



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 3462

2 AMENDMENT NO. _____. Amend House Bill 3462 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.28 and 4.29 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 Acts repealed on January 1, 2018.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8 Acts are repealed on January 1, 2018: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.

1 ~~The Pharmacy Practice Act.~~

2 The Home Medical Equipment and Services Provider License
3 Act.

4 The Marriage and Family Therapy Licensing Act.

5 The Nursing Home Administrators Licensing and Disciplinary
6 Act.

7 The Physician Assistant Practice Act of 1987.

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

13 (5 ILCS 80/4.29)

14 Sec. 4.29. Acts repealed on January 1, 2019 and December
15 31, 2019.

16 (a) The following Acts are ~~Act is~~ repealed on January 1,
17 2019:

18 The Environmental Health Practitioner Licensing Act.

19 The Pharmacy Practice Act.

20 (b) The following Act is repealed on December 31, 2019:

21 The Structural Pest Control Act.

22 (Source: P.A. 95-1020, eff. 12-29-08; 96-473, eff. 8-14-09.)

23 Section 10. The Pharmacy Practice Act is amended by
24 changing Sections 3, 5.5, 7, 9, 9.5, 10, 11, 12, 13, 15, 16,

1 16a, 17, 17.1, 18, 19, 20, 22, 22b, 25.10, 25.15, 27, 28, 30,
2 30.5, 32, 33, 34, 35.1, 35.2, 35.5, 35.6, 35.7, 35.8, 35.12,
3 35.13, 35.14, 35.15, 35.16, 35.18, and 36 and by adding
4 Sections 3.5, 4.5, 35.20, and 35.21 as follows:

5 (225 ILCS 85/3)

6 (Section scheduled to be repealed on January 1, 2018)

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

9 (a) "Pharmacy" or "drugstore" means and includes every
10 store, shop, pharmacy department, or other place where
11 pharmacist care is provided by a pharmacist (1) where drugs,
12 medicines, or poisons are dispensed, sold or offered for sale
13 at retail, or displayed for sale at retail; or (2) where
14 prescriptions of physicians, dentists, advanced practice
15 nurses, physician assistants, veterinarians, podiatric
16 physicians, or optometrists, within the limits of their
17 licenses, are compounded, filled, or dispensed; or (3) which
18 has upon it or displayed within it, or affixed to or used in
19 connection with it, a sign bearing the word or words
20 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
21 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
22 "Drugs", "Dispensary", "Medicines", or any word or words of
23 similar or like import, either in the English language or any
24 other language; or (4) where the characteristic prescription
25 sign (Rx) or similar design is exhibited; or (5) any store, or

1 shop, or other place with respect to which any of the above
2 words, objects, signs or designs are used in any advertisement.

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

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

24 (d) "Practice of pharmacy" means (1) the interpretation and
25 the provision of assistance in the monitoring, evaluation, and
26 implementation of prescription drug orders; (2) the dispensing

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

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

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

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

4 (g) "Department" means the Department of Financial and
5 Professional Regulation.

6 (h) "Board of Pharmacy" or "Board" means the State Board of
7 Pharmacy of the Department of Financial and Professional
8 Regulation.

9 (i) "Secretary" means the Secretary of Financial and
10 Professional Regulation.

11 (j) "Drug product selection" means the interchange for a
12 prescribed pharmaceutical product in accordance with Section
13 25 of this Act and Section 3.14 of the Illinois Food, Drug and
14 Cosmetic Act.

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

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

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

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

22 (n) "Nonresident pharmacy" means a pharmacy that is located
23 in a state, commonwealth, or territory of the United States,
24 other than Illinois, that delivers, dispenses, or distributes,
25 through the United States Postal Service, commercially
26 acceptable parcel delivery service, or other common carrier, to

1 Illinois residents, any substance which requires a
2 prescription.

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

19 (p) (Blank).

20 (q) (Blank).

