



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3462

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Pharmacy Practice Act from January 1, 2018 to January 1, 2028. Amends the Pharmacy Practice Act. Provides that all applicants and licensees shall provide a valid address and email address, which shall serve as the address and email address of record, and shall inform the Department of Financial and Professional Regulation of any change of address or email address through specified means. Provides for the licensure (rather than registration) of registered pharmacy technicians, registered certified pharmacy technicians, and pharmacists, and makes conforming changes. Removes provision allowing each member of the State Board of Pharmacy to receive a per diem payment in an amount determined from time to time by the Secretary of Financial and Professional Regulation for attendance at meetings of the Board and conducting other official business of the Board. Changes references to "Director" to references to "Secretary" or "Department" throughout the Act. Eliminates the position of deputy pharmacy coordinator. Makes changes in provisions concerning definitions, duties of the Department, inactive status, pharmacists in charge, nonresident pharmacy licenses, record retention, automated pharmacy systems, remote prescription processing, and discipline. Makes other changes. Effective immediately.

LRB100 05725 SMS 15747 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 The Acupuncture Practice Act.

12 The Illinois Speech-Language Pathology and Audiology
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

17 ~~The Pharmacy Practice Act.~~

18 The Home Medical Equipment and Services Provider License
19 Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following
8 Act is repealed on January 1, 2028:

9 The Pharmacy Practice Act.

10 Section 10. The Pharmacy Practice Act is amended by
11 changing Sections 3, 5.5, 7, 9, 9.5, 10, 11, 12, 13, 15, 16,
12 16a, 17, 17.1, 18, 19, 20, 22, 22b, 25.10, 25.15, 27, 28, 30,
13 30.5, 32, 33, 34, 35.1, 35.2, 35.5, 35.6, 35.7, 35.8, 35.12,
14 35.13, 35.14, 35.15, 35.16, 35.18, and 36 and by adding
15 Sections 3.5, 35.20, and 35.21 as follows:

16 (225 ILCS 85/3)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 3. Definitions. For the purpose of this Act, except
19 where otherwise limited therein:

20 (a) "Pharmacy" or "drugstore" means and includes every
21 store, shop, pharmacy department, or other place where
22 pharmacist care is provided by a pharmacist (1) where drugs,
23 medicines, or poisons are dispensed, sold or offered for sale

1 at retail, or displayed for sale at retail; or (2) where
2 prescriptions of physicians, dentists, advanced practice
3 nurses, physician assistants, veterinarians, podiatric
4 physicians, or optometrists, within the limits of their
5 licenses, are compounded, filled, or dispensed; or (3) which
6 has upon it or displayed within it, or affixed to or used in
7 connection with it, a sign bearing the word or words
8 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
9 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
10 "Drugs", "Dispensary", "Medicines", or any word or words of
11 similar or like import, either in the English language or any
12 other language; or (4) where the characteristic prescription
13 sign (Rx) or similar design is exhibited; or (5) any store, or
14 shop, or other place with respect to which any of the above
15 words, objects, signs or designs are used in any advertisement.

16 (b) "Drugs" means and includes (1) articles recognized in
17 the official United States Pharmacopoeia/National Formulary
18 (USP/NF), or any supplement thereto and being intended for and
19 having for their main use the diagnosis, cure, mitigation,
20 treatment or prevention of disease in man or other animals, as
21 approved by the United States Food and Drug Administration, but
22 does not include devices or their components, parts, or
23 accessories; and (2) all other articles intended for and having
24 for their main use the diagnosis, cure, mitigation, treatment
25 or prevention of disease in man or other animals, as approved
26 by the United States Food and Drug Administration, but does not

1 include devices or their components, parts, or accessories; and
2 (3) articles (other than food) having for their main use and
3 intended to affect the structure or any function of the body of
4 man or other animals; and (4) articles having for their main
5 use and intended for use as a component or any articles
6 specified in clause (1), (2) or (3); but does not include
7 devices or their components, parts or accessories.

8 (c) "Medicines" means and includes all drugs intended for
9 human or veterinary use approved by the United States Food and
10 Drug Administration.

11 (d) "Practice of pharmacy" means (1) the interpretation and
12 the provision of assistance in the monitoring, evaluation, and
13 implementation of prescription drug orders; (2) the dispensing
14 of prescription drug orders; (3) participation in drug and
15 device selection; (4) drug administration limited to the
16 administration of oral, topical, injectable, and inhalation as
17 follows: in the context of patient education on the proper use
18 or delivery of medications; vaccination of patients 14 years of
19 age and older pursuant to a valid prescription or standing
20 order, by a physician licensed to practice medicine in all its
21 branches, upon completion of appropriate training, including
22 how to address contraindications and adverse reactions set
23 forth by rule, with notification to the patient's physician and
24 appropriate record retention, or pursuant to hospital pharmacy
25 and therapeutics committee policies and procedures; (5)
26 vaccination of patients ages 10 through 13 limited to the

1 Influenza (inactivated influenza vaccine and live attenuated
2 influenza intranasal vaccine) and Tdap (defined as tetanus,
3 diphtheria, acellular pertussis) vaccines, pursuant to a valid
4 prescription or standing order, by a physician licensed to
5 practice medicine in all its branches, upon completion of
6 appropriate training, including how to address
7 contraindications and adverse reactions set forth by rule, with
8 notification to the patient's physician and appropriate record
9 retention, or pursuant to hospital pharmacy and therapeutics
10 committee policies and procedures; (6) drug regimen review; (7)
11 drug or drug-related research; (8) the provision of patient
12 counseling; (9) the practice of telepharmacy; (10) the
13 provision of those acts or services necessary to provide
14 pharmacist care; (11) medication therapy management; and (12)
15 the responsibility for compounding and labeling of drugs and
16 devices (except labeling by a manufacturer, repackager, or
17 distributor of non-prescription drugs and commercially
18 packaged legend drugs and devices), proper and safe storage of
19 drugs and devices, and maintenance of required records. A
20 pharmacist who performs any of the acts defined as the practice
21 of pharmacy in this State must be actively licensed as a
22 pharmacist under this Act.

23 (e) "Prescription" means and includes any written, oral,
24 facsimile, or electronically transmitted order for drugs or
25 medical devices, issued by a physician licensed to practice
26 medicine in all its branches, dentist, veterinarian, podiatric

1 physician, or optometrist, within the limits of their licenses,
2 by a physician assistant in accordance with subsection (f) of
3 Section 4, or by an advanced practice nurse in accordance with
4 subsection (g) of Section 4, containing the following: (1) name
5 of the patient; (2) date when prescription was issued; (3) name
6 and strength of drug or description of the medical device
7 prescribed; and (4) quantity; (5) directions for use; (6)
8 prescriber's name, address, and signature; and (7) DEA
9 registration number where required, for controlled substances.

10 The prescription may, but is not required to, list the illness,
11 disease, or condition for which the drug or device is being
12 prescribed. DEA registration numbers shall not be required on
13 inpatient drug orders.

14 (f) "Person" means and includes a natural person,
15 partnership ~~copartnership~~, association, corporation,
16 government entity, or any other legal entity.

17 (g) "Department" means the Department of Financial and
18 Professional Regulation.

19 (h) "Board of Pharmacy" or "Board" means the State Board of
20 Pharmacy of the Department of Financial and Professional
21 Regulation.

22 (i) "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 (j) "Drug product selection" means the interchange for a
25 prescribed pharmaceutical product in accordance with Section
26 25 of this Act and Section 3.14 of the Illinois Food, Drug and

1 Cosmetic Act.

2 (k) "Inpatient drug order" means an order issued by an
3 authorized prescriber for a resident or patient of a facility
4 licensed under the Nursing Home Care Act, the ID/DD Community
5 Care Act, the MC/DD Act, the Specialized Mental Health
6 Rehabilitation Act of 2013, ~~or~~ the Hospital Licensing Act, or
7 "An Act in relation to the founding and operation of the
8 University of Illinois Hospital and the conduct of University
9 of Illinois health care programs", approved July 3, 1931, as
10 amended, or a facility which is operated by the Department of
11 Human Services (as successor to the Department of Mental Health
12 and Developmental Disabilities) or the Department of
13 Corrections.

14 (k-5) "Pharmacist" means an individual health care
15 professional and provider currently licensed by this State to
16 engage in the practice of pharmacy.

17 (l) "Pharmacist in charge" means the licensed pharmacist
18 whose name appears on a pharmacy license and who is responsible
19 for all aspects of the operation related to the practice of
20 pharmacy.

21 (m) "Dispense" or "dispensing" means the interpretation,
22 evaluation, and implementation of a prescription drug order,
23 including the preparation and delivery of a drug or device to a
24 patient or patient's agent in a suitable container
25 appropriately labeled for subsequent administration to or use
26 by a patient in accordance with applicable State and federal

1 laws and regulations. "Dispense" or "dispensing" does not mean
2 the physical delivery to a patient or a patient's
3 representative in a home or institution by a designee of a
4 pharmacist or by common carrier. "Dispense" or "dispensing"
5 also does not mean the physical delivery of a drug or medical
6 device to a patient or patient's representative by a
7 pharmacist's designee within a pharmacy or drugstore while the
8 pharmacist is on duty and the pharmacy is open.

9 (n) "Nonresident pharmacy" means a pharmacy that is located
10 in a state, commonwealth, or territory of the United States,
11 other than Illinois, that delivers, dispenses, or distributes,
12 through the United States Postal Service, commercially
13 acceptable parcel delivery service, or other common carrier, to
14 Illinois residents, any substance which requires a
15 prescription.

16 (o) "Compounding" means the preparation and mixing of
17 components, excluding flavorings, (1) as the result of a
18 prescriber's prescription drug order or initiative based on the
19 prescriber-patient-pharmacist relationship in the course of
20 professional practice or (2) for the purpose of, or incident
21 to, research, teaching, or chemical analysis and not for sale
22 or dispensing. "Compounding" includes the preparation of drugs
23 or devices in anticipation of receiving prescription drug
24 orders based on routine, regularly observed dispensing
25 patterns. Commercially available products may be compounded
26 for dispensing to individual patients only if all of the

1 following conditions are met: (i) the commercial product is not
2 reasonably available from normal distribution channels in a
3 timely manner to meet the patient's needs and (ii) the
4 prescribing practitioner has requested that the drug be
5 compounded.

6 (p) (Blank).

7 (q) (Blank).

8 (r) "Patient counseling" means the communication between a
9 pharmacist or a student pharmacist under the supervision of a
10 pharmacist and a patient or the patient's representative about
11 the patient's medication or device for the purpose of
12 optimizing proper use of prescription medications or devices.
13 "Patient counseling" may include without limitation (1)
14 obtaining a medication history; (2) acquiring a patient's
15 allergies and health conditions; (3) facilitation of the
16 patient's understanding of the intended use of the medication;
17 (4) proper directions for use; (5) significant potential
18 adverse events; (6) potential food-drug interactions; and (7)
19 the need to be compliant with the medication therapy. A
20 pharmacy technician may only participate in the following
21 aspects of patient counseling under the supervision of a
22 pharmacist: (1) obtaining medication history; (2) providing
23 the offer for counseling by a pharmacist or student pharmacist;
24 and (3) acquiring a patient's allergies and health conditions.
25 (s) "Patient profiles" or "patient drug therapy record"
26 means the obtaining, recording, and maintenance of patient

1 prescription information, including prescriptions for
2 controlled substances, and personal information.

3 (t) (Blank).

4 (u) "Medical device" or "device" means an instrument,
5 apparatus, implement, machine, contrivance, implant, in vitro
6 reagent, or other similar or related article, including any
7 component part or accessory, required under federal law to bear
8 the label "Caution: Federal law requires dispensing by or on
9 the order of a physician". A seller of goods and services who,
10 only for the purpose of retail sales, compounds, sells, rents,
11 or leases medical devices shall not, by reasons thereof, be
12 required to be a licensed pharmacy.

13 (v) "Unique identifier" means an electronic signature,
14 handwritten signature or initials, thumb print, or other
15 acceptable biometric or electronic identification process as
16 approved by the Department.

17 (w) "Current usual and customary retail price" means the
18 price that a pharmacy charges to a non-third-party payor.

19 (x) "Automated pharmacy system" means a mechanical system
20 located within the confines of the pharmacy or remote location
21 that performs operations or activities, other than compounding
22 or administration, relative to storage, packaging, dispensing,
23 or distribution of medication, and which collects, controls,
24 and maintains all transaction information.

