

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.36 and by adding Section 4.41 as follows:

(5 ILCS 80/4.36)

Sec. 4.36. Acts repealed on January 1, 2026. The following Acts are repealed on January 1, 2026:

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Collection Agency Act.

The Hearing Instrument Consumer Protection Act.

~~The Illinois Athletic Trainers Practice Act.~~

The Illinois Dental Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Physical Therapy Act.

The Professional Geologist Licensing Act.

~~The Respiratory Care Practice Act.~~

(Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15; 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15; 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff. 12-31-15; 99-642, eff. 7-28-16.)

(5 ILCS 80/4.41 new)

Sec. 4.41. Acts repealed on January 1, 2031. The following Acts are repealed on January 1, 2031:

The Illinois Athletic Trainers Practice Act.

The Respiratory Care Practice Act.

Section 10. The Illinois Athletic Trainers Practice Act is amended by changing Sections 3, 4, 5, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 19.5, 22, 24, 27, 28, and 30 and by adding Section 3.5 as follows:

(225 ILCS 5/3) (from Ch. 111, par. 7603)

(Section scheduled to be repealed on January 1, 2026)

Sec. 3. Definitions. As used in this Act:

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

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

(3) (Blank). ~~"Board" means the Illinois Board of Athletic Trainers appointed by the Secretary.~~

(4) "Licensed athletic trainer" means a person licensed to practice athletic training as defined in this Act and with the specific qualifications set forth in Section 9 of this Act who, upon the direction or consultation of a physician, carries out the practice of evaluation, prevention or emergency care, or physical reconditioning of injuries

incurred by athletes conducted by an educational institution, professional athletic organization, sanctioned amateur athletic organization, performing arts setting, clinical setting, or employment setting employing the athletic trainer; or a person who, under the direction of a physician, carries out comparable functions for a health organization-based extramural program of athletic training services for athletes. Specific duties of the athletic trainer include, but are not limited to:

A. Supervision of the selection, fitting, and maintenance of protective equipment;

B. Provision of assistance to the coaching staff in the development and implementation of conditioning programs;

C. Counseling of athletes on nutrition and hygiene;

D. Supervision of athletic training facility and inspection of playing facilities;

E. Selection and maintenance of athletic training equipment and supplies;

F. (Blank);

G. Coordination with a physician to provide:

(i) pre-competition physical exam and health history updates,

(ii) game coverage or phone access to a physician or paramedic,

(iii) follow-up injury care,

(iv) reconditioning programs, and

(v) assistance on all matters pertaining to the health and well-being of athletes;

H. Provision of on-site injury care and evaluation as well as appropriate transportation, follow-up treatment and reconditioning as necessary for all injuries sustained by athletes in the program;

I. With a physician, determination of when an athlete may safely return to full participation post-injury;

J. Maintenance of complete and accurate records of all athlete injuries and treatments rendered; and

K. Written reports to a referring individual every 30 days services are provided.

To carry out these functions the athletic trainer is authorized to utilize modalities, including, but not limited to, heat, light, sound, cold, electricity, exercise, or mechanical devices related to care and reconditioning. An athletic trainer may also carry out these functions upon receiving a referral. A licensed athletic trainer shall use "LAT" or "L.A.T." in connection with the athletic trainer's name to denote licensure under this Act.

(5) "Referral" means the written authorization for athletic trainer services as provided in paragraph (4) given by a physician, physician assistant, advanced practice registered nurse, podiatric physician, or dentist, who shall maintain medical supervision of the athlete and makes a

diagnosis or verifies that the patient's condition is such that it may be treated by an athletic trainer.

(6) "Aide" means a person who has received on-the-job training specific to the facility in which that person ~~he or she~~ is employed, on either a paid or volunteer basis, but is not enrolled in an accredited curriculum.

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

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

(9) ~~(8)~~ "Board of Certification" means the Board of Certification for the Athletic Trainer.

(10) ~~(9)~~ "Athlete" means a person participating in an activity that requires a level of strength, endurance, flexibility, range of motion, speed, or agility which may include exercise, sports, recreation, wellness, or employment activity.

(11) ~~(10)~~ "Physician assistant" means a physician assistant licensed to practice under the Physician Assistant

Practice Act of 1987 in accordance with a written collaborative agreement with a physician licensed to practice medicine in all of its branches.

(12) ~~(11)~~ "Advanced practice registered nurse" means an advanced practice registered nurse licensed to practice under the Nurse Practice Act.

(Source: P.A. 102-940, eff. 1-1-23.)

(225 ILCS 5/3.5 new)

Sec. 3.5. Address of record; email address of record. All applicants and licensees shall:

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

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

(225 ILCS 5/4) (from Ch. 111, par. 7604)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4. Licensure; exempt activities. No person shall provide any of the services set forth in subsection (4) of Section 3 of this Act, or use the title "athletic trainer", "certified athletic trainer", "athletic trainer certified", or

"licensed athletic trainer" or the letters "LAT", "L.A.T.", "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after the athletic trainer's name, unless licensed under this Act.

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

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

(2) Any person employed as an athletic trainer by the Government of the United States, if such person provides athletic training solely under the direction or control of the organization by which the person ~~he or she~~ is employed.

(3) Any person pursuing a course of study leading to a degree in athletic training at an accredited educational program if such activities and services constitute a part of a supervised course of study involving daily personal or verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises, and evaluates the student's athletic training clinical education. The supervising licensed athletic trainer must be on-site where the athletic training clinical education is being obtained. A person meeting the criteria under this paragraph (3) must be designated by a title which clearly

indicates the person's ~~his or her~~ status as a student.

(4) (Blank).

