  
19 jurisdiction ~~satisfactory to the Department and by paying the~~  
20 ~~required restoration fee.~~

21 If the occupational therapist or occupational therapy  
22 assistant has not maintained an active practice in another  
23 jurisdiction satisfactory to the Department, the Department  
24 shall determine, by an evaluation program established by rule,  
25 his fitness to resume active status and shall establish

1 procedures and requirements for restoration. ~~may require the~~  
2 ~~occupational therapist or occupational therapy assistant to~~  
3 ~~successfully complete a practice examination.~~

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

18 (Source: P.A. 93-461, eff. 8-8-03.)

19 (225 ILCS 75/11.1)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 11.1. Continuing education requirement. As a  
22 condition for renewal of a license, licensees shall be required  
23 to complete continuing education in occupational therapy in  
24 accordance with rules established by the Department. ~~All~~  
25 ~~renewal applicants shall provide proof of having met the~~

1 ~~continuing competency requirements set forth in the rules of~~  
2 ~~the Department. The Department shall provide by rule for an~~  
3 ~~orderly process for the reinstatement of licenses that have not~~  
4 ~~been renewed for failure to meet the continuing competency~~  
5 ~~requirements. The continuing competency requirements may be~~  
6 ~~waived in cases of extreme hardship as defined by rule.~~

7 ~~The Department shall establish by rule a means for~~  
8 ~~verifying the completion of the continuing competency required~~  
9 ~~by this Section. This verification may be accomplished through~~  
10 ~~audits of records maintained by licensees, by requiring the~~  
11 ~~filing of continuing competency certificates with the~~  
12 ~~Department, or by any other means established by the~~  
13 ~~Department.~~

14 (Source: P.A. 92-297, eff. 1-1-02; 93-461, eff. 8-8-03.)

15 (225 ILCS 75/12) (from Ch. 111, par. 3712)

16 (Section scheduled to be repealed on January 1, 2014)

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

24 Any occupational therapist or occupational therapy  
25 assistant requesting restoration from inactive or expired

1 status shall be required to pay the current renewal fee,  
2 demonstrate compliance with continuing education requirements,  
3 if any, and shall be required to restore his license as  
4 provided in Section 11.

5 Any occupational therapist or occupational therapy  
6 assistant whose license is in expired or ~~an~~ inactive status  
7 shall not practice occupational therapy in the State of  
8 Illinois.

9 (Source: P.A. 83-696.)

10 (225 ILCS 75/16) (from Ch. 111, par. 3716)

11 (Section scheduled to be repealed on January 1, 2014)

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

17 Any person who delivers a check or other payment to the  
18 Department that is returned to the Department unpaid by the  
19 financial institution upon which it is drawn shall pay to the  
20 Department, in addition to the amount already owed to the  
21 Department, a fine of \$50. The fines imposed by this Section  
22 are in addition to any other discipline provided under this Act  
23 for unlicensed practice or practice on a nonrenewed license.  
24 The Department shall notify the person that payment of fees and  
25 fines shall be paid to the Department by certified check or

1 money order within 30 calendar days of the notification. If,  
2 after the expiration of 30 days from the date of the  
3 notification, the person has failed to submit the necessary  
4 remittance, the Department shall automatically terminate the  
5 license or certificate or deny the application, without  
6 hearing. If, after termination or denial, the person seeks a  
7 license or certificate, he or she shall apply to the Department  
8 for restoration or issuance of the license or certificate and  
9 pay all fees and fines due to the Department. The Department  
10 may establish a fee for the processing of an application for  
11 restoration of a license or certificate to pay all expenses of  
12 processing this application. The Secretary ~~Director~~ may waive  
13 the fines due under this Section in individual cases where the  
14 Secretary ~~Director~~ finds that the fines would be unreasonable  
15 or unnecessarily burdensome.

16 ~~However, any person whose license has expired while he has~~  
17 ~~been engaged (1) in federal or state service active duty, or~~  
18 ~~(2) in training or education under the supervision of the~~  
19 ~~United States preliminary to induction into the military~~  
20 ~~service, may have his license renewed, reinstated or restored~~  
21 ~~without paying any lapsed renewal and restoration fees, if~~  
22 ~~within 2 years after termination of such service, training or~~  
23 ~~education other than by dishonorable discharge, he furnishes~~  
24 ~~the Department with satisfactory proof that he has been so~~  
25 ~~engaged and that his service, training or education has been so~~  
26 ~~terminated.~~

1 (Source: P.A. 92-146, eff. 1-1-02.)