21 (r) "Patient counseling" means the communication between a
22 pharmacist or a student pharmacist under the supervision of a
23 pharmacist and a patient or the patient's representative about
24 the patient's medication or device for the purpose of
25 optimizing proper use of prescription medications or devices.
26 "Patient counseling" may include without limitation (1)

1 obtaining a medication history; (2) acquiring a patient's
2 allergies and health conditions; (3) facilitation of the
3 patient's understanding of the intended use of the medication;
4 (4) proper directions for use; (5) significant potential
5 adverse events; (6) potential food-drug interactions; and (7)
6 the need to be compliant with the medication therapy. A
7 pharmacy technician may only participate in the following
8 aspects of patient counseling under the supervision of a
9 pharmacist: (1) obtaining medication history; (2) providing
10 the offer for counseling by a pharmacist or student pharmacist;
11 and (3) acquiring a patient's allergies and health conditions.

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

16 (t) (Blank).

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

26 (v) "Unique identifier" means an electronic signature,

1 handwritten signature or initials, thumb print, or other
2 acceptable biometric or electronic identification process as
3 approved by the Department.

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

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

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

24 (z) "Electronically transmitted ~~Electronic transmission~~
25 prescription" means a prescription that is created, recorded,
26 or stored by electronic means; issued and validated with an

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

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

- 22 (1) known allergies;
- 23 (2) drug or potential therapy contraindications;
- 24 (3) reasonable dose, duration of use, and route of
25 administration, taking into consideration factors such as
26 age, gender, and contraindications;

- 1 (4) reasonable directions for use;
- 2 (5) potential or actual adverse drug reactions;
- 3 (6) drug-drug interactions;
- 4 (7) drug-food interactions;
- 5 (8) drug-disease contraindications;
- 6 (9) identification of therapeutic duplication;
- 7 (10) patient laboratory values when authorized and
- 8 available;
- 9 (11) proper utilization (including over or under
- 10 utilization) and optimum therapeutic outcomes; and
- 11 (12) drug abuse and misuse.

12 "Medication therapy management services" includes the
13 following:

- 14 (1) documenting the services delivered and
- 15 communicating the information provided to patients'
- 16 prescribers within an appropriate time frame, not to exceed
- 17 48 hours;
- 18 (2) providing patient counseling designed to enhance a
- 19 patient's understanding and the appropriate use of his or
- 20 her medications; and
- 21 (3) providing information, support services, and
- 22 resources designed to enhance a patient's adherence with
- 23 his or her prescribed therapeutic regimens.

24 "Medication therapy management services" may also include
25 patient care functions authorized by a physician licensed to
26 practice medicine in all its branches for his or her identified

1 patient or groups of patients under specified conditions or
2 limitations in a standing order from the physician.

3 "Medication therapy management services" in a licensed
4 hospital may also include the following:

5 (1) reviewing assessments of the patient's health
6 status; and

7 (2) following protocols of a hospital pharmacy and
8 therapeutics committee with respect to the fulfillment of
9 medication orders.

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

15 (cc) "Protected health information" means individually
16 identifiable health information that, except as otherwise
17 provided, is:

18 (1) transmitted by electronic media;

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

22 (3) transmitted or maintained in any other form or
23 medium.

24 "Protected health information" does not include
25 individually identifiable health information found in:

26 (1) education records covered by the federal Family

1 Educational Right and Privacy Act; or

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

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

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

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

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

20 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
21 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

22 (225 ILCS 85/3.5 new)

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

25 (1) provide a valid address and email address to the

1 Department, which shall serve as the address of record and
2 email address of record, respectively, at the time of
3 application for licensure or renewal of a license; and

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

8 (225 ILCS 85/4.5 new)

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

18 (1) the extent to which providing whistleblower
19 protections for pharmacists and pharmacy technicians
20 reporting violation of worker policies and requiring
21 pharmacies to have at least one pharmacy technician on duty
22 whenever the practice of pharmacy is conducted, to set a
23 prescription filling limit of not more than 10
24 prescriptions filled per hour, to mandate at least 10
25 pharmacy technician hours per 100 prescriptions filled, to

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

18 (2) the extent to which requiring the Department to
19 adopt rules requiring pharmacy prescription systems
20 contain mechanisms to require prescription discontinuation
21 orders to be forwarded to a pharmacy, to require patient
22 verification features for pharmacy automated prescription
23 refills, and to require that automated prescription
24 refills notices clearly communicate to patients the
25 medication name, dosage strength, and any other
26 information required by the Department governing the use of

1 automated dispensing and storage systems to ensure that
2 discontinued medications are not dispensed to a patient by
3 a pharmacist or by any automatic refill dispensing systems
4 whether prescribed through electronic prescriptions or
5 paper prescriptions may be integrated into the Pharmacy
6 Practice Act to better protect the public.

