

1 AN ACT concerning regulation.

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

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

6 (5 ILCS 80/4.36)

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 Acts repealed on January 1, 2026.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8 Acts are repealed on January 1, 2026:

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

11 The Collection Agency Act.

12 The Hearing Instrument Consumer Protection Act.

13 ~~The Illinois Athletic Trainers Practice Act.~~

14 The Illinois Dental Practice Act.

15 The Illinois Roofing Industry Licensing Act.

16 The Illinois Physical Therapy Act.

17 The Professional Geologist Licensing Act.

18 ~~The Respiratory Care Practice Act.~~

19 (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;
20 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;
21 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff.
22 12-31-15; 99-642, eff. 7-28-16.)

1 (5 ILCS 80/4.41 new)

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 Acts repealed on January 1, 2031.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

3 Acts are repealed on January 1, 2031:

4 The Illinois Athletic Trainers Practice Act.

5 The Respiratory Care Practice Act.

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

10 (225 ILCS 5/3) (from Ch. 111, par. 7603)

11 (Section scheduled to be repealed on January 1, 2026)

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

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

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

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

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

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

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

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

15 C. Counseling of athletes on nutrition and hygiene;

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

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

20 F. (Blank);

21 G. Coordination with a physician to provide:

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

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

26 (iii) follow-up injury care,

1 (iv) reconditioning programs, and
2 (v) assistance on all matters pertaining to the
3 health and well-being of athletes;

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

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

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

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

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

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

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

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

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

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

18 (9) ~~(8)~~ "Board of Certification" means the Board of
19 Certification for the Athletic Trainer.

20 (10) ~~(9)~~ "Athlete" means a person participating in an
21 activity that requires a level of strength, endurance,
22 flexibility, range of motion, speed, or agility which may
23 include exercise, sports, recreation, wellness, or employment
24 activity.

25 (11) ~~(10)~~ "Physician assistant" means a physician
26 assistant licensed to practice under the Physician Assistant

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

4 (12) ~~(11)~~ "Advanced practice registered nurse" means an
5 advanced practice registered nurse licensed to practice under
6 the Nurse Practice Act.

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

8 (225 ILCS 5/3.5 new)

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

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

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

19 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

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

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

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

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

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

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

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

2 (4) (Blank).

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

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

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

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

12 (8) The practice of athletic training by persons
13 licensed in another state who have applied in writing to
14 the Department for licensure by endorsement. This
15 temporary right to act as an athletic trainer shall expire
16 6 months after the filing of such person's ~~his or her~~
17 written application to the Department; upon the withdrawal
18 of the application for licensure under this Act; upon
19 delivery of a notice of intent to deny the application
20 from the Department; or upon the denial of the application
21 by the Department, whichever occurs first.

22 (9) The practice of athletic training by one who has
23 applied in writing to the Department for licensure and has
24 complied with all the provisions of Section 9. This
25 temporary right to act as an athletic trainer shall expire
26 6 months after the filing of that individual's ~~his or her~~

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

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

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

23 (12) (Blank).

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

25 (225 ILCS 5/5) (from Ch. 111, par. 7605)

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

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

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

8 (b) The Department ~~Secretary~~ may adopt ~~promulgate~~ rules
9 consistent with the provisions of this Act for the
10 administration and enforcement thereof, and for the payment of
11 fees connected therewith, and may prescribe forms which shall
12 be issued in connection therewith. The rules may include
13 standards and criteria for licensure, certification, and
14 professional conduct and discipline. ~~The Department may~~
15 ~~consult with the Board in promulgating rules.~~

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

19 (d) (Blank).

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

21 (225 ILCS 5/8) (from Ch. 111, par. 7608)

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

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

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

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

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

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

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

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

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

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

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

1 college or university.

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

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

8 (225 ILCS 5/11) (from Ch. 111, par. 7611)

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

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

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

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

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

2 (225 ILCS 5/12) (from Ch. 111, par. 7612)

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

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

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

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

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

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

21 (225 ILCS 5/13) (from Ch. 111, par. 7613)

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

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

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

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

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

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

22 (225 ILCS 5/14) (from Ch. 111, par. 7614)

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

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

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

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

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

1 or unnecessarily burdensome.