2 (225 ILCS 75/16.5)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 16.5. Deposit of fees and fines. ~~All Beginning July 1,~~  
5 ~~1995, all of the~~ fees, penalties, and fines collected under  
6 this Act shall be deposited into the General Professions  
7 Dedicated Fund and shall be appropriated to the Department for  
8 the ordinary and contingent expenses of the Department in the  
9 administration of this Act.

10 (Source: P.A. 88-683, eff. 1-24-95.)

11 (225 ILCS 75/18) (from Ch. 111, par. 3718)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 18. Advertising.

14 (a) Any person licensed under this Act may advertise the  
15 availability of professional services in the public media or on  
16 the premises where such professional services are rendered as  
17 permitted by law, on the condition that such advertising is  
18 truthful and not misleading and is in conformity with rules  
19 promulgated by the Department. Advertisements shall not  
20 include false, fraudulent, deceptive, or misleading material  
21 or guarantees of success.

22 (b) A licensee shall include in every advertisement for  
23 services regulated under this Act his or her title as it  
24 appears on the license or the initials authorized under this

1 Act.

2 (Source: P.A. 91-310, eff. 1-1-00.)

3 (225 ILCS 75/19) (from Ch. 111, par. 3719)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 19. Grounds for discipline.

6 (a) The Department may refuse to issue or renew, or may  
7 revoke, suspend, place on probation, reprimand or take other  
8 disciplinary or non-disciplinary action as the Department may  
9 deem proper, including imposing fines not to exceed \$10,000  
10 ~~\$2,500~~ for each violation and the assessment of costs as  
11 provided under Section 19.3 of this Act, with regard to any  
12 license for any one or combination of the following:

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

15 (2) Violations of ~~Wilfully violating~~ this Act, or of  
16 the rules promulgated thereunder;

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

1 ~~the United States or any state or territory thereof which~~  
2 ~~is a felony or which is a misdemeanor, an essential element~~  
3 ~~of which is dishonesty, or of any crime which is directly~~  
4 ~~related to the practice of occupational therapy;~~

5 (4) Fraud or Making any misrepresentation in applying  
6 for or procuring a license under this Act, or in connection  
7 with applying for renewal of a license under this Act; for  
8 ~~the purpose of obtaining certification, or violating any~~  
9 ~~provision of this Act or the rules promulgated thereunder~~  
10 ~~pertaining to advertising;~~

11 (5) Professional incompetence; ~~Having demonstrated~~  
12 ~~unworthiness, or incompetency to act as an occupational~~  
13 ~~therapist or occupational therapy assistant in such manner~~  
14 ~~as to safeguard the interest of the public;~~

15 (6) Aiding ~~Wilfully aiding~~ or assisting another  
16 person, firm, partnership or corporation in violating any  
17 provision of this Act or rules;

18 (7) Failing, within 60 days, to provide information in  
19 response to a written request made by the Department;

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

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

1 ~~addiction to the use of drugs;~~

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

7 (11) Directly or indirectly giving to or receiving from  
8 any person, firm, corporation, partnership, or association  
9 any fee, commission, rebate or other form of compensation  
10 for professional services not actually or personally  
11 rendered. Nothing in this paragraph (11) affects any bona  
12 fide independent contractor or employment arrangements  
13 among health care professionals, health facilities, health  
14 care providers, or other entities, except as otherwise  
15 prohibited by law. Any employment arrangements may include  
16 provisions for compensation, health insurance, pension, or  
17 other employment benefits for the provision of services  
18 within the scope of the licensee's practice under this Act.  
19 Nothing in this paragraph (11) shall be construed to  
20 require an employment arrangement to receive professional  
21 fees for services rendered;

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

25 (13) Wilfully making or filing false records or reports  
26 in the practice of occupational therapy, including but not

1 limited to false records filed with the State agencies or  
2 departments;

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

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

10 (16) Allowing one's license under this Act to be used  
11 by an unlicensed person in violation of this Act; ~~Wilfully~~  
12 ~~exceeding the scope of practice customarily undertaken by~~  
13 ~~persons licensed under this Act, which conduct results in,~~  
14 ~~or may result in, harm to the public;~~

15 (17) Practicing under a false or, except as provided by  
16 law, assumed name; ~~Holding one's self out to practice~~  
17 ~~occupational therapy under any name other than his own or~~  
18 ~~impersonation of any other occupational therapy licensee;~~