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

14 The Speaker of the House of Representatives, or his or her
15 designee, shall appoint the following voting members of the
16 Collaborative Pharmaceutical Task Force: a representative of a
17 statewide organization representing pharmacists; a
18 representative of a statewide organization exclusively
19 representing retailers, including pharmacies; a representative
20 of a statewide organization representing physicians licensed
21 to practice medicine in all its branches in Illinois; a
22 representative of a statewide organization representing
23 unionized pharmacy employees; a representative of a statewide
24 organization representing hospitals; a representative of a
25 statewide professional association representing pharmacists,
26 pharmacy technicians, pharmacy students, and others working in

1 or with an interest in hospital and health-system pharmacy; a
2 representative of a statewide association exclusively
3 representing long-term care pharmacists; and a retired
4 licensed pharmacist who has previously served on the Board of
5 Pharmacy and on the executive committee of a national
6 association representing pharmacists and who shall serve as the
7 chairperson of the Collaborative Pharmaceutical Task Force.

8 The Speaker of the House of Representatives, or his or her
9 designee, shall appoint the following non-voting members of the
10 Task Force: a representative of the University of Illinois at
11 Chicago College of Pharmacy and a clinical pharmacist who has
12 done extensive study in pharmacy e-prescribing and
13 e-discontinuation. The Secretary, or his or her designee, shall
14 appoint one non-voting member of the Task Force: a
15 representative of the Department. The Department shall provide
16 administrative support to the Collaborative Pharmaceutical
17 Task Force. The Collaborative Pharmaceutical Task Force shall
18 meet at least monthly at the call of the chairperson. The Task
19 Force may close a portion of a meeting as provided in Section
20 2a of the Open Meetings Act and the closed portion of the
21 meeting shall not be subject to disclosure under the Freedom of
22 Information Act.

23 No later than September 1, 2018, the voting members of the
24 Collaborative Pharmaceutical Task Force shall vote on
25 recommendations concerning the standards in paragraphs (1) and
26 (2) of this Section.

1 No later than October 1, 2018, the Department, in direct
2 consultation with the Collaborative Pharmaceutical Task Force,
3 shall propose rules for adoption that are consistent with the
4 Collaborative Pharmaceutical Task Force's recommendations, or
5 recommend legislation to the General Assembly, concerning the
6 standards in paragraphs (1) and (2) of this Section.

7 This Section is repealed on October 1, 2019.

8 (225 ILCS 85/5.5)

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

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

11 (a) Any person who practices, offers to practice, attempts
12 to practice, or holds oneself out to practice pharmacy without
13 being licensed under this Act shall, in addition to any other
14 penalty provided by law, pay a civil penalty to the Department
15 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
16 determined by the Department. The civil penalty shall be
17 assessed by the Department after a hearing is held in
18 accordance with the provisions set forth in this Act regarding
19 the provision of a hearing for the discipline of a licensee.

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

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

1 any court of record.

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

3 (225 ILCS 85/7) (from Ch. 111, par. 4127)

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

5 Sec. 7. Application; examination. Applications for
6 original licenses shall be made to the Department in writing or
7 electronically on forms prescribed by the Department and shall
8 be accompanied by the required fee, which shall not be
9 refundable. Any such application shall require such
10 information as in the judgment of the Department will enable
11 the Board and Department to pass on the qualifications of the
12 applicant for a license.

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

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

1 The examination shall be developed and provided by the National
2 Association of Boards of Pharmacy.

3 If an applicant neglects, fails or refuses to take an
4 examination or fails to pass an examination for a license under
5 this Act within 3 years after filing his application, the
6 application is denied. However, such applicant may thereafter
7 make a new application accompanied by the required fee and show
8 evidence of meeting the requirements in force at the time of
9 the new application.