(5) The practice of athletic training under the supervision of a licensed athletic trainer by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 except the passing of the examination to be eligible to receive such license. This temporary right to act as an athletic trainer shall expire 3 months after the filing of a person's ~~his or her~~ written application to the Department; when the applicant has been notified of the applicant's ~~his or her~~ failure to pass the examination authorized by the Department; when the applicant has withdrawn the applicant's ~~his or her~~ application; when the applicant has received a license from the Department after successfully passing the examination authorized by the Department; or when the applicant has been notified by the Department to cease and desist from practicing, whichever occurs first. This provision shall not apply to an applicant who has previously failed the examination.

(6) Any person in a coaching position from rendering emergency care on an as needed basis to the athletes under the person's ~~his or her~~ supervision when a licensed athletic trainer is not available.

(7) Any person who is an athletic trainer from another state or territory of the United States or another nation,



state, or territory acting as an athletic trainer while performing the person's ~~his or her~~ duties for the ~~his or her~~ respective non-Illinois based team or organization, so long as the person's duties are restricted to the respective ~~he or she restricts his or her duties to his or her~~ team or organization during the course of the ~~his or her~~ team's or organization's stay in this State. For the purposes of this Act, a team shall be considered based in Illinois if its home contests are held in Illinois, regardless of the location of the team's administrative offices.

(8) The practice of athletic training by persons licensed in another state who have applied in writing to the Department for licensure by endorsement. This temporary right to act as an athletic trainer shall expire 6 months after the filing of such person's ~~his or her~~ written application to the Department; upon the withdrawal of the application for licensure under this Act; upon delivery of a notice of intent to deny the application from the Department; or upon the denial of the application by the Department, whichever occurs first.

(9) The practice of athletic training by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9. This temporary right to act as an athletic trainer shall expire 6 months after the filing of that individual's ~~his or her~~

written application to the Department; upon the withdrawal of the application for licensure under this Act; upon delivery of a notice of intent to deny the application from the Department; or upon the denial of the application by the Department, whichever occurs first.

(10) The practice of athletic training by persons actively licensed as an athletic trainer in another state or territory of the United States or another country, or currently certified by the Board of Certification, or its successor entity, at a special athletic tournament or event conducted by a sanctioned amateur athletic organization for no more than 14 days. This shall not include contests or events that are part of a scheduled series of regular season events.

(11) Aides from performing patient care activities under the on-site supervision of a licensed athletic trainer. These patient care activities shall not include interpretation of referrals or evaluation procedures, planning or major modifications of patient programs, administration of medication, or solo practice or event coverage without immediate access to a licensed athletic trainer.

(12) (Blank) .

(Source: P.A. 102-940, eff. 1-1-23; 103-154, eff. 6-30-23.)

(225 ILCS 5/5) (from Ch. 111, par. 7605)

(Section scheduled to be repealed on January 1, 2026)

Sec. 5. Administration of Act; rules and forms.

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

(b) The Department ~~Secretary~~ may 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 which shall be issued in connection therewith. The rules may include standards and criteria for licensure, certification, and professional conduct and discipline. ~~The Department may consult with the Board in promulgating rules.~~

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

(d) (Blank).

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/8) (from Ch. 111, par. 7608)

(Section scheduled to be repealed on January 1, 2026)

Sec. 8. Examinations. If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for licensure under this Act within 3 years after filing an ~~his~~

~~or her~~ application, the application shall be denied. The applicant may thereafter make a new application accompanied by the required fee; however, the applicant shall meet all requirements in effect at the time of subsequent application before obtaining licensure.

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

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/9) (from Ch. 111, par. 7609)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9. Qualifications for licensure. A person shall be qualified for licensure as an athletic trainer if the person fulfills the following ~~he or she fulfills all of the following:~~

(a) Has graduated from a curriculum in athletic training accredited by the Commission on Accreditation of Athletic Training Education (CAATE), its successor entity, or its equivalent, as approved by the Department.

(b) Gives proof of current certification, on the date of application, in cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) for Healthcare Providers and Professional Rescuers or its equivalent based on American Red Cross or American Heart Association standards.

(b-5) Has graduated from a 4-year ~~4-year~~ accredited

college or university.

(c) Has passed an examination approved by the Department to determine the person's ~~his or her~~ fitness for practice as an athletic trainer, or is entitled to be licensed without examination as provided in Section 13 ~~Sections 7 and 8~~ of this Act.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/11) (from Ch. 111, par. 7611)

(Section scheduled to be repealed on January 1, 2026)

Sec. 11. Inactive licenses; restoration. Any athletic trainer who notifies the Department in writing on forms prescribed by the Department, may elect to place the athletic trainer's ~~his or her~~ license on ~~an~~ inactive status and shall, subject to the rules of the Department, be excused from payment of renewal fees until ~~he or she notifies~~ the Department is notified in writing of the athletic trainer's ~~his or her~~ desire to resume active status.

Any athletic trainer requesting restoration from inactive status shall be required to pay the current renewal fee, shall demonstrate compliance with continuing education requirements, if any, and shall be required to restore the athletic trainer's ~~his or her~~ license as provided in Section 12.

Any athletic trainer whose license is in expired or inactive status shall not practice athletic training in the State of Illinois.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/12) (from Ch. 111, par. 7612)

(Section scheduled to be repealed on January 1, 2026)

Sec. 12. Restoration of expired licenses. An athletic trainer who has permitted the athletic trainer's ~~his or her~~ license to expire or who has had a ~~his or her~~ license on inactive status may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the athletic trainer's ~~his or her~~ fitness to have the ~~his or her~~ license restored, and by paying the required fees. Proof of fitness may include sworn evidence certifying active lawful practice in another jurisdiction.

If the athletic trainer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, the athletic trainer's ~~his or her~~ fitness for restoration of the license and shall establish procedures and requirements for restoration.