25 (y) "Drug regimen review" means and includes the evaluation
26 of prescription drug orders and patient records for (1) known

1 allergies; (2) drug or potential therapy contraindications;
2 (3) reasonable dose, duration of use, and route of
3 administration, taking into consideration factors such as age,
4 gender, and contraindications; (4) reasonable directions for
5 use; (5) potential or actual adverse drug reactions; (6)
6 drug-drug interactions; (7) drug-food interactions; (8)
7 drug-disease contraindications; (9) therapeutic duplication;
8 (10) patient laboratory values when authorized and available;
9 (11) proper utilization (including over or under utilization)
10 and optimum therapeutic outcomes; and (12) abuse and misuse.

11 (z) "Electronically transmitted Electronic transmission
12 prescription" means a prescription that is created, recorded,
13 or stored by electronic means; issued and validated with an
14 electronic signature; and transmitted by electronic means
15 directly from the prescriber to a pharmacy. An electronic
16 prescription is not an image of a physical prescription that is
17 transferred by electronic means from computer to computer,
18 facsimile to facsimile, or facsimile to computer any
19 prescription order for which a facsimile or electronic image of
20 the order is electronically transmitted from a licensed
21 prescriber to a pharmacy. "Electronic transmission
22 prescription" includes both data and image prescriptions.

23 (aa) "Medication therapy management services" means a
24 distinct service or group of services offered by licensed
25 pharmacists, physicians licensed to practice medicine in all
26 its branches, advanced practice nurses authorized in a written

1 agreement with a physician licensed to practice medicine in all
2 its branches, or physician assistants authorized in guidelines
3 by a supervising physician that optimize therapeutic outcomes
4 for individual patients through improved medication use. In a
5 retail or other non-hospital pharmacy, medication therapy
6 management services shall consist of the evaluation of
7 prescription drug orders and patient medication records to
8 resolve conflicts with the following:

- 9 (1) known allergies;
- 10 (2) drug or potential therapy contraindications;
- 11 (3) reasonable dose, duration of use, and route of
12 administration, taking into consideration factors such as
13 age, gender, and contraindications;
- 14 (4) reasonable directions for use;
- 15 (5) potential or actual adverse drug reactions;
- 16 (6) drug-drug interactions;
- 17 (7) drug-food interactions;
- 18 (8) drug-disease contraindications;
- 19 (9) identification of therapeutic duplication;
- 20 (10) patient laboratory values when authorized and
21 available;
- 22 (11) proper utilization (including over or under
23 utilization) and optimum therapeutic outcomes; and
- 24 (12) drug abuse and misuse.

25 "Medication therapy management services" includes the
26 following:

1 (1) documenting the services delivered and
2 communicating the information provided to patients'
3 prescribers within an appropriate time frame, not to exceed
4 48 hours;

5 (2) providing patient counseling designed to enhance a
6 patient's understanding and the appropriate use of his or
7 her medications; and

8 (3) providing information, support services, and
9 resources designed to enhance a patient's adherence with
10 his or her prescribed therapeutic regimens.

11 "Medication therapy management services" may also include
12 patient care functions authorized by a physician licensed to
13 practice medicine in all its branches for his or her identified
14 patient or groups of patients under specified conditions or
15 limitations in a standing order from the physician.

16 "Medication therapy management services" in a licensed
17 hospital may also include the following:

18 (1) reviewing assessments of the patient's health
19 status; and

20 (2) following protocols of a hospital pharmacy and
21 therapeutics committee with respect to the fulfillment of
22 medication orders.

23 (bb) "Pharmacist care" means the provision by a pharmacist
24 of medication therapy management services, with or without the
25 dispensing of drugs or devices, intended to achieve outcomes
26 that improve patient health, quality of life, and comfort and

1 enhance patient safety.

2 (cc) "Protected health information" means individually
3 identifiable health information that, except as otherwise
4 provided, is:

5 (1) transmitted by electronic media;

6 (2) maintained in any medium set forth in the
7 definition of "electronic media" in the federal Health
8 Insurance Portability and Accountability Act; or

9 (3) transmitted or maintained in any other form or
10 medium.

11 "Protected health information" does not include
12 individually identifiable health information found in:

13 (1) education records covered by the federal Family
14 Educational Right and Privacy Act; or

15 (2) employment records held by a licensee in its role
16 as an employer.

17 (dd) "Standing order" means a specific order for a patient
18 or group of patients issued by a physician licensed to practice
19 medicine in all its branches in Illinois.

20 (ee) "Address of record" means the designated address
21 recorded by the Department in the applicant's application file
22 or licensee's license file maintained by the Department's
23 licensure maintenance unit. ~~address recorded by the Department~~
24 ~~in the applicant's or licensee's application file or license~~
25 ~~file, as maintained by the Department's licensure maintenance~~
26 ~~unit.~~

1 (ff) "Home pharmacy" means the location of a pharmacy's
2 primary operations.

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

7 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
8 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

9 (225 ILCS 85/3.5 new)

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

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

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

20 (225 ILCS 85/5.5)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 5.5. Unlicensed practice; violation; civil penalty.

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds oneself out to practice pharmacy without

1 being licensed under this Act shall, in addition to any other
2 penalty provided by law, pay a civil penalty to the Department
3 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
4 determined by the Department. The civil penalty shall be
5 assessed by the Department after a hearing is held in
6 accordance with the provisions set forth in this Act regarding
7 the provision of a hearing for the discipline of a licensee.

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

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

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

16 (225 ILCS 85/7) (from Ch. 111, par. 4127)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 7. Application; examination. Applications for
19 original licenses shall be made to the Department in writing or
20 electronically on forms prescribed by the Department and shall
21 be accompanied by the required fee, which shall not be
22 refundable. Any such application shall require such
23 information as in the judgment of the Department will enable
24 the Board and Department to pass on the qualifications of the
25 applicant for a license.

1 The Department shall authorize examinations of applicants
2 as pharmacists not less than 3 times per year at such times and
3 places as it may determine. The examination of applicants shall
4 be of a character to give a fair test of the qualifications of
5 the applicant to practice pharmacy.

6 Applicants for examination as pharmacists shall be
7 required to pay, either to the Department or the designated
8 testing service, a fee covering the cost of providing the
9 examination. Failure to appear for the examination on the
10 scheduled date, at the time and place specified, after the
11 applicant's application for examination has been received and
12 acknowledged by the Department or the designated testing
13 service, shall result in the forfeiture of the examination fee.
14 The examination shall be developed and provided by the National
15 Association of Boards of Pharmacy.

16 If an applicant neglects, fails or refuses to take an
17 examination or fails to pass an examination for a license under
18 this Act within 3 years after filing his application, the
19 application is denied. However, such applicant may thereafter
20 make a new application accompanied by the required fee and show
21 evidence of meeting the requirements in force at the time of
22 the new application.

23 The Department shall notify applicants taking the
24 examination of their results within 7 weeks of the examination
25 date. Further, the Department shall have the authority to
26 immediately authorize such applicants who successfully pass

1 the examination to engage in the practice of pharmacy.

2 An applicant shall have one year from the date of
3 notification of successful completion of the examination to
4 apply to the Department for a license. If an applicant fails to
5 make such application within one year the applicant shall be
6 required to again take and pass the examination.

7 An applicant who has graduated with a professional degree
8 from a school of pharmacy located outside of the United States
9 must do the following:

10 (1) obtain a Foreign Pharmacy Graduate Examination
11 Committee (FPGEC) Certificate;

12 (2) complete 1,200 hours of clinical training and
13 experience, as defined by rule, in the United States or its
14 territories; and

15 (3) successfully complete the licensing requirements
16 set forth in Section 6 of this Act, as well as those
17 adopted by the Department by rule.

18 The Department may employ consultants for the purpose of
19 preparing and conducting examinations.

20 (Source: P.A. 95-689, eff. 10-29-07.)

21 (225 ILCS 85/9) (from Ch. 111, par. 4129)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 9. Licensure ~~Registration~~ as registered pharmacy
24 technician.

25 (a) Any person shall be entitled to licensure ~~registration~~

1 as a registered pharmacy technician who is of the age of 16 or
2 over, has not engaged in conduct or behavior determined to be
3 grounds for discipline under this Act, is attending or has
4 graduated from an accredited high school or comparable school
5 or educational institution or received a high school
6 equivalency certificate, and has filed a written or electronic
7 application for licensure ~~registration~~ on a form to be
8 prescribed and furnished by the Department for that purpose.
9 The Department shall issue a license ~~certificate~~ ~~of~~
10 ~~registration~~ as a registered pharmacy technician to any
11 applicant who has qualified as aforesaid, and such license
12 ~~registration~~ shall be the sole authority required to assist
13 licensed pharmacists in the practice of pharmacy, under the
14 supervision of a licensed pharmacist. A registered pharmacy
15 technician may, under the supervision of a pharmacist, assist
16 in the practice of pharmacy and perform such functions as
17 assisting in the dispensing process, offering counseling,
18 receiving new verbal prescription orders, and having
19 prescriber contact concerning prescription drug order
20 clarification. A registered pharmacy technician may not engage
21 in patient counseling, drug regimen review, or clinical
22 conflict resolution.

23 (b) Beginning on January 1, 2017, within 2 years after
24 initial licensure ~~registration~~ as a registered pharmacy
25 technician, the licensee ~~registrant~~ must meet the requirements
26 described in Section 9.5 of this Act and become licensed

1 ~~register~~ as a registered certified pharmacy technician. If the
2 licensee ~~registrant~~ has not yet attained the age of 18, then
3 upon the next renewal as a registered pharmacy technician, the
4 licensee ~~registrant~~ must meet the requirements described in
5 Section 9.5 of this Act and become licensed ~~register~~ as a
6 registered certified pharmacy technician. This requirement
7 does not apply to pharmacy technicians registered prior to
8 January 1, 2008.

9 (c) Any person registered as a pharmacy technician who is
10 also enrolled in a first professional degree program in
11 pharmacy in a school or college of pharmacy or a department of
12 pharmacy of a university approved by the Department or has
13 graduated from such a program within the last 18 months, shall
14 be considered a "student pharmacist" and entitled to use the
15 title "student pharmacist". A student pharmacist must meet all
16 of the requirements for licensure ~~registration~~ as a registered
17 pharmacy technician set forth in this Section excluding the
18 requirement of certification prior to the second license
19 ~~registration~~ renewal and pay the required registered pharmacy
20 technician license ~~registration~~ fees. A student pharmacist
21 may, under the supervision of a pharmacist, assist in the
22 practice of pharmacy and perform any and all functions
23 delegated to him or her by the pharmacist.

24 (d) Any person seeking licensure as a pharmacist who has
25 graduated from a pharmacy program outside the United States
26 must register as a pharmacy technician and shall be considered

1 a "student pharmacist" and be entitled to use the title
2 "student pharmacist" while completing the 1,200 clinical hours
3 of training approved by the Board of Pharmacy described and for
4 no more than 18 months after completion of these hours. These
5 individuals are not required to become registered certified
6 pharmacy technicians while completing their Board approved
7 clinical training, but must become licensed as a pharmacist or
8 become licensed as a registered certified pharmacy technician
9 before the second pharmacy technician license registration
10 renewal following completion of the Board approved clinical
11 training.

12 (e) The Department shall not renew the registered pharmacy
13 technician license of any person who has been licensed
14 ~~registered~~ as a registered pharmacy technician with the
15 designation "student pharmacist" who: (1) ~~and~~ has dropped out
16 of or been expelled from an ACPE accredited college of
17 pharmacy; (2) ~~who~~ has failed to complete his or her 1,200
18 hours of Board approved clinical training within 24 months; or
19 (3) ~~who~~ has failed the pharmacist licensure examination 3
20 times. The Department ~~and~~ shall require these individuals to
21 meet the requirements of and become licensed ~~registered~~ as a
22 registered certified pharmacy technician.

23 (f) The Department may take any action set forth in Section
24 30 of this Act with regard to a license ~~registrations~~ pursuant
25 to this Section.

26 (g) Any person who is enrolled in a non-traditional

1 Pharm.D. program at an ACPE accredited college of pharmacy and
2 is ~~a~~ licensed as a registered pharmacist under the laws of
3 another United States jurisdiction shall be permitted to engage
4 in the program of practice experience required in the academic
5 program by virtue of such license. Such person shall be exempt
6 from the requirement of licensure ~~registration~~ as a registered
7 pharmacy technician or registered certified pharmacy
8 technician while engaged in the program of practice experience
9 required in the academic program.

10 An applicant for licensure ~~registration~~ as a registered
11 pharmacy technician may assist a pharmacist in the practice of
12 pharmacy for a period of up to 60 days prior to the issuance of
13 a license ~~certificate of registration~~ if the applicant has
14 submitted the required fee and an application for licensure
15 ~~registration~~ to the Department. The applicant shall keep a copy
16 of the submitted application on the premises where the
17 applicant is assisting in the practice of pharmacy. The
18 Department shall forward confirmation of receipt of the
19 application with start and expiration dates of practice pending
20 licensure ~~registration~~.