10 The Department shall notify applicants taking the
11 examination of their results within 7 weeks of the examination
12 date. Further, the Department shall have the authority to
13 immediately authorize such applicants who successfully pass
14 the examination to engage in the practice of pharmacy.

15 An applicant shall have one year from the date of
16 notification of successful completion of the examination to
17 apply to the Department for a license. If an applicant fails to
18 make such application within one year the applicant shall be
19 required to again take and pass the examination.

20 An applicant who has graduated with a professional degree
21 from a school of pharmacy located outside of the United States
22 must do the following:

23 (1) obtain a Foreign Pharmacy Graduate Examination
24 Committee (FPGEC) Certificate;

25 (2) complete 1,200 hours of clinical training and
26 experience, as defined by rule, in the United States or its

1 territories; and

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

5 The Department may employ consultants for the purpose of
6 preparing and conducting examinations.

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

8 (225 ILCS 85/9) (from Ch. 111, par. 4129)

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

10 Sec. 9. Licensure ~~Registration~~ as registered pharmacy
11 technician.

12 (a) Any person shall be entitled to licensure ~~registration~~
13 as a registered pharmacy technician who is of the age of 16 or
14 over, has not engaged in conduct or behavior determined to be
15 grounds for discipline under this Act, is attending or has
16 graduated from an accredited high school or comparable school
17 or educational institution or received a high school
18 equivalency certificate, and has filed a written or electronic
19 application for licensure ~~registration~~ on a form to be
20 prescribed and furnished by the Department for that purpose.
21 The Department shall issue a license ~~certificate of~~
22 ~~registration~~ as a registered pharmacy technician to any
23 applicant who has qualified as aforesaid, and such license
24 ~~registration~~ shall be the sole authority required to assist
25 licensed pharmacists in the practice of pharmacy, under the

1 supervision of a licensed pharmacist. A registered pharmacy
2 technician may, under the supervision of a pharmacist, assist
3 in the practice of pharmacy and perform such functions as
4 assisting in the dispensing process, offering counseling,
5 receiving new verbal prescription orders, and having
6 prescriber contact concerning prescription drug order
7 clarification. A registered pharmacy technician may not engage
8 in patient counseling, drug regimen review, or clinical
9 conflict resolution.

10 (b) Beginning on January 1, 2017, within 2 years after
11 initial licensure ~~registration~~ as a registered pharmacy
12 technician, the licensee ~~registrant~~ must meet the requirements
13 described in Section 9.5 of this Act and become licensed
14 ~~register~~ as a registered certified pharmacy technician. If the
15 licensee ~~registrant~~ has not yet attained the age of 18, then
16 upon the next renewal as a registered pharmacy technician, the
17 licensee ~~registrant~~ must meet the requirements described in
18 Section 9.5 of this Act and become licensed ~~register~~ as a
19 registered certified pharmacy technician. This requirement
20 does not apply to pharmacy technicians registered prior to
21 January 1, 2008.

22 (c) Any person registered as a pharmacy technician who is
23 also enrolled in a first professional degree program in
24 pharmacy in a school or college of pharmacy or a department of
25 pharmacy of a university approved by the Department or has
26 graduated from such a program within the last 18 months, shall

1 be considered a "student pharmacist" and entitled to use the
2 title "student pharmacist". A student pharmacist must meet all
3 of the requirements for licensure ~~registration~~ as a registered
4 pharmacy technician set forth in this Section excluding the
5 requirement of certification prior to the second license
6 ~~registration~~ renewal and pay the required registered pharmacy
7 technician license ~~registration~~ fees. A student pharmacist
8 may, under the supervision of a pharmacist, assist in the
9 practice of pharmacy and perform any and all functions
10 delegated to him or her by the pharmacist.

11 (d) Any person seeking licensure as a pharmacist who has
12 graduated from a pharmacy program outside the United States
13 must register as a pharmacy technician and shall be considered
14 a "student pharmacist" and be entitled to use the title
15 "student pharmacist" while completing the 1,200 clinical hours
16 of training approved by the Board of Pharmacy described and for
17 no more than 18 months after completion of these hours. These
18 individuals are not required to become registered certified
19 pharmacy technicians while completing their Board approved
20 clinical training, but must become licensed as a pharmacist or
21 become licensed as a registered certified pharmacy technician
22 before the second pharmacy technician license ~~registration~~
23 renewal following completion of the Board approved clinical
24 training.