19 (18) Professional incompetence or gross ~~Gross~~  
20 negligence;

21 (19) Malpractice;

22 (20) Promotion of the sale of drugs, devices,  
23 appliances, or goods provided for a patient in any manner  
24 to exploit the client for financial gain of the licensee;  
25 ~~Obtaining a fee in money or gift in kind of any other items~~  
26 ~~of value or in the form of financial profit or benefit as~~

1 ~~personal compensation, or as compensation, or charge,~~  
2 ~~profit or gain for an employer or for any other person or~~  
3 ~~persons, on the fraudulent misrepresentation that a~~  
4 ~~manifestly incurable condition of sickness, disease or~~  
5 ~~injury to any person can be cured;~~

6 (21) Gross, willful, or continued overcharging for  
7 professional services; ~~Accepting commissions or rebates or~~  
8 ~~other forms of remuneration for referring persons to other~~  
9 ~~professionals;~~

10 (22) Mental illness or disability that results in the  
11 inability to practice under this Act with reasonable  
12 judgment, skill, or safety; ~~Failure to file a return, or to~~  
13 ~~pay the tax, penalty or interest shown in a filed return,~~  
14 ~~or to pay any final assessment of tax, penalty or interest,~~  
15 ~~as required by any tax Act administered by the Illinois~~  
16 ~~Department of Revenue, until such time as the requirements~~  
17 ~~of any such tax Act are satisfied;~~

18 (23) Violating the Health Care Worker Self-Referral  
19 Act; ~~and~~

20 (24) Having treated patients other than by the practice  
21 of occupational therapy as defined in this Act, or having  
22 treated patients as a licensed occupational therapist  
23 independent of a referral from a physician, advanced  
24 practice nurse or physician assistant in accordance with  
25 Section 3.1, dentist, podiatrist, or optometrist, or  
26 having failed to notify the physician, advanced practice

1 nurse, physician assistant, dentist, podiatrist, or  
2 optometrist who established a diagnosis that the patient is  
3 receiving occupational therapy pursuant to that  
4 diagnosis~~;~~;

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

7 (26) Charging for professional services not rendered,  
8 including filing false statements for the collection of  
9 fees for which services are not rendered.

10 All fines imposed under this Section shall be paid within  
11 60 days after the effective date of the order imposing the fine  
12 or in accordance with the terms set forth in the order imposing  
13 the fine.

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

1 ~~Board to the Director that the license holder be allowed to~~  
2 ~~resume his practice.~~

3 (c) The Department may refuse to issue or may suspend  
4 without hearing, as provided for in the Code of Civil  
5 Procedure, take disciplinary action concerning the license of  
6 any person who fails to file a return, to pay the tax, penalty,  
7 or interest shown in a filed return, or to pay any final  
8 assessment of tax, penalty, or interest as required by any tax  
9 Act administered by the Illinois Department of Revenue, until  
10 such time as the requirements of any such tax Act are satisfied  
11 in accordance with subsection (a) of Section 2105-15 of the  
12 Civil Administrative Code of Illinois. as determined by the  
13 Department of Revenue.

14 (d) In enforcing this Section, the Department, upon a  
15 showing of a possible violation, may compel any individual who  
16 is licensed under this Act or any individual who has applied  
17 for licensure to submit to a mental or physical examination or  
18 evaluation, or both, which may include a substance abuse or  
19 sexual offender evaluation, at the expense of the Department.  
20 The Department shall specifically designate the examining  
21 physician licensed to practice medicine in all of its branches  
22 or, if applicable, the multidisciplinary team involved in  
23 providing the mental or physical examination and evaluation.  
24 The multidisciplinary team shall be led by a physician licensed  
25 to practice medicine in all of its branches and may consist of  
26 one or more or a combination of physicians licensed to practice

1 medicine in all of its branches, licensed chiropractic  
2 physicians, licensed clinical psychologists, licensed clinical  
3 social workers, licensed clinical professional counselors, and  
4 other professional and administrative staff. Any examining  
5 physician or member of the multidisciplinary team may require  
6 any person ordered to submit to an examination and evaluation  
7 pursuant to this Section to submit to any additional  
8 supplemental testing deemed necessary to complete any  
9 examination or evaluation process, including, but not limited  
10 to, blood testing, urinalysis, psychological testing, or  
11 neuropsychological testing.

12 The Department may order the examining physician or any  
13 member of the multidisciplinary team to provide to the  
14 Department any and all records, including business records,  
15 that relate to the examination and evaluation, including any  
16 supplemental testing performed. The Department may order the  
17 examining physician or any member of the multidisciplinary team  
18 to present testimony concerning this examination and  
19 evaluation of the licensee or applicant, including testimony  
20 concerning any supplemental testing or documents relating to  
21 the examination and evaluation. No information, report,  
22 record, or other documents in any way related to the  
23 examination and evaluation shall be excluded by reason of any  
24 common law or statutory privilege relating to communication  
25 between the licensee or applicant and the examining physician  
26 or any member of the multidisciplinary team. No authorization

1 is necessary from the licensee or applicant ordered to undergo  
2 an evaluation and examination for the examining physician or  
3 any member of the multidisciplinary team to provide  
4 information, reports, records, or other documents or to provide  
5 any testimony regarding the examination and evaluation. The  
6 individual to be examined may have, at his or her own expense,  
7 another physician of his or her choice present during all  
8 aspects of the examination.

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

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

26 Individuals licensed under this Act that are affected under

1 this Section, shall be afforded an opportunity to demonstrate  
2 to the Department that they can resume practice in compliance  
3 with acceptable and prevailing standards under the provisions  
4 of their license. ~~In enforcing this Section, the Board, upon a~~  
5 ~~showing of a possible violation, may compel a licensee or~~  
6 ~~applicant to submit to a mental or physical examination, or~~  
7 ~~both, as required by and at the expense of the Department. The~~  
8 ~~examining physicians or clinical psychologists shall be those~~  
9 ~~specifically designated by the Board. The Board or the~~  
10 ~~Department may order (i) the examining physician to present~~  
11 ~~testimony concerning the mental or physical examination of a~~  
12 ~~licensee or applicant or (ii) the examining clinical~~  
13 ~~psychologist to present testimony concerning the mental~~  
14 ~~examination of a licensee or applicant. No information shall be~~  
15 ~~excluded by reason of any common law or statutory privilege~~  
16 ~~relating to communications between a licensee or applicant and~~  
17 ~~the examining physician or clinical psychologist. An~~  
18 ~~individual to be examined may have, at his or her own expense,~~  
19 ~~another physician or clinical psychologist of his or her choice~~  
20 ~~present during all aspects of the examination. Failure of an~~  
21 ~~individual to submit to a mental or physical examination, when~~  
22 ~~directed, is grounds for suspension of his or her license. The~~  
23 ~~license must remain suspended until the person submits to the~~  
24 ~~examination or the Board finds, after notice and hearing, that~~  
25 ~~the refusal to submit to the examination was with reasonable~~  
26 ~~cause.~~

1 ~~If the Board finds an individual unable to practice because~~  
2 ~~of the reasons set forth in this Section, the Board must~~  
3 ~~require the individual to submit to care, counseling, or~~  
4 ~~treatment by a physician or clinical psychologist approved by~~  
5 ~~the Board, as a condition, term, or restriction for continued,~~  
6 ~~reinstated, or renewed licensure to practice. In lieu of care,~~  
7 ~~counseling, or treatment, the Board may recommend that the~~  
8 ~~Department file a complaint to immediately suspend or revoke~~  
9 ~~the license of the individual or otherwise discipline the~~  
10 ~~licensee.~~

11 ~~Any individual whose license was granted, continued,~~  
12 ~~reinstated, or renewed subject to conditions, terms, or~~  
13 ~~restrictions, as provided for in this Section, or any~~  
14 ~~individual who was disciplined or placed on supervision~~  
15 ~~pursuant to this Section must be referred to the Director for a~~  
16 ~~determination as to whether the person shall have his or her~~  
17 ~~license suspended immediately, pending a hearing by the Board.~~

18 (e) The Department shall deny a license or renewal  
19 authorized by this Act to a person who has defaulted on an  
20 educational loan or scholarship provided or guaranteed by the  
21 Illinois Student Assistance Commission or any governmental  
22 agency of this State in accordance with paragraph (5) of  
23 subsection (a) of Section 2105-15 of the Civil Administrative  
24 Code of Illinois.

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

1 licensee is more than 30 days delinquent in the payment of  
2 child support and has subsequently certified the delinquency to  
3 the Department, the Department may refuse to issue or renew or  
4 may revoke or suspend that person's license or may take other  
5 disciplinary action against that person based solely upon the  
6 certification of delinquency made by the Department of  
7 Healthcare and Family Services in accordance with paragraph (5)  
8 of subsection (a) of Section 1205-15 of the Civil  
9 Administrative Code of Illinois.

10 (Source: P.A. 96-1482, eff. 11-29-10.)

11 (225 ILCS 75/19.1) (from Ch. 111, par. 3720)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 19.1. Injunctive relief; order to cease and desist.

14 (a) If any person violates the provisions of this Act, the  
15 Secretary ~~Director~~ may, in the name of the People of the State  
16 of Illinois, through the Attorney General of the State of  
17 Illinois or the State's Attorney of the county in which the  
18 violation is alleged to have occurred, petition for an order  
19 enjoining such violation or for an order enforcing compliance  
20 with this Act. Upon the filing of a verified petition in such  
21 court, the court may issue a temporary restraining order,  
22 without notice or bond, and may preliminarily and permanently  
23 enjoin such violation. If it is established that such person  
24 has violated or is violating the injunction, the court may  
25 punish the offender for contempt of court. Proceedings under

1 this Section shall be in addition to, and not in lieu of, all  
2 other remedies and penalties provided by this Act.

3 (b) If any person practices ~~shall practice~~ as an  
4 occupational therapist or an occupational therapy assistant or  
5 holds himself or herself ~~hold himself~~ out as such without being  
6 licensed under the provisions of this Act then any person  
7 licensed under this Act, any interested party or any person  
8 injured thereby may, in addition to the Secretary ~~Director~~,  
9 petition for relief as provided in subsection (a).

10 (c) Whenever in the opinion of the Department any person  
11 violates any provision of this Act, the Department may issue a  
12 rule to show cause why an order to cease and desist should not  
13 be entered against him or her. The rule shall clearly set forth  
14 the grounds relied upon by the Department and shall provide a  
15 period of 7 days from the date of the rule to file an answer to  
16 the satisfaction of the Department. Failure to answer to the  
17 satisfaction of the Department shall cause an order to cease  
18 and desist to be issued forthwith.

19 (Source: P.A. 83-696.)

20 (225 ILCS 75/19.2) (from Ch. 111, par. 3721)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 19.2. Investigations; notice and hearing. The  
23 Department may investigate the actions of any applicant or of  
24 any person or person holding or claiming to hold a license. The  
25 Department shall, before refusing to issue, renew, or

1 ~~discipline taking action under Section 19 against~~ a licensee or  
2 applicant, at least 30 days prior to the date set for the  
3 hearing, notify the applicant or licensee in writing ~~the~~  
4 ~~applicant for, or holder of, a license of the nature of the~~  
5 charges and the time and place for, ~~that~~ a hearing on the  
6 charges. ~~will be held on the date designated, and The~~  
7 Department shall direct the applicant or licensee ~~applicant or~~  
8 ~~licensee~~ to file a written answer to the charges with the Board  
9 under oath within 20 days after the service of the notice and  
10 inform the accused ~~applicant or licensee~~ that failure to file  
11 an answer will result in default being taken against the  
12 applicant or licensee. At the time and place fixed in the  
13 notice, the Department shall proceed to hear the charges and  
14 the parties or their counsel shall be accorded ample  
15 opportunity to present any pertinent statements, testimony,  
16 evidence, and arguments. The Department may continue the  
17 hearing from time to time. In case the person, after receiving  
18 the notice, fails to file an answer, his or her license may, in  
19 the discretion of the Department, be revoked, suspended, placed  
20 on probationary status, or the Department may take whatever  
21 disciplinary action considered proper, including limiting the  
22 scope, nature, or extent of the person's practice or the  
23 imposition of a fine, without a hearing, if the act or acts  
24 charged constitute sufficient grounds for that action under the  
25 Act. The written notice and any notice in the subsequent  
26 proceeding may be served by registered or certified mail to the

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

22 (Source: P.A. 87-1031; 88-424.)

23 (225 ILCS 75/19.2a new)

24 Sec. 19.2a. Confidentiality. All information collected by  
25 the Department in the course of an examination or investigation

1 of a licensee or applicant, including, but not limited to, any  
2 complaint against a licensee filed with the Department and  
3 information collected to investigate any such complaint, shall  
4 be maintained for the confidential use of the Department and  
5 shall not be disclosed. The Department may not disclose the  
6 information to anyone other than law enforcement officials,  
7 other regulatory agencies that have an appropriate regulatory  
8 interest as determined by the Secretary, or to a party  
9 presenting a lawful subpoena to the Department. Information and  
10 documents disclosed to a federal, State, county, or local law  
11 enforcement agency shall not be disclosed by the agency for any  
12 purpose to any other agency or person. A formal complaint filed  
13 against a licensee by the Department or any order issued by the  
14 Department against a licensee or applicant shall be a public  
15 record, except as otherwise prohibited by law.

16 (225 ILCS 75/19.3) (from Ch. 111, par. 3722)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 19.3. Record of proceedings. The department, at its  
19 expense, shall preserve a record of all proceedings at the  
20 formal hearing of any case ~~involving the refusal to issue or~~  
21 ~~renew, or the taking of disciplinary action against, a license.~~  
22 The notice of hearing, complaint and all other documents in the  
23 nature of pleadings and written motions filed in the  
24 proceedings, the transcript of testimony, the report of the  
25 Board and orders of the Department, shall be the record of such

1 proceedings. Any licensee who is found to have violated this  
2 Act or who fails to appear for a hearing to refuse to issue,  
3 restore, or renew a license or to discipline a licensee may be  
4 required by the Department to pay for the costs of the  
5 proceeding. These costs are limited to costs for court  
6 reporters, transcripts, and witness attendance and mileage  
7 fees. All costs imposed under this Section shall be paid within  
8 60 days after the effective date of the order imposing the  
9 fine.

10 (Source: P.A. 83-696.)

11 (225 ILCS 75/19.4) (from Ch. 111, par. 3723)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 19.4. Subpoenas; oaths. The Department ~~may shall have~~  
14 ~~the power to~~ subpoena and bring before it any person ~~in this~~  
15 ~~State~~ and to take the oral or written testimony or compel the  
16 production of any books, papers, records, or any other  
17 documents that the Secretary or his or her designee deems  
18 relevant or material to an investigation or hearing conducted  
19 by the Department ~~either orally or by deposition, or both,~~ with  
20 the same fees and mileage and in the same manner as prescribed  
21 by law in judicial procedure in civil cases in courts of this  
22 State.

23 The Secretary ~~Director,~~ the designated hearing officer,  
24 any and every member of the Board, or a certified shorthand  
25 court reporter may ~~shall have power to~~ administer oaths ~~to~~

1 ~~witness~~ at any hearing which the Department conducts. ~~is~~  
2 ~~authorized by law to conduct, and any other oaths required or~~  
3 ~~authorized in any Act administered by the Department.~~  
4 Notwithstanding any other statute or Department rule to the  
5 contrary, all requests for testimony or production of documents  
6 or records shall be in accordance with this Act.

7 (Source: P.A. 83-696.)

8 (225 ILCS 75/19.5) (from Ch. 111, par. 3724)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 19.5. Attendance of witnesses; contempt. Any circuit  
11 court ~~may,~~ upon application of the Department or ~~its designee,~~  
12 ~~or the applicant or licensee,~~ may ~~against whom proceedings~~  
13 ~~under Section 19 are pending,~~ enter an order ~~requiring~~ the  
14 attendance and testimony of witnesses ~~and their testimony,~~ and  
15 the production of relevant documents, papers, files, books, and  
16 records in connection with any hearing or investigation. The  
17 court may compel obedience to its order by proceedings for  
18 contempt.

19 (Source: P.A. 83-696.)

20 (225 ILCS 75/19.6) (from Ch. 111, par. 3725)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 19.6. Findings of Board. At the conclusion of the  
23 hearing the Board shall present to the Secretary ~~Director~~ a  
24 written report of its findings of fact, conclusions of law, and

1 recommendations. The report shall contain a finding whether or  
2 not the accused person violated this Act or failed to comply  
3 with the conditions required in this Act. The Board shall  
4 specify the nature of the violation or failure to comply, and  
5 shall make its recommendations to the Secretary ~~Director~~. The  
6 report of findings of fact, conclusions of law and  
7 recommendations of the Board may be the basis for the  
8 Department's order for refusing to issue, restore, or renew a  
9 license or otherwise disciplining a licensee. ~~action regarding~~  
10 ~~a certificate.~~ If the Secretary ~~Director~~ disagrees in any  
11 regard with the report of the Board he may issue an order in  
12 contravention thereof. ~~The Director shall provide to the Board~~  
13 ~~a written explanation for any deviation and shall specify with~~  
14 ~~particularity the reasons for such action in the final order.~~  
15 The finding is not admissible in evidence against the person in  
16 a criminal prosecution brought for the violation of this Act,  
17 but the hearing and findings are not a bar to a criminal  
18 prosecution brought for the violation of this Act.

19 (Source: P.A. 88-424.)

20 (225 ILCS 75/19.7) (from Ch. 111, par. 3726)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 19.7. Report of Board; motion for rehearing. In any  
23 case involving the refusal to issue or renew, or the taking of  
24 disciplinary action against, a license, a copy of the Board's  
25 report shall be served upon the respondent by the Department as

1 provided in this Act for the service of the notice of hearing.  
2 Within 20 days after such service, the respondent may present  
3 to the Department a motion in writing for a rehearing, which  
4 motion shall specify the particular grounds therefor. If no  
5 motion for rehearing is filed, then upon the expiration of the  
6 time specified for filing such a motion, or if a motion for  
7 rehearing is denied, then upon such denial the Secretary  
8 ~~Director~~ may enter an order in accordance with recommendations  
9 of the Board except as provided in Section 19.6. If the  
10 respondent shall order from the reporting service, and pays ~~pay~~  
11 for a transcript of the record within the time for filing a  
12 motion for rehearing, the 20 day period within which such a  
13 motion may be filed shall commence upon the delivery of the  
14 transcript to the respondent.

15 (Source: P.A. 83-696.)

16 (225 ILCS 75/19.8) (from Ch. 111, par. 3727)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 19.8. Rehearing. Whenever the Secretary ~~Director~~ is  
19 satisfied that substantial justice has not been done in the  
20 revocation or suspension of, or the refusal to issue or renew,  
21 a license, the Secretary ~~Director~~ may order a rehearing by the  
22 Board or a designated hearing officer.

23 (Source: P.A. 83-696.)

24 (225 ILCS 75/19.9) (from Ch. 111, par. 3728)

1 (Section scheduled to be repealed on January 1, 2014)

2 Sec. 19.9. Appointment of hearing officer. The Secretary  
3 ~~Notwithstanding the provisions of Section 19.2, the Director~~  
4 shall have the authority to appoint any attorney duly licensed  
5 to practice law in the State of Illinois to serve as the  
6 hearing officer in any action involving a refusal to issue or  
7 renew, or the taking of disciplinary action against a license.  
8 ~~The Director shall notify the Board of such appointment.~~ 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 Board  
12 and the Secretary ~~Director~~. The Board shall have 60 days from  
13 receipt of the report to review the report of the hearing  
14 officer and present their findings of fact, conclusion of law  
15 and recommendations to the Secretary ~~Director~~. If the Board  
16 fails to present its report within the 60 day period, the  
17 Secretary ~~Director~~ may issue an order based on the report of  
18 the hearing officer. If the Secretary ~~Director~~ disagrees ~~in any~~  
19 ~~regard~~ with the report of the Board or hearing officer, then  
20 the Secretary ~~he~~ may issue an order in contravention thereof.  
21 ~~The Director shall provide to the Board a written explanation~~  
22 ~~for any deviation, and shall specify with particularity the~~  
23 ~~reasons for such action in the final order.~~

24 (Source: P.A. 88-424.)

25 (225 ILCS 75/19.10) (from Ch. 111, par. 3729)

1 (Section scheduled to be repealed on January 1, 2014)

2 Sec. 19.10. Order or certified copy; prima facie proof. An  
3 order or a certified copy thereof, over the seal of the  
4 Department and purporting to be signed by the Secretary  
5 ~~Director~~, shall be prima facie proof that:

6 (1) the signature is the genuine signature of the  
7 Secretary Director; and

8 (2) the Secretary Director is duly appointed and  
9 qualified. ~~and~~

10 ~~(3) the Board and the members thereof are qualified to~~  
11 ~~act.~~

12 (Source: P.A. 91-357, eff. 7-29-99.)

13 (225 ILCS 75/19.11) (from Ch. 111, par. 3730)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 19.11. Restoration of license from discipline. At any  
16 time after successful completion of a term of indefinite  
17 probation, suspension, or revocation of a license, the  
18 Department may restore the license to the licensee, unless,  
19 after an investigation and a hearing, the Secretary determines  
20 that restoration is not in the public interest or that the  
21 licensee has not been sufficiently rehabilitated to warrant the  
22 public trust. No person or entity whose license, certificate,  
23 or authority has been revoked as authorized in this Act may  
24 apply for restoration of that license, certification, or  
25 authority until such time as provided for in the Civil

1 Administrative Code of Illinois. ~~the suspension or revocation~~  
2 ~~of any license, the Department may restore it to the accused~~  
3 ~~person, upon the written recommendation of the Board, unless~~  
4 ~~after an investigation and a hearing, the Department determines~~  
5 ~~that restoration is not in the public interest.~~

6 (Source: P.A. 83-696.)

7 (225 ILCS 75/19.13) (from Ch. 111, par. 3732)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 19.13. Summary suspension pending hearing. The  
10 Secretary Director may summarily temporarily suspend a license  
11 issued under this Act without a hearing, simultaneously with  
12 the institution of proceedings for a hearing provided for in  
13 Section 19.2 of this Act, if the Secretary Director finds that  
14 the evidence ~~in his possession~~ indicates that an occupational  
15 therapist's or occupational therapy assistant's continuation  
16 in practice would constitute an imminent danger to the public.  
17 In the event that the Secretary Director summarily temporarily  
18 suspends a license without a hearing, a hearing ~~by the Board~~  
19 must be commenced held within 30 days after such suspension has  
20 occurred and shall be concluded as expeditiously as possible.

21 (Source: P.A. 83-696.)

22 (225 ILCS 75/19.15) (from Ch. 111, par. 3734)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 19.15. Certification of record. The Department shall

1 not be required to certify any record to the court or file any  
2 answer in court or otherwise appear in any court in a judicial  
3 review proceeding, unless and until the Department has received  
4 from the plaintiff there is filed in the court, with the  
5 complaint, a receipt from the Department acknowledging payment  
6 of the costs of furnishing and certifying the record, which  
7 costs shall be determined by the Department. Exhibits shall be  
8 certified without cost. Failure on the part of the plaintiff to  
9 file a receipt in court shall be grounds for dismissal of the  
10 action.

11 (Source: P.A. 87-1031.)

12 (225 ILCS 75/19.16) (from Ch. 111, par. 3735)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 19.16. Criminal penalties. Any person who is found to  
15 have violated ~~knowingly violates~~ any provision of this Act is  
16 guilty of a Class A misdemeanor for the first offense. On  
17 conviction of a second or subsequent offense the violator shall  
18 be guilty of a Class 4 felony.

19 (Source: P.A. 83-696.)

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

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 20. Administrative Procedure Act. The Illinois  
23 Administrative Procedure Act is hereby expressly adopted and  
24 incorporated herein as if all of the provisions of that Act

1 were included in this Act, except that the provision of  
2 subsection (d) of Section 10-65 of the Illinois Administrative  
3 Procedure Act that provides that at hearings the certificate  
4 holder has the right to show compliance with all lawful  
5 requirements for retention, continuation or renewal of  
6 certification is specifically excluded. For the purpose of this  
7 Act the notice required under Section 10-25 of the Illinois  
8 Administrative Procedure Act is deemed sufficient when mailed  
9 to the last known address of record of a party.

10 (Source: P.A. 88-45.)

11 (225 ILCS 75/21) (from Ch. 111, par. 3737)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 21. Home rule. The regulation and licensing as a  
14 occupational therapist are exclusive powers and functions of  
15 the State. A home rule unit may not regulate or license an  
16 occupational therapist or the practice of occupational  
17 therapy. This Section is a denial and limitation of home rule  
18 powers and functions under subsection (h) of Section 6 of  
19 Article VII of the Illinois Constitution. ~~It is declared to be~~  
20 ~~the public policy of this State, pursuant to paragraphs (h) and~~  
21 ~~(i) of Section 6 of Article VII of the Illinois Constitution of~~  
22 ~~1970, that any power or function set forth in this Act to be~~  
23 ~~exercised by the State is an exclusive State power or function.~~  
24 ~~Such power or function shall not be exercised concurrently,~~  
25 ~~either directly or indirectly, by any unit of local government,~~

1 ~~including home rule units, except as otherwise provided in this~~  
2 ~~Act.~~

3 (Source: P.A. 83-696.)

4 (225 ILCS 75/10 rep.)

5 Section 15. The Illinois Occupational Therapy Practice Act  
6 is amended by repealing Section 10.

7 Section 99. Effective date. This Act takes effect December  
8 31, 2013.

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