21 (Source: P.A. 98-718, eff. 1-1-15; 99-473, eff. 1-1-17.)

22 (225 ILCS 85/9.5)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 9.5. Registered certified pharmacy technician.

25 (a) An individual licensed ~~registered~~ as a registered

1 pharmacy technician under this Act may be licensed ~~registered~~
2 as a registered certified pharmacy technician, if he or she
3 meets all of the following requirements:

4 (1) He or she has submitted a written application in
5 the form and manner prescribed by the Department.

6 (2) He or she has attained the age of 18.

7 (3) He or she is of good moral character, as determined
8 by the Department.

9 (4) He or she has (i) graduated from pharmacy
10 technician training meeting the requirements set forth in
11 subsection (a) of Section 17.1 of this Act or (ii) obtained
12 documentation from the pharmacist-in-charge of the
13 pharmacy where the applicant is employed verifying that he
14 or she has successfully completed a training program and
15 has successfully completed an objective assessment
16 mechanism prepared in accordance with rules established by
17 the Department.

18 (5) He or she has successfully passed an examination
19 accredited by the National Commission for Certifying
20 Agencies, as approved and required by the Board or by rule.

21 (6) He or she has paid the required licensure
22 ~~certification~~ fees.

23 (b) No pharmacist whose license has been denied, revoked,
24 suspended, or restricted for disciplinary purposes may be
25 eligible to be registered as a certified pharmacy technician
26 unless authorized by order of the Department as a condition of

1 restoration from revocation, suspension, or restriction.

2 (c) The Department may, by rule, establish any additional
3 requirements for licensure ~~certification~~ under this Section.

4 (d) A person who is not a licensed registered pharmacy
5 technician and meets the requirements of this Section may be
6 licensed ~~register~~ as a registered certified pharmacy
7 technician without first being licensed ~~registering~~ as a
8 registered pharmacy technician.

9 (e) As a condition for the renewal of a license ~~certificate~~
10 ~~of registration~~ as a registered certified pharmacy technician,
11 the licensee ~~registrant~~ shall provide evidence to the
12 Department of completion of a total of 20 hours of continuing
13 pharmacy education during the 24 months preceding the
14 expiration date of the certificate as established by rule. One
15 hour of continuing pharmacy education must be in the subject of
16 pharmacy law. One hour of continuing pharmacy education must be
17 in the subject of patient safety. The continuing education
18 shall be approved by the Accreditation Council on Pharmacy
19 Education.

20 The Department may ~~shall~~ establish by rule a means for the
21 verification of completion of the continuing education
22 required by this subsection (e). This verification may be
23 accomplished through audits of records maintained by licensees
24 ~~registrants~~, by requiring the filing of continuing education
25 certificates with the Department or a qualified organization
26 selected by the Department to maintain such records, or by

1 other means established by the Department.

2 Rules developed under this subsection (e) may provide for a
3 reasonable annual fee, not to exceed \$20, to fund the cost of
4 such recordkeeping. The Department may ~~shall~~, by rule, further
5 provide an orderly process for the restoration ~~reinstatement~~ of
6 a license ~~registration~~ that has not been renewed due to the
7 failure to meet the continuing pharmacy education requirements
8 of this subsection (e). The Department may waive the
9 requirements of continuing pharmacy education, in whole or in
10 part, in cases of extreme hardship as defined by rule of the
11 Department. The waivers may ~~shall~~ be granted for not more than
12 one of any 3 consecutive renewal periods.

13 (Source: P.A. 99-473, eff. 1-1-17.)

14 (225 ILCS 85/10) (from Ch. 111, par. 4130)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 10. State Board of Pharmacy.

17 (a) There is created in the Department the State Board of
18 Pharmacy. It shall consist of 9 members, 7 of whom shall be
19 licensed pharmacists. Each of those 7 members must be a
20 licensed pharmacist in good standing in this State, a graduate
21 of an accredited college of pharmacy or hold a Bachelor of
22 Science degree in Pharmacy and have at least 5 years' practical
23 experience in the practice of pharmacy subsequent to the date
24 of his licensure as a licensed pharmacist in the State of
25 Illinois. There shall be 2 public members, who shall be voting

1 members, who shall not be engaged in any way, directly or
2 indirectly, as providers of health care ~~licensed pharmacists~~ in
3 this State or any other state.

4 (b) Each member shall be appointed by the Governor.

5 (c) Members shall be appointed to 5 year terms. The
6 Governor shall fill any vacancy for the remainder of the
7 unexpired term. Partial terms over 3 years in length shall be
8 considered full terms. A member may be reappointed for a
9 successive term, but no member shall serve more than 2 full
10 terms in his or her lifetime.

11 (d) In making the appointment of members on the Board, the
12 Governor shall give due consideration to recommendations by the
13 members of the profession of pharmacy and by pharmacy
14 organizations therein. The Governor shall notify the pharmacy
15 organizations promptly of any vacancy of members on the Board
16 and in appointing members shall give consideration to
17 individuals engaged in all types and settings of pharmacy
18 practice.

19 (e) The Governor may remove any member of the Board for
20 misconduct, incapacity, or neglect of duty, and he or she shall
21 be the sole judge of the sufficiency of the cause for removal.

22 (f) Each member of the Board shall be reimbursed for such
23 actual and legitimate expenses as he or she may incur in going
24 to and from the place of meeting and remaining there ~~thereat~~
25 during sessions of the Board. ~~In addition, each member of the~~
26 ~~Board may receive a per diem payment in an amount determined~~

1 ~~from time to time by the Director for attendance at meetings of~~
2 ~~the Board and conducting other official business of the Board.~~

3 (g) The Board shall hold quarterly meetings at such times
4 and places and upon notice as the Department may determine and
5 as its business may require. A majority of the Board members
6 currently appointed shall constitute a quorum. A vacancy in the
7 membership of the Board shall not impair the right of a quorum
8 to exercise all the rights and perform all the duties of the
9 Board.

10 (h) The Board shall exercise the rights, powers and duties
11 which have been vested in the Board under this Act, and any
12 other duties conferred upon the Board by law.

13 (Source: P.A. 95-689, eff. 10-29-07.)

14 (225 ILCS 85/11) (from Ch. 111, par. 4131)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 11. Duties of the Department. The Department shall
17 exercise the powers and duties prescribed by the Civil
18 Administrative Code of Illinois for the administration of
19 Licensing Acts and shall exercise such other powers and duties
20 necessary for effectuating the purpose of this Act. The powers
21 and duties of the Department also include ~~However, the~~
22 ~~following powers and duties shall be exercised only upon review~~
23 ~~of the Board of Pharmacy to take such action:~~

24 (a) Formulation of ~~Formulate~~ such rules, not inconsistent
25 with law and subject to the Illinois Administrative Procedure

1 Act, as may be necessary to carry out the purposes and enforce
2 the provisions of this Act. The Secretary ~~Director~~ may grant
3 variances from any such rules as provided for in this Section. ~~+~~

4 (b) The suspension, revocation, placing on probationary
5 status, reprimand, ~~and~~ refusing to issue or restore, or taking
6 any other disciplinary or non-disciplinary action against any
7 license ~~or certificate of registration~~ issued under the
8 provisions of this Act for the reasons set forth in Section 30
9 of this Act.

10 (c) The issuance, renewal, restoration, or reissuance of
11 any license or certificate which has been previously refused to
12 be issued or renewed, or has been revoked, suspended or placed
13 on probationary status.

14 (c-5) The granting of variances from rules promulgated
15 pursuant to this Section in individual cases where there is a
16 finding that:

17 (1) the provision from which the variance is granted is
18 not statutorily mandated;

19 (2) no party will be injured by the granting of the
20 variance; and

21 (3) the rule from which the variance is granted would,
22 in the particular case, be unreasonable or unnecessarily
23 burdensome.

24 The Secretary ~~Director~~ shall give consideration to the
25 recommendations of ~~notify~~ the State Board of Pharmacy regarding
26 ~~of the~~ granting of such variance and the reasons therefor, ~~at~~

1 ~~the next meeting of the Board.~~

2 (d) The Secretary shall appoint a chief pharmacy
3 coordinator who ~~and at least 2 deputy pharmacy coordinators,~~
4 ~~all of whom~~ shall be a licensed pharmacist ~~registered~~
5 ~~pharmacists~~ in good standing in this State, shall be a graduate
6 ~~graduates~~ of an accredited college of pharmacy or hold, at a
7 minimum, a bachelor of science degree in pharmacy, and shall
8 have at least 5 years of experience in the practice of pharmacy
9 immediately prior to his or her appointment. The chief pharmacy
10 coordinator shall be the executive administrator and the chief
11 enforcement officer of this Act. ~~The deputy pharmacy~~
12 ~~coordinators shall report to the chief pharmacy coordinator.~~
13 ~~The Secretary shall assign at least one deputy pharmacy~~
14 ~~coordinator to a region composed of Cook County and such other~~
15 ~~counties as the Secretary may deem appropriate, and such deputy~~
16 ~~pharmacy coordinator shall have his or her primary office in~~
17 ~~Chicago. The Secretary shall assign at least one deputy~~
18 ~~pharmacy coordinator to a region composed of the balance of~~
19 ~~counties in the State, and such deputy pharmacy coordinator~~
20 ~~shall have his or her primary office in Springfield.~~

21 (e) The Department ~~Secretary~~ shall, in conformity with the
22 Personnel Code, employ such pharmacy investigators as deemed
23 necessary ~~not less than 4 pharmacy investigators~~ who shall
24 report to the chief pharmacy coordinator ~~or a deputy pharmacy~~
25 ~~coordinator~~. Each pharmacy investigator shall be a licensed
26 pharmacist unless employed as a pharmacy investigator on or

1 before August 27, 2015 (the effective date of Public Act
2 99-473) ~~this amendatory Act of the 99th General Assembly~~. The
3 Department shall also employ at least one attorney to prosecute
4 violations of this Act and its rules. The Department may, in
5 conformity with the Personnel Code, employ such clerical and
6 other employees as are necessary to carry out the duties of the
7 Board and Department.

8 The duly authorized pharmacy investigators of the
9 Department shall have the right to enter and inspect, during
10 business hours, any pharmacy or any other place in this State
11 holding itself out to be a pharmacy where medicines, drugs or
12 drug products, or proprietary medicines are sold, offered for
13 sale, exposed for sale, or kept for sale.

14 (Source: P.A. 99-473, eff. 8-27-15.)

15 (225 ILCS 85/12) (from Ch. 111, par. 4132)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 12. Expiration of license; renewal.

18 (a) The expiration date and renewal period for each license
19 ~~and certificate of registration~~ issued under this Act shall be
20 set by rule.

21 (b) As a condition for the renewal of a license ~~certificate~~
22 ~~of registration~~ as a pharmacist, the licensee ~~registrant~~ shall
23 provide evidence to the Department of completion of a total of
24 30 hours of pharmacy continuing education during the 24 months
25 preceding the expiration date of the certificate. Such

1 continuing education shall be approved by the Accreditation
2 Council on Pharmacy Education.

3 (c) The Department may ~~shall~~ establish by rule a means for
4 the verification of completion of the continuing education
5 required by this Section. This verification may be accomplished
6 through audits of records maintained by licensees ~~registrants~~,
7 by requiring the filing of continuing education certificates
8 with the Department or a qualified organization selected by the
9 Department to maintain such records or by other means
10 established by the Department.

11 (d) Rules developed under this Section may provide for a
12 reasonable biennial fee, not to exceed \$20, to fund the cost of
13 such recordkeeping. The Department may ~~shall~~, by rule, further
14 provide an orderly process for the restoration ~~reinstatement~~ of
15 licenses which have not been renewed due to the failure to meet
16 the continuing education requirements of this Section. The
17 requirements of continuing education may be waived, in whole or
18 in part, in cases of extreme hardship as defined by rule of the
19 Department. Such waivers shall be granted for not more than one
20 of any 3 consecutive renewal periods.

21 (e) Any pharmacist who has permitted his license to expire
22 or who has had his license on inactive status may have his
23 license restored by making application to the Department and
24 filing proof acceptable to the Department of his fitness to
25 have his license restored, and by paying the required
26 restoration fee. The Department shall determine, by an

1 evaluation program established by rule his fitness for
2 restoration of his license and shall establish procedures and
3 requirements for such restoration. However, any pharmacist who
4 demonstrates that he has continuously maintained active
5 practice in another jurisdiction pursuant to a license in good
6 standing, and who has substantially complied with the
7 continuing education requirements of this Section shall not be
8 subject to further evaluation for purposes of this Section.

9 (f) Any licensee who shall engage in the practice for which
10 his or her license was issued while the license is expired or
11 on inactive status shall be considered to be practicing without
12 a license which, shall be grounds for discipline under Section
13 30 of this Act.