25 (e) The Department shall not renew the registered pharmacy
26 technician license of any person who has been licensed

1 ~~registered~~ as a registered pharmacy technician with the
2 designation "student pharmacist" who: (1) and has dropped out
3 of or been expelled from an ACPE accredited college of
4 pharmacy; (2) , who has failed to complete his or her 1,200
5 hours of Board approved clinical training within 24 months; or
6 (3) who has failed the pharmacist licensure examination 3
7 times. The Department and shall require these individuals to
8 meet the requirements of and become licensed ~~registered~~ as a
9 registered certified pharmacy technician.

10 (f) The Department may take any action set forth in Section
11 30 of this Act with regard to a license ~~registrations~~ pursuant
12 to this Section.

13 (g) Any person who is enrolled in a non-traditional
14 Pharm.D. program at an ACPE accredited college of pharmacy and
15 is ~~a~~ licensed as a registered pharmacist under the laws of
16 another United States jurisdiction shall be permitted to engage
17 in the program of practice experience required in the academic
18 program by virtue of such license. Such person shall be exempt
19 from the requirement of licensure ~~registration~~ as a registered
20 pharmacy technician or registered certified pharmacy
21 technician while engaged in the program of practice experience
22 required in the academic program.

23 An applicant for licensure ~~registration~~ as a registered
24 pharmacy technician may assist a pharmacist in the practice of
25 pharmacy for a period of up to 60 days prior to the issuance of
26 a license ~~certificate of registration~~ if the applicant has

1 submitted the required fee and an application for licensure
2 ~~registration~~ to the Department. The applicant shall keep a copy
3 of the submitted application on the premises where the
4 applicant is assisting in the practice of pharmacy. The
5 Department shall forward confirmation of receipt of the
6 application with start and expiration dates of practice pending
7 licensure ~~registration~~.

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

9 (225 ILCS 85/9.5)

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

11 Sec. 9.5. Registered certified pharmacy technician.

12 (a) An individual licensed ~~registered~~ as a registered
13 pharmacy technician under this Act may be licensed ~~registered~~
14 as a registered certified pharmacy technician, if he or she
15 meets all of the following requirements:

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

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

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

21 (4) He or she has (i) graduated from pharmacy
22 technician training meeting the requirements set forth in
23 subsection (a) of Section 17.1 of this Act or (ii) obtained
24 documentation from the pharmacist-in-charge of the
25 pharmacy where the applicant is employed verifying that he

1 or she has successfully completed a training program and
2 has successfully completed an objective assessment
3 mechanism prepared in accordance with rules established by
4 the Department.

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

8 (6) He or she has paid the required licensure
9 ~~certification~~ fees.

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

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

17 (d) A person who is not a licensed registered pharmacy
18 technician and meets the requirements of this Section may be
19 licensed ~~register~~ as a registered certified pharmacy
20 technician without first being licensed ~~registering~~ as a
21 registered pharmacy technician.

22 (e) As a condition for the renewal of a license ~~certificate~~
23 ~~of registration~~ as a registered certified pharmacy technician,
24 the licensee ~~registrant~~ shall provide evidence to the
25 Department of completion of a total of 20 hours of continuing
26 pharmacy education during the 24 months preceding the

1 expiration date of the certificate as established by rule. One
2 hour of continuing pharmacy education must be in the subject of
3 pharmacy law. One hour of continuing pharmacy education must be
4 in the subject of patient safety. The continuing education
5 shall be approved by the Accreditation Council on Pharmacy
6 Education.

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

15 Rules developed under this subsection (e) may provide for a
16 reasonable annual fee, not to exceed \$20, to fund the cost of
17 such recordkeeping. The Department may ~~shall~~, by rule, further
18 provide an orderly process for the restoration ~~reinstatement~~ of
19 a license ~~registration~~ that has not been renewed due to the
20 failure to meet the continuing pharmacy education requirements
21 of this subsection (e). The Department may waive the
22 requirements of continuing pharmacy education, in whole or in
23 part, in cases of extreme hardship as defined by rule of the
24 Department. The waivers may ~~shall~~ be granted for not more than
25 one of any 3 consecutive renewal periods.

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

1 (225 ILCS 85/10) (from Ch. 111, par. 4130)

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

3 Sec. 10. State Board of Pharmacy.

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

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

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

23 (d) In making the appointment of members on the Board, the
24 Governor shall give due consideration to recommendations by the
25 members of the profession of pharmacy and by pharmacy

1 organizations therein. The Governor shall notify the pharmacy
2 organizations promptly of any vacancy of members on the Board
3 and in appointing members shall give consideration to
4 individuals engaged in all types and settings of pharmacy
5 practice.

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

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

16 (g) The Board shall hold quarterly meetings at such times
17 and places and upon notice as the Department may determine and
18 as its business may require. A majority of the Board members
19 currently appointed shall constitute a quorum. A vacancy in the
20 membership of the Board shall not impair the right of a quorum
21 to exercise all the rights and perform all the duties of the
22 Board.

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

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

1 (225 ILCS 85/11) (from Ch. 111, par. 4131)

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

3 Sec. 11. Duties of the Department. The Department shall
4 exercise the powers and duties prescribed by the Civil
5 Administrative Code of Illinois for the administration of
6 Licensing Acts and shall exercise such other powers and duties
7 necessary for effectuating the purpose of this Act. The powers
8 and duties of the Department also include ~~However, the~~
9 ~~following powers and duties shall be exercised only upon review~~
10 ~~of the Board of Pharmacy to take such action:~~

11 (a) Formulation of ~~Formulate~~ such rules, not inconsistent
12 with law and subject to the Illinois Administrative Procedure
13 Act, as may be necessary to carry out the purposes and enforce
14 the provisions of this Act. The Secretary ~~Director~~ may grant
15 variances from any such rules as provided for in this Section. ~~†~~

16 (b) The suspension, revocation, placing on probationary
17 status, reprimand, ~~and~~ refusing to issue or restore, or taking
18 any other disciplinary or non-disciplinary action against any
19 license ~~or certificate of registration~~ issued under the
20 provisions of this Act for the reasons set forth in Section 30
21 of this Act.

22 (c) The issuance, renewal, restoration, or reissuance of
23 any license or certificate which has been previously refused to
24 be issued or renewed, or has been revoked, suspended or placed
25 on probationary status.

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

4 (1) the provision from which the variance is granted is
5 not statutorily mandated;

6 (2) no party will be injured by the granting of the
7 variance; and

8 (3) the rule from which the variance is granted would,
9 in the particular case, be unreasonable or unnecessarily
10 burdensome.

11 The Secretary ~~Director~~ shall give consideration to the
12 recommendations of ~~notify~~ the State Board of Pharmacy regarding
13 ~~of the~~ granting of such variance and the reasons therefor, ~~at~~
14 ~~the next meeting of the Board.~~

15 (d) The Secretary shall appoint a chief pharmacy
16 coordinator who ~~and at least 2 deputy pharmacy coordinators,~~
17 ~~all of whom~~ shall be a licensed pharmacist ~~registered~~
18 ~~pharmacists~~ in good standing in this State, shall be a graduate
19 ~~graduates~~ of an accredited college of pharmacy or hold, at a
20 minimum, a bachelor of science degree in pharmacy, and shall
21 have at least 5 years of experience in the practice of pharmacy
22 immediately prior to his or her appointment. The chief pharmacy
23 coordinator shall be the executive administrator and the chief
24 enforcement officer of this Act. ~~The deputy pharmacy~~
25 ~~coordinators shall report to the chief pharmacy coordinator.~~
26 ~~The Secretary shall assign at least one deputy pharmacy~~

1 ~~coordinator to a region composed of Cook County and such other~~
2 ~~counties as the Secretary may deem appropriate, and such deputy~~
3 ~~pharmacy coordinator shall have his or her primary office in~~
4 ~~Chicago. The Secretary shall assign at least one deputy~~
5 ~~pharmacy coordinator to a region composed of the balance of~~
6 ~~counties in the State, and such deputy pharmacy coordