

AN ACT concerning professional regulation.

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

Section 10. The Veterinary Medicine and Surgery Practice Act of 2004 is amended by changing Sections 1, 3, 4, 5, 6, 7, 14.1, 25, 25.1, 25.2, 25.4, 25.6, 25.7, 25.8, 25.9, 25.10, 25.13, 25.17, and 25.18 and by adding Section 5.5 as follows:

(225 ILCS 115/1) (from Ch. 111, par. 7001)

(Section scheduled to be repealed on January 1, 2014)

Sec. 1. The practice of veterinary medicine in the State of Illinois is declared to promote the public health, safety, and welfare by ensuring the delivery of competent veterinary medical care and is subject to State regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of veterinary medicine is a privilege conferred by legislative grant only to persons possessed of the professional qualifications specified in this Act. ~~The practice of veterinary medicine in the State of Illinois is declared to affect the public health, safety and welfare and to be subject to State regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the veterinary profession merit and receive the confidence of the public and that only~~

~~qualified and licensed persons be permitted to practice veterinary medicine.~~

(Source: P.A. 83-1016.)

(225 ILCS 115/3) (from Ch. 111, par. 7003)

(Section scheduled to be repealed on January 1, 2014)

Sec. 3. Definitions. The following terms have the meanings indicated, unless the context requires otherwise:

"Accredited college of veterinary medicine" means a veterinary college, school, or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent and that is accredited by the Council on Education of the American Veterinary Medical Association (AVMA).

"Accredited program in veterinary technology" means any post-secondary educational program that is accredited by the AVMA's Committee on Veterinary Technician Education and Activities or any veterinary technician program that is recognized as its equivalent by the AVMA's Committee on Veterinary Technician Education and Activities.

"Animal" means any animal, vertebrate or invertebrate, other than a human.

"Board" means the Veterinary Licensing and Disciplinary Board.

"Certified veterinary technician" means a person who is validly and currently licensed to practice veterinary

~~technology in this State has graduated from a veterinary technology program accredited by the Committee on Veterinary Technician Education and Activities of the American Veterinary Medical Association who has filed an application with the Department, paid the fee, passed the examination as prescribed by rule, and works under a supervising veterinarian.~~

"Client" means an entity, person, group, or corporation that has entered into an agreement with a veterinarian for the purposes of obtaining veterinary medical services.

"Complementary, alternative, and integrative therapies" means a heterogeneous group of diagnostic and therapeutic philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from veterinary medicine routinely taught in accredited veterinary medical colleges, or both. "Complementary, alternative, and integrative therapies" include, but are not limited to, veterinary acupuncture, acuthery, and acupressure; veterinary homeopathy; veterinary manual or manipulative therapy or therapy based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy; veterinary nutraceutical therapy; veterinary phytotherapy; and other therapies as defined by rule. ~~"Complementary, alternative, and integrative therapies" means preventative, diagnostic, and therapeutic practices that, at the time they are performed, may differ from current scientific knowledge or~~

~~for which the theoretical basis and techniques may diverge from veterinary medicine routinely taught in approved veterinary medical programs. This includes but is not limited to veterinary acupuncture, acutherapy, acupressure, veterinary homeopathy, veterinary manual or manipulative therapy (i.e. therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy), veterinary nutraceutical therapy, veterinary phytotherapy, or other therapies as defined by rule.~~

"Consultation" means when a veterinarian receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian licensed in this or any other state or other person whose expertise, in the opinion of the veterinarian, would benefit a patient. Under any circumstance, the responsibility for the welfare of the patient remains with the veterinarian receiving consultation.

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

"Direct supervision" means the supervising veterinarian is readily available on the premises where the animal is being treated.

~~"Director" means the Director of Professional Regulation.~~

"Immediate supervision" means the supervising veterinarian is in the immediate area, within audible and visual range of the animal patient and the person treating the patient.

"Impaired veterinarian" means a veterinarian who is unable

to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, or abuse of drugs or alcohol of sufficient degree to diminish a person's ability to deliver competent patient care.

"Indirect supervision" means the supervising veterinarian need not be on the premises, but has given either written or oral instructions for the treatment of the animal and is available by telephone or other form of communication.

"Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this State.

"Patient" means an animal that is examined or treated by a veterinarian.

"Person" means an individual, firm, partnership (general, limited, or limited liability), association, joint venture, cooperative, corporation, limited liability company, or any other group or combination acting in concert, whether or not acting as a principal, partner, member, trustee, fiduciary, receiver, or any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

"Practice of veterinary medicine" means to diagnose,

prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode; including the performance of one or more of the following:

(1) Prescribing, dispensing, administering, applying, or ordering the administration of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance, or medical or surgical technique
~~Directly or indirectly consulting, diagnosing, prognosing, correcting, supervising, or recommending treatment of an animal for the prevention, cure, or relief of a wound, fracture, bodily injury, defect, disease, or physical or mental condition by any method or mode.~~

(2) (Blank). ~~Prescribing, dispensing, or administering a drug, medicine, biologic appliance, application, or treatment of whatever nature.~~

(3) Performing upon an animal a surgical or dental operation ~~or a complementary, alternative, or integrative veterinary medical procedure.~~

(3.5) Performing upon an animal complementary, alternative, or integrative therapy.

(4) Performing upon an animal any manual or mechanical procedure for reproductive management, including the diagnosis or treatment of pregnancy, sterility, or infertility.

(4.5) The rendering of advice or recommendation by any

means, including telephonic and other electronic communications, with regard to the performing upon an animal any manual or mechanical procedure for reproductive management, including the diagnosis or treatment of pregnancy, sterility, or infertility ~~procedure for the diagnoses or treatment of pregnancy, sterility, or infertility.~~

(5) Determining the health and fitness of an animal.

(6) Representing oneself, directly or indirectly, as engaging in the practice of veterinary medicine.

(7) Using any word, letters, or title under such circumstances as to induce the belief that the person using them is qualified to engage in the practice of veterinary medicine or any of its branches. Such use shall be prima facie evidence of the intention to represent oneself as engaging in the practice of veterinary medicine.

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

"Supervising veterinarian" means a veterinarian who assumes responsibility for the professional care given to an animal by a person working under his or her direction in either an immediate, direct, or indirect supervision arrangement. The supervising veterinarian must have examined the animal at such time as acceptable veterinary medical practices requires, consistent with the particular delegated animal health care task.

"Therapeutic" means the treatment, control, and prevention of disease.

"Veterinarian-client-patient relationship" means that all of the following conditions have been met:

(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of an animal and the need for medical treatment and the client, owner, or other caretaker has agreed to follow the instructions of the veterinarian;

(2) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept, or the veterinarian has access to the animal patient's records and has been designated by the veterinarian with the prior relationship to provide reasonable and appropriate medical care if he or she is unavailable; and

(3) The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the treatment regimen or, if unavailable, has designated another available veterinarian who has access to the animal patient's records to provide reasonable and appropriate

medical care ~~of therapy~~.

"Veterinarian-client-patient relationship" does not mean a relationship solely based on telephonic or other electronic communications.

"Veterinary medicine" means all branches and specialties included within the practice of veterinary medicine.

"Veterinary premises" means any premises or facility where the practice of veterinary medicine occurs, including, but not limited to, a mobile clinic, outpatient clinic, satellite clinic, or veterinary hospital or clinic. "Veterinary premises" does not mean the premises of a veterinary client, research facility, a federal military base, or an accredited college of veterinary medicine.

"Veterinary prescription drugs" means those drugs restricted to use by or on the order of a licensed veterinarian in accordance with Section 503(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353).

"Veterinary specialist" means that a veterinarian is a diplomate within an AVMA-recognized veterinary specialty organization.

"Veterinary technology" means the performance of services within the field of veterinary medicine by a person who, for compensation or personal profit, is employed by a licensed veterinarian to perform duties that require an understanding of veterinary medicine necessary to carry out the orders of the veterinarian. Those services, however, shall not include

diagnosing, prognosing, writing prescriptions, or surgery.

(Source: P.A. 93-281, eff. 12-31-03.)

(225 ILCS 115/4) (from Ch. 111, par. 7004)

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

Sec. 4. Exemptions. Nothing in this Act shall apply to any of the following:

(1) Veterinarians employed by the federal or State government while engaged in their official duties.

(2) Licensed veterinarians from other states who are invited to Illinois for consultation by a veterinarian licensed in Illinois ~~or lecturing~~.

(3) Veterinarians employed by colleges or universities while engaged in the performance of their official duties, or faculty engaged in animal husbandry or animal management programs of colleges or universities.