Any athletic trainer whose license has been expired for more than 5 years may have the ~~his or her~~ license restored by making application to the Department and filing proof acceptable to the Department of the athletic trainer's ~~his or her~~ fitness to have the ~~his or her~~ license restored, including sworn evidence certifying to active practice in another

jurisdiction and by paying the required restoration fee. However, any athletic trainer whose license has expired while ~~he or she has been~~ engaged (1) in the federal service in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training, or education, other than by dishonorable discharge, the Department is furnished with satisfactory evidence to the effect that the licensee has been so engaged and that the service, training, or education has been terminated ~~he or she furnished the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.~~

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/13) (from Ch. 111, par. 7613)

(Section scheduled to be repealed on January 1, 2026)

Sec. 13. Endorsement. The Department may, at its discretion, license as an athletic trainer, without examination, upon ~~on~~ payment of the required fee, an applicant

for licensure who is an athletic trainer registered or licensed under the laws of another jurisdiction if the requirements pertaining to athletic trainers in such jurisdiction were, at the date of the applicant's ~~his or her~~ registration or licensure, substantially equal to the requirements in force in Illinois on that date or equivalent to the requirements of this Act.

An applicant for endorsement who has practiced for 10 consecutive years in another jurisdiction shall meet the requirements for licensure by endorsement upon filing an application on forms provided by the Department, paying the required fee, and showing proof of licensure in another jurisdiction for at least 10 consecutive years without discipline by certified verification of licensure from the jurisdiction in which the applicant practiced.

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

(Source: P.A. 102-940, eff. 1-1-23.)

(225 ILCS 5/14) (from Ch. 111, par. 7614)

(Section scheduled to be repealed on January 1, 2026)

Sec. 14. Fees; returned checks. The fees for administration and enforcement of this Act, including but not



limited to original licensure, renewal, and restoration shall be set by rule. The fees shall be non-refundable.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50.

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

or unnecessarily burdensome.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/16) (from Ch. 111, par. 7616)

(Section scheduled to be repealed on January 1, 2026)

Sec. 16. Grounds for discipline.

(1) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 for each violation, with regard to any licensee 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 or regulations promulgated hereunder;

(C) Conviction of or plea of guilty to any crime under the Criminal Code of 2012 or the laws of any jurisdiction of the United States that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) of any crime that is directly related to the practice of the profession;

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

(E) Professional incompetence or gross negligence;

(F) Malpractice;

(G) Aiding or assisting another person, firm, partnership, or corporation 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 abuse of drugs defined in law as controlled substances, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety;

(K) Discipline by another state, unit of government, government agency, the 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 any professional services not actually or personally rendered. Nothing in this subparagraph (L) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities,

except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this subparagraph (L) shall be construed to require an employment arrangement to receive professional fees for services rendered;

(M) A finding by the Department that the licensee after having the licensee's ~~his or her~~ license disciplined has violated the terms of probation;

(N) Abandonment of an athlete;

(O) Willfully making or filing false records or reports in the person's ~~his or her~~ practice, including but not limited to false records filed with State agencies or departments;

(P) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(Q) Physical illness, including but not limited to deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety;

(R) Solicitation of professional services other than by permitted institutional policy;

(S) The use of any words, abbreviations, figures or

letters with the intention of indicating practice as an athletic trainer without a valid license as an athletic trainer under this Act;

(T) The evaluation or treatment of ailments of human beings other than by the practice of athletic training as defined in this Act or the treatment of injuries of athletes by a licensed athletic trainer except by the referral of a physician, physician assistant, advanced practice registered nurse, podiatric physician, or dentist;

(U) Willfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit-forming drugs;

(V) Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

(W) Continued practice by a person knowingly having an infectious communicable or contagious disease;

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

(X-5) Failure to provide a monthly report on the

patient's progress to the referring physician, physician assistant, advanced practice registered nurse, podiatric physician, or dentist;

(Y) (Blank);

(Z) Failure to fulfill continuing education requirements;

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

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

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

(DD) Gross, willful, or continued overcharging for professional services;

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

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

(GG) Violation of the Health Care Worker Self-Referral Act; or

(HH) Failure by a supervising athletic trainer of an aide to maintain contact, including personal supervision and instruction, to ensure the safety and welfare of an athlete.

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

(2) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and issuance of an order so finding and discharging the licensee.

(3) The Department may refuse to issue or may suspend without hearing, as provided for in the Code of Civil Procedure, the license of any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied

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

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any



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

Failure of any individual to submit to a mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing, until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall

require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

All substance-related violations shall mandate an automatic substance abuse assessment. Failure to submit to an assessment by a licensed physician who is certified as an addictionist or an advanced practice registered nurse with a specialty certification in addictions may be grounds for an automatic suspension.

If the Department finds an individual unable to practice or unfit for duty because of the reasons set forth in this Section, the Department may require the individual to submit to a substance abuse evaluation or treatment by individuals or programs approved or designated by the Department, as a condition, term, or restriction for continued, restored, or renewed licensure to practice; or, in lieu of evaluation or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, restored, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have the registration suspended immediately, pending a hearing by the Department.

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

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

(5) (Blank).

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

of Illinois.

(Source: P.A. 102-940, eff. 1-1-23.)

(225 ILCS 5/17) (from Ch. 111, par. 7617)

(Section scheduled to be repealed on January 1, 2026)

Sec. 17. Violations; injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, 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 holds oneself ~~shall hold himself or herself~~ out in a manner prohibited by this Act, any interested party or any person injured thereby may, in addition to the Secretary, 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 the person ~~him or her~~. 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. 99-469, eff. 8-26-15.)

(225 ILCS 5/18) (from Ch. 111, par. 7618)

(Section scheduled to be repealed on January 1, 2026)

Sec. 18. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or to renew a license or disciplining a registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of the nature of the charges and the time and place that a hearing will be held on the charges. The Department shall direct the applicant or licensee to file a written answer under oath within 20 days after the service of the notice. In case the person fails to file an answer after receiving notice, the person's ~~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 Department shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time. ~~The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record.~~

(Source: P.A. 99-469, eff. 8-26-15; 99-642, eff. 7-28-16.)

