

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 Sections 4.28 and 4.30 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 Acts repealed on January 1, 2018.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8 Acts are repealed on January 1, 2018: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 80/4.30)

7 Sec. 4.30. Acts repealed on January 1, 2020. The following
8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 The Land Sales Registration Act of 1999.

16 The Orthotics, Prosthetics, and Pedorthics Practice Act.

17 The Perfusionist Practice Act.

18 The Pharmacy Practice Act.

19 The Professional Engineering Practice Act of 1989.

20 The Real Estate License Act of 2000.

21 The Structural Engineering Practice Act of 1989.

22 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;
23 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.
24 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09;
25 96-1000, eff. 7-2-10.)

1 Section 10. The Pharmacy Practice Act is amended by
2 changing Sections 3, 5.5, 7, 9, 9.5, 10, 11, 12, 13, 15, 16,
3 16a, 17, 17.1, 18, 19, 20, 22, 22b, 25.10, 25.15, 27, 28, 30,
4 30.5, 32, 33, 34, 35.1, 35.2, 35.5, 35.6, 35.7, 35.8, 35.12,
5 35.13, 35.14, 35.15, 35.16, 35.18, and 36 and by adding
6 Sections 3.5, 4.5, 35.20, and 35.21 as follows:

7 (225 ILCS 85/3)

8 (Section scheduled to be repealed on January 1, 2018)

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

11 (a) "Pharmacy" or "drugstore" means and includes every
12 store, shop, pharmacy department, or other place where
13 pharmacist care is provided by a pharmacist (1) where drugs,
14 medicines, or poisons are dispensed, sold or offered for sale
15 at retail, or displayed for sale at retail; or (2) where
16 prescriptions of physicians, dentists, advanced practice
17 nurses, physician assistants, veterinarians, podiatric
18 physicians, or optometrists, within the limits of their
19 licenses, are compounded, filled, or dispensed; or (3) which
20 has upon it or displayed within it, or affixed to or used in
21 connection with it, a sign bearing the word or words
22 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
23 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
24 "Drugs", "Dispensary", "Medicines", or any word or words of

1 similar or like import, either in the English language or any
2 other language; or (4) where the characteristic prescription
3 sign (Rx) or similar design is exhibited; or (5) any store, or
4 shop, or other place with respect to which any of the above
5 words, objects, signs or designs are used in any advertisement.

6 (b) "Drugs" means and includes (1) articles recognized in
7 the official United States Pharmacopoeia/National Formulary
8 (USP/NF), or any supplement thereto and being intended for and
9 having for their main use the diagnosis, cure, mitigation,
10 treatment or prevention of disease in man or other animals, as
11 approved by the United States Food and Drug Administration, but
12 does not include devices or their components, parts, or
13 accessories; and (2) all other articles intended for and having
14 for their main use the diagnosis, cure, mitigation, treatment
15 or prevention of disease in man or other animals, as approved
16 by the United States Food and Drug Administration, but does not
17 include devices or their components, parts, or accessories; and
18 (3) articles (other than food) having for their main use and
19 intended to affect the structure or any function of the body of
20 man or other animals; and (4) articles having for their main
21 use and intended for use as a component or any articles
22 specified in clause (1), (2) or (3); but does not include
23 devices or their components, parts or accessories.

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

1 (d) "Practice of pharmacy" means (1) the interpretation and
2 the provision of assistance in the monitoring, evaluation, and
3 implementation of prescription drug orders; (2) the dispensing
4 of prescription drug orders; (3) participation in drug and
5 device selection; (4) drug administration limited to the
6 administration of oral, topical, injectable, and inhalation as
7 follows: in the context of patient education on the proper use
8 or delivery of medications; vaccination of patients 14 years of
9 age and older pursuant to a valid prescription or standing
10 order, by a physician licensed to practice medicine in all its
11 branches, upon completion of appropriate training, including
12 how to address contraindications and adverse reactions set
13 forth by rule, with notification to the patient's physician and
14 appropriate record retention, or pursuant to hospital pharmacy
15 and therapeutics committee policies and procedures; (5)
16 vaccination of patients ages 10 through 13 limited to the
17 Influenza (inactivated influenza vaccine and live attenuated
18 influenza intranasal vaccine) and Tdap (defined as tetanus,
19 diphtheria, acellular pertussis) vaccines, pursuant to a valid
20 prescription or standing order, by a physician licensed to
21 practice medicine in all its branches, upon completion of
22 appropriate training, including how to address
23 contraindications and adverse reactions set forth by rule, with
24 notification to the patient's physician and appropriate record
25 retention, or pursuant to hospital pharmacy and therapeutics
26 committee policies and procedures; (6) drug regimen review; (7)

1 drug or drug-related research; (8) the provision of patient
2 counseling; (9) the practice of telepharmacy; (10) the
3 provision of those acts or services necessary to provide
4 pharmacist care; (11) medication therapy management; and (12)
5 the responsibility for compounding and labeling of drugs and
6 devices (except labeling by a manufacturer, repackager, or
7 distributor of non-prescription drugs and commercially
8 packaged legend drugs and devices), proper and safe storage of
9 drugs and devices, and maintenance of required records. A
10 pharmacist who performs any of the acts defined as the practice
11 of pharmacy in this State must be actively licensed as a
12 pharmacist under this Act.

13 (e) "Prescription" means and includes any written, oral,
14 facsimile, or electronically transmitted order for drugs or
15 medical devices, issued by a physician licensed to practice
16 medicine in all its branches, dentist, veterinarian, podiatric
17 physician, or optometrist, within the limits of their licenses,
18 by a physician assistant in accordance with subsection (f) of
19 Section 4, or by an advanced practice nurse in accordance with
20 subsection (g) of Section 4, containing the following: (1) name
21 of the patient; (2) date when prescription was issued; (3) name
22 and strength of drug or description of the medical device
23 prescribed; and (4) quantity; (5) directions for use; (6)
24 prescriber's name, address, and signature; and (7) DEA
25 registration number where required, for controlled substances.
26 The prescription may, but is not required to, list the illness,

1 disease, or condition for which the drug or device is being
2 prescribed. DEA registration numbers shall not be required on
3 inpatient drug orders.

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

7 (g) "Department" means the Department of Financial and
8 Professional Regulation.

9 (h) "Board of Pharmacy" or "Board" means the State Board of
10 Pharmacy of the Department of Financial and Professional
11 Regulation.

12 (i) "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 (j) "Drug product selection" means the interchange for a
15 prescribed pharmaceutical product in accordance with Section
16 25 of this Act and Section 3.14 of the Illinois Food, Drug and
17 Cosmetic Act.

18 (k) "Inpatient drug order" means an order issued by an
19 authorized prescriber for a resident or patient of a facility
20 licensed under the Nursing Home Care Act, the ID/DD Community
21 Care Act, the MC/DD Act, the Specialized Mental Health
22 Rehabilitation Act of 2013, ~~or~~ the Hospital Licensing Act, or
23 "An Act in relation to the founding and operation of the
24 University of Illinois Hospital and the conduct of University
25 of Illinois health care programs", approved July 3, 1931, as
26 amended, or a facility which is operated by the Department of

1 Human Services (as successor to the Department of Mental Health
2 and Developmental Disabilities) or the Department of
3 Corrections.

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

7 (l) "Pharmacist in charge" means the licensed pharmacist
8 whose name appears on a pharmacy license and who is responsible
9 for all aspects of the operation related to the practice of
10 pharmacy.

11 (m) "Dispense" or "dispensing" means the interpretation,
12 evaluation, and implementation of a prescription drug order,
13 including the preparation and delivery of a drug or device to a
14 patient or patient's agent in a suitable container
15 appropriately labeled for subsequent administration to or use
16 by a patient in accordance with applicable State and federal
17 laws and regulations. "Dispense" or "dispensing" does not mean
18 the physical delivery to a patient or a patient's
19 representative in a home or institution by a designee of a
20 pharmacist or by common carrier. "Dispense" or "dispensing"
21 also does not mean the physical delivery of a drug or medical
22 device to a patient or patient's representative by a
23 pharmacist's designee within a pharmacy or drugstore while the
24 pharmacist is on duty and the pharmacy is open.

25 (n) "Nonresident pharmacy" means a pharmacy that is located
26 in a state, commonwealth, or territory of the United States,

1 other than Illinois, that delivers, dispenses, or distributes,
2 through the United States Postal Service, commercially
3 acceptable parcel delivery service, or other common carrier, to
4 Illinois residents, any substance which requires a
5 prescription.

6 (o) "Compounding" means the preparation and mixing of
7 components, excluding flavorings, (1) as the result of a
8 prescriber's prescription drug order or initiative based on the
9 prescriber-patient-pharmacist relationship in the course of
10 professional practice or (2) for the purpose of, or incident
11 to, research, teaching, or chemical analysis and not for sale
12 or dispensing. "Compounding" includes the preparation of drugs
13 or devices in anticipation of receiving prescription drug
14 orders based on routine, regularly observed dispensing
15 patterns. Commercially available products may be compounded
16 for dispensing to individual patients only if all of the
17 following conditions are met: (i) the commercial product is not
18 reasonably available from normal distribution channels in a
19 timely manner to meet the patient's needs and (ii) the
20 prescribing practitioner has requested that the drug be
21 compounded.