(3.5) A veterinarian or veterinary technician from another state or country who (A) is not licensed under this Act; (B) is currently licensed as a veterinarian or veterinary technician in another state or country, or otherwise exempt from licensure in the other state; (C) is an invited guest of a professional veterinary association, veterinary training program, or continuing education provider approved by the Department; and (D) engages in professional education through lectures, clinics, or demonstrations.

(4) A veterinarian employed by an accredited college of veterinary medicine providing assistance requested by a veterinarian licensed in Illinois, acting with informed consent from the client and acting under the direct or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship.

(5) Veterinary students in an accredited college of veterinary medicine, university, department of a university, or other institution of veterinary medicine and surgery engaged in duties assigned by their instructors or working under the immediate or direct supervision of a licensed veterinarian.

(5.5) Students of an accredited program in veterinary technology performing veterinary technology duties or actions assigned by instructors or working under the immediate or direct supervision of a licensed veterinarian.

(6) Any person engaged in bona fide scientific research which requires the use of animals.

(7) An owner of livestock and any of the owner's employees or the owner and employees of a service and care provider of livestock caring for and treating livestock

belonging to the owner or under a provider's care, including but not limited to, the performance of husbandry and livestock management practices such as dehorning, castration, emasculation, or docking of cattle, horses, sheep, goats, and swine, artificial insemination, and drawing of semen. Nor shall this Act be construed to prohibit any person from administering in a humane manner medicinal or surgical treatment to any livestock in the care of such person. However, any such services shall comply with the Humane Care for Animals Act.

(8) An owner of an animal, or an agent of the owner acting with the owner's approval, in caring for, training, or treating an animal belonging to the owner, so long as that individual or agent does not represent himself or herself as a veterinarian or use any title associated with the practice of veterinary medicine or surgery or diagnose, prescribe drugs, or perform surgery. The agent shall provide the owner with a written statement summarizing the nature of the services provided and obtain a signed acknowledgment from the owner that they accept the services provided. The services shall comply with the Humane Care for Animals Act. The provisions of this item (8) do not apply to a person who is exempt under item (7).

(9) A member in good standing of another licensed or regulated profession within any state or a member of an organization or group approved by the Department by rule

providing assistance that is requested in writing by a veterinarian licensed in this State acting within a veterinarian-client-patient relationship and with informed consent from the client and the member is acting under the immediate, direct, or indirect supervision and control of the licensed veterinarian. Providing assistance involves hands-on active participation in the treatment and care of the patient, as defined by rule. The licensed veterinarian shall maintain responsibility for the veterinarian-client-patient relationship, but shall be immune from liability, except for willful and wanton conduct, in any civil or criminal action if a member providing assistance does not meet the requirements of this item (9).

(10) A graduate of a non-accredited college of veterinary medicine who is in the process of obtaining a certificate of educational equivalence and is performing duties or actions assigned by instructors in an approved college of veterinary medicine.

(10.5) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine performing duties or actions assigned by instructors or working under the immediate or direct supervision of a licensed veterinarian or a faculty member of the College of Veterinary Medicine at the University of Illinois.

(11) A certified euthanasia technician who is authorized to perform euthanasia in the course and scope of his or her employment only as permitted by the Humane Euthanasia in Animal Shelters Act.

(12) A person who, without expectation of compensation, provides emergency veterinary care in an emergency or disaster situation so long as he or she does not represent himself or herself as a veterinarian or use a title or degree pertaining to the practice of veterinary medicine and surgery.

(13) Any certified veterinary technician or other ~~An~~ employee of a licensed veterinarian performing permitted duties other than diagnosis, prognosis, prescription, or surgery under the appropriate direction and supervision of the veterinarian, who shall be responsible for the performance of the employee.

(13.5) Any pharmacist licensed in the State, merchant, or manufacturer selling at his or her regular place of business medicines, feed, appliances, or other products used in the prevention or treatment of animal diseases as permitted by law and provided that the services he or she provides do not include diagnosing, prognosing, writing prescriptions, or surgery.

(14) An approved humane investigator regulated under the Humane Care for Animals Act or employee of a shelter licensed under the Animal Welfare Act, working under the

indirect supervision of a licensed veterinarian.

(15) An individual providing equine dentistry services requested by a veterinarian licensed to practice in this State, an owner, or an owner's agent. For the purposes of this item (15), "equine dentistry services" means floating teeth without the use of drugs or extraction.

(15.5) In the event of an emergency or disaster, a veterinarian or veterinary technician not licensed in this State who (A) is responding to a request for assistance from the Illinois Department of Agriculture, the Illinois Department of Public Health, the Illinois Emergency Management Agency, or other State agency as determined by the Department; (B) is licensed and in good standing in another state; and (C) has been granted a temporary waiver from licensure by the Department.