14 (g) Any pharmacy operating on an expired license is engaged
15 in the unlawful practice of pharmacy and is subject to
16 discipline under Section 30 of this Act. A pharmacy whose
17 license has been expired for one year or more may not have its
18 license restored but must apply for a new license and meet all
19 requirements for licensure. Any pharmacy whose license has been
20 expired for less than one year may apply for restoration of its
21 license and shall have its license restored.

22 (h) However, any pharmacist whose license expired while he
23 was (1) in Federal Service on active duty with the Armed Forces
24 of the United States, or the State Militia called into service
25 or training, or (2) in training or education under the
26 supervision of the United States preliminary to induction into

1 the military service, may have his license or certificate
2 restored without paying any lapsed renewal fees, if within 2
3 years after honorable termination of such service, training or
4 education he furnishes the Department with satisfactory
5 evidence to the effect that he has been so engaged and that his
6 service, training or education has been so terminated.

7 (Source: P.A. 95-689, eff. 10-29-07.)

8 (225 ILCS 85/13) (from Ch. 111, par. 4133)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 13. Inactive status.

11 (a) Any pharmacist, registered certified pharmacy
12 technician, or registered pharmacy technician who notifies the
13 Department, in writing or electronically on forms prescribed by
14 the Department, may elect to place his or her license on an
15 inactive status and shall be excused from payment of renewal
16 fees and completion of continuing education requirements until
17 he or she notifies the Department in writing of his or her
18 intent to restore his license.

19 (b) Any pharmacist, registered certified pharmacy
20 technician, or registered pharmacy pharmacist technician
21 requesting restoration from inactive status shall be required
22 to pay the current renewal fee and shall be required to restore
23 his or her license or certificate, as provided by rule of the
24 Department.

25 (c) Any pharmacist, registered certified pharmacy

1 technician, or registered pharmacy pharmacist technician whose
2 license is in inactive status shall not practice in the State
3 of Illinois.

4 (d) A pharmacy license may not be placed on inactive
5 status.

6 (e) Continued practice on a license which has lapsed or
7 been placed on inactive status shall be considered to be
8 practicing without a license.

9 (Source: P.A. 95-689, eff. 10-29-07.)

10 (225 ILCS 85/15) (from Ch. 111, par. 4135)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 15. Pharmacy requirements.

13 (1) It shall be unlawful for the owner of any pharmacy, as
14 defined in this Act, to operate or conduct the same, or to
15 allow the same to be operated or conducted, unless:

16 (a) It has a licensed pharmacist, authorized to
17 practice pharmacy in this State under the provisions of
18 this Act, on duty whenever the practice of pharmacy is
19 conducted;

20 (b) Security provisions for all drugs and devices, as
21 determined by rule of the Department, are provided during
22 the absence from the licensed pharmacy of all licensed
23 pharmacists. Maintenance of security provisions is the
24 responsibility of the licensed pharmacist in charge; and

25 (c) The pharmacy is licensed under this Act to conduct

1 the practice of pharmacy in any and all forms from the
2 physical address of the pharmacy's primary inventory where
3 U.S. mail is delivered. If a facility, company, or
4 organization operates multiple pharmacies from multiple
5 physical addresses, a separate pharmacy license is
6 required for each different physical address.

7 (2) The Department may allow a pharmacy that is not located
8 at the same location as its home pharmacy and at which pharmacy
9 services are provided during an emergency situation, as defined
10 by rule, to be operated as an emergency remote pharmacy. An
11 emergency remote pharmacy operating under this subsection (2)
12 shall operate under the license of the home pharmacy.

13 (3) The Secretary may waive the requirement for a
14 pharmacist to be on duty at all times for State facilities not
15 treating human ailments. This waiver of the requirement remains
16 in effect until it is rescinded by the Secretary and the
17 Department provides written notice of the rescission to the
18 State facility.

19 (4) It shall be unlawful for any person, who is not a
20 licensed pharmacy or health care facility, to purport to be
21 such or to use in name, title, or sign designating, or in
22 connection with that place of business, any of the words:
23 "pharmacy", "pharmacist", "pharmacy department", "apothecary",
24 "druggist", "drug", "drugs", "medicines", "medicine store",
25 "drug sundries", "prescriptions filled", or any list of words
26 indicating that drugs are compounded or sold to the lay public,

1 or prescriptions are dispensed therein. Each day during which,
2 or a part which, such representation is made or appears or such
3 a sign is allowed to remain upon or in such a place of business
4 shall constitute a separate offense under this Act.

5 (5) The holder of any license ~~or certificate of~~
6 ~~registration~~ shall conspicuously display it in the pharmacy in
7 which he is engaged in the practice of pharmacy. The pharmacist
8 in charge shall conspicuously display his name in such
9 pharmacy. The pharmacy license shall also be conspicuously
10 displayed.

11 (Source: P.A. 95-689, eff. 10-29-07; 96-219, eff. 8-10-09;
12 96-1000, eff. 7-2-10.)

13 (225 ILCS 85/16) (from Ch. 111, par. 4136)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 16. The Department shall require and provide for the
16 licensure of every pharmacy doing business in this State. Such
17 licensure shall expire 30 days after the pharmacist in charge
18 dies or is no longer employed by ~~or leaves the place where~~ the
19 pharmacy ~~is licensed~~ or after such pharmacist's license has
20 been suspended or revoked.

21 In the event the ~~designated~~ pharmacist in charge dies or
22 otherwise ceases to function in that capacity, or when the
23 license of the pharmacist in charge has been suspended or
24 revoked, the owner of the pharmacy shall be required to notify
25 the Department, on forms provided by the Department, of the

1 identity of the new pharmacist in charge.

2 It is the duty of every pharmacist in charge who ceases to
3 function in that capacity to report to the Department within 30
4 days of the date on which he ceased such functions for such
5 pharmacy. It is the duty of every owner of a pharmacy licensed
6 under this Act to report to the Department within 30 days of
7 the date on which the pharmacist in charge died or ceased to
8 function in that capacity and to specify a new pharmacist in
9 charge. Failure to provide such notification to the Department
10 shall be grounds for disciplinary action.

11 No license shall be issued to any pharmacy unless such
12 pharmacy has a pharmacist in charge and each such pharmacy
13 license shall indicate on the face thereof the pharmacist in
14 charge.

15 (Source: P.A. 95-689, eff. 10-29-07.)

16 (225 ILCS 85/16a) (from Ch. 111, par. 4136a)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 16a. (a) The Department shall establish rules ~~and~~
19 ~~regulations~~, consistent with the provisions of this Act,
20 governing nonresident pharmacies, including pharmacies
21 providing services via the Internet, which sell, or offer for
22 sale, drugs, medicines, or other pharmaceutical services in
23 this State.

24 (b) The Department shall require and provide for a ~~an~~
25 ~~annual~~ nonresident ~~special~~ pharmacy license ~~registration~~ for

1 all pharmacies located outside of this State that dispense
2 medications for Illinois residents and mail, ship, or deliver
3 prescription medications into this State. A nonresident
4 ~~Nonresident special~~ pharmacy license ~~registration~~ shall be
5 granted by the Department upon the disclosure and certification
6 by a pharmacy:

7 (1) that it is licensed in the state in which the
8 dispensing facility is located and from which the drugs are
9 dispensed;

10 (2) of the location, names, and titles of all principal
11 ~~corporate~~ officers of the business and all pharmacists who
12 are dispensing drugs to residents of this State;

13 (3) that it complies with all lawful directions and
14 requests for information from the board of pharmacy of each
15 state in which it is licensed or registered, except that it
16 shall respond directly to all communications from the Board
17 or Department concerning any circumstances arising from
18 the dispensing of drugs to residents of this State;

19 (4) that it maintains its records of drugs dispensed to
20 residents of this State so that the records are readily
21 retrievable from the records of other drugs dispensed;

22 (5) that it cooperates with the Board or Department in
23 providing information to the board of pharmacy of the state
24 in which it is licensed concerning matters related to the
25 dispensing of drugs to residents of this State; and

26 (6) that during its regular hours of operation, but not

1 less than 6 days per week, for a minimum of 40 hours per
2 week, a toll-free telephone service is provided to
3 facilitate communication between patients in this State
4 and a pharmacist at the nonresident pharmacy who has access
5 to the patients' records. The toll-free number must be
6 disclosed on the label affixed to each container of drugs
7 dispensed to residents of this State.

8 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

9 (225 ILCS 85/17) (from Ch. 111, par. 4137)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 17. Disposition of legend drugs on cessation of
12 pharmacy operations.

13 (a) The pharmacist in charge of a pharmacy which has its
14 pharmacy license revoked or otherwise ceases operation shall
15 notify the Department and forward to the Department a copy of
16 the closing inventory of controlled substances and a statement
17 indicating the intended manner of disposition of all legend
18 drugs and prescription files within 30 days of such revocation
19 or cessation of operation.

20 (b) The Department shall approve the intended manner of
21 disposition of all legend drugs prior to disposition of such
22 drugs by the pharmacist in charge.

23 (1) The Department shall notify the pharmacist in
24 charge of approval of the manner of disposition of all
25 legend drugs, or disapproval accompanied by reasons for

1 such disapproval, within 30 days of receipt of the
2 statement from the pharmacist in charge. In the event that
3 the manner of disposition is not approved, the pharmacist
4 in charge shall notify the Department of an alternative
5 manner of disposition within 30 days of the receipt of
6 disapproval.

7 (2) If disposition of all legend drugs does not occur
8 within 30 days after approval is received from the
9 Department, or if no alternative method of disposition is
10 submitted to the Department within 30 days of the
11 Department's disapproval, the Secretary ~~Director~~ shall
12 notify the pharmacist in charge by mail at the address of
13 the closing pharmacy, of the Department's intent to
14 confiscate all legend drugs. The Notice of Intent to
15 Confiscate shall be the final administrative decision of
16 the Department, as that term is defined in the
17 Administrative Review Law, and the confiscation of all
18 prescription drugs shall be effected.

19 (b-5) In the event that the pharmacist in charge has died
20 or is otherwise physically incompetent to perform the duties of
21 this Section, the owner of a pharmacy that has its license
22 revoked or otherwise ceases operation shall be required to
23 fulfill the duties otherwise imposed upon the pharmacist in
24 charge.

25 (c) The pharmacist in charge of a pharmacy which acquires
26 prescription files from a pharmacy which ceases operation shall

1 be responsible for the preservation of such acquired
2 prescriptions for the remainder of the term that such
3 prescriptions are required to be preserved by this Act.

4 (d) Failure to comply with this Section shall be grounds
5 for denying an application or renewal application for a
6 pharmacy license or for disciplinary action against a license
7 ~~registration~~.

8 (e) Compliance with the provisions of the Illinois
9 Controlled Substances Act concerning the disposition of
10 controlled substances shall be deemed compliance with this
11 Section with respect to legend drugs which are controlled
12 substances.

13 (Source: P.A. 95-689, eff. 10-29-07.)

14 (225 ILCS 85/17.1)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 17.1. Registered pharmacy ~~Pharmacy~~ technician
17 training.

18 (a) Beginning January 1, 2004, it shall be the joint
19 responsibility of a pharmacy and its pharmacist in charge to
20 have trained all of its registered pharmacy technicians or
21 obtain proof of prior training in all of the following topics
22 as they relate to the practice site:

23 (1) The duties and responsibilities of the technicians
24 and pharmacists.

25 (2) Tasks and technical skills, policies, and

1 procedures.

2 (3) Compounding, packaging, labeling, and storage.

3 (4) Pharmaceutical and medical terminology.

4 (5) Record keeping requirements.

5 (6) The ability to perform and apply arithmetic
6 calculations.

7 (b) Within 6 months after initial employment or changing
8 the duties and responsibilities of a registered pharmacy
9 technician, it shall be the joint responsibility of the
10 pharmacy and the pharmacist in charge to train the registered
11 pharmacy technician or obtain proof of prior training in the
12 areas listed in subsection (a) of this Section as they relate
13 to the practice site or to document that the pharmacy
14 technician is making appropriate progress.

15 (c) All pharmacies shall maintain an up-to-date training
16 program describing the duties and responsibilities of a
17 registered pharmacy technician.

18 (d) All pharmacies shall create and maintain retrievable
19 records of training or proof of training as required in this
20 Section.

21 (Source: P.A. 95-689, eff. 10-29-07.)

22 (225 ILCS 85/18) (from Ch. 111, par. 4138)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 18. Record retention. There ~~Except as provided in~~
25 ~~subsection (b), there~~ shall be kept in every drugstore or

1 pharmacy a suitable book, file, or electronic record keeping
2 system in which shall be preserved for a period of not less
3 than 5 years the original, or an exact, unalterable image, of
4 every written prescription and the original transcript or copy
5 of every verbal prescription filled, compounded, or dispensed,
6 in such pharmacy; and such book, ~~or file,~~ or electronic record
7 keeping system of prescriptions shall at all reasonable times
8 be open to inspection to the chief pharmacy coordinator and the
9 duly authorized agents or employees of the Department.

10 Every prescription filled or refilled shall contain the
11 unique identifiers of the persons authorized to practice
12 pharmacy under the provision of this Act who fills or refills
13 the prescription.

14 Records kept pursuant to this Section may be maintained in
15 an alternative data retention system, such as a direct digital
16 imaging system, provided that:

17 (1) the records maintained in the alternative data
18 retention system contain all of the information required in
19 a manual record;

20 (2) the data processing system is capable of producing
21 a hard copy of the electronic record on the request of the
22 Board, its representative, or other authorized local,
23 State, or federal law enforcement or regulatory agency;

24 (3) the digital images are recorded and stored only by
25 means of a technology that does not allow subsequent
26 revision or replacement of the images; and

1 (4) the prescriptions may be retained in written form
2 or recorded in a data processing system, provided that such
3 order can be produced in printed form upon lawful request.

4 As used in this Section, "digital imaging system" means a
5 system, including people, machines, methods of organization,
6 and procedures, that provides input, storage, processing,
7 communications, output, and control functions for digitized
8 representations of original prescription records.

9 Inpatient drug orders may be maintained within an
10 institution in a manner approved by the Department.

11 (Source: P.A. 94-84, eff. 6-28-05; 95-689, eff. 10-29-07.)

12 (225 ILCS 85/19) (from Ch. 111, par. 4139)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 19. Nothing contained in this Act shall be construed
15 to prohibit a pharmacist licensed in this State from filling or
16 refilling a valid prescription for prescription drugs which is
17 on file in a pharmacy licensed in any state and has been
18 transferred from one pharmacy to another by any means,
19 including by way of electronic data processing equipment upon
20 the following conditions and exceptions:

21 (1) Prior to dispensing pursuant to any such prescription,
22 the dispensing pharmacist shall:

23 (a) Advise the patient that the prescription on file at
24 such other pharmacy must be canceled before he or she will
25 be able to fill or refill it.

1 (b) Determine that the prescription is valid and on
2 file at such other pharmacy and that such prescription may
3 be filled or refilled, as requested, in accordance with the
4 prescriber's intent expressed on such prescription.

5 (c) Notify the pharmacy where the prescription is on
6 file that the prescription must be canceled.

7 (d) Record in writing or electronically the
8 prescription order, the name of the pharmacy at which the
9 prescription was on file, the prescription number, the name
10 of the drug and the original amount dispensed, the date of
11 original dispensing, and the number of remaining
12 authorized refills.

13 (e) Obtain the consent of the prescriber to the
14 refilling of the prescription when the prescription, in the
15 professional judgment of the dispensing pharmacist, so
16 requires.

17 (2) Upon receipt of a request for prescription information
18 set forth in subparagraph (d) of paragraph (1) of this Section,
19 if the requested pharmacist is satisfied in his professional
20 judgment that such request is valid and legal, the requested
21 pharmacist shall:

22 (a) Provide such information accurately and
23 completely.

24 (b) Record electronically or, if in writing, on the
25 face of the prescription, the name of the requesting
26 pharmacy and pharmacist and the date of request.

1 (c) Cancel the prescription on file by writing the word
2 "void" on its face or the electronic equivalent, if not in
3 written format. No further prescription information shall
4 be given or medication dispensed pursuant to such original
5 prescription.

6 (3) In the event that, after the information set forth in
7 subparagraph (d) of paragraph (1) of this Section has been
8 provided, a prescription is not dispensed by the requesting
9 pharmacist, then such pharmacist shall provide notice of this
10 fact to the pharmacy from which such information was obtained;
11 such notice shall then cancel the prescription in the same
12 manner as set forth in subparagraph (c) of paragraph (2) of
13 this Section.

14 (4) When filling or refilling a valid prescription on file
15 in another state, the dispensing pharmacist shall be required
16 to follow all the requirements of Illinois law which apply to
17 the dispensing of prescription drugs. If anything in Illinois
18 law prevents the filling or refilling of the original
19 prescription it shall be unlawful to dispense pursuant to this
20 Section.

21 (5) Prescriptions for drugs in Schedules III, IV, and V of
22 the Illinois Controlled Substances Act may be transferred only
23 once and may not be further transferred. However, pharmacies
24 electronically sharing a real-time, online database may
25 transfer up to the maximum refills permitted by the law and the
26 prescriber's authorization.

1 (Source: P.A. 95-689, eff. 10-29-07.)

2 (225 ILCS 85/20) (from Ch. 111, par. 4140)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 20. Dispensing systems.

5 (a) Two or more pharmacies may establish and use a common
6 electronic file to maintain required dispensing information.

7 (b) Pharmacies using such a common electronic file are not
8 required to physically transfer prescriptions or information
9 for dispensing purposes between or among pharmacies
10 participating in the same common prescription file; provided,
11 however any such common file must contain complete and adequate
12 records of such prescription and refill dispensed as stated in
13 Section 18.

14 (c) The Department ~~and Board~~ may formulate such rules ~~and~~
15 ~~regulations~~, not inconsistent with law, as may be necessary to
16 carry out the purposes of and to enforce the provisions of this
17 Section within the following exception: The Department ~~and~~
18 ~~Board~~ shall not impose greater requirements on either common
19 electronic files or a hard copy record system.

20 (d) Drugs shall in no event be dispensed more frequently or
21 in larger amounts than the prescriber ordered without direct
22 prescriber authorization by way of a new prescription order.

23 (e) The dispensing by a pharmacist licensed in this State
24 or another state of a prescription contained in a common
25 database shall not constitute a transfer, provided that (1) ~~(i)~~

1 all pharmacies involved in the transactions pursuant to which
2 the prescription is dispensed and all pharmacists engaging in
3 dispensing functions are properly licensed, permitted, or
4 registered in this State or another jurisdiction, (2) ~~(ii)~~ a
5 policy and procedures manual that governs all participating
6 pharmacies and pharmacists is available to the Department upon
7 request and includes the procedure for maintaining appropriate
8 records for regulatory oversight for tracking a prescription
9 during each stage of the filling and dispensing process, and
10 (3) ~~(iii)~~ the pharmacists involved in filling and dispensing
11 the prescription and counseling the patient are identified. A
12 pharmacist shall be accountable only for the specific tasks
13 performed.

14 (f) Nothing in this Section shall prohibit a pharmacist who
15 is exercising his or her professional judgment from dispensing
16 additional quantities of medication up to the total number of
17 dosage units authorized by the prescriber on the original
18 prescription and any refills.

19 (Source: P.A. 95-689, eff. 10-29-07.)

20 (225 ILCS 85/22) (from Ch. 111, par. 4142)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 22. Except only in the case of a drug, medicine or
23 poison which is lawfully sold or dispensed, at retail, in the
24 original and unbroken package of the manufacturer, packer, or
25 distributor thereof, and which package bears the original label

1 thereon showing the name and address of the manufacturer,
2 packer, or distributor thereof, and the name of the drug,
3 medicine, or poison therein contained, and the directions for
4 its use, no person shall sell or dispense, at retail, any drug,
5 medicine, or poison, without affixing to the box, bottle,
6 vessel, or package containing the same, a label bearing the
7 name of the article distinctly shown, and the directions for
8 its use, with the name and address of the pharmacy wherein the
9 same is sold or dispensed. However, in the case of a drug,
10 medicine, or poison which is sold or dispensed pursuant to a
11 prescription of a physician licensed to practice medicine in
12 all of its branches, a physician assistant in accordance with
13 subsection (f) of Section 4 of this Act, an advanced practice
14 registered nurse in accordance with subsection (g) of Section 4
15 of this Act, a licensed dentist, a licensed veterinarian, a
16 licensed podiatric physician, or a licensed ~~therapeutically or~~
17 ~~diagnostically certified optometrist authorized by law to~~
18 ~~prescribe drugs or medicines or poisons~~, the label affixed to
19 the box, bottle, vessel, or package containing the same shall
20 show: (a) the name and address of the pharmacy wherein the same
21 is sold or dispensed; (b) the name or initials of the person,
22 authorized to practice pharmacy under the provisions of this
23 Act, selling or dispensing the same, (c) the date on which such
24 prescription was filled; (d) the name of the patient; (e) the
25 serial number of such prescription as filed in the prescription
26 files; (f) the last name of the practitioner who prescribed

1 such prescriptions; (g) the directions for use thereof as
2 contained in such prescription; and (h) the proprietary name or
3 names or the established name or names of the drugs, the dosage
4 and quantity, except as otherwise authorized by rule ~~regulation~~
5 of the Department.

6 (Source: P.A. 98-214, eff. 8-9-13.)

7 (225 ILCS 85/22b)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 22b. Automated pharmacy systems; remote dispensing.

10 (a) Automated pharmacy systems must have adequate security
11 and procedures to comply with federal and State laws and
12 regulations and maintain patient confidentiality, as defined
13 by rule.

14 (b) Access to and dispensing from an automated pharmacy
15 system shall be limited to pharmacists or personnel who are
16 designated in writing by the pharmacist-in-charge and have
17 completed documented training concerning their duties
18 associated with the automated pharmacy system.

19 (c) All drugs stored in relation to an automated pharmacy
20 system must be stored in compliance with this Act and the rules
21 adopted under this Act, including the requirements for
22 temperature, proper storage containers, handling of outdated
23 drugs, prescription dispensing, and delivery.

24 (d) An automated pharmacy system operated from a remote
25 site shall be under the continuous supervision of a home

1 pharmacy pharmacist. To qualify as continuous supervision, the
2 pharmacist is not required to be physically present at the site
3 of the automated pharmacy system if the system is supervised
4 electronically by a pharmacist, as defined by rule.

5 (e) Drugs may only be dispensed at a remote site through an
6 automated pharmacy system after receipt of an original
7 prescription drug order by a pharmacist at the home pharmacy. A
8 pharmacist at the home pharmacy must control all operations of
9 the automated pharmacy system and approve the release of the
10 initial dose of a prescription drug order. Refills from an
11 approved prescription drug order may be removed from the
12 automated medication system after this initial approval. Any
13 change made in the prescription drug order shall require a new
14 approval by a pharmacist to release the drug.

15 (f) If an automated pharmacy system uses removable
16 cartridges or containers to store a drug, the stocking or
17 restocking of the cartridges or containers may occur at a
18 licensed wholesale drug distributor and be sent to the home
19 pharmacy to be loaded after pharmacist verification by
20 personnel designated by the pharmacist, provided that the
21 individual cartridge or container is transported to the home
22 pharmacy in a secure, tamper evident container. An automated
23 pharmacy system must use a bar code verification or weight
24 verification or electronic verification or similar process to
25 ensure that the cartridge or container is accurately loaded
26 into the automated pharmacy system. The pharmacist verifying

1 the filling and labeling shall be responsible for ensuring that
2 the cartridge or container is stocked or restocked correctly by
3 personnel designated to load the cartridges or containers who
4 are either registered pharmacy technicians or registered
5 certified pharmacy technicians employed by the home pharmacy.

6 An automated pharmacy system must use a bar code verification,
7 electronic, or similar process, as defined by rule, to ensure
8 that the proper medication is dispensed from the automated
9 system. A record of each transaction with the automated
10 pharmacy system must be maintained for 5 years. A prescription
11 dispensed from an automated pharmacy system shall be deemed to
12 have been approved by the pharmacist. No automated pharmacy
13 system shall be operated prior to inspection and approval by
14 the Department.

15 (Source: P.A. 95-689, eff. 10-29-07.)

16 (225 ILCS 85/25.10)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 25.10. Remote prescription processing.

19 (a) In this Section, "remote prescription processing"
20 means and includes the outsourcing of certain prescription
21 functions to another pharmacy or licensed non-resident
22 pharmacy, ~~including the dispensing of drugs.~~ "Remote
23 prescription processing" includes any of the following
24 activities related to the dispensing process:

25 (1) Receiving, interpreting, evaluating, or clarifying

1 prescriptions.

2 (2) Entering prescription and patient data into a data
3 processing system.

4 (3) Transferring prescription information.

5 (4) Performing a drug regimen review.

6 (5) Obtaining refill or substitution authorizations or
7 otherwise communicating with the prescriber concerning a
8 patient's prescription.

9 (6) Evaluating clinical data for prior authorization
10 for dispensing.

11 (7) Discussing therapeutic interventions with
12 prescribers.

13 (8) Providing drug information or counseling
14 concerning a patient's prescription to the patient or
15 patient's agent, as defined in this Act.

16 (b) A pharmacy may engage in remote prescription processing
17 under the following conditions:

18 (1) The pharmacies shall either have the same owner or
19 have a written contract describing the scope of services to
20 be provided and the responsibilities and accountabilities
21 of each pharmacy in compliance with all federal and State
22 laws and regulations related to the practice of pharmacy.

23 (2) The pharmacies shall share a common electronic file
24 or have technology that allows sufficient information
25 necessary to process a non-dispensing function.

26 (3) The records may be maintained separately by each

1 pharmacy or in common electronic file shared by both
2 pharmacies, provided that the system can produce a record
3 at either location that shows ~~showing~~ each processing task,
4 the identity of the person performing each task, and the
5 location where each task was performed.

6 (c) Nothing in this Section shall prohibit an individual
7 employee licensed as a pharmacist from accessing the employer
8 pharmacy's database from a pharmacist's home or other remote
9 location or home verification for the purpose of performing
10 certain prescription processing functions, provided that the
11 pharmacy establishes controls to protect the privacy and
12 security of confidential records.

13 (Source: P.A. 95-689, eff. 10-29-07.)

14 (225 ILCS 85/25.15)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 25.15. Telepharmacy.

17 (a) In this Section, "telepharmacy" means the provision of
18 pharmacist care by a pharmacist that is accomplished through
19 the use of telecommunications or other technologies to patients
20 or their agents who are at a distance and are located within
21 the United States, and which follows all federal and State
22 laws, rules, and regulations with regard to privacy and
23 security.

24 (b) Any pharmacy engaged in the practice of telepharmacy
25 must meet all of the following conditions:

1 (1) All events involving the contents of an automated
2 pharmacy system must be stored in a secure location and may
3 be recorded electronically.

4 (2) An automated pharmacy or prescription dispensing
5 machine system may be used in conjunction with the
6 pharmacy's practice of telepharmacy after inspection and
7 approval by the Department.

8 (3) The pharmacist in charge shall:

9 (A) be responsible for the practice of
10 telepharmacy performed at a remote pharmacy, including
11 the supervision of any prescription dispensing machine
12 or automated medication system;

13 (B) ensure that the home pharmacy has sufficient
14 pharmacists on duty for the safe operation and
15 supervision of all remote pharmacies;

16 (C) ensure, through the use of a video and auditory
17 communication system, that a registered certified
18 pharmacy technician at the remote pharmacy has
19 accurately and correctly prepared any prescription for
20 dispensing according to the prescription;

21 (D) be responsible for the supervision and
22 training of registered certified pharmacy technicians
23 at remote pharmacies who shall be subject to all rules
24 and regulations; and

25 (E) ensure that patient counseling at the remote
26 pharmacy is performed by a pharmacist or student

1 pharmacist.

2 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

3 (225 ILCS 85/27) (from Ch. 111, par. 4147)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 27. Fees.

6 (a) The Department shall, by rule, provide for a schedule
7 of fees to be paid for licenses and certificates. These fees
8 shall be for the administration and enforcement of this Act,
9 including without limitation original licensure and renewal
10 and restoration of licensure. All fees are nonrefundable.

11 (b) Applicants for any examination as a pharmacist shall be
12 required to pay, either to the Department or to the designated
13 testing service, a fee covering the cost of determining an
14 applicant's eligibility and providing the examination. Failure
15 to appear for the examination on the scheduled date, at the
16 time and place specified, after the applicant's application for
17 examination has been received and acknowledged by the
18 Department or the designated testing service, shall result in
19 the forfeiture of the examination fee.

20 (c) Applicants for the preliminary diagnostic examination
21 shall be required to pay, either to the Department or to the
22 designated testing service, a fee covering the cost of
23 determining an applicant's eligibility and providing the
24 examination. Failure to appear for the examination on the
25 scheduled date, at the time and place specified, after the

1 application for examination has been received and acknowledged
2 by the Department or the designated testing service, shall
3 result in the forfeiture of the examination fee.

4 (d) All fees, fines, or penalties received by the
5 Department under this Act shall be deposited in the Illinois
6 State Pharmacy Disciplinary Fund hereby created in the State
7 Treasury and shall be used by the Department in the exercise of
8 its powers and performance of its duties under this Act,
9 including, but not limited to, the provision for evidence in
10 pharmacy investigations.

11 Moneys in the Fund may be transferred to the Professions
12 Indirect Cost Fund as authorized under Section 2105-300 of the
13 Department of Professional Regulation Law (20 ILCS
14 2105/2105-300).

15 The moneys deposited in the Illinois State Pharmacy
16 Disciplinary Fund shall be invested to earn interest which
17 shall accrue to the Fund.

18 (e) From the money received for license renewal fees, \$5
19 from each pharmacist fee, and \$2.50 from each pharmacy
20 technician fee, shall be set aside within the Illinois State
21 Pharmacy Disciplinary Fund for the purpose of supporting a
22 substance abuse program for pharmacists and pharmacy
23 technicians.

24 (f) A pharmacy, manufacturer of controlled substances, or
25 wholesale distributor of controlled substances that is
26 licensed under this Act and owned and operated by the State is

1 exempt from licensure, ~~registration~~, renewal, and other fees
2 required under this Act.

3 Pharmacists and pharmacy technicians working in facilities
4 owned and operated by the State are not exempt from the payment
5 of fees required by this Act and any rules adopted under this
6 Act.

7 Nothing in this subsection (f) shall be construed to
8 prohibit the Department from imposing any fine or other penalty
9 allowed under this Act.

10 (Source: P.A. 95-689, eff. 10-29-07.)

11 (225 ILCS 85/28) (from Ch. 111, par. 4148)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 28. Returned checks; fines. Any person who delivers a
14 check or other payment to the Department that is returned to
15 the Department unpaid by the financial institution upon which
16 it is drawn shall pay to the Department, in addition to the
17 amount already owed to the Department, a fine of \$50. The fines
18 imposed by this Section are in addition to any other discipline
19 provided under this Act for unlicensed practice or practice on
20 a nonrenewed license. The Department shall notify the person
21 that payment of fees and fines shall be paid to the Department
22 by certified check or money order within 30 calendar days of
23 the notification. If, after the expiration of 30 days from the
24 date of the notification, the person has failed to submit the
25 necessary remittance, the Department shall automatically

1 terminate the license ~~or certificate~~ or deny the application,
2 without hearing. If, after termination or denial, the person
3 seeks a license ~~or certificate~~, he or she shall apply to the
4 Department for restoration or issuance of the license ~~or~~
5 ~~certificate~~ and pay all fees and fines due to the Department.
6 The Department may establish a fee for the processing of an
7 application for restoration of a license or certificate to pay
8 all expenses of processing this application. The Secretary
9 ~~Director~~ may waive the fines due under this Section in
10 individual cases where the Secretary ~~Director~~ finds that the
11 fines would be unreasonable or unnecessarily burdensome.
12 (Source: P.A. 92-146, eff. 1-1-02.)

13 (225 ILCS 85/30) (from Ch. 111, par. 4150)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 30. Refusal, revocation, ~~or~~ suspension, or other
16 discipline.

17 (a) The Department may refuse to issue or renew, or may
18 revoke a license ~~or registration~~, or may suspend, place on
19 probation, fine, or take any disciplinary or non-disciplinary
20 action as the Department may deem proper, including fines not
21 to exceed \$10,000 for each violation, with regard to any
22 licensee ~~or registrant~~ for any one or combination of the
23 following causes:

24 1. Material misstatement in furnishing information to
25 the Department.

1 2. Violations of this Act, or the rules promulgated
2 hereunder.

3 3. Making any misrepresentation for the purpose of
4 obtaining licenses.

5 4. A pattern of conduct which demonstrates
6 incompetence or unfitness to practice.

7 5. Aiding or assisting another person in violating any
8 provision of this Act or rules.

9 6. Failing, within 60 days, to respond to a written
10 request made by the Department for information.

11 7. Engaging in unprofessional, dishonorable, or
12 unethical conduct of a character likely to deceive, defraud
13 or harm the public.

14 8. Adverse action taken by another state or
15 jurisdiction against a license or other authorization to
16 practice as a pharmacy, pharmacist, registered certified
17 pharmacy technician, or registered pharmacy technician
18 that is the same or substantially equivalent to those set
19 forth in this Section, a certified copy of the record of
20 the action taken by the other state or jurisdiction being
21 prima facie evidence thereof. ~~Discipline by another U.S.~~
22 ~~jurisdiction or foreign nation, if at least one of the~~
23 ~~grounds for the discipline is the same or substantially~~
24 ~~equivalent to those set forth herein.~~

25 9. Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership, or association

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

14 10. A finding by the Department that the licensee,
15 after having his license placed on probationary status has
16 violated the terms of probation.

17 11. Selling or engaging in the sale of drug samples
18 provided at no cost by drug manufacturers.

19 12. Physical illness, including but not limited to,
20 deterioration through the aging process, or loss of motor
21 skill which results in the inability to practice the
22 profession with reasonable judgment, skill or safety.

23 13. A finding that licensure or registration has been
24 applied for or obtained by fraudulent means.

25 14. Conviction by plea of guilty or nolo contendere,
26 finding of guilt, jury verdict, or entry of judgment or

1 sentencing, including, but not limited to, convictions,
2 preceding sentences of supervision, conditional discharge,
3 or first offender probation, under the laws of any
4 jurisdiction of the United States that is (i) a felony or
5 (ii) a misdemeanor, an essential element of which is
6 dishonesty, or that is directly related to the practice of
7 pharmacy. ~~The applicant or licensee has been convicted in~~
8 ~~state or federal court of or entered a plea of guilty, nolo~~
9 ~~contendere, or the equivalent in a state or federal court~~
10 ~~to any crime which is a felony or any misdemeanor related~~
11 ~~to the practice of pharmacy or which an essential element~~
12 ~~is dishonesty.~~

13 15. Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants or any other chemical agent or drug
15 which results in the inability to practice with reasonable
16 judgment, skill or safety.

17 16. Willfully making or filing false records or reports
18 in the practice of pharmacy, including, but not limited to
19 false records to support claims against the medical
20 assistance program of the Department of Healthcare and
21 Family Services (formerly Department of Public Aid) under
22 the Public Aid Code.

23 17. Gross and willful overcharging for professional
24 services including filing false statements for collection
25 of fees for which services are not rendered, including, but
26 not limited to, filing false statements for collection of

1 monies for services not rendered from the medical
2 assistance program of the Department of Healthcare and
3 Family Services (formerly Department of Public Aid) under
4 the Public Aid Code.

5 18. Dispensing prescription drugs without receiving a
6 written or oral prescription in violation of law.

7 19. Upon a finding of a substantial discrepancy in a
8 Department audit of a prescription drug, including
9 controlled substances, as that term is defined in this Act
10 or in the Illinois Controlled Substances Act.

11 20. Physical or mental illness or any other impairment
12 or disability, including , without limitation: (A)
13 deterioration through the aging process or loss of motor
14 skills that results in the inability to practice with
15 reasonable judgment, skill or safety; or (B) mental
16 incompetence, as declared by a court of competent
17 jurisdiction.

18 21. Violation of the Health Care Worker Self-Referral
19 Act.

20 22. Failing to sell or dispense any drug, medicine, or
21 poison in good faith. "Good faith", for the purposes of
22 this Section, has the meaning ascribed to it in subsection
23 (u) of Section 102 of the Illinois Controlled Substances
24 Act. "Good faith", as used in this item (22), shall not be
25 limited to the sale or dispensing of controlled substances,
26 but shall apply to all prescription drugs.

1 23. Interfering with the professional judgment of a
2 pharmacist by any licensee ~~registrant~~ under this Act, or
3 the licensee's ~~his or her~~ agents or employees.

4 24. Failing to report within 60 days to the Department
5 any adverse final action taken against a pharmacy,
6 pharmacist, registered pharmacy ~~pharmacist~~ technician, or
7 registered certified pharmacy ~~pharmacist~~ technician by
8 another licensing jurisdiction in any other state or any
9 territory of the United States or any foreign jurisdiction,
10 any governmental agency, any law enforcement agency, or any
11 court for acts or conduct similar to acts or conduct that
12 would constitute grounds for discipline as defined in this
13 Section.

14 25. Failing to comply with a subpoena issued in
15 accordance with Section 35.5 of this Act.

16 26. Disclosing protected health information in
17 violation of any State or federal law.

18 27. Willfully failing to report an instance of
19 suspected abuse, neglect, financial exploitation, or
20 self-neglect of an eligible adult as defined in and
21 required by the Adult Protective Services Act.

22 28. Being named as an abuser in a verified report by
23 the Department on Aging under the Adult Protective Services
24 Act, and upon proof by clear and convincing evidence that
25 the licensee abused, neglected, or financially exploited
26 an eligible adult as defined in the Adult Protective

1 Services Act.

2 (b) The Department may refuse to issue or may suspend the
3 license ~~or registration~~ of any person who fails to file a
4 return, or to pay the tax, penalty or interest shown in a filed
5 return, or to pay any final assessment of tax, penalty or
6 interest, as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied.

9 (c) The Department shall revoke any ~~the~~ license ~~or~~
10 ~~certificate of registration~~ issued under the provisions of this
11 Act or any prior Act of this State of any person who has been
12 convicted a second time of committing any felony under the
13 Illinois Controlled Substances Act, or who has been convicted a
14 second time of committing a Class 1 felony under Sections 8A-3
15 and 8A-6 of the Illinois Public Aid Code. A person whose
16 license ~~or certificate of registration~~ issued under the
17 provisions of this Act or any prior Act of this State is
18 revoked under this subsection (c) shall be prohibited from
19 engaging in the practice of pharmacy in this State.

20 (d) Fines may be imposed in conjunction with other forms of
21 disciplinary action, but shall not be the exclusive disposition
22 of any disciplinary action arising out of conduct resulting in
23 death or injury to a patient. Fines shall be paid within 60
24 days or as otherwise agreed to by the Department. Any funds
25 collected from such fines shall be deposited in the Illinois
26 State Pharmacy Disciplinary Fund.

1 (e) The entry of an order or judgment by any circuit court
2 establishing that any person holding a license or certificate
3 under this Act is a person in need of mental treatment operates
4 as a suspension of that license. A licensee may resume his or
5 her practice only upon the entry of an order of the Department
6 based upon a finding by the Board that he or she has been
7 determined to be recovered from mental illness by the court and
8 upon the Board's recommendation that the licensee be permitted
9 to resume his or her practice.

10 (f) The Department shall issue quarterly to the Board a
11 status of all complaints related to the profession received by
12 the Department.

13 (g) In enforcing this Section, the Board or the Department,
14 upon a showing of a possible violation, may compel any licensee
15 or applicant for licensure under this Act to submit to a mental
16 or physical examination or both, as required by and at the
17 expense of the Department. The examining physician, or
18 multidisciplinary team involved in providing physical and
19 mental examinations led by a physician consisting of one or a
20 combination of licensed physicians, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, and other professional and
23 administrative staff, shall be those specifically designated
24 by the Department. The Board or the Department may order the
25 examining physician or any member of the multidisciplinary team
26 to present testimony concerning this mental or physical

1 examination of the licensee or applicant. No information,
2 report, or other documents in any way related to the
3 examination shall be excluded by reason of any common law or
4 statutory privilege relating to communication between the
5 licensee or applicant and the examining physician or any member
6 of the multidisciplinary team. The individual to be examined
7 may have, at his or her own expense, another physician of his
8 or her choice present during all aspects of the examination.
9 Failure of any individual to submit to a mental or physical
10 examination when directed shall result in the automatic
11 suspension ~~be grounds for suspension~~ of his or her license
12 until such time as the individual submits to the examination ~~if~~
13 ~~the Board finds, after notice and hearing, that the refusal to~~
14 ~~submit to the examination was without reasonable cause.~~ If the
15 Board or Department finds a pharmacist, registered certified
16 pharmacy technician, or registered pharmacy technician unable
17 to practice because of the reasons set forth in this Section,
18 the Board or Department shall require such pharmacist,
19 registered certified pharmacy technician, or registered
20 pharmacy technician to submit to care, counseling, or treatment
21 by physicians or other appropriate health care providers
22 approved or designated by the Department ~~Board~~ as a condition
23 for continued, reinstated, or renewed licensure to practice.
24 Any pharmacist, registered certified pharmacy technician, or
25 registered pharmacy technician whose license was granted,
26 continued, reinstated, renewed, disciplined, or supervised,

1 subject to such terms, conditions, or restrictions, and who
2 fails to comply with such terms, conditions, or restrictions or
3 to complete a required program of care, counseling, or
4 treatment, as determined by the chief pharmacy coordinator ~~or a~~
5 ~~deputy pharmacy coordinator~~, shall be referred to the Secretary
6 for a determination as to whether the licensee shall have his
7 or her license suspended immediately, pending a hearing by the
8 Board. In instances in which the Secretary immediately suspends
9 a license under this subsection (g), a hearing upon such
10 person's license must be convened by the Board within 15 days
11 after such suspension and completed without appreciable delay.
12 The Department and Board ~~Board~~ shall have the authority to
13 review the subject pharmacist's, registered certified pharmacy
14 technician's, or registered pharmacy technician's record of
15 treatment and counseling regarding the impairment.

16 (h) An individual or organization acting in good faith, and
17 not in a willful and wanton manner, in complying with this
18 Section by providing a report or other information to the
19 Board, by assisting in the investigation or preparation of a
20 report or information, by participating in proceedings of the
21 Board, or by serving as a member of the Board shall not, as a
22 result of such actions, be subject to criminal prosecution or
23 civil damages.

24 (i) Members of the Board shall be indemnified by the State
25 for any actions occurring within the scope of services on the
26 Board, done in good faith, and not willful and wanton in

1 nature. The Attorney General shall defend all such actions
2 unless he or she determines either that there would be a
3 conflict of interest in such representation or that the actions
4 complained of were not in good faith or were willful and
5 wanton.

6 If the Attorney General declines representation, the
7 member shall have the right to employ counsel of his or her
8 choice, whose fees shall be provided by the State, after
9 approval by the Attorney General, unless there is a
10 determination by a court that the member's actions were not in
11 good faith or were willful and wanton.

12 The member must notify the Attorney General within 7 days
13 of receipt of notice of the initiation of any action involving
14 services of the Board. Failure to so notify the Attorney
15 General shall constitute an absolute waiver of the right to a
16 defense and indemnification.

17 The Attorney General shall determine, within 7 days after
18 receiving such notice, whether he or she will undertake to
19 represent the member.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-689, eff. 10-29-07;
21 96-673, eff. 1-1-10; 96-1482, eff. 11-29-10.)

22 (225 ILCS 85/30.5)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 30.5. Suspension of license or certificate for failure
25 to pay restitution. The Department, without further process or

1 hearing, shall suspend the license issued under this Act ~~or~~
2 ~~other authorization to practice~~ of any person ~~issued under this~~
3 ~~Act~~ who has been certified by court order as not having paid
4 restitution to a person under Section 8A-3.5 of the Illinois
5 Public Aid Code or under Section 17-10.5 or 46-1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012. A person
7 whose license or other authorization to practice is suspended
8 under this Section is prohibited from practicing until the
9 restitution is made in full.

10 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

11 (225 ILCS 85/32) (from Ch. 111, par. 4152)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 32. The Department shall render no final
14 administrative decision relative to any application for a
15 license ~~or certificate of registration~~ under this Act if the
16 applicant for such license ~~or certificate of registration~~ is
17 the subject of a pending disciplinary proceeding under this Act
18 or another Act administered by the Department. For purposes of
19 this Section "applicant" means an individual or sole
20 proprietor, or an individual who is an officer, director or
21 owner of a 5 percent or more beneficial interest of the
22 applicant.

23 (Source: P.A. 85-796.)

24 (225 ILCS 85/33) (from Ch. 111, par. 4153)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 33. The Secretary ~~Director of the Department~~ may, upon
3 receipt of a written communication from the Secretary of Human
4 Services, the Director of Healthcare and Family Services
5 (formerly Director of Public Aid), or the Director of Public
6 Health that continuation of practice of a person licensed or
7 registered under this Act constitutes an immediate danger to
8 the public, immediately suspend the license ~~or registration~~ of
9 such person without a hearing. In instances in which the
10 Secretary ~~Director~~ immediately suspends a license ~~or~~
11 ~~registration~~ under this Act, a hearing upon such person's
12 license must be convened by the Board within 15 days after such
13 suspension and completed without appreciable delay, such
14 hearing held to determine whether to recommend to the Secretary
15 ~~Director~~ that the person's license be revoked, suspended,
16 placed on probationary status or reinstated, or such person be
17 subject to other disciplinary action. In such hearing, the
18 written communication and any other evidence submitted
19 therewith may be introduced as evidence against such person;
20 provided however, the person, or his counsel, shall have the
21 opportunity to discredit or impeach such evidence and submit
22 evidence rebutting same.

23 (Source: P.A. 95-331, eff. 8-21-07.)

24 (225 ILCS 85/34) (from Ch. 111, par. 4154)

25 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 34. The determination by a circuit court that a
2 licensee is subject to involuntary admission or judicial
3 admission as provided in the "Mental Health and Developmental
4 Disabilities Code", approved September 5, 1978, as now or
5 hereafter amended operates as an automatic suspension. Such
6 suspension will end only upon a finding by a court that the
7 patient is no longer subject to involuntary admission or
8 judicial admission and issues an order so finding and
9 discharging the patient; and upon the recommendation of the
10 Board to the Department Director ~~Director~~ that the licensee be allowed
11 to resume his practice.

12 (Source: P.A. 85-796.)

13 (225 ILCS 85/35.1) (from Ch. 111, par. 4155.1)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 35.1. (a) If any person violates the provision of this
16 Act, the Secretary Director ~~Director~~ may, in the name of the People of
17 the State of Illinois, through the Attorney General of the
18 State of Illinois, or the State's Attorney of any county in
19 which the action is brought, petition, for an order enjoining
20 such violation or for an order enforcing compliance with this
21 Act. Upon the filing of a verified petition in such court, the
22 court may issue a temporary restraining order, without notice
23 or bond, and may preliminarily and permanently enjoin such
24 violation, and if it is established that such person has
25 violated or is violating the injunction, the Court may punish

1 the offender for contempt of court. Proceedings under this
2 Section shall be in addition to, and not in lieu of, all other
3 remedies and penalties provided by this Act.

4 (b) If any person shall practice as a pharmacist or hold
5 himself out as a pharmacist or operate a pharmacy or drugstore,
6 including a nonresident pharmacy under Section 16a, without
7 being licensed under the provisions of this Act, then any
8 licensed pharmacist, any interested party or any person injured
9 thereby may, in addition to the Secretary ~~Director~~, petition
10 for relief as provided in subsection (a) of this Section.

11 Whoever knowingly practices or offers to practice in this
12 State without being appropriately licensed or registered under
13 this Act shall be guilty of a Class A misdemeanor and for each
14 subsequent conviction, shall be guilty of a Class 4 felony.

15 (c) Whenever in the opinion of the Department any person
16 not licensed in good standing under this Act violates any
17 provision of this Act, the Department may issue a rule to show
18 cause why an order to cease and desist should not be entered
19 against him. The rule shall clearly set forth the grounds
20 relied upon by the Department and shall provide a period of 7
21 days from the date of the rule to file an answer to the
22 satisfaction of the Department. Failure to answer to the
23 satisfaction of the Department shall cause an order to cease
24 and desist to be issued forthwith.

25 (Source: P.A. 95-689, eff. 10-29-07.)

1 (225 ILCS 85/35.2) (from Ch. 111, par. 4155.2)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 35.2. The Department's pharmacy investigators may
4 investigate the actions of any applicant or of any person or
5 persons holding or claiming to hold a license ~~or registration~~.
6 The Department shall, before suspending, revoking, placing on
7 probationary status, or taking any other disciplinary or
8 non-disciplinary action as the Department may deem proper with
9 regard to any license ~~or certificate~~, at least 30 days prior to
10 the date set for the hearing, notify the accused in writing of
11 any charges made and the time and place for a hearing of the
12 charges before the Board, direct him or her to file his or her
13 written answer thereto to the Board under oath within 20 days
14 after the service on him or her of such notice and inform him
15 or her that if he or she fails to file such answer default will
16 be taken against him or her and his or her license or
17 certificate may be suspended, revoked, placed on probationary
18 status, or have other disciplinary action, including limiting
19 the scope, nature or extent of his or her practice, provided
20 for herein. Such written notice may be served by personal
21 delivery, email to the respondent's email address of record, or
22 ~~certified or registered~~ mail to the respondent at his or her
23 address of record. At the time and place fixed in the notice,
24 the Board shall proceed to hear the charges and the parties or
25 their counsel shall be accorded ample opportunity to present
26 such statements, testimony, evidence and argument as may be

1 pertinent to the charges or to the defense thereto. Such
2 hearing may be continued from time to time. In case the accused
3 person, after receiving notice, fails to file an answer, his or
4 her license ~~or certificate~~ may, in the discretion of the
5 Secretary Director, having received first the recommendation
6 of the Board, be suspended, revoked, placed on probationary
7 status, or the Secretary Director may take whatever
8 disciplinary action as he or she may deem proper as provided
9 herein, including limiting the scope, nature, or extent of said
10 person's practice, without a hearing, if the act or acts
11 charged constitute sufficient grounds for such action under
12 this Act.

13 (Source: P.A. 95-689, eff. 10-29-07.)

14 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 35.5. The Department shall have power to subpoena and
17 bring before it any person in this State and to take testimony,
18 either orally or by deposition or both, with the same fees and
19 mileage and in the same manner as prescribed by law in judicial
20 proceedings in civil cases in circuit courts of this State. The
21 Department may subpoena and compel the production of documents,
22 papers, files, books, and records in connection with any
23 hearing or investigation.

24 The Secretary Director, and any member of the Board, shall
25 each have power to administer oaths to witnesses at any hearing

1 which the Department is authorized to conduct under this Act,
2 and any other oaths required or authorized to be administered
3 by the Department hereunder.

4 (Source: P.A. 95-689, eff. 10-29-07.)

5 (225 ILCS 85/35.6) (from Ch. 111, par. 4155.6)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 35.6. At the conclusion of the hearing, the Board
8 shall present to the Secretary ~~Director~~ a written report of its
9 findings of fact, conclusions of law, and recommendations. The
10 report shall contain a finding whether or not the accused
11 person violated this Act or failed to comply with the
12 conditions required in this Act. The Board shall specify the
13 nature of the violation or failure to comply, and shall make
14 its recommendations to the Secretary ~~Director~~.

15 The report of findings of fact, conclusions of law, and
16 recommendations of the Board shall be the basis for the
17 Department's order or refusal or for the granting of a license
18 ~~or registration~~. The finding is not admissible in evidence
19 against the person in a criminal prosecution brought for the
20 violation of this Act, but the hearing and finding are not a
21 bar to a criminal prosecution brought for the violation of this
22 Act.

23 (Source: P.A. 85-796.)

24 (225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 35.7. Notwithstanding the provisions of Section 35.6
3 of this Act, the Secretary ~~Director~~ shall have the authority to
4 appoint any attorney duly licensed to practice law in the State
5 of Illinois to serve as the hearing officer in any action
6 before the Board for refusal to issue, renew, or discipline of
7 a license ~~or certificate~~. ~~The Director shall notify the Board~~
8 ~~of any such appointment~~. The hearing officer shall have full
9 authority to conduct the hearing. There ~~may shall~~ be present ~~at~~
10 ~~least~~ one or more members ~~member~~ of the Board at any such
11 hearing. The hearing officer shall report his findings of fact,
12 conclusions of law and recommendations to the Board and the
13 Secretary ~~Director~~. The Board shall have 60 days from receipt
14 of the report to review the report of the hearing officer and
15 present their findings of fact, conclusions of law, and
16 recommendations to the Secretary ~~Director~~. If the Board fails
17 to present its report within the 60-day ~~60-day~~ period, the
18 respondent may request in writing a direct appeal to the
19 Secretary, in which case the Secretary ~~may shall, within 7~~
20 ~~calendar days after the request, issue an order directing the~~
21 ~~Board to issue its findings of fact, conclusions of law, and~~
22 ~~recommendations to the Secretary within 30 calendar days after~~
23 ~~such order. If the Board fails to issue its findings of fact,~~
24 ~~conclusions of law, and recommendations within that time frame~~
25 ~~to the Secretary after the entry of such order, the Secretary~~
26 ~~shall, within 30 calendar days thereafter, issue an order based~~

1 upon the report of the hearing officer and the record of the
2 proceedings or issue an order remanding the matter back to the
3 hearing officer for additional proceedings in accordance with
4 the order. ~~If (i) a direct appeal is requested, (ii) the Board
5 fails to issue its findings of fact, conclusions of law, and
6 recommendations within the 30 day mandate from the Secretary or
7 the Secretary fails to order the Board to do so, and (iii) the
8 Secretary fails to issue an order within 30 calendar days
9 thereafter, then the hearing officer's report is deemed
10 accepted and a final decision of the Secretary.~~ Notwithstanding
11 any other provision of this Section, if the Secretary, upon
12 review, determines that substantial justice has not been done
13 in the revocation, suspension, or refusal to issue or renew a
14 license or other disciplinary action taken as the result of the
15 entry of the hearing officer's report, the Secretary may order
16 a rehearing by the same or other examiners. If the Secretary
17 disagrees with the recommendation of the Board or the hearing
18 officer, the Secretary may issue an order in contravention of
19 the recommendation.

20 (Source: P.A. 95-689, eff. 10-29-07.)

21 (225 ILCS 85/35.8) (from Ch. 111, par. 4155.8)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 35.8. In any case involving the refusal to issue,
24 renew or discipline of a license ~~or registration~~, a copy of the
25 Board's report shall be served upon the respondent by the

1 Department, either personally or as provided in this Act for
2 the service of the notice of hearing. Within 20 days after such
3 service, the respondent may present to the Department a motion
4 in writing for a rehearing, which motion shall specify the
5 particular grounds therefor. If no motion for rehearing is
6 filed, then upon the expiration of the time specified for
7 filing such a motion, or if a motion for rehearing is denied,
8 then upon such denial the Secretary ~~Director~~ may enter an order
9 in accordance with recommendations of the Board except as
10 provided in Section 35.6 or 35.7 of this Act. If the respondent
11 shall order from the reporting service, and pay for a
12 transcript of the record within the time for filing a motion
13 for rehearing, the 20-day ~~20-day~~ period within which such a
14 motion may be filed shall commence upon the delivery of the
15 transcript to the respondent.

16 (Source: P.A. 85-796.)

17 (225 ILCS 85/35.12) (from Ch. 111, par. 4155.12)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 35.12. Notwithstanding the provisions herein
20 concerning the conduct of hearings and recommendations for
21 disciplinary actions, the Secretary ~~Director~~ shall have the
22 authority to negotiate agreements with licensees ~~and~~
23 ~~registrants~~ resulting in disciplinary consent orders provided
24 ~~a Board member is present and~~ the discipline is recommended by
25 a ~~the~~ Board member. Such consent orders may provide for any of

1 the forms of discipline otherwise provided herein or any other
2 disciplinary or non-disciplinary action the parties agree to.

3 Such consent orders shall provide that they were not entered
4 into as a result of any coercion by the Department.

5 (Source: P.A. 95-689, eff. 10-29-07.)

6 (225 ILCS 85/35.13) (from Ch. 111, par. 4155.13)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 35.13. Order or certified copy; prima facie proof. An
9 order or a certified copy thereof, over the seal of the
10 Department and purporting to be signed by the Secretary
11 ~~Director~~, shall be prima facie proof that:

12 (a) the signature is the genuine signature of the
13 Secretary ~~Director~~;

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

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

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

19 (225 ILCS 85/35.14) (from Ch. 111, par. 4155.14)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 35.14. At any time after the successful completion of
22 a term of probation, suspension, or revocation of any license
23 ~~certificate~~, the Department may restore it to the accused
24 person without examination, upon the written recommendation of

1 the Board. A license that has been suspended or revoked shall
2 be considered nonrenewed for purposes of restoration and a
3 person restoring his or her license from suspension or
4 revocation must comply with the requirements for restoration of
5 a nonrenewed license as set forth in Section 12 of this Act and
6 any related rules adopted.

7 (Source: P.A. 85-796.)

8 (225 ILCS 85/35.15) (from Ch. 111, par. 4155.15)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 35.15. Upon the revocation or suspension of any
11 license ~~or registration~~, the holder shall forthwith surrender
12 the license ~~license(s) or registration(s)~~ to the Department and
13 if the licensee fails to do so, the Department shall have the
14 right to seize the license ~~license(s) or certificate(s)~~.

15 (Source: P.A. 85-796.)

16 (225 ILCS 85/35.16) (from Ch. 111, par. 4155.16)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 35.16. The Secretary may temporarily suspend the
19 license of a pharmacist, ~~or~~ pharmacy, registered ~~or the~~
20 ~~registration of a~~ pharmacy technician, or registered certified
21 pharmacy technician, without a hearing, simultaneously with
22 the institution of proceedings for a hearing provided for in
23 Section 35.2 of this Act, if the Secretary finds that evidence
24 in his possession indicates that a continuation in practice

1 would constitute an imminent danger to the public. In the event
2 that the Secretary suspends, temporarily, this license ~~or~~
3 ~~registration~~ without a hearing, a hearing by the Department
4 must be held within 15 days after such suspension has occurred,
5 and be concluded without appreciable delay.

6 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

7 (225 ILCS 85/35.18) (from Ch. 111, par. 4155.18)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 35.18. Certification of record. The Department shall
10 not be required to certify any record to the court, ~~or to~~ file
11 an any answer in court, or to otherwise appear in any court in
12 a judicial review proceeding, ~~unless and until the Department~~
13 ~~has received from the plaintiff there is filed in the court,~~
14 ~~with the complaint, a receipt from the Department acknowledging~~
15 payment of the costs of furnishing and certifying the record, ~~which costs shall be determined by the Department. Exhibits~~
16 ~~shall be certified without cost.~~ Failure on the part of the
17 plaintiff to file a receipt in court shall be grounds for
18 dismissal of the action. During the pendency and hearing of any
19 and all judicial proceedings incident to the disciplinary
20 action the sanctions imposed upon the accused by the Department
21 because of acts or omissions related to the delivery of direct
22 patient care as specified in the Department's final
23 administrative decision, shall, as a matter of public policy,
24 remain in full force and effect in order to protect the public
25

1 pending final resolution of any of the proceedings.

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

3 (225 ILCS 85/35.20 new)

4 Sec. 35.20. Confidentiality. All information collected by
5 the Department in the course of an examination or investigation
6 of a licensee or applicant, including, but not limited to, any
7 complaint against a licensee filed with the Department and
8 information collected to investigate any such complaint, shall
9 be maintained for the confidential use of the Department and
10 shall not be disclosed. The Department may not disclose the
11 information to anyone other than law enforcement officials,
12 other regulatory agencies that have an appropriate regulatory
13 interest as determined by the Secretary, or to a party
14 presenting a lawful subpoena to the Department. Information and
15 documents disclosed to a federal, State, county, or local law
16 enforcement agency shall not be disclosed by the agency for any
17 purpose to any other agency or person. A formal complaint filed
18 against a licensee by the Department or any order issued by the
19 Department against a licensee or applicant shall be a public
20 record, except as otherwise prohibited by law.

21 (225 ILCS 85/35.21 new)

22 Sec. 35.21. Citations.

23 (a) The Department shall adopt rules to permit the issuance
24 of citations to any licensee for any violation of this Act or

1 the rules. The citation shall be issued to the licensee or
2 other person alleged to have committed one or more violations
3 and shall contain the licensee's or other person's name and
4 address, the licensee's license number, if any, a brief factual
5 statement, the Sections of this Act or the rules allegedly
6 violated, and the penalty imposed, which shall not exceed
7 \$1,000. The citation must clearly state that if the cited
8 person wishes to dispute the citation, he or she may request in
9 writing, within 30 days after the citation is served, a hearing
10 before the Department. If the cited person does not request a
11 hearing within 30 days after the citation is served, then the
12 citation shall become a final, non-disciplinary order and any
13 fine imposed is due and payable. If the cited person requests a
14 hearing within 30 days after the citation is served, the
15 Department shall afford the cited person a hearing conducted in
16 the same manner as a hearing provided in this Act for any
17 violation of this Act and shall determine whether the cited
18 person committed the violation as charged and whether the fine
19 as levied is warranted. If the violation is found, any fine
20 shall constitute discipline and be due and payable within 30
21 days of the order of the Secretary. Failure to comply with any
22 final order may subject the licensed person to further
23 discipline or other action by the Department or a referral to
24 the State's Attorney.

25 (b) A citation must be issued within 6 months after the
26 reporting of a violation that is the basis for the citation.

1 (c) Service of a citation shall be made in person,
2 electronically, or by mail to the licensee at the licensee's
3 address of record or email address of record.

4 (d) Nothing in this Section shall prohibit or limit the
5 Department from taking further action pursuant to this Act and
6 rules for additional, repeated, or continuing violations.

7 (225 ILCS 85/36) (from Ch. 111, par. 4156)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 36. Illinois Administrative Procedure Act. The
10 Illinois Administrative Procedure Act is hereby expressly
11 adopted and incorporated herein as if all of the provisions of
12 that Act were included in this Act, except that the provision
13 of subsection (d) of Section 10-65 of the Illinois
14 Administrative Procedure Act that provides that at hearings the
15 licensee has the right to show compliance with all lawful
16 requirements for retention, continuation or renewal of the
17 license is specifically excluded. For the purpose of this Act,
18 the notice required under Section 10-25 of the Illinois
19 Administrative Procedure Act is deemed sufficient when
20 personally served, mailed to the address of record of the
21 applicant or licensee, or emailed to the email address of
22 record of the applicant or licensee ~~last known address of a~~
23 ~~party.~~

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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