22 (p) (Blank).

23 (q) (Blank).

24 (r) "Patient counseling" means the communication between a
25 pharmacist or a student pharmacist under the supervision of a
26 pharmacist and a patient or the patient's representative about

1 the patient's medication or device for the purpose of
2 optimizing proper use of prescription medications or devices.
3 "Patient counseling" may include without limitation (1)
4 obtaining a medication history; (2) acquiring a patient's
5 allergies and health conditions; (3) facilitation of the
6 patient's understanding of the intended use of the medication;
7 (4) proper directions for use; (5) significant potential
8 adverse events; (6) potential food-drug interactions; and (7)
9 the need to be compliant with the medication therapy. A
10 pharmacy technician may only participate in the following
11 aspects of patient counseling under the supervision of a
12 pharmacist: (1) obtaining medication history; (2) providing
13 the offer for counseling by a pharmacist or student pharmacist;
14 and (3) acquiring a patient's allergies and health conditions.

15 (s) "Patient profiles" or "patient drug therapy record"
16 means the obtaining, recording, and maintenance of patient
17 prescription information, including prescriptions for
18 controlled substances, and personal information.

19 (t) (Blank).

20 (u) "Medical device" or "device" means an instrument,
21 apparatus, implement, machine, contrivance, implant, in vitro
22 reagent, or other similar or related article, including any
23 component part or accessory, required under federal law to bear
24 the label "Caution: Federal law requires dispensing by or on
25 the order of a physician". A seller of goods and services who,
26 only for the purpose of retail sales, compounds, sells, rents,

1 or leases medical devices shall not, by reasons thereof, be
2 required to be a licensed pharmacy.

3 (v) "Unique identifier" means an electronic signature,
4 handwritten signature or initials, thumb print, or other
5 acceptable biometric or electronic identification process as
6 approved by the Department.

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

9 (x) "Automated pharmacy system" means a mechanical system
10 located within the confines of the pharmacy or remote location
11 that performs operations or activities, other than compounding
12 or administration, relative to storage, packaging, dispensing,
13 or distribution of medication, and which collects, controls,
14 and maintains all transaction information.

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

1 (z) "Electronically transmitted Electronic transmission
2 prescription" means a prescription that is created, recorded,
3 or stored by electronic means; issued and validated with an
4 electronic signature; and transmitted by electronic means
5 directly from the prescriber to a pharmacy. An electronic
6 prescription is not an image of a physical prescription that is
7 transferred by electronic means from computer to computer,
8 facsimile to facsimile, or facsimile to computer any
9 ~~prescription order for which a facsimile or electronic image of~~
10 ~~the order is electronically transmitted from a licensed~~
11 ~~prescriber to a pharmacy. "Electronic transmission~~
12 ~~prescription" includes both data and image prescriptions.~~

13 (aa) "Medication therapy management services" means a
14 distinct service or group of services offered by licensed
15 pharmacists, physicians licensed to practice medicine in all
16 its branches, advanced practice nurses authorized in a written
17 agreement with a physician licensed to practice medicine in all
18 its branches, or physician assistants authorized in guidelines
19 by a supervising physician that optimize therapeutic outcomes
20 for individual patients through improved medication use. In a
21 retail or other non-hospital pharmacy, medication therapy
22 management services shall consist of the evaluation of
23 prescription drug orders and patient medication records to
24 resolve conflicts with the following:

25 (1) known allergies;

26 (2) drug or potential therapy contraindications;

1 (3) reasonable dose, duration of use, and route of
2 administration, taking into consideration factors such as
3 age, gender, and contraindications;

4 (4) reasonable directions for use;

5 (5) potential or actual adverse drug reactions;

6 (6) drug-drug interactions;

7 (7) drug-food interactions;

8 (8) drug-disease contraindications;

9 (9) identification of therapeutic duplication;

10 (10) patient laboratory values when authorized and
11 available;

12 (11) proper utilization (including over or under
13 utilization) and optimum therapeutic outcomes; and

14 (12) drug abuse and misuse.

15 "Medication therapy management services" includes the
16 following:

17 (1) documenting the services delivered and
18 communicating the information provided to patients'
19 prescribers within an appropriate time frame, not to exceed
20 48 hours;

21 (2) providing patient counseling designed to enhance a
22 patient's understanding and the appropriate use of his or
23 her medications; and

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

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

6 "Medication therapy management services" in a licensed
7 hospital may also include the following:

8 (1) reviewing assessments of the patient's health
9 status; and

10 (2) following protocols of a hospital pharmacy and
11 therapeutics committee with respect to the fulfillment of
12 medication orders.

13 (bb) "Pharmacist care" means the provision by a pharmacist
14 of medication therapy management services, with or without the
15 dispensing of drugs or devices, intended to achieve outcomes
16 that improve patient health, quality of life, and comfort and
17 enhance patient safety.

18 (cc) "Protected health information" means individually
19 identifiable health information that, except as otherwise
20 provided, is:

21 (1) transmitted by electronic media;

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

25 (3) transmitted or maintained in any other form or
26 medium.

1 "Protected health information" does not include
2 individually identifiable health information found in:

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

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

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

10 (ee) "Address of record" means the designated address
11 recorded by the Department in the applicant's application file
12 or licensee's license file maintained by the Department's
13 licensure maintenance unit. ~~address recorded by the Department~~
14 ~~in the applicant's or licensee's application file or license~~
15 ~~file, as maintained by the Department's licensure maintenance~~
16 ~~unit.~~

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

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

23 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
24 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

25 (225 ILCS 85/3.5 new)

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

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

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

11 (225 ILCS 85/4.5 new)

12 Sec. 4.5. The Collaborative Pharmaceutical Task Force. In
13 order to protect the public and provide quality pharmaceutical
14 care, the Collaborative Pharmaceutical Task Force is
15 established. The Task Force shall discuss how to further
16 advance the practice of pharmacy in a manner that recognizes
17 the needs of the healthcare system, patients, pharmacies,
18 pharmacists, and pharmacy technicians. As a part of its
19 discussions, the Task Force shall consider, at a minimum, the
20 following:

21 (1) the extent to which providing whistleblower
22 protections for pharmacists and pharmacy technicians
23 reporting violation of worker policies and requiring
24 pharmacies to have at least one pharmacy technician on duty
25 whenever the practice of pharmacy is conducted, to set a

1 prescription filling limit of not more than 10
2 prescriptions filled per hour, to mandate at least 10
3 pharmacy technician hours per 100 prescriptions filled, to
4 place a general prohibition on activities that distract
5 pharmacists, to provide a pharmacist a minimum of 2
6 15-minute paid rest breaks and one 30-minute meal period in
7 each workday on which the pharmacist works at least 7
8 hours, to not require a pharmacist to work during a break
9 period, to pay to the pharmacist 3 times the pharmacist's
10 regular hourly rate of pay for each workday during which
11 the required breaks were not provided, to make available at
12 all times a room on the pharmacy's premises with adequate
13 seating and tables for the purpose of allowing a pharmacist
14 to enjoy break periods in a clean and comfortable
15 environment, to keep a complete and accurate record of the
16 break periods of its pharmacists, to limit a pharmacist
17 from working more than 8 hours a workday, and to retain
18 records of any errors in the receiving, filling, or
19 dispensing of prescriptions of any kind could be integrated
20 into the Pharmacy Practice Act; and

21 (2) the extent to which requiring the Department to
22 adopt rules requiring pharmacy prescription systems
23 contain mechanisms to require prescription discontinuation
24 orders to be forwarded to a pharmacy, to require patient
25 verification features for pharmacy automated prescription
26 refills, and to require that automated prescription

1 refills notices clearly communicate to patients the
2 medication name, dosage strength, and any other
3 information required by the Department governing the use of
4 automated dispensing and storage systems to ensure that
5 discontinued medications are not dispensed to a patient by
6 a pharmacist or by any automatic refill dispensing systems
7 whether prescribed through electronic prescriptions or
8 paper prescriptions may be integrated into the Pharmacy
9 Practice Act to better protect the public.

10 In developing standards related to its discussions, the
11 Collaborative Pharmaceutical Task Force shall consider the
12 extent to which Public Act 99-473 (enhancing continuing
13 education requirements for pharmacy technicians) and Public
14 Act 99-863 (enhancing reporting requirements to the Department
15 of pharmacy employee terminations) may be relevant to the
16 issues listed in paragraphs (1) and (2).

17 The voting members of the Collaborative Pharmaceutical
18 Task Force shall be appointed as follows:

19 (1) the Speaker of the House of Representatives, or his
20 or her designee, shall appoint: a representative of a
21 statewide organization exclusively representing retailers,
22 including pharmacies; and a retired licensed pharmacist
23 who has previously served on the Board of Pharmacy and on
24 the executive committee of a national association
25 representing pharmacists and who shall serve as the
26 chairperson of the Collaborative Pharmaceutical Task

1 Force;

2 (2) the President of the Senate, or his or her
3 designee, shall appoint: a representative of a statewide
4 organization representing pharmacists; and a
5 representative of a statewide organization representing
6 unionized pharmacy employees;

7 (3) the Minority Leader of the House of
8 Representatives, or his or her designee, shall appoint: a
9 representative of a statewide organization representing
10 physicians licensed to practice medicine in all its
11 branches in Illinois; and a representative of a statewide
12 professional association representing pharmacists,
13 pharmacy technicians, pharmacy students, and others
14 working in or with an interest in hospital and
15 health-system pharmacy; and

16 (4) the Minority Leader of the Senate, or his or her
17 designee, shall appoint: a representative of a statewide
18 organization representing hospitals; and a representative
19 of a statewide association exclusively representing
20 long-term care pharmacists.

21 The Secretary, or his or her designee, shall appoint the
22 following non-voting members of the Task Force: a
23 representative of the University of Illinois at Chicago College
24 of Pharmacy; a clinical pharmacist who has done extensive study
25 in pharmacy e-prescribing and e-discontinuation; and a
26 representative of the Department.

1 The Department shall provide administrative support to the
2 Collaborative Pharmaceutical Task Force. The Collaborative
3 Pharmaceutical Task Force shall meet at least monthly at the
4 call of the chairperson.

5 No later than September 1, 2019, the voting members of the
6 Collaborative Pharmaceutical Task Force shall vote on
7 recommendations concerning the standards in paragraphs (1) and
8 (2) of this Section.

9 No later than November 1, 2019, the Department, in direct
10 consultation with the Collaborative Pharmaceutical Task Force,
11 shall propose rules for adoption that are consistent with the
12 Collaborative Pharmaceutical Task Force's recommendations, or
13 recommend legislation to the General Assembly, concerning the
14 standards in paragraphs (1) and (2) of this Section.

15 This Section is repealed on November 1, 2020.

16 (225 ILCS 85/5.5)

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

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

19 (a) Any person who practices, offers to practice, attempts
20 to practice, or holds oneself out to practice pharmacy without
21 being licensed under this Act shall, in addition to any other
22 penalty provided by law, pay a civil penalty to the Department
23 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
24 determined by the Department. The civil penalty shall be
25 assessed by the Department after a hearing is held in

1 accordance with the provisions set forth in this Act regarding
2 the provision of a hearing for the discipline of a licensee.

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

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

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

11 (225 ILCS 85/7) (from Ch. 111, par. 4127)

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

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

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

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

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

18 The Department shall notify applicants taking the
19 examination of their results within 7 weeks of the examination
20 date. Further, the Department shall have the authority to
21 immediately authorize such applicants who successfully pass
22 the examination to engage in the practice of pharmacy.

23 An applicant shall have one year from the date of
24 notification of successful completion of the examination to
25 apply to the Department for a license. If an applicant fails to
26 make such application within one year the applicant shall be

1 required to again take and pass the examination.

2 An applicant who has graduated with a professional degree
3 from a school of pharmacy located outside of the United States
4 must do the following:

5 (1) obtain a Foreign Pharmacy Graduate Examination
6 Committee (FPGEC) Certificate;

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

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

13 The Department may employ consultants for the purpose of
14 preparing and conducting examinations.

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

16 (225 ILCS 85/9) (from Ch. 111, par. 4129)

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

18 Sec. 9. Licensure ~~Registration~~ as registered pharmacy
19 technician.

20 (a) Any person shall be entitled to licensure ~~registration~~
21 as a registered pharmacy technician who is of the age of 16 or
22 over, has not engaged in conduct or behavior determined to be
23 grounds for discipline under this Act, is attending or has
24 graduated from an accredited high school or comparable school
25 or educational institution or received a high school

1 equivalency certificate, and has filed a written or electronic
2 application for licensure ~~registration~~ on a form to be
3 prescribed and furnished by the Department for that purpose.
4 The Department shall issue a license ~~certificate~~ of
5 ~~registration~~ as a registered pharmacy technician to any
6 applicant who has qualified as aforesaid, and such license
7 ~~registration~~ shall be the sole authority required to assist
8 licensed pharmacists in the practice of pharmacy, under the
9 supervision of a licensed pharmacist. A registered pharmacy
10 technician may, under the supervision of a pharmacist, assist
11 in the practice of pharmacy and perform such functions as
12 assisting in the dispensing process, offering counseling,
13 receiving new verbal prescription orders, and having
14 prescriber contact concerning prescription drug order
15 clarification. A registered pharmacy technician may not engage
16 in patient counseling, drug regimen review, or clinical
17 conflict resolution.

18 (b) Beginning on January 1, 2017, within 2 years after
19 initial licensure ~~registration~~ as a registered pharmacy
20 technician, the licensee ~~registrant~~ must meet the requirements
21 described in Section 9.5 of this Act and become licensed
22 ~~register~~ as a registered certified pharmacy technician. If the
23 licensee ~~registrant~~ has not yet attained the age of 18, then
24 upon the next renewal as a registered pharmacy technician, the
25 licensee ~~registrant~~ must meet the requirements described in
26 Section 9.5 of this Act and become licensed ~~register~~ as a

1 registered certified pharmacy technician. This requirement
2 does not apply to pharmacy technicians registered prior to
3 January 1, 2008.

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

19 (d) Any person seeking licensure as a pharmacist who has
20 graduated from a pharmacy program outside the United States
21 must register as a pharmacy technician and shall be considered
22 a "student pharmacist" and be entitled to use the title
23 "student pharmacist" while completing the 1,200 clinical hours
24 of training approved by the Board of Pharmacy described and for
25 no more than 18 months after completion of these hours. These
26 individuals are not required to become registered certified

1 pharmacy technicians while completing their Board approved
2 clinical training, but must become licensed as a pharmacist or
3 become licensed as a registered certified pharmacy technician
4 before the second pharmacy technician license registration
5 renewal following completion of the Board approved clinical
6 training.

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

18 (f) The Department may take any action set forth in Section
19 30 of this Act with regard to a license registrations pursuant
20 to this Section.

21 (g) Any person who is enrolled in a non-traditional
22 Pharm.D. program at an ACPE accredited college of pharmacy and
23 is ~~a~~ licensed as a registered pharmacist under the laws of
24 another United States jurisdiction shall be permitted to engage
25 in the program of practice experience required in the academic
26 program by virtue of such license. Such person shall be exempt

1 from the requirement of licensure ~~registration~~ as a registered
2 pharmacy technician or registered certified pharmacy
3 technician while engaged in the program of practice experience
4 required in the academic program.

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

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

17 (225 ILCS 85/9.5)

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

19 Sec. 9.5. Registered certified pharmacy technician.

20 (a) An individual licensed ~~registered~~ as a registered
21 pharmacy technician under this Act may be licensed ~~registered~~
22 as a registered certified pharmacy technician, if he or she
23 meets all of the following requirements:

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

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

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

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

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

16 (6) He or she has paid the required licensure
17 ~~certification~~ fees.

18 (b) No pharmacist whose license has been denied, revoked,
19 suspended, or restricted for disciplinary purposes may be
20 eligible to be registered as a certified pharmacy technician
21 unless authorized by order of the Department as a condition of
22 restoration from revocation, suspension, or restriction.

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

25 (d) A person who is not a licensed registered pharmacy
26 technician and meets the requirements of this Section may be

1 licensed ~~register~~ as a registered certified pharmacy
2 technician without first being licensed ~~registering~~ as a
3 registered pharmacy technician.

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

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

23 Rules developed under this subsection (e) may provide for a
24 reasonable annual fee, not to exceed \$20, to fund the cost of
25 such recordkeeping. The Department may ~~shall~~, by rule, further
26 provide an orderly process for the restoration ~~reinstatement~~ of

1 a license ~~registration~~ that has not been renewed due to the
2 failure to meet the continuing pharmacy education requirements
3 of this subsection (e). The Department may waive the
4 requirements of continuing pharmacy education, in whole or in
5 part, in cases of extreme hardship as defined by rule of the
6 Department. The waivers may ~~shall~~ be granted for not more than
7 one of any 3 consecutive renewal periods.

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

9 (225 ILCS 85/10) (from Ch. 111, par. 4130)

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

11 Sec. 10. State Board of Pharmacy.

12 (a) There is created in the Department the State Board of
13 Pharmacy. It shall consist of 9 members, 7 of whom shall be
14 licensed pharmacists. Each of those 7 members must be a
15 licensed pharmacist in good standing in this State, a graduate
16 of an accredited college of pharmacy or hold a Bachelor of
17 Science degree in Pharmacy and have at least 5 years' practical
18 experience in the practice of pharmacy subsequent to the date
19 of his licensure as a licensed pharmacist in the State of
20 Illinois. There shall be 2 public members, who shall be voting
21 members, who shall not be engaged in any way, directly or
22 indirectly, as providers of health care ~~licensed pharmacists~~ in
23 this State or any other state.

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

25 (c) Members shall be appointed to 5 year terms. The

1 Governor shall fill any vacancy for the remainder of the
2 unexpired term. Partial terms over 3 years in length shall be
3 considered full terms. A member may be reappointed for a
4 successive term, but no member shall serve more than 2 full
5 terms in his or her lifetime.

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

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

17 (f) Each member of the Board shall be reimbursed for such
18 actual and legitimate expenses as he or she may incur in going
19 to and from the place of meeting and remaining there ~~thereat~~
20 during sessions of the Board. ~~In addition, each member of the~~
21 ~~Board may receive a per diem payment in an amount determined~~
22 ~~from time to time by the Director for attendance at meetings of~~
23 ~~the Board and conducting other official business of the Board.~~

24 (g) The Board shall hold quarterly meetings at such times
25 and places and upon notice as the Department may determine and
26 as its business may require. A majority of the Board members

1 currently appointed shall constitute a quorum. A vacancy in the
2 membership of the Board shall not impair the right of a quorum
3 to exercise all the rights and perform all the duties of the
4 Board.

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

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

9 (225 ILCS 85/11) (from Ch. 111, par. 4131)

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

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

19 (a) Formulation of ~~Formulate~~ such rules, not inconsistent
20 with law and subject to the Illinois Administrative Procedure
21 Act, as may be necessary to carry out the purposes and enforce
22 the provisions of this Act. The Secretary ~~Director~~ may grant
23 variances from any such rules as provided for in this Section. ~~+~~

24 (b) The suspension, revocation, placing on probationary
25 status, reprimand, ~~and~~ refusing to issue or restore, or taking

1 any other disciplinary or non-disciplinary action against any
2 ~~license or certificate of registration~~ issued under the
3 provisions of this Act for the reasons set forth in Section 30
4 of this Act.

5 (c) The issuance, renewal, restoration, or reissuance of
6 any license or certificate which has been previously refused to
7 be issued or renewed, or has been revoked, suspended or placed
8 on probationary status.

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

12 (1) the provision from which the variance is granted is
13 not statutorily mandated;

14 (2) no party will be injured by the granting of the
15 variance; and

16 (3) the rule from which the variance is granted would,
17 in the particular case, be unreasonable or unnecessarily
18 burdensome.

19 The Secretary ~~Director~~ shall give consideration to the
20 recommendations of ~~notify~~ the State Board of Pharmacy regarding
21 ~~of the~~ granting of such variance and the reasons therefor, ~~at~~
22 ~~the next meeting of the Board.~~

23 (d) The Secretary shall appoint a chief pharmacy
24 coordinator who ~~and at least 2 deputy pharmacy coordinators,~~
25 ~~all of whom~~ shall be a licensed pharmacist ~~registered~~
26 ~~pharmacists~~ in good standing in this State, shall be a graduate

1 ~~graduates~~ of an accredited college of pharmacy or hold, at a
2 minimum, a bachelor of science degree in pharmacy, and shall
3 have at least 5 years of experience in the practice of pharmacy
4 immediately prior to his or her appointment. The chief pharmacy
5 coordinator shall be the executive administrator and the chief
6 enforcement officer of this Act. ~~The deputy pharmacy~~
7 ~~coordinators shall report to the chief pharmacy coordinator.~~
8 ~~The Secretary shall assign at least one deputy pharmacy~~
9 ~~coordinator to a region composed of Cook County and such other~~
10 ~~counties as the Secretary may deem appropriate, and such deputy~~
11 ~~pharmacy coordinator shall have his or her primary office in~~
12 ~~Chicago. The Secretary shall assign at least one deputy~~
13 ~~pharmacy coordinator to a region composed of the balance of~~
14 ~~counties in the State, and such deputy pharmacy coordinator~~
15 ~~shall have his or her primary office in Springfield.~~

16 (e) The Department Secretary shall, in conformity with the
17 Personnel Code, employ such pharmacy investigators as deemed
18 necessary ~~not less than 4~~ pharmacy investigators who shall
19 report to the chief pharmacy coordinator ~~or a deputy pharmacy~~
20 ~~coordinator~~. Each pharmacy investigator shall be a licensed
21 pharmacist unless employed as a pharmacy investigator on or
22 before August 27, 2015 (the effective date of Public Act
23 99-473) ~~this amendatory Act of the 99th General Assembly~~. The
24 Department shall also employ at least one attorney to prosecute
25 violations of this Act and its rules. The Department may, in
26 conformity with the Personnel Code, employ such clerical and

1 other employees as are necessary to carry out the duties of the
2 Board and Department.

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

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

10 (225 ILCS 85/12) (from Ch. 111, par. 4132)

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

12 Sec. 12. Expiration of license; renewal.

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

16 (b) As a condition for the renewal of a license ~~certificate~~
17 ~~of registration~~ as a pharmacist, the licensee ~~registrant~~ shall
18 provide evidence to the Department of completion of a total of
19 30 hours of pharmacy continuing education during the 24 months
20 preceding the expiration date of the certificate. Such
21 continuing education shall be approved by the Accreditation
22 Council on Pharmacy Education.

23 (c) The Department may ~~shall~~ establish by rule a means for
24 the verification of completion of the continuing education
25 required by this Section. This verification may be accomplished

1 through audits of records maintained by licensees ~~registrants~~,
2 by requiring the filing of continuing education certificates
3 with the Department or a qualified organization selected by the
4 Department to maintain such records or by other means
5 established by the Department.

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

16 (e) Any pharmacist who has permitted his license to expire
17 or who has had his license on inactive status may have his
18 license restored by making application to the Department and
19 filing proof acceptable to the Department of his fitness to
20 have his license restored, and by paying the required
21 restoration fee. The Department shall determine, by an
22 evaluation program established by rule his fitness for
23 restoration of his license and shall establish procedures and
24 requirements for such restoration. However, any pharmacist who
25 demonstrates that he has continuously maintained active
26 practice in another jurisdiction pursuant to a license in good

1 standing, and who has substantially complied with the
2 continuing education requirements of this Section shall not be
3 subject to further evaluation for purposes of this Section.

4 (f) Any licensee who shall engage in the practice for which
5 his or her license was issued while the license is expired or
6 on inactive status shall be considered to be practicing without
7 a license which, shall be grounds for discipline under Section
8 30 of this Act.

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

17 (h) However, any pharmacist whose license expired while he
18 was (1) in Federal Service on active duty with the Armed Forces
19 of the United States, or the State Militia called into service
20 or training, or (2) in training or education under the
21 supervision of the United States preliminary to induction into
22 the military service, may have his license or certificate
23 restored without paying any lapsed renewal fees, if within 2
24 years after honorable termination of such service, training or
25 education he furnishes the Department with satisfactory
26 evidence to the effect that he has been so engaged and that his

1 service, training or education has been so terminated.

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

3 (225 ILCS 85/13) (from Ch. 111, par. 4133)

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

5 Sec. 13. Inactive status.

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

14 (b) Any pharmacist, registered certified pharmacy
15 technician, or registered pharmacy ~~pharmacist~~ technician
16 requesting restoration from inactive status shall be required
17 to pay the current renewal fee and shall be required to restore
18 his or her license or certificate, as provided by rule of the
19 Department.

20 (c) Any pharmacist, registered certified pharmacy
21 technician, or registered pharmacy ~~pharmacist~~ technician whose
22 license is in inactive status shall not practice in the State
23 of Illinois.

24 (d) A pharmacy license may not be placed on inactive
25 status.

1 (e) Continued practice on a license which has lapsed or
2 been placed on inactive status shall be considered to be
3 practicing without a license.

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

5 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

7 Sec. 15. Pharmacy requirements.

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

11 (a) It has a licensed pharmacist, authorized to
12 practice pharmacy in this State under the provisions of
13 this Act, on duty whenever the practice of pharmacy is
14 conducted;

15 (b) Security provisions for all drugs and devices, as
16 determined by rule of the Department, are provided during
17 the absence from the licensed pharmacy of all licensed
18 pharmacists. Maintenance of security provisions is the
19 responsibility of the licensed pharmacist in charge; and

20 (c) The pharmacy is licensed under this Act to conduct
21 the practice of pharmacy in any and all forms from the
22 physical address of the pharmacy's primary inventory where
23 U.S. mail is delivered. If a facility, company, or
24 organization operates multiple pharmacies from multiple
25 physical addresses, a separate pharmacy license is

1 required for each different physical address.

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

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

14 (4) It shall be unlawful for any person, who is not a
15 licensed pharmacy or health care facility, to purport to be
16 such or to use in name, title, or sign designating, or in
17 connection with that place of business, any of the words:
18 "pharmacy", "pharmacist", "pharmacy department", "apothecary",
19 "druggist", "drug", "drugs", "medicines", "medicine store",
20 "drug sundries", "prescriptions filled", or any list of words
21 indicating that drugs are compounded or sold to the lay public,
22 or prescriptions are dispensed therein. Each day during which,
23 or a part which, such representation is made or appears or such
24 a sign is allowed to remain upon or in such a place of business
25 shall constitute a separate offense under this Act.

26 (5) The holder of any license ~~or certificate~~ of

1 ~~registration~~ shall conspicuously display it in the pharmacy in
2 which he is engaged in the practice of pharmacy. The pharmacist
3 in charge shall conspicuously display his name in such
4 pharmacy. The pharmacy license shall also be conspicuously
5 displayed.

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

8 (225 ILCS 85/16) (from Ch. 111, par. 4136)

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

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

16 In the event the ~~designated~~ pharmacist in charge dies or
17 otherwise ceases to function in that capacity, or when the
18 license of the pharmacist in charge has been suspended or
19 revoked, the owner of the pharmacy shall be required to notify
20 the Department, on forms provided by the Department, of the
21 identity of the new pharmacist in charge.

22 It is the duty of every pharmacist in charge who ceases to
23 function in that capacity to report to the Department within 30
24 days of the date on which he ceased such functions for such
25 pharmacy. It is the duty of every owner of a pharmacy licensed

1 under this Act to report to the Department within 30 days of
2 the date on which the pharmacist in charge died or ceased to
3 function in that capacity and to specify a new pharmacist in
4 charge. Failure to provide such notification to the Department
5 shall be grounds for disciplinary action.

6 No license shall be issued to any pharmacy unless such
7 pharmacy has a pharmacist in charge and each such pharmacy
8 license shall indicate on the face thereof the pharmacist in
9 charge.

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

11 (225 ILCS 85/16a) (from Ch. 111, par. 4136a)

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

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

19 (b) The Department shall require and provide for a ~~an~~
20 ~~annual~~ nonresident ~~special~~ pharmacy license ~~registration~~ for
21 all pharmacies located outside of this State that dispense
22 medications for Illinois residents and mail, ship, or deliver
23 prescription medications into this State. A nonresident
24 ~~Nonresident-special~~ pharmacy license ~~registration~~ shall be
25 granted by the Department upon the disclosure and certification

1 by a pharmacy:

2 (1) that it is licensed in the state in which the
3 dispensing facility is located and from which the drugs are
4 dispensed;

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

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

14 (4) that it maintains its records of drugs dispensed to
15 residents of this State so that the records are readily
16 retrievable from the records of other drugs dispensed;

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

21 (6) that during its regular hours of operation, but not
22 less than 6 days per week, for a minimum of 40 hours per
23 week, a toll-free telephone service is provided to
24 facilitate communication between patients in this State
25 and a pharmacist at the nonresident pharmacy who has access
26 to the patients' records. The toll-free number must be

1 disclosed on the label affixed to each container of drugs
2 dispensed to residents of this State.

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

4 (225 ILCS 85/17) (from Ch. 111, par. 4137)

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

6 Sec. 17. Disposition of legend drugs on cessation of
7 pharmacy operations.

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

15 (b) The Department shall approve the intended manner of
16 disposition of all legend drugs prior to disposition of such
17 drugs by the pharmacist in charge.

18 (1) The Department shall notify the pharmacist in
19 charge of approval of the manner of disposition of all
20 legend drugs, or disapproval accompanied by reasons for
21 such disapproval, within 30 days of receipt of the
22 statement from the pharmacist in charge. In the event that
23 the manner of disposition is not approved, the pharmacist
24 in charge shall notify the Department of an alternative
25 manner of disposition within 30 days of the receipt of

1 disapproval.

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

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

20 (c) The pharmacist in charge of a pharmacy which acquires
21 prescription files from a pharmacy which ceases operation shall
22 be responsible for the preservation of such acquired
23 prescriptions for the remainder of the term that such
24 prescriptions are required to be preserved by this Act.

25 (d) Failure to comply with this Section shall be grounds
26 for denying an application or renewal application for a

1 pharmacy license or for disciplinary action against a license
2 registration.

3 (e) Compliance with the provisions of the Illinois
4 Controlled Substances Act concerning the disposition of
5 controlled substances shall be deemed compliance with this
6 Section with respect to legend drugs which are controlled
7 substances.

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

9 (225 ILCS 85/17.1)

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

11 Sec. 17.1. Registered pharmacy ~~Pharmacy~~ technician
12 training.

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

18 (1) The duties and responsibilities of the technicians
19 and pharmacists.

20 (2) Tasks and technical skills, policies, and
21 procedures.

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

23 (4) Pharmaceutical and medical terminology.

24 (5) Record keeping requirements.

25 (6) The ability to perform and apply arithmetic

1 calculations.

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

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

13 (d) All pharmacies shall create and maintain retrievable
14 records of training or proof of training as required in this
15 Section.

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

17 (225 ILCS 85/18) (from Ch. 111, par. 4138)

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

19 Sec. 18. Record retention. There ~~Except as provided in~~
20 ~~subsection (b), there~~ shall be kept in every drugstore or
21 pharmacy a suitable book, file, or electronic record keeping
22 system in which shall be preserved for a period of not less
23 than 5 years the original, or an exact, unalterable image, of
24 every written prescription and the original transcript or copy
25 of every verbal prescription filled, compounded, or dispensed,

1 in such pharmacy; and such book, ~~or~~ file, or electronic record
2 keeping system of prescriptions shall at all reasonable times
3 be open to inspection to the chief pharmacy coordinator and the
4 duly authorized agents or employees of the Department.

5 Every prescription filled or refilled shall contain the
6 unique identifiers of the persons authorized to practice
7 pharmacy under the provision of this Act who fills or refills
8 the prescription.

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

12 (1) the records maintained in the alternative data
13 retention system contain all of the information required in
14 a manual record;

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

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

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

25 As used in this Section, "digital imaging system" means a
26 system, including people, machines, methods of organization,

1 and procedures, that provides input, storage, processing,
2 communications, output, and control functions for digitized
3 representations of original prescription records.

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

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

7 (225 ILCS 85/19) (from Ch. 111, par. 4139)

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

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

16 (1) Prior to dispensing pursuant to any such prescription,
17 the dispensing pharmacist shall:

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

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

25 (c) Notify the pharmacy where the prescription is on

1 file that the prescription must be canceled.

2 (d) Record in writing or electronically the
3 prescription order, the name of the pharmacy at which the
4 prescription was on file, the prescription number, the name
5 of the drug and the original amount dispensed, the date of
6 original dispensing, and the number of remaining
7 authorized refills.

8 (e) Obtain the consent of the prescriber to the
9 refilling of the prescription when the prescription, in the
10 professional judgment of the dispensing pharmacist, so
11 requires.

12 (2) Upon receipt of a request for prescription information
13 set forth in subparagraph (d) of paragraph (1) of this Section,
14 if the requested pharmacist is satisfied in his professional
15 judgment that such request is valid and legal, the requested
16 pharmacist shall:

17 (a) Provide such information accurately and
18 completely.

19 (b) Record electronically or, if in writing, on the
20 face of the prescription, the name of the requesting
21 pharmacy and pharmacist and the date of request.

22 (c) Cancel the prescription on file by writing the word
23 "void" on its face or the electronic equivalent, if not in
24 written format. No further prescription information shall
25 be given or medication dispensed pursuant to such original
26 prescription.

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

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

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

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

23 (225 ILCS 85/20) (from Ch. 111, par. 4140)

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

25 Sec. 20. Dispensing systems.

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

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

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

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

19 (e) The dispensing by a pharmacist licensed in this State
20 or another state of a prescription contained in a common
21 database shall not constitute a transfer, provided that (1) ~~(i)~~
22 all pharmacies involved in the transactions pursuant to which
23 the prescription is dispensed and all pharmacists engaging in
24 dispensing functions are properly licensed, permitted, or
25 registered in this State or another jurisdiction, (2) ~~(ii)~~ a
26 policy and procedures manual that governs all participating

1 pharmacies and pharmacists is available to the Department upon
2 request and includes the procedure for maintaining appropriate
3 records for regulatory oversight for tracking a prescription
4 during each stage of the filling and dispensing process, and
5 (3) ~~(iii)~~ the pharmacists involved in filling and dispensing
6 the prescription and counseling the patient are identified. A
7 pharmacist shall be accountable only for the specific tasks
8 performed.

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

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

15 (225 ILCS 85/22) (from Ch. 111, par. 4142)

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

17 Sec. 22. Except only in the case of a drug, medicine or
18 poison which is lawfully sold or dispensed, at retail, in the
19 original and unbroken package of the manufacturer, packer, or
20 distributor thereof, and which package bears the original label
21 thereon showing the name and address of the manufacturer,
22 packer, or distributor thereof, and the name of the drug,
23 medicine, or poison therein contained, and the directions for
24 its use, no person shall sell or dispense, at retail, any drug,
25 medicine, or poison, without affixing to the box, bottle,

1 vessel, or package containing the same, a label bearing the
2 name of the article distinctly shown, and the directions for
3 its use, with the name and address of the pharmacy wherein the
4 same is sold or dispensed. However, in the case of a drug,
5 medicine, or poison which is sold or dispensed pursuant to a
6 prescription of a physician licensed to practice medicine in
7 all of its branches, a physician assistant in accordance with
8 subsection (f) of Section 4 of this Act, an advanced practice
9 registered nurse in accordance with subsection (g) of Section 4
10 of this Act, a licensed dentist, a licensed veterinarian, a
11 licensed podiatric physician, or a licensed ~~therapeutically or~~
12 ~~diagnostically certified optometrist authorized by law to~~
13 ~~prescribe drugs or medicines or poisons,~~ the label affixed to
14 the box, bottle, vessel, or package containing the same shall
15 show: (a) the name and address of the pharmacy wherein the same
16 is sold or dispensed; (b) the name or initials of the person,
17 authorized to practice pharmacy under the provisions of this
18 Act, selling or dispensing the same, (c) the date on which such
19 prescription was filled; (d) the name of the patient; (e) the
20 serial number of such prescription as filed in the prescription
21 files; (f) the last name of the practitioner who prescribed
22 such prescriptions; (g) the directions for use thereof as
23 contained in such prescription; and (h) the proprietary name or
24 names or the established name or names of the drugs, the dosage
25 and quantity, except as otherwise authorized by rule ~~regulation~~
26 of the Department.

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

2 (225 ILCS 85/22b)

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

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

5 (a) Automated pharmacy systems must have adequate security
6 and procedures to comply with federal and State laws and
7 regulations and maintain patient confidentiality, as defined
8 by rule.

9 (b) Access to and dispensing from an automated pharmacy
10 system shall be limited to pharmacists or personnel who are
11 designated in writing by the pharmacist-in-charge and have
12 completed documented training concerning their duties
13 associated with the automated pharmacy system.

14 (c) All drugs stored in relation to an automated pharmacy
15 system must be stored in compliance with this Act and the rules
16 adopted under this Act, including the requirements for
17 temperature, proper storage containers, handling of outdated
18 drugs, prescription dispensing, and delivery.

19 (d) An automated pharmacy system operated from a remote
20 site shall be under the continuous supervision of a home
21 pharmacy pharmacist. To qualify as continuous supervision, the
22 pharmacist is not required to be physically present at the site
23 of the automated pharmacy system if the system is supervised
24 electronically by a pharmacist, as defined by rule.

25 (e) Drugs may only be dispensed at a remote site through an

1 automated pharmacy system after receipt of an original
2 prescription drug order by a pharmacist at the home pharmacy. A
3 pharmacist at the home pharmacy must control all operations of
4 the automated pharmacy system and approve the release of the
5 initial dose of a prescription drug order. Refills from an
6 approved prescription drug order may be removed from the
7 automated medication system after this initial approval. Any
8 change made in the prescription drug order shall require a new
9 approval by a pharmacist to release the drug.

10 (f) If an automated pharmacy system uses removable
11 cartridges or containers to store a drug, the stocking or
12 restocking of the cartridges or containers may occur at a
13 licensed wholesale drug distributor and be sent to the home
14 pharmacy to be loaded after pharmacist verification by
15 personnel designated by the pharmacist, provided that the
16 individual cartridge or container is transported to the home
17 pharmacy in a secure, tamper evident container. An automated
18 pharmacy system must use a bar code verification or weight
19 verification or electronic verification or similar process to
20 ensure that the cartridge or container is accurately loaded
21 into the automated pharmacy system. The pharmacist verifying
22 the filling and labeling shall be responsible for ensuring that
23 the cartridge or container is stocked or restocked correctly by
24 personnel designated to load the cartridges or containers who
25 are either registered pharmacy technicians or registered
26 certified pharmacy technicians employed by the home pharmacy.

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

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

11 (225 ILCS 85/25.10)

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

13 Sec. 25.10. Remote prescription processing.

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

20 (1) Receiving, interpreting, evaluating, or clarifying
21 prescriptions.

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

24 (3) Transferring prescription information.

25 (4) Performing a drug regimen review.

1 (5) Obtaining refill or substitution authorizations or
2 otherwise communicating with the prescriber concerning a
3 patient's prescription.

4 (6) Evaluating clinical data for prior authorization
5 for dispensing.

6 (7) Discussing therapeutic interventions with
7 prescribers.

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

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

13 (1) The pharmacies shall either have the same owner or
14 have a written contract describing the scope of services to
15 be provided and the responsibilities and accountabilities
16 of each pharmacy in compliance with all federal and State
17 laws and regulations related to the practice of pharmacy.

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

21 (3) The records may be maintained separately by each
22 pharmacy or in common electronic file shared by both
23 pharmacies, provided that the system can produce a record
24 at either location that shows ~~showing~~ each processing task,
25 the identity of the person performing each task, and the
26 location where each task was performed.

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

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

9 (225 ILCS 85/25.15)

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

11 Sec. 25.15. Telepharmacy.

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

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

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

24 (2) An automated pharmacy or prescription dispensing
25 machine system may be used in conjunction with the

1 pharmacy's practice of telepharmacy after inspection and
2 approval by the Department.

3 (3) The pharmacist in charge shall:

4 (A) be responsible for the practice of
5 telepharmacy performed at a remote pharmacy, including
6 the supervision of any prescription dispensing machine
7 or automated medication system;

8 (B) ensure that the home pharmacy has sufficient
9 pharmacists on duty for the safe operation and
10 supervision of all remote pharmacies;

11 (C) ensure, through the use of a video and auditory
12 communication system, that a registered certified
13 pharmacy technician at the remote pharmacy has
14 accurately and correctly prepared any prescription for
15 dispensing according to the prescription;

16 (D) be responsible for the supervision and
17 training of registered certified pharmacy technicians
18 at remote pharmacies who shall be subject to all rules
19 and regulations; and

20 (E) ensure that patient counseling at the remote
21 pharmacy is performed by a pharmacist or student
22 pharmacist.

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

24 (225 ILCS 85/27) (from Ch. 111, par. 4147)

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

1 Sec. 27. Fees.

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

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

16 (c) Applicants for the preliminary diagnostic examination
17 shall be required to pay, either to the Department or to the
18 designated testing service, a fee covering the cost of
19 determining an applicant's eligibility and providing the
20 examination. Failure to appear for the examination on the
21 scheduled date, at the time and place specified, after the
22 application for examination has been received and acknowledged
23 by the Department or the designated testing service, shall
24 result in the forfeiture of the examination fee.

25 (d) All fees, fines, or penalties received by the
26 Department under this Act shall be deposited in the Illinois

1 State Pharmacy Disciplinary Fund hereby created in the State
2 Treasury and shall be used by the Department in the exercise of
3 its powers and performance of its duties under this Act,
4 including, but not limited to, the provision for evidence in
5 pharmacy investigations.

6 Moneys in the Fund may be transferred to the Professions
7 Indirect Cost Fund as authorized under Section 2105-300 of the
8 Department of Professional Regulation Law (20 ILCS
9 2105/2105-300).

10 The moneys deposited in the Illinois State Pharmacy
11 Disciplinary Fund shall be invested to earn interest which
12 shall accrue to the Fund.

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

19 (f) A pharmacy, manufacturer of controlled substances, or
20 wholesale distributor of controlled substances that is
21 licensed under this Act and owned and operated by the State is
22 exempt from licensure, ~~registration,~~ renewal, and other fees
23 required under this Act.

24 Pharmacists and pharmacy technicians working in facilities
25 owned and operated by the State are not exempt from the payment
26 of fees required by this Act and any rules adopted under this

1 Act.

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

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

6 (225 ILCS 85/28) (from Ch. 111, par. 4148)

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

8 Sec. 28. Returned checks; fines. Any person who delivers a
9 check or other payment to the Department that is returned to
10 the Department unpaid by the financial institution upon which
11 it is drawn shall pay to the Department, in addition to the
12 amount already owed to the Department, a fine of \$50. The fines
13 imposed by this Section are in addition to any other discipline
14 provided under this Act for unlicensed practice or practice on
15 a nonrenewed license. The Department shall notify the person
16 that payment of fees and fines shall be paid to the Department
17 by certified check or money order within 30 calendar days of
18 the notification. If, after the expiration of 30 days from the
19 date of the notification, the person has failed to submit the
20 necessary remittance, the Department shall automatically
21 terminate the license ~~or certificate~~ or deny the application,
22 without hearing. If, after termination or denial, the person
23 seeks a license ~~or certificate~~, he or she shall apply to the
24 Department for restoration or issuance of the license ~~or~~
25 ~~certificate~~ and pay all fees and fines due to the Department.

1 The Department may establish a fee for the processing of an
2 application for restoration of a license or certificate to pay
3 all expenses of processing this application. The Secretary
4 ~~Director~~ may waive the fines due under this Section in
5 individual cases where the Secretary ~~Director~~ finds that the
6 fines would be unreasonable or unnecessarily burdensome.
7 (Source: P.A. 92-146, eff. 1-1-02.)

8 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

10 Sec. 30. Refusal, revocation, ~~or~~ suspension, or other
11 discipline.

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

19 1. Material misstatement in furnishing information to
20 the Department.

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

23 3. Making any misrepresentation for the purpose of
24 obtaining licenses.

25 4. A pattern of conduct which demonstrates

1 incompetence or unfitness to practice.

2 5. Aiding or assisting another person in violating any
3 provision of this Act or rules.

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

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

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

20 9. Directly or indirectly giving to or receiving from
21 any person, firm, corporation, partnership, or association
22 any fee, commission, rebate or other form of compensation
23 for any professional services not actually or personally
24 rendered. Nothing in this item 9 affects any bona fide
25 independent contractor or employment arrangements among
26 health care professionals, health facilities, health care

1 providers, or other entities, except as otherwise
2 prohibited by law. Any employment arrangements may include
3 provisions for compensation, health insurance, pension, or
4 other employment benefits for the provision of services
5 within the scope of the licensee's practice under this Act.
6 Nothing in this item 9 shall be construed to require an
7 employment arrangement to receive professional fees for
8 services rendered.

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

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

14 12. Physical illness, including but not limited to,
15 deterioration through the aging process, or loss of motor
16 skill which results in the inability to practice the
17 profession with reasonable judgment, skill or safety.

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

20 14. Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or
22 sentencing, including, but not limited to, convictions,
23 preceding sentences of supervision, conditional discharge,
24 or first offender probation, under the laws of any
25 jurisdiction of the United States that is (i) a felony or
26 (ii) a misdemeanor, an essential element of which is

1 dishonesty, or that is directly related to the practice of
2 pharmacy. The applicant or licensee has been convicted in
3 state or federal court of or entered a plea of guilty, nolo
4 contendere, or the equivalent in a state or federal court
5 to any crime which is a felony or any misdemeanor related
6 to the practice of pharmacy or which an essential element
7 is dishonesty.

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

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

18 17. Gross and willful overcharging for professional
19 services including filing false statements for collection
20 of fees for which services are not rendered, including, but
21 not limited to, filing false statements for collection of
22 monies for services not rendered from the medical
23 assistance program of the Department of Healthcare and
24 Family Services (formerly Department of Public Aid) under
25 the Public Aid Code.

26 18. Dispensing prescription drugs without receiving a

1 written or oral prescription in violation of law.

2 19. Upon a finding of a substantial discrepancy in a
3 Department audit of a prescription drug, including
4 controlled substances, as that term is defined in this Act
5 or in the Illinois Controlled Substances Act.

6 20. Physical or mental illness or any other impairment
7 or disability, including, without limitation: (A)
8 deterioration through the aging process or loss of motor
9 skills that results in the inability to practice with
10 reasonable judgment, skill or safety; 7 or (B) mental
11 incompetence, as declared by a court of competent
12 jurisdiction.

13 21. Violation of the Health Care Worker Self-Referral
14 Act.

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

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

25 24. Failing to report within 60 days to the Department
26 any adverse final action taken against a pharmacy,

1 pharmacist, registered pharmacy ~~pharmacist~~ technician, or
2 registered certified pharmacy ~~pharmacist~~ technician by
3 another licensing jurisdiction in any other state or any
4 territory of the United States or any foreign jurisdiction,
5 any governmental agency, any law enforcement agency, or any
6 court for acts or conduct similar to acts or conduct that
7 would constitute grounds for discipline as defined in this
8 Section.

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

11 26. Disclosing protected health information in
12 violation of any State or federal law.

13 27. Willfully failing to report an instance of
14 suspected abuse, neglect, financial exploitation, or
15 self-neglect of an eligible adult as defined in and
16 required by the Adult Protective Services Act.

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

23 (b) The Department may refuse to issue or may suspend the
24 license ~~or registration~~ of any person who fails to file a
25 return, or to pay the tax, penalty or interest shown in a filed
26 return, or to pay any final assessment of tax, penalty or

1 interest, as required by any tax Act administered by the
2 Illinois Department of Revenue, until such time as the
3 requirements of any such tax Act are satisfied.

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

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

22 (e) The entry of an order or judgment by any circuit court
23 establishing that any person holding a license or certificate
24 under this Act is a person in need of mental treatment operates
25 as a suspension of that license. A licensee may resume his or
26 her practice only upon the entry of an order of the Department

1 based upon a finding by the Board that he or she has been
2 determined to be recovered from mental illness by the court and
3 upon the Board's recommendation that the licensee be permitted
4 to resume his or her practice.

5 (f) The Department shall issue quarterly to the Board a
6 status of all complaints related to the profession received by
7 the Department.

8 (g) In enforcing this Section, the Board or the Department,
9 upon a showing of a possible violation, may compel any licensee
10 or applicant for licensure under this Act to submit to a mental
11 or physical examination or both, as required by and at the
12 expense of the Department. The examining physician, or
13 multidisciplinary team involved in providing physical and
14 mental examinations led by a physician consisting of one or a
15 combination of licensed physicians, licensed clinical
16 psychologists, licensed clinical social workers, licensed
17 clinical professional counselors, and other professional and
18 administrative staff, shall be those specifically designated
19 by the Department. The Board or the Department may order the
20 examining physician or any member of the multidisciplinary team
21 to present testimony concerning this mental or physical
22 examination of the licensee or applicant. No information,
23 report, or other documents in any way related to the
24 examination shall be excluded by reason of any common law or
25 statutory privilege relating to communication between the
26 licensee or applicant and the examining physician or any member

1 of the multidisciplinary team. The individual to be examined
2 may have, at his or her own expense, another physician of his
3 or her choice present during all aspects of the examination.
4 Failure of any individual to submit to a mental or physical
5 examination when directed shall result in the automatic
6 suspension ~~be grounds for suspension~~ of his or her license
7 until such time as the individual submits to the examination ~~if~~
8 ~~the Board finds, after notice and hearing, that the refusal to~~
9 ~~submit to the examination was without reasonable cause.~~ If the
10 Board or Department finds a pharmacist, registered certified
11 pharmacy technician, or registered pharmacy technician unable
12 to practice because of the reasons set forth in this Section,
13 the Board or Department shall require such pharmacist,
14 registered certified pharmacy technician, or registered
15 pharmacy technician to submit to care, counseling, or treatment
16 by physicians or other appropriate health care providers
17 approved or designated by the Department ~~Board~~ as a condition
18 for continued, reinstated, or renewed licensure to practice.
19 Any pharmacist, registered certified pharmacy technician, or
20 registered pharmacy technician whose license was granted,
21 continued, reinstated, renewed, disciplined, or supervised,
22 subject to such terms, conditions, or restrictions, and who
23 fails to comply with such terms, conditions, or restrictions or
24 to complete a required program of care, counseling, or
25 treatment, as determined by the chief pharmacy coordinator ~~or a~~
26 ~~deputy pharmacy coordinator~~, shall be referred to the Secretary

1 for a determination as to whether the licensee shall have his
2 or her license suspended immediately, pending a hearing by the
3 Board. In instances in which the Secretary immediately suspends
4 a license under this subsection (g), a hearing upon such
5 person's license must be convened by the Board within 15 days
6 after such suspension and completed without appreciable delay.
7 The Department and Board ~~Board~~ shall have the authority to
8 review the subject pharmacist's, registered certified pharmacy
9 technician's, or registered pharmacy technician's record of
10 treatment and counseling regarding the impairment.

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

19 (i) Members of the Board shall be indemnified by the State
20 for any actions occurring within the scope of services on the
21 Board, done in good faith, and not willful and wanton in
22 nature. The Attorney General shall defend all such actions
23 unless he or she determines either that there would be a
24 conflict of interest in such representation or that the actions
25 complained of were not in good faith or were willful and
26 wanton.

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

7 The member must notify the Attorney General within 7 days
8 of receipt of notice of the initiation of any action involving
9 services of the Board. Failure to so notify the Attorney
10 General shall constitute an absolute waiver of the right to a
11 defense and indemnification.

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-689, eff. 10-29-07;
16 96-673, eff. 1-1-10; 96-1482, eff. 11-29-10.)

17 (225 ILCS 85/30.5)

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

19 Sec. 30.5. Suspension of license or certificate for failure
20 to pay restitution. The Department, without further process or
21 hearing, shall suspend the license issued under this Act ~~or~~
22 ~~other authorization to practice of any person issued under this~~
23 ~~Act~~ who has been certified by court order as not having paid
24 restitution to a person under Section 8A-3.5 of the Illinois
25 Public Aid Code or under Section 17-10.5 or 46-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012. A person
2 whose license or other authorization to practice is suspended
3 under this Section is prohibited from practicing until the
4 restitution is made in full.

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

6 (225 ILCS 85/32) (from Ch. 111, par. 4152)

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

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

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

19 (225 ILCS 85/33) (from Ch. 111, par. 4153)

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

21 Sec. 33. The Secretary ~~Director of the Department~~ may, upon
22 receipt of a written communication from the Secretary of Human
23 Services, the Director of Healthcare and Family Services
24 (formerly Director of Public Aid), or the Director of Public

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

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

19 (225 ILCS 85/34) (from Ch. 111, par. 4154)

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

21 Sec. 34. The determination by a circuit court that a
22 licensee is subject to involuntary admission or judicial
23 admission as provided in the "Mental Health and Developmental
24 Disabilities Code", approved September 5, 1978, as now or
25 hereafter amended operates as an automatic suspension. Such

1 suspension will end only upon a finding by a court that the
2 patient is no longer subject to involuntary admission or
3 judicial admission and issues an order so finding and
4 discharging the patient; and upon the recommendation of the
5 Board to the Department ~~Director~~ that the licensee be allowed
6 to resume his practice.

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

8 (225 ILCS 85/35.1) (from Ch. 111, par. 4155.1)

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

10 Sec. 35.1. (a) If any person violates the provision of this
11 Act, the Secretary ~~Director~~ may, in the name of the People of
12 the State of Illinois, through the Attorney General of the
13 State of Illinois, or the State's Attorney of any county in
14 which the action is brought, petition, for an order enjoining
15 such violation or for an order enforcing compliance with this
16 Act. Upon the filing of a verified petition in such court, the
17 court may issue a temporary restraining order, without notice
18 or bond, and may preliminarily and permanently enjoin such
19 violation, and if it is established that such person has
20 violated or is violating the injunction, the Court may punish
21 the offender for contempt of court. Proceedings under this
22 Section shall be in addition to, and not in lieu of, all other
23 remedies and penalties provided by this Act.

24 (b) If any person shall practice as a pharmacist or hold
25 himself out as a pharmacist or operate a pharmacy or drugstore,

1 including a nonresident pharmacy under Section 16a, without
2 being licensed under the provisions of this Act, then any
3 licensed pharmacist, any interested party or any person injured
4 thereby may, in addition to the Secretary ~~Director~~, petition
5 for relief as provided in subsection (a) of this Section.

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

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

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

21 (225 ILCS 85/35.2) (from Ch. 111, par. 4155.2)

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

23 Sec. 35.2. The Department's pharmacy investigators may
24 investigate the actions of any applicant or of any person or
25 persons holding or claiming to hold a license ~~or registration~~.

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

1 of the Board, be suspended, revoked, placed on probationary
2 status, or the Secretary ~~Director~~ may take whatever
3 disciplinary action as he or she may deem proper as provided
4 herein, including limiting the scope, nature, or extent of said
5 person's practice, without a hearing, if the act or acts
6 charged constitute sufficient grounds for such action under
7 this Act.

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

9 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

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

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

19 The Secretary ~~Director~~, and any member of the Board, shall
20 each have power to administer oaths to witnesses at any hearing
21 which the Department is authorized to conduct under this Act,
22 and any other oaths required or authorized to be administered
23 by the Department hereunder.

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

1 (225 ILCS 85/35.6) (from Ch. 111, par. 4155.6)

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

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

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

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

20 (225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

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

22 Sec. 35.7. Notwithstanding the provisions of Section 35.6
23 of this Act, the Secretary ~~Director~~ shall have the authority to
24 appoint any attorney duly licensed to practice law in the State
25 of Illinois to serve as the hearing officer in any action

1 before the Board for refusal to issue, renew, or discipline of
2 a license ~~or certificate. The Director shall notify the Board~~
3 ~~of any such appointment.~~ The hearing officer shall have full
4 authority to conduct the hearing. There may ~~shall~~ be present ~~at~~
5 ~~least~~ one or more members ~~member~~ of the Board at any such
6 hearing. The hearing officer shall report his findings of fact,
7 conclusions of law and recommendations to the Board and the
8 Secretary ~~Director~~. The Board shall have 60 days from receipt
9 of the report to review the report of the hearing officer and
10 present their findings of fact, conclusions of law, and
11 recommendations to the Secretary ~~Director~~. If the Board fails
12 to present its report within the 60-day ~~60-day~~ period, the
13 respondent may request in writing a direct appeal to the
14 Secretary, in which case the Secretary may ~~shall, within 7~~
15 ~~calendar days after the request, issue an order directing the~~
16 ~~Board to issue its findings of fact, conclusions of law, and~~
17 ~~recommendations to the Secretary within 30 calendar days after~~
18 ~~such order. If the Board fails to issue its findings of fact,~~
19 ~~conclusions of law, and recommendations within that time frame~~
20 ~~to the Secretary after the entry of such order, the Secretary~~
21 ~~shall, within 30 calendar days thereafter, issue an order based~~
22 upon the report of the hearing officer and the record of the
23 proceedings or issue an order remanding the matter back to the
24 hearing officer for additional proceedings in accordance with
25 the order. ~~If (i) a direct appeal is requested, (ii) the Board~~
26 ~~fails to issue its findings of fact, conclusions of law, and~~

1 ~~recommendations within the 30-day mandate from the Secretary or~~
2 ~~the Secretary fails to order the Board to do so, and (iii) the~~
3 ~~Secretary fails to issue an order within 30 calendar days~~
4 ~~thereafter, then the hearing officer's report is deemed~~
5 ~~accepted and a final decision of the Secretary.~~ Notwithstanding
6 any other provision of this Section, if the Secretary, upon
7 review, determines that substantial justice has not been done
8 in the revocation, suspension, or refusal to issue or renew a
9 license or other disciplinary action taken as the result of the
10 entry of the hearing officer's report, the Secretary may order
11 a rehearing by the same or other examiners. If the Secretary
12 disagrees with the recommendation of the Board or the hearing
13 officer, the Secretary may issue an order in contravention of
14 the recommendation.

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

16 (225 ILCS 85/35.8) (from Ch. 111, par. 4155.8)

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

18 Sec. 35.8. In any case involving the refusal to issue,
19 renew or discipline of a license ~~or registration~~, a copy of the
20 Board's report shall be served upon the respondent by the
21 Department, either personally or as provided in this Act for
22 the service of the notice of hearing. Within 20 days after such
23 service, the respondent may present to the Department a motion
24 in writing for a rehearing, which motion shall specify the
25 particular grounds therefor. If no motion for rehearing is

1 filed, then upon the expiration of the time specified for
2 filing such a motion, or if a motion for rehearing is denied,
3 then upon such denial the Secretary ~~Director~~ may enter an order
4 in accordance with recommendations of the Board except as
5 provided in Section 35.6 or 35.7 of this Act. If the respondent
6 shall order from the reporting service, and pay for a
7 transcript of the record within the time for filing a motion
8 for rehearing, the 20-day ~~20-day~~ period within which such a
9 motion may be filed shall commence upon the delivery of the
10 transcript to the respondent.

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

12 (225 ILCS 85/35.12) (from Ch. 111, par. 4155.12)

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

14 Sec. 35.12. Notwithstanding the provisions herein
15 concerning the conduct of hearings and recommendations for
16 disciplinary actions, the Secretary ~~Director~~ shall have the
17 authority to negotiate agreements with licensees ~~and~~
18 ~~registrants~~ resulting in disciplinary consent orders provided
19 ~~a Board member is present and~~ the discipline is recommended by
20 a ~~the~~ Board member. Such consent orders may provide for any of
21 the forms of discipline otherwise provided herein or any other
22 disciplinary or non-disciplinary action the parties agree to.
23 Such consent orders shall provide that they were not entered
24 into as a result of any coercion by the Department.

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

1 (225 ILCS 85/35.13) (from Ch. 111, par. 4155.13)

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

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

7 (a) the signature is the genuine signature of the
8 Secretary Director;

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

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

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

14 (225 ILCS 85/35.14) (from Ch. 111, par. 4155.14)

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

16 Sec. 35.14. At any time after the successful completion of
17 a term of probation, suspension, or revocation of any license
18 ~~certificate~~, the Department may restore it to the accused
19 person without examination, upon the written recommendation of
20 the Board. A license that has been suspended or revoked shall
21 be considered nonrenewed for purposes of restoration and a
22 person restoring his or her license from suspension or
23 revocation must comply with the requirements for restoration of
24 a nonrenewed license as set forth in Section 12 of this Act and

1 any related rules adopted.

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

3 (225 ILCS 85/35.15) (from Ch. 111, par. 4155.15)

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

5 Sec. 35.15. Upon the revocation or suspension of any
6 license ~~or registration~~, the holder shall forthwith surrender
7 the license ~~license(s) or registration(s)~~ to the Department and
8 if the licensee fails to do so, the Department shall have the
9 right to seize the license ~~license(s) or certificate(s)~~.

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

11 (225 ILCS 85/35.16) (from Ch. 111, par. 4155.16)

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

13 Sec. 35.16. The Secretary may temporarily suspend the
14 license of a pharmacist, ~~or~~ pharmacy, registered ~~or the~~
15 ~~registration of a~~ pharmacy technician, or registered certified
16 pharmacy technician, without a hearing, simultaneously with
17 the institution of proceedings for a hearing provided for in
18 Section 35.2 of this Act, if the Secretary finds that evidence
19 in his possession indicates that a continuation in practice
20 would constitute an imminent danger to the public. In the event
21 that the Secretary suspends, temporarily, this license ~~or~~
22 ~~registration~~ without a hearing, a hearing by the Department
23 must be held within 15 days after such suspension has occurred,
24 and be concluded without appreciable delay.

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

2 (225 ILCS 85/35.18) (from Ch. 111, par. 4155.18)

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

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

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

23 (225 ILCS 85/35.20 new)

24 Sec. 35.20. Confidentiality. All information collected by

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

17 (225 ILCS 85/35.21 new)

18 Sec. 35.21. Citations.

19 (a) The Department shall adopt rules to permit the issuance
20 of citations to any licensee for any violation of this Act or
21 the rules. The citation shall be issued to the licensee or
22 other person alleged to have committed one or more violations
23 and shall contain the licensee's or other person's name and
24 address, the licensee's license number, if any, a brief factual
25 statement, the Sections of this Act or the rules allegedly

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

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

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

25 (d) Nothing in this Section shall prohibit or limit the
26 Department from taking further action pursuant to this Act and

1 rules for additional, repeated, or continuing violations.

2 (225 ILCS 85/36) (from Ch. 111, par. 4156)

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

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

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

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