(16) Private treaty sale of animals unless otherwise provided by law.

(17) Persons or entities practicing the specified occupations set forth in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.

(Source: P.A. 96-7, eff. 4-3-09.)

(225 ILCS 115/5) (from Ch. 111, par. 7005)

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

Sec. 5. No person shall practice veterinary medicine and surgery in any of its branches without a valid license to do so. Any person not licensed under this Act who performs any of the functions described as the practice of veterinary medicine or surgery as defined in this Act, who announces to the public in any way an intention to practice veterinary medicine and surgery, who uses the title Doctor of Veterinary Medicine or the initials D.V.M. or V.M.D., or who opens an office, hospital, or clinic for such purposes is considered to have violated this Act and may be subject to all the penalties provided for such violations.

It shall be unlawful for any person who is not licensed in this State to provide veterinary medical services from any state to a client or patient in this State through telephonic, electronic, or other means, except where a bonafide veterinarian-client-patient relationship exists.

Nothing in this Act shall be construed to prevent members of other professions from performing functions for which they are duly licensed, subject to the requirements of Section 4 of this Act. Other professionals may not, however, hold themselves out or refer to themselves by any title or descriptions stating or implying that they are engaged in the practice of veterinary medicine or that they are licensed to engage in the practice of

veterinary medicine.

(Source: P.A. 93-281, eff. 12-31-03.)

(225 ILCS 115/5.5 new)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5.5. Practice outside veterinarian-client-patient relationship prohibited. No person may practice veterinary medicine in the State except within the context of a veterinarian-client-patient relationship.

(225 ILCS 115/6) (from Ch. 111, par. 7006)

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

Sec. 6. Administration of Act.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise any other powers and duties necessary for effectuating the purpose of this Act.

(b) The Secretary ~~Director~~ shall adopt ~~promulgate~~ rules consistent with the provisions of this Act for the administration and enforcement thereof, and for the payment of fees connected therewith, and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for licensure, certification, and professional conduct and discipline. The Department shall consult with the Board in promulgating rules. Notice of

proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and any recommendations made therein. The Department shall notify the Board in writing with an explanation of the deviations in the Board's recommendations and responses.

(c) The Department shall solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(d) The Department shall issue quarterly to the Board a report of the status of all complaints related to the profession received by the Department.

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

(225 ILCS 115/7) (from Ch. 111, par. 7007)

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

Sec. 7. Veterinarian Licensing and Disciplinary Board. The Secretary ~~Director~~ shall appoint a Veterinarian Licensing and Disciplinary Board as follows: 7 persons shall be appointed by and shall serve in an advisory capacity to the Secretary ~~Director~~, 6 members must be licensed, in good standing, veterinarians in this State, and must be actively engaged in the practice of veterinary medicine and surgery in this State, and one member must be a member of the public who is not licensed under this Act, or a similar Act of another jurisdiction and who has no connection with the veterinary profession.

Members shall serve 4 year terms and until their successors are appointed and qualified, except that of the initial appointments, one member shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining, one of which shall be a public member, shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall be reappointed to the Board for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act.

The membership of the Board should reasonably reflect representation from the geographic areas in this State. The Secretary ~~Director~~ shall consider the recommendations made by the State Veterinary Medical Association in making appointments.

The Secretary ~~Director~~ may terminate the appointment of any member for cause which in the opinion of the Secretary ~~Director~~ reasonably justifies such termination.

The Board shall annually elect a Chairman who shall be a Veterinarian.

The Secretary ~~Director~~ shall consider the advice and recommendations of the Board on questions involving standards of professional conduct, discipline and qualifications of candidates and licensees under this Act.

Members of the Board shall be entitled to receive a per diem at a rate set by the Secretary ~~Director~~ and shall be reimbursed for all authorized expenses incurred in the exercise of their duties.

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

(Source: P.A. 91-827, eff. 6-13-00.)

(225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

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

Sec. 14.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license or certificate. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial,

the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

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

(225 ILCS 115/25) (from Ch. 111, par. 7025)

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

Sec. 25. Disciplinary actions.

1. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed \$1,000 for each violation, with regard to any license or certificate for any one or combination of the following:

A. Material misstatement in furnishing information to the Department.

B. Violations of this Act, or of the rules adopted pursuant to ~~promulgated under~~ this Act.

C. Conviction of any crime under the laws of the United

States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.

D. Making any misrepresentation for the purpose of obtaining licensure or certification, or violating any provision of this Act or the rules adopted pursuant to promulgated under this Act pertaining to advertising.

E. Professional incompetence.

F. Gross malpractice.

G. Aiding or assisting another person in violating any provision of this Act or rules.

H. Failing, within 60 days, to provide information in response to a written request made by the Department.

I. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

J. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

K. Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

L. Directly or indirectly giving to or receiving from

any person, firm, corporation, partnership or association any fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

M. A finding by the Board that the licensee or certificate holder, after having his license or certificate placed on probationary status, has violated the terms of probation.

N. Willfully making or filing false records or reports in his practice, including but not limited to false records filed with State agencies or departments.

O. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment ~~judgement~~, skill, or safety.

P. Solicitation of professional services other than permitted advertising.

Q. Having professional connection with or lending one's name, directly or indirectly, to any illegal practitioner of veterinary medicine and surgery and the various branches thereof.

R. Conviction of or cash compromise of a charge or violation of the Harrison Act or the Illinois Controlled Substances Act, regulating narcotics.

S. Fraud or dishonesty in applying, treating, or

reporting on tuberculin or other biological tests.

T. Failing to report, as required by law, or making false report of any contagious or infectious diseases.

U. Fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice that might lead to the dissemination of disease or the transportation of diseased animals dead or alive; or dilatory methods, willful neglect, or misrepresentation in the inspection of milk, meat, poultry, and the by-products thereof.

V. Conviction on a charge of cruelty to animals.

W. Failure to keep one's premises and all equipment therein in a clean and sanitary condition.

X. Failure to provide satisfactory proof of having participated in approved continuing education programs.

Y. Failure to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

Z. Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of veterinary medicine, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant

the public trust.

AA. Promotion of the sale of drugs, devices, appliances, or goods provided for a patient in any manner to exploit the client for financial gain of the veterinarian.

BB. Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

CC. Practicing under a false or, except as provided by law, an assumed name.

DD. Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

EE. Cheating on or attempting to subvert the licensing examination administered under this Act.

FF. Using, prescribing, or selling a prescription drug or the extra-label use of a prescription drug by any means in the absence of a valid veterinarian-client-patient relationship.

GG. Failing to report a case of suspected aggravated cruelty, torture, or animal fighting pursuant to Section 3.07 or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961.

2. The determination by a circuit court that a licensee or certificate holder is subject to involuntary admission or judicial admission as provided in the Mental Health and

Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary ~~Director~~ that the licensee or certificate holder be allowed to resume his practice.

3. All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license or certificate on any of the foregoing grounds, must be commenced within 3 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for proceedings brought for violations of items (CC), (DD), or (EE), no action shall be commenced more than 5 years after the date of the incident or act alleged to have violated this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, the claim, cause of action, or civil action being grounded on the allegation that a person licensed or certified under this Act was negligent in providing care, the Department shall have an additional period of one year from the date of the settlement or final judgment in which to investigate and begin formal disciplinary proceedings under Section 25.2 of this Act, except

as otherwise provided by law. The time during which the holder of the license or certificate was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

4. The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Department of Revenue.

5. In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An

individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

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

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Secretary ~~Director~~ for a determination as to whether the person shall have his or her license suspended immediately, pending a

hearing by the Board.

(Source: P.A. 93-281, eff. 12-31-03.)

(225 ILCS 115/25.1) (from Ch. 111, par. 7025.1)

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

Sec. 25.1. (a) If any person violates a provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall practice as a veterinarian or hold himself out as a veterinarian without being licensed under the provision of this Act then any licensed veterinarian, any interested party or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a

rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 83-1016.)

(225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

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

Sec. 25.2. Investigation; notice. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license or certificate. The Department shall, before refusing to issue, to renew or discipline a license or certificate under Section 25, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or certificate of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant, certificate holder, or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant, certificate holder, or licensee that failure to file an answer will result in default being taken against the applicant, certificate holder, or licensee and that the license or certificate may be

suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary ~~Director~~ may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence, and argument pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

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

(225 ILCS 115/25.4) (from Ch. 111, par. 7025.4)

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

Sec. 25.4. The Department shall have the power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the

same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Secretary ~~Director~~, the designated hearing officer, and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

(Source: P.A. 83-1016.)