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

3 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

5 Sec. 16. Grounds for discipline.

6 (1) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem proper, including fines not to exceed \$10,000 for each
10 violation, with regard to any licensee for any one or
11 combination of the following:

12 (A) Material misstatement in furnishing information to
13 the Department;

14 (B) Violations of this Act, or of the rules or
15 regulations promulgated hereunder;

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

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

25 (E) Professional incompetence or gross negligence;

1 (F) Malpractice;

2 (G) Aiding or assisting another person, firm,
3 partnership, or corporation in violating any provision of
4 this Act or rules;

5 (H) Failing, within 60 days, to provide information in
6 response to a written request made by the Department;

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

10 (J) Habitual or excessive use or abuse of drugs
11 defined in law as controlled substances, alcohol, or any
12 other substance that results in the inability to practice
13 with reasonable judgment, skill, or safety;

14 (K) Discipline by another state, unit of government,
15 government agency, the District of Columbia, territory, or
16 foreign nation, if at least one of the grounds for the
17 discipline is the same or substantially equivalent to
18 those set forth herein;

19 (L) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate, or other form of compensation
22 for any professional services not actually or personally
23 rendered. Nothing in this subparagraph (L) affects any
24 bona fide independent contractor or employment
25 arrangements among health care professionals, health
26 facilities, health care providers, or other entities,

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

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

12 (N) Abandonment of an athlete;

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (Y) (Blank);

5 (Z) Failure to fulfill continuing education
6 requirements;

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

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

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

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

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

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

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

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

1 All fines imposed under this Section shall be paid within
2 60 days after the effective date of the order imposing the fine
3 or in accordance with the terms set forth in the order imposing
4 the fine.

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

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

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

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

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

1 supplemental testing performed. The Department may order the
2 examining physician or any member of the multidisciplinary
3 team to present testimony concerning this examination and
4 evaluation of the licensee or applicant, including testimony
5 concerning any supplemental testing or documents relating to
6 the examination and evaluation. No information, report,
7 record, or other documents in any way related to the
8 examination and evaluation shall be excluded by reason of any
9 common law or statutory privilege relating to communication
10 between the licensee or applicant and the examining physician
11 or any member of the multidisciplinary team. No authorization
12 is necessary from the licensee or applicant ordered to undergo
13 an evaluation and examination for the examining physician or
14 any member of the multidisciplinary team to provide
15 information, reports, records, or other documents or to
16 provide any testimony regarding the examination and
17 evaluation. The individual to be examined may choose to have,
18 at the individual's ~~his or her~~ own expense, another physician
19 ~~of his or her choice~~ present during all aspects of the
20 examination.

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

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

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

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

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

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

15 (5) (Blank).

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

1 of Illinois.

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

3 (225 ILCS 5/17) (from Ch. 111, par. 7617)

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

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

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

20 (b) If any person holds oneself ~~shall hold himself or~~
21 ~~herself~~ out in a manner prohibited by this Act, any interested
22 party or any person injured thereby may, in addition to the
23 Secretary, petition for relief as provided in subsection (a)
24 of this Section.

25 (c) Whenever in the opinion of the Department any person

1 violates any provision of this Act, the Department may issue a
2 rule to show cause why an order to cease and desist should not
3 be entered against the person ~~him or her~~. The rule shall
4 clearly set forth the grounds relied upon by the Department
5 and shall provide a period of 7 days from the date of the rule
6 to file an answer to the satisfaction of the Department.
7 Failure to answer to the satisfaction of the Department shall
8 cause an order to cease and desist to be issued forthwith.

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

10 (225 ILCS 5/18) (from Ch. 111, par. 7618)

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

12 Sec. 18. Investigations; notice and hearing. The
13 Department may investigate the actions of any applicant or of
14 any person or persons holding or claiming to hold a license.
15 The Department shall, before refusing to issue or to renew a
16 license or disciplining a registrant, at least 30 days prior
17 to the date set for the hearing, notify in writing the
18 applicant or licensee of the nature of the charges and the time
19 and place that a hearing will be held on the charges. The
20 Department shall direct the applicant or licensee to file a
21 written answer under oath within 20 days after the service of
22 the notice. In case the person fails to file an answer after
23 receiving notice, the person's ~~his or her~~ license or
24 certificate may, in the discretion of the Department, be
25 suspended, revoked, or placed on probationary status, or the