(225 ILCS 5/19) (from Ch. 111, par. 7619)

(Section scheduled to be repealed on January 1, 2026)

Sec. 19. Record of proceedings. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report ~~of the Board~~ and order of the Department shall be the record of such proceeding. Any licensee who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a license or to discipline a

licensee may be required by the Department to pay for the costs of the proceeding. These costs are limited to costs for court reporters, transcripts, and witness attendance and mileage fees. All costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/19.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 19.5. Subpoenas; oaths. The Department may subpoena and bring before it any person and may take the oral or written testimony of any person or compel the production of any books, papers, records, or any other documents that the Secretary or the Secretary's ~~his or her~~ designee deems relevant or material to an investigation or hearing conducted by the Department 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, the designated hearing officer, ~~any member of the Board,~~ or a certified shorthand court reporter may administer oaths at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony or production of documents or records shall be in accordance with this Act.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/22) (from Ch. 111, par. 7622)

(Section scheduled to be repealed on January 1, 2026)

Sec. 22. Motion for rehearing ~~Report of Board; motion for rehearing~~. In any case involving the refusal to issue or renew a license or the discipline of a licensee, a copy of the hearing officer's ~~Board's~~ report shall be served upon the respondent by the Department as provided under Section 18 of ~~in~~ this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with recommendations of the Department, ~~Board~~ except as provided in Section 23 of this Act. If the respondent shall order from the reporting service, and pay 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. 99-469, eff. 8-26-15.)

(225 ILCS 5/24) (from Ch. 111, par. 7624)



(Section scheduled to be repealed on January 1, 2026)

Sec. 24. Hearing officer appointment. The Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license, or for the taking of disciplinary action against a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report any ~~his or her~~ findings of fact, conclusions of law, and recommendations to ~~the Board and~~ the Secretary. In the report, the hearing officer shall make a finding of whether or not the charged licensee or applicant violated a provision of this Act or any rules adopted under this Act. Upon presenting the report to the Secretary, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the report of the hearing officer, the Secretary may issue an order in contravention of the hearing officer's report. The finding by the hearing officer shall not be admissible in evidence against the person in a criminal prosecution brought for a violation of this Act nor shall a finding by the hearing officer be a bar to a criminal prosecution brought for a violation of this Act. The Board shall have 90 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendation to the Secretary. If the Board fails to present its report within the 90 day period, the Secretary may

~~issue an order based on the report of the hearing officer. If the Secretary determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.~~

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/27) (from Ch. 111, par. 7627)

(Section scheduled to be repealed on January 1, 2026)

Sec. 27. Surrender of license. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license or licenses to the Department, and if the licensee ~~he or she~~ fails to do so, the Department shall have the right to seize the license.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/28) (from Ch. 111, par. 7628)

(Section scheduled to be repealed on January 1, 2026)

Sec. 28. Summary suspension of a license. The Secretary may summarily suspend the license of an athletic trainer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 20 of this Act, if the Secretary finds that evidence indicates that an athletic trainer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends, ~~summarily,~~ the license of an athletic trainer without a hearing, a hearing shall be

commenced within 30 days after such suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/30) (from Ch. 111, par. 7630)

(Section scheduled to be repealed on January 1, 2026)

Sec. 30. Certifications of record; costs. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. ~~Exhibits shall be certified without cost.~~ Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 5/6 rep.)

(225 ILCS 5/15 rep.)

(225 ILCS 5/21 rep.)

(225 ILCS 5/34 rep.)

Section 15. The Illinois Athletic Trainers Practice Act is amended by repealing Sections 6, 15, 21, and 34.

Section 20. The Respiratory Care Practice Act is amended by changing Sections 10, 15, 20, 22, 30, 35, 42, 50, 60, 65,

70, 80, 85, 90, 95, 100, 105, 110, 135, 155, 160, 170, and 180  
and by adding Section 12 as follows:

(225 ILCS 106/10)

(Section scheduled to be repealed on January 1, 2026)

Sec. 10. Definitions. In this Act:

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

"Advanced practice registered nurse" means an advanced practice registered nurse licensed under the Nurse Practice Act.

"Board" means the Respiratory Care Board appointed by the Secretary.

"Basic respiratory care activities" means and includes all of the following activities:

(1) Cleaning, disinfecting, and sterilizing equipment used in the practice of respiratory care as delegated by a licensed health care professional or other authorized licensed personnel.

(2) Assembling equipment used in the practice of respiratory care as delegated by a licensed health care

professional or other authorized licensed personnel.

(3) Collecting and reviewing patient data through non-invasive means, provided that the collection and review does not include the individual's interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the performance of pulse oximetry and non-invasive monitoring procedures in order to obtain vital signs and notification to licensed health care professionals and other authorized licensed personnel in a timely manner.

(4) Maintaining a nasal cannula or face mask for oxygen therapy in the proper position on the patient's face.

(5) Assembling a nasal cannula or face mask for oxygen therapy at patient bedside in preparation for use.

(6) Maintaining a patient's natural airway by physically manipulating the jaw and neck, suctioning the oral cavity, or suctioning the mouth or nose with a bulb syringe.

(7) Performing assisted ventilation during emergency resuscitation using a manual resuscitator.

(8) Using a manual resuscitator at the direction of a licensed health care professional or other authorized licensed personnel who is present and performing routine airway suctioning. These activities do not include care of a patient's artificial airway or the adjustment of

mechanical ventilator settings while a patient is connected to the ventilator.

"Basic respiratory care activities" does not mean activities that involve any of the following:

(1) Specialized knowledge that results from a course of education or training in respiratory care.

(2) An unreasonable risk of a negative outcome for the patient.