(225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

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

Sec. 25.6. Written report. At the conclusion of the hearing the Board shall present to the Secretary ~~Director~~ a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary ~~Director~~.

The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order or refusal or for the granting of a license, certificate, or permit. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board, then the Secretary ~~Director~~ may issue an order in contravention thereof. The

Secretary ~~Director~~ shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

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

(225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

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

Sec. 25.7. Procedure upon refusal to license or issue certificate. In any case under Section 25 involving the refusal to issue, renew, or discipline a license or certificate, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion in writing for a rehearing. The motion shall specify the particular grounds for the rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon the denial, then the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board except as provided in Section 25.6 of this Act. If the respondent orders from the reporting service, and pays for a

transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

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

(225 ILCS 115/25.8) (from Ch. 111, par. 7025.8)

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

Sec. 25.8. Rehearing ordered by Secretary ~~Director~~. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or certificate, the Secretary ~~Director~~ may order a rehearing by the Board or a designated hearing officer.

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

(225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

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

Sec. 25.9. Hearing officers; reports; review. Notwithstanding the provisions of Section 25.2 of this Act, the Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew, or discipline of a license, certificate, or permit. The Secretary ~~Director~~ shall notify the Board of any appointment. The hearing officer shall have full authority to

conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary ~~Director~~. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 day period, then the Secretary ~~Director~~ may issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board or hearing officer, then the Secretary ~~Director~~ may issue an order in contravention of the report. The Secretary ~~Director~~ shall provide a written explanation to the Board on any deviation, and shall specify with particularity the reasons for the action in the final order. At least 2 licensed veterinarian members of the Board should be present at all formal hearings on the merits of complaints brought under the provisions of this Act.

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

(225 ILCS 115/25.10) (from Ch. 111, par. 7025.10)

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

Sec. 25.10. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

(a) the signature is the genuine signature of the

Secretary Director;

(b) the Secretary Director is duly appointed and qualified; and

(c) the Board and the members thereof are qualified to act.

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

(225 ILCS 115/25.13) (from Ch. 111, par. 7025.13)

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

Sec. 25.13. The Secretary Director may temporarily suspend the license of a veterinarian without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 25.2 of this Act, if the Secretary Director finds that evidence in his possession indicates that a veterinarian's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director suspends, temporarily, the license of a veterinarian without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred.

(Source: P.A. 83-1016.)

(225 ILCS 115/25.17)

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

Sec. 25.17. Disclosure of patient records; maintenance information.

(a) No veterinarian shall be required to disclose any

information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian releasing information under written authorization, or other waiver by the client, or court order of subpoena is not liable to the client or any other person. The privilege provided by this Section is waived to the extent that the veterinarian's client or the owner of the animal places the care and treatment or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding. When communicable disease laws, cruelty to animal laws, or laws providing for public health and safety are involved, the privilege provided by this Section is waived.

(b) Copies of patient records must be released to the client upon written request as provided for by rule.

(c) Each person who provides veterinary medical services shall maintain appropriate patient records as defined by rule. The patient records are the property of the practice and the practice owner. Patient records shall, if applicable, include the following:

(1) patient identification;

(2) client identification;

(3) dated reason for visit and pertinent history;

(4) physical exam findings;

(5) diagnostic, medical, surgical or therapeutic procedures performed;

(6) all medical treatment must include identification of each medication given in the practice, together with the date, dosage, and route of administration and frequency and duration of treatment;

(7) all medicines dispensed or prescribed must be recorded, including directions for use and quantity;

(8) any changes in medications or dosages, including telephonically or electronically initiated changes, must be recorded;

(9) if a necropsy is performed, then the record must reflect the findings;

(10) any written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports;

(11) other information received as the result of consultation;

(12) identification of any designated agent of the client for the purpose of authorizing veterinary medical or animal health care decisions; and

(13) any authorizations, releases, waivers, or other related documents.

(d) Patient records must be maintained for a minimum of 5 years from the date of the last known contact with an animal patient.

(e) Information and records related to patient care shall remain confidential except as provided in subsections (a) and

(b) of this Section.

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

(225 ILCS 115/25.18)

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

Sec. 25.18. Penalties.

(a) In addition to any other penalty provided by law, any person who violates Section 5 of this Act or any other provision of this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions set forth in Section 25.3 through Section 25.10 and Section 25.14.

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

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

(d) All monies collected under this Section shall be deposited into the Professional Regulation Evidence Fund.

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

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