1 Department may take whatever disciplinary action deemed
2 proper, including limiting the scope, nature, or extent of the
3 person's practice or the imposition of a fine, without a
4 hearing, if the act or acts charged constitute sufficient
5 grounds for such action under this Act. At the time and place
6 fixed in the notice, the Department shall proceed to hear the
7 charges, and the parties or their counsel shall be accorded
8 ample opportunity to present such statements, testimony,
9 evidence, and argument as may be pertinent to the charges or to
10 their defense. The Department may continue a hearing from time
11 to time. ~~The written notice and any notice in the subsequent~~
12 ~~proceeding may be served by registered or certified mail to~~
13 ~~the licensee's address of record.~~

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

15 (225 ILCS 5/19) (from Ch. 111, par. 7619)

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

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

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

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

9 (225 ILCS 5/19.5)

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

11 Sec. 19.5. Subpoenas; oaths. The Department may subpoena
12 and bring before it any person and may take the oral or written
13 testimony of any person or compel the production of any books,
14 papers, records, or any other documents that the Secretary or
15 the Secretary's ~~his or her~~ designee deems relevant or material
16 to an investigation or hearing conducted by the Department
17 with the same fees and mileage and in the same manner as
18 prescribed by law in judicial procedure in civil cases in
19 courts of this State.

20 The Secretary, the designated hearing officer, ~~any member~~
21 ~~of the Board,~~ or a certified shorthand court reporter may
22 administer oaths at any hearing which the Department conducts.
23 Notwithstanding any other statute or Department rule to the
24 contrary, all requests for testimony or production of
25 documents or records shall be in accordance with this Act.

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

2 (225 ILCS 5/22) (from Ch. 111, par. 7622)

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

4 Sec. 22. Motion for rehearing ~~Report of Board; motion for~~
5 ~~rehearing~~. In any case involving the refusal to issue or renew
6 a license or the discipline of a licensee, a copy of the
7 hearing officer's ~~Board's~~ report shall be served upon the
8 respondent by the Department as provided under Section 18 of
9 ~~in~~ this Act for the service of the notice of hearing. Within 20
10 days after such service, the respondent may present to the
11 Department a motion in writing for a rehearing, which motion
12 shall specify the particular grounds therefor. If no motion
13 for rehearing is filed, then upon the expiration of the time
14 specified for filing such a motion, or if a motion for
15 rehearing is denied, then upon such denial the Secretary may
16 enter an order in accordance with recommendations of the
17 Department, ~~Board~~ except as provided in Section 23 of this
18 Act. If the respondent shall order from the reporting service,
19 and pay for a transcript of the record within the time for
20 filing a motion for rehearing, the 20 day period within which
21 such a motion may be filed shall commence upon the delivery of
22 the transcript to the respondent.

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

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

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

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

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

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

6 (225 ILCS 5/27) (from Ch. 111, par. 7627)

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

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

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

14 (225 ILCS 5/28) (from Ch. 111, par. 7628)

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

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

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

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

4 (225 ILCS 5/30) (from Ch. 111, par. 7630)

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

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

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

16 (225 ILCS 5/6 rep.)

17 (225 ILCS 5/15 rep.)

18 (225 ILCS 5/21 rep.)

19 (225 ILCS 5/34 rep.)

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

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

1 70, 80, 85, 90, 95, 100, 105, 110, 135, 155, 160, 170, and 180
2 and by adding Section 12 as follows:

3 (225 ILCS 106/10)

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

5 Sec. 10. Definitions. In this Act:

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

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

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

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

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

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

1 professional or other authorized licensed personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (6) Mechanical ventilatory support.

16 (7) Patient assessment.

17 (8) Patient education.

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

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

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

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

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

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

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

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

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

26 "Respiratory care" and "cardiorespiratory care" mean

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

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

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

26 "Respiratory care practitioner" means a person who is

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

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

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

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

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

16 (Source: P.A. 99-173, eff. 7-29-15; 99-230, eff. 8-3-15;
17 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

18 (225 ILCS 106/12 new)

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

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

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

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

4 (225 ILCS 106/15)

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

6 Sec. 15. Exemptions.

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

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

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

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

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

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

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

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

26 (h) Nothing in this Act shall prohibit a polysomnographic

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

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

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

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

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

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

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

12 (225 ILCS 106/20)

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

14 Sec. 20. Restrictions and limitations.

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

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

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

1 (225 ILCS 106/22)

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

3 Sec. 22. Durable medical equipment use and training.

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

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

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

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

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

1 (225 ILCS 106/30)

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

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

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

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

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

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

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

22 (f) (Blank).

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

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

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

4 (225 ILCS 106/35)

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

6 Sec. 35. Respiratory Care Board.

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

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

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

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

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

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

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

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

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

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

1 (225 ILCS 106/42)

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

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

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

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

15 (225 ILCS 106/50)

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

17 Sec. 50. Qualifications for a license.

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

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

24 (2) has successfully completed a respiratory care

1 training program approved by the Department;

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

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

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

11 (b) Beginning 6 months after December 31, 2005, all
12 individuals who provide satisfactory evidence to the
13 Department of 3 years of experience, with a minimum of 400
14 hours per year, in the practice of respiratory care during the
15 5 years immediately preceding December 31, 2005 shall be
16 issued a license, unless the license may be denied under
17 Section 95 of this Act. This experience must have been
18 obtained while under the supervision of a certified
19 respiratory therapist, a registered respiratory therapist, or
20 a licensed registered nurse or under the supervision or
21 direction of a licensed health care professional. All
22 applications for a license under this subsection (b) shall be
23 postmarked within 12 months after December 31, 2005.

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

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

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

22 (225 ILCS 106/60)

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

24 Sec. 60. Professional identification; advertising.

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

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

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

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

9 (225 ILCS 106/65)

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

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

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

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

25 A person practicing on an expired license is considered to

1 be practicing without a license.

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

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

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

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

1 (225 ILCS 106/70)

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

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

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

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

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

19 (225 ILCS 106/80)

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

21 Sec. 80. Returned checks; fines. Any person who delivers a
22 check or other payment to the Department that is returned to
23 the Department unpaid by the financial institution upon which
24 it is drawn shall pay to the Department, in addition to the
25 amount already owed to the Department, a fine of \$50. The fines

1 imposed by this Section are in addition to any other
2 discipline provided under this Act for unlicensed practice or
3 practice on a nonrenewed license. The Department shall notify
4 the person that payment of fees and fines shall be paid to the
5 Department by certified check or money order within 30
6 calendar days of the notification. If, after the expiration of
7 30 days from the date of the notification, the person has
8 failed to submit the necessary remittance, the Department
9 shall automatically terminate the license or certificate or
10 deny the application, without hearing. If, after termination
11 or denial, the person seeks a license or certificate, that
12 person ~~he or she~~ shall apply to the Department for restoration
13 or issuance of the license or certificate and pay all fees and
14 fines due to the Department. The Department may establish a
15 fee for the processing of an application for restoration of a
16 license or certificate to pay all expenses of processing this
17 application. The Secretary may waive the fines due under this
18 Section in individual cases where the Secretary finds that the
19 fines would be unreasonable or unnecessarily burdensome.

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

21 (225 ILCS 106/85)

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

23 Sec. 85. Endorsement.

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

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

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

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

16 (225 ILCS 106/90)

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

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

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

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

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

11 (225 ILCS 106/95)

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

13 Sec. 95. Grounds for discipline.

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

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

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

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

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

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

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

13 (6) Malpractice.

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

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

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

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

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

26 (12) Directly or indirectly giving to or receiving

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

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

20 (14) Abandonment of a patient.

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

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

1 and Neglected Child Reporting Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the fine
15 or in accordance with the terms set forth in the order imposing
16 the fine.

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

18 (225 ILCS 106/100)

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

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

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

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

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

13 (c) Whenever, in the opinion of the Department, a person
14 violates any provision of this Act, the Department may issue a
15 rule to show cause why an order to cease and desist should not
16 be entered against that person. The rule shall clearly set
17 forth the grounds relied upon by the Department and shall
18 allow at least 7 days from the date of the rule to file an
19 answer satisfactory to the Department. Failure to answer to
20 the satisfaction of the Department shall cause an order to
21 cease and desist to be issued.

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

23 (225 ILCS 106/105)

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

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

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

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

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

4 (225 ILCS 106/110)

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

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

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

19 (225 ILCS 106/135)

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

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

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

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

4 (225 ILCS 106/155)

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

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

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

12 (225 ILCS 106/160)

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

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

1 has occurred and concluded as expeditiously as practical.

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

3 (225 ILCS 106/170)

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

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

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

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

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

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

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

6 (225 ILCS 106/180)

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

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

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

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