(3) The assessment or making of a decision concerning patient care.

(4) The administration of aerosol medication or medical gas.

(5) The insertion and maintenance of an artificial airway.

(6) Mechanical ventilatory support.

(7) Patient assessment.

(8) Patient education.

(9) The transferring of oxygen devices, for purposes of patient transport, with a liter flow greater than 6 liters per minute, and the transferring of oxygen devices at any liter flow being delivered to patients less than 12 years of age.

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

"Email address of record" means the designated email address recorded by the Department in the applicant's or

licensee's application file or license file as maintained by the Department's licensure maintenance unit.

"Licensed" means that which is required to hold oneself out as a respiratory care practitioner as defined in this Act.

"Licensed health care professional" means a physician licensed to practice medicine in all its branches, a licensed advanced practice registered nurse, or a licensed physician assistant.

"Order" means a written, oral, or telecommunicated authorization for respiratory care services for a patient by (i) a licensed health care professional who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a respiratory care practitioner or (ii) a certified registered nurse anesthetist in a licensed hospital or ambulatory surgical treatment center.

"Other authorized licensed personnel" means a licensed respiratory care practitioner, a licensed registered nurse, or a licensed practical nurse whose scope of practice authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health professional.

"Proximate supervision" means a situation in which an individual is responsible for directing the actions of another individual in the facility and is physically close enough to be readily available, if needed, by the supervised individual.

"Respiratory care" and "cardiorespiratory care" mean

preventative services, evaluation and assessment services, therapeutic services, cardiopulmonary disease management, and rehabilitative services under the order of a licensed health care professional for an individual with a disorder, disease, or abnormality of the cardiopulmonary system. These terms include, but are not limited to, measuring, observing, assessing, and monitoring signs and symptoms, reactions, general behavior, and general physical response of individuals to respiratory care services, including the determination of whether those signs, symptoms, reactions, behaviors, or general physical responses exhibit abnormal characteristics; the administration of pharmacological and therapeutic agents and procedures related to respiratory care services; the administration of vaccinations for the prevention of respiratory illness upon completion of training set forth by rule, limited to patients 18 years of age and older pursuant to a valid prescription or standing order by a physician licensed to practice medicine in all its branches who, in the course of professional practice, administers vaccines to patients; the collection of blood specimens and other bodily fluids and tissues for, and the performance of, cardiopulmonary diagnostic testing procedures, including, but not limited to, blood gas analysis; development, implementation, and modification of respiratory care treatment plans and provision of education and skill training to patients and caregivers based on assessed abnormalities of the cardiopulmonary system,



respiratory care guidelines, referrals, and orders of a licensed health care professional; application, operation, and management of mechanical ventilatory support and other means of life support, including, but not limited to, hemodynamic cardiovascular support; and the initiation of emergency procedures under the rules promulgated by the Department. The Department shall adopt any rules necessary to implement this Section, including training and education requirements regarding vaccinations, which includes, but is not limited to, how to address contraindications and adverse reactions, appropriate vaccine storage, proper administration, the provision of written notice to the patient's physician, and record retention requirements. A respiratory care practitioner shall refer to a licensed health care professional ~~physician licensed to practice medicine in all its branches~~ any patient whose condition, at the time of evaluation or treatment, is determined to be beyond the scope of practice of the respiratory care practitioner.

"Respiratory care education program" means a course of academic study leading to eligibility for registry or certification in respiratory care. The training is to be approved by an accrediting agency recognized by the Board and shall include an evaluation of competence through a standardized testing mechanism that is determined by the Board to be both valid and reliable.

"Respiratory care practitioner" means a person who is

licensed by the Department of Professional Regulation and meets all of the following criteria:

(1) The person is engaged in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care.

(2) The person is capable of serving as a resource to the licensed health care professional in relation to the technical aspects of cardiorespiratory care and the safe and effective methods for administering cardiorespiratory care modalities.

(3) The person is able to function in situations of unsupervised patient contact requiring great individual judgment.

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

(Source: P.A. 99-173, eff. 7-29-15; 99-230, eff. 8-3-15; 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

(225 ILCS 106/12 new)

Sec. 12. Address of record; email address of record. All applicants and licensees shall:

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

(2) inform the Department of any change of address of

record or email address of record within 14 days after the change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 106/15)

(Section scheduled to be repealed on January 1, 2026)

Sec. 15. Exemptions.

(a) This Act does not prohibit a person legally regulated in this State by any other Act from engaging in any practice for which that person ~~he or she~~ is authorized.

(b) Nothing in this Act shall prohibit the practice of respiratory care by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(c) Nothing in this Act shall be construed to limit the activities and services of a person enrolled in an approved course of study leading to a degree or certificate of registry or certification eligibility in respiratory care if these activities and services constitute a part of a supervised course of study and if the person is designated by a title which clearly indicates the person's ~~his or her~~ status as a student or trainee. Status as a student or trainee shall not exceed 3 years from the date of enrollment in an approved course for an approved associate's degree program or 5 years for an approved bachelor's degree program.

(d) Nothing in this Act shall prohibit a person from

treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

(e) Nothing in this Act shall be construed to prevent a person who is a registered nurse, an advanced practice registered nurse, a licensed practical nurse, a physician assistant, or a physician licensed to practice medicine in all its branches from providing respiratory care.

(f) Nothing in this Act shall limit a person who is credentialed by the National Society for Cardiopulmonary Technology or the National Board for Respiratory Care from performing pulmonary function tests and respiratory care procedures related to the pulmonary function test. Individuals who do not possess a license to practice respiratory care or a license in another health care field may perform basic screening spirometry limited to peak flow, forced vital capacity, slow vital capacity, and maximum voluntary ventilation if they possess spirometry certification from the National Institute for Occupational Safety and Health, an Office Spirometry Certificate from the American Association for Respiratory Care, or other similarly accepted certification training.

(g) Nothing in this Act shall prohibit the collection and analysis of blood by clinical laboratory personnel meeting the personnel standards of the Illinois Clinical Laboratory Act.

(h) Nothing in this Act shall prohibit a polysomnographic

technologist, technician, or trainee, as defined in the job descriptions jointly accepted by the American Academy of Sleep Medicine, the Association of Polysomnographic Technologists, the Board of Registered Polysomnographic Technologists, and the American Society of Electroneurodiagnostic Technologists, from performing activities within the scope of practice of polysomnographic technology while under the direction of a physician licensed in this State.

(i) Nothing in this Act shall prohibit a family member from providing respiratory care services to an ill person.

(j) Nothing in this Act shall be construed to limit an unlicensed practitioner in a licensed hospital who is working under the proximate supervision of a licensed health care professional or other authorized licensed personnel and providing direct patient care services from performing basic respiratory care activities if the unlicensed practitioner (i) has been trained to perform the basic respiratory care activities at the facility that employs or contracts with the individual and (ii) at a minimum, has annually received an evaluation of the unlicensed practitioner's performance of basic respiratory care activities documented by the facility.

(k) Nothing in this Act shall be construed to prohibit a person enrolled in a respiratory care education program or an approved course of study leading to a degree or certification in a health care-related discipline that provides respiratory care activities within the person's ~~his or her~~ scope of

practice and employed in a licensed hospital in order to provide direct patient care services under the proximate supervision ~~direction~~ of other authorized licensed personnel from providing respiratory care activities.

(1) Nothing in this Act prohibits a person licensed as a respiratory care practitioner in another jurisdiction from providing respiratory care: (i) in a declared emergency in this State; (ii) as a member of an organ procurement team; or (iii) as part of a medical transport team that is transporting a patient into or out of this State.

(Source: P.A. 99-230, eff. 8-3-15; 100-513, eff. 1-1-18.)

(225 ILCS 106/20)

(Section scheduled to be repealed on January 1, 2026)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a respiratory care practitioner (i) hold oneself ~~himself or herself~~ out to the public as a respiratory care practitioner; (ii) use the title "respiratory care practitioner"; or (iii) perform or offer to perform the duties of a respiratory care practitioner, except as provided in Section 15 of this Act.

(b) Nothing in the Act shall be construed to permit a person licensed as a respiratory care practitioner to engage in any manner in the practice of medicine in all its branches as defined by State law.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/22)

(Section scheduled to be repealed on January 1, 2026)

Sec. 22. Durable medical equipment use and training.

(a) Notwithstanding any other provision of this Act, unlicensed or non-credentialed individuals who deliver prescribed respiratory care equipment, including, but not limited to, oxygen, oxygen concentrators, pulmonary hygiene devices, aerosol compressors and generators, suction machines, and positive airway pressure devices, may deliver, set up, calibrate, and demonstrate the mechanical operation of a specific piece of equipment to the patient, family, and caregivers, with the exception of mechanical ventilators, which only a licensed respiratory care practitioner or other authorized licensed personnel operating within the licensed respiratory care practitioner's or other authorized licensed personnel's ~~the scope of his or her scope~~ of practice may deliver and set up. Demonstration of the mechanical operation of a specific piece of equipment includes demonstration of the on-off switches, emergency buttons, and alarm silence and reset buttons, as appropriate. In order for unlicensed or non-credentialed personnel to deliver, set up, calibrate, and demonstrate a specific piece of equipment as allowed in this subsection (a), the employer must document that the employee has both received training and demonstrated competency using the specific piece of equipment under the supervision of a

respiratory care practitioner licensed by this State or some other licensed practitioner operating within the licensed practitioner's ~~his or her~~ scope of practice.

Equipment demonstration is not to be interpreted as teaching, administration, or performance of respiratory care. Unlicensed or non-credentialed individuals may not attach the equipment to the patient or instruct the patient, family, or caregiver on the use of the equipment beyond the mechanical functions of the device.

(b) Patients, family, and caregivers must be taught to use the equipment for the intended clinical application by a licensed respiratory care practitioner or other licensed health care professional operating within the licensed practitioner's ~~his or her~~ scope of practice. This instruction may occur through follow-up after delivery, with an identical model in the health care facility prior to discharge or with an identical model at the medical supply office. Instructions to the patient regarding the clinical use of equipment, patient monitoring, patient assessment, or any other procedure used with the intent of evaluating the effectiveness of the treatment must be performed by a respiratory care practitioner licensed by this State or any other licensed practitioner operating within the licensed practitioner's ~~his or her~~ scope of practice.

(Source: P.A. 99-230, eff. 8-3-15.)



(225 ILCS 106/30)

(Section scheduled to be repealed on January 1, 2026)

Sec. 30. Powers and duties of the Department. Subject to the provision of this Act, the Department may:

(a) Authorize examinations to ascertain the qualifications and fitness of an applicant for licensure as a respiratory care practitioner.

(b) Pass upon the qualifications of an applicant for licensure by endorsement.

(c) Conduct hearings on proceedings to refuse to issue, renew, or revoke a license or to suspend, place on probation, or reprimand a license issued or applied for under this Act.

(d) Formulate rules required for the administration of this Act. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations made in the response.

(e) Solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) (Blank).

(g) (Blank). ~~Maintain a roster of the names and addresses of all licenses and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. The roster shall be~~

~~available upon written request and payment of the required fee.~~

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/35)

(Section scheduled to be repealed on January 1, 2026)

Sec. 35. Respiratory Care Board.

(a) The Secretary shall appoint a Respiratory Care Board which shall serve in an advisory capacity to the Secretary. The Board shall consist of 5 ~~7~~ persons of which 3 ~~4~~ members shall be currently engaged in the practice of respiratory care with a minimum of 3 years practice in the State of Illinois, one member shall be a qualified medical director, and one member ~~2 members~~ shall be a hospital administrator ~~administrators~~.

(b) Members shall be appointed to a 4-year term. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 10 years. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(c) The membership of the Board shall reasonably represent all the geographic areas in this State. The Secretary shall consider the recommendations of the organization representing

the largest number of respiratory care practitioners for appointment of the respiratory care practitioner members of the Board and the organization representing the largest number of physicians licensed to practice medicine in all its branches for the appointment of the medical director to the Board.

(d) The Secretary has the authority to remove any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.

(e) The Secretary shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates for licensure under this Act.

(f) The members of the Board shall be reimbursed for all legitimate and necessary expenses incurred in attending meetings of the Board.

(g) A majority of the current members of ~~Four members of~~ the Board shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

(h) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed as members of the Board, except for willful and wanton misconduct.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/42)

(Section scheduled to be repealed on January 1, 2026)

Sec. 42. Social Security Number or Individual Taxpayer Identification Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or Individual Taxpayer Identification Number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

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

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

(225 ILCS 106/50)

(Section scheduled to be repealed on January 1, 2026)

Sec. 50. Qualifications for a license.

(a) A person is qualified to be licensed as a licensed respiratory care practitioner, and the Department may issue a license authorizing the practice of respiratory care to an applicant who:

(1) has applied in writing or electronically on the prescribed form and has paid the required fee;

(2) has successfully completed a respiratory care

training program approved by the Department;

(3) has successfully passed an examination for the practice of respiratory care authorized by the Department, within 5 years of making application; and

(4) has paid the fees required by this Act.

Any person who has received certification by any state or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a respiratory care practitioner license without examination.

(b) Beginning 6 months after December 31, 2005, all individuals who provide satisfactory evidence to the Department of 3 years of experience, with a minimum of 400 hours per year, in the practice of respiratory care during the 5 years immediately preceding December 31, 2005 shall be issued a license, unless the license may be denied under Section 95 of this Act. This experience must have been obtained while under the supervision of a certified respiratory therapist, a registered respiratory therapist, or a licensed registered nurse or under the supervision or direction of a licensed health care professional. All applications for a license under this subsection (b) shall be postmarked within 12 months after December 31, 2005.

(c) A person may practice as a respiratory care practitioner if he or she has applied in writing to the Department in form and substance satisfactory to the

Department for a license as a licensed respiratory care practitioner and has complied with all the provisions under this Section except for the passing of an examination to be eligible to receive such license, until the Department has made the decision that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 6 months. An applicant practicing professional ~~registered~~ respiratory care under this subsection (c) who passes the examination, however, may continue to practice under this subsection (c) until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this subsection (c) shall practice professional respiratory care except under the proximate ~~direct~~ supervision of a licensed health care professional or authorized licensed personnel. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(Source: P.A. 94-523, eff. 1-1-06.)

(225 ILCS 106/60)

(Section scheduled to be repealed on January 1, 2026)

Sec. 60. Professional identification; advertising.

(a) A person who is licensed pursuant to this Act with the

Department ~~of Professional Regulation in this State~~ may use the title "respiratory care practitioner" and the abbreviation "RCP".

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

(Source: P.A. 91-310, eff. 1-1-00; 91-357, eff. 7-29-99.)

(225 ILCS 106/65)

(Section scheduled to be repealed on January 1, 2026)

Sec. 65. Licenses; renewal; restoration; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 30 day period preceding its expiration date by paying the required fee and demonstrating compliance with any continuing education requirements.

(b) A person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence that is satisfactory to the Department certifying the active practice of respiratory care in another jurisdiction and by paying the required fee.

A person practicing on an expired license is considered to

be practicing without a license.

(c) If the person has not maintained an active practice that is satisfactory to the Department in another jurisdiction, the Department shall determine the person's fitness to resume active status. The Department may require the person to complete a specified period of evaluated respiratory care and may require successful completion of an examination.

(d) A person whose license expired while that person ~~he or she~~ was (1) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia, or (2) in training or education under the supervision of the United States government preliminary to induction into military service may have the ~~his or her~~ license restored without paying any lapsed renewal fees if, within 2 years after the termination of the person's ~~his or her~~ service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training, or education has been terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs, or activities, age, sex, sexual orientation, or physical impairment.

(Source: P.A. 99-230, eff. 8-3-15.)



(225 ILCS 106/70)

(Section scheduled to be repealed on January 1, 2026)

Sec. 70. Inactive status. A person who notifies the Department in writing on forms prescribed by the Department may elect to place the person's ~~his or her~~ license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until that person ~~he or she~~ notifies the Department in writing of a desire to resume active status.

A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the ~~his or her~~ license as provided in Section 65 of this Act.

Practice by a respiratory care practitioner whose license is in an inactive status shall be considered to be the unlicensed practice of respiratory care and shall be grounds for discipline under this Act.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/80)

(Section scheduled to be repealed on January 1, 2026)

Sec. 80. 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. 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, that person ~~he or she~~ shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/85)

(Section scheduled to be repealed on January 1, 2026)

Sec. 85. Endorsement.

(a) The Department may issue a license as a respiratory care practitioner without the required examination, to an

applicant licensed under the laws of another state or United States jurisdiction whose standards in the opinion of the Department, are substantially equivalent at the date of the ~~his or her~~ licensure in the other jurisdiction to the requirements of this Act or the applicant, at the time of licensure, possessed individual qualifications which were substantially equivalent to the requirements of this Act. The applicant shall pay all of the required fees.

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

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/90)

(Section scheduled to be repealed on January 1, 2026)

Sec. 90. Continuing education. Proof or certification of having met the minimum requirement of continuing education as determined by the Department shall be required of all license and certificate renewals. Pursuant to rule, the continuing education requirement may upon petition be waived in whole or in part if the respiratory care practitioner can demonstrate that the practitioner ~~he or she~~ had served in the Coast Guard or Armed Forces, had an extreme hardship as defined by rule, or

obtained the license or certification by examination or endorsement within the preceding renewal period.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/95)

(Section scheduled to be repealed on January 1, 2026)

Sec. 95. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department considers appropriate, including the issuance of fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department or to any other State or federal agency.

(2) Violations of this Act, or any of the rules adopted under this Act.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by

sentencing of any crime, including, but not limited to, convictions preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States or any state or territory thereof: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession.

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

(5) Professional incompetence or negligence in the rendering of respiratory care services.

(6) Malpractice.

(7) Aiding or assisting another person in violating any rules or provisions of this Act.

(8) Failing to provide information within 60 days in response to a written request made by the Department.

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

(10) Violating the rules of professional conduct adopted by the Department.

(11) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) 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 any professional services not actually rendered. Nothing in this paragraph (12) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (12) shall be construed to require an employment arrangement to receive professional fees for services rendered.

(13) A finding that the licensee, after having ~~the her~~ ~~or his~~ license placed on probationary status or subject to conditions or restrictions, has violated the terms of probation or failed to comply with such terms or conditions.

(14) Abandonment of a patient.

(15) Willfully filing false records or reports relating to a licensee's practice including, but not limited to, false records filed with a federal or State agency or department.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused

and Neglected Child Reporting Act.

(17) Providing respiratory care, other than pursuant to an order.

(18) Physical or mental disability including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by using false or misleading advertising.

(20) Failure to file a tax return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(21) Irregularities in billing a third party for services rendered or in reporting charges for services not rendered.

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

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

(24) Being named as a perpetrator in an indicated report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee has caused an adult with disabilities or an older adult to be abused or neglected as defined in the Adult Protective Services Act.

(25) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an adult with disabilities or an older adult as required by the Adult Protective Services Act.

(26) Willful omission to file or record, or willfully impeding the filing or recording, or inducing another person to omit to file or record medical reports as required by law or willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(27) Practicing under a false or assumed name, except as provided by law.

(28) Willfully or negligently violating the confidentiality between licensee and patient, except as required by law.

(29) The use of any false, fraudulent, or deceptive



statement in any document connected with the licensee's practice.

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of the licensee's ~~his or her~~ license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary that the licensee be allowed to resume the licensee's ~~his or her~~ practice.

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

(Source: P.A. 98-49, eff. 7-1-13; 99-230, eff. 8-3-15.)

(225 ILCS 106/100)

(Section scheduled to be repealed on January 1, 2026)

Sec. 100. Violations; injunctions; cease and desist order.

(a) If a person violates any provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining the violation or an order enforcing compliance with this Act. Upon the filling of a verified petition, the court

with appropriate jurisdiction may issue a temporary restraining order without notice or bond and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) If a person holds oneself ~~himself or herself~~ out as being a respiratory care practitioner under this Act and is not licensed to do so, then any licensed respiratory care practitioner, interested party, or injured person may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a 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 that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/105)

(Section scheduled to be repealed on January 1, 2026)

Sec. 105. Investigations; notice; hearing. The Department

may investigate the actions of an applicant, a licensee, or a person claiming to hold a license. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 95 of this Act, at least 30 days before the date set for the hearing (i) notify the accused, in writing, of any charges made and the time and place for the hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer to the charges with the Board under oath within 20 days after the service upon the accused ~~him or her~~ of the notice, and (iii) inform the accused that, if the accused fails ~~he or she fails~~ to answer, default will be taken against the accused ~~him or her~~ and the accused's ~~his or her~~ license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of the accused's ~~his or her~~ practice, without a hearing, as the Department may consider proper. In case the person, after receiving notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action is considered proper, including, limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for an action under this Act. The written notice may be

served by ~~personal delivery or certified~~ mail to the address of record or by email to the email address of record.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/110)

(Section scheduled to be repealed on January 1, 2026)

Sec. 110. Record of proceedings; transcript. The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve the record of all proceedings at a formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and orders of the Department shall be in the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/135)

(Section scheduled to be repealed on January 1, 2026)

Sec. 135. Secretary; rehearing. Whenever the Secretary believes that substantial justice has not been done in the revocation, suspension, refusal to issue or renew a license, or any other discipline of an applicant or licensee, the

Secretary ~~he or she~~ may order a rehearing by the same or other hearing officers.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/155)

(Section scheduled to be repealed on January 1, 2026)

Sec. 155. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the ~~his or her~~ license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

(Source: P.A. 89-33, eff. 1-1-96.)

(225 ILCS 106/160)

(Section scheduled to be repealed on January 1, 2026)

Sec. 160. Summary suspension of license. The Secretary may summarily suspend the license of a respiratory care practitioner without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 105 of this Act, if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that the continuation of practice by the respiratory care practitioner would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of respiratory care practitioner without a hearing, a hearing must be commenced within 30 calendar days after the suspension

has occurred and concluded as expeditiously as practical.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/170)

(Section scheduled to be repealed on January 1, 2026)

Sec. 170. Administrative review; certification of record; costs.

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

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court, or file an answer in court, or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. ~~Exhibits shall be certified without cost.~~ Failure on the part of the plaintiff to file a receipt is grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to the disciplinary action, the sanctions imposed upon the accused by the Department specified in the

Department's final administrative decision shall, as a matter of public policy, remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

(Source: P.A. 99-230, eff. 8-3-15.)

(225 ILCS 106/180)

(Section scheduled to be repealed on January 1, 2026)

Sec. 180. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of the Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the registrant or licensee has the right to show compliance with all lawful requirements for retention or continuation or renewal of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered sufficient when mailed to address of record or emailed to the email address of record of the licensee or applicant.

(Source: P.A. 99-230, eff. 8-3-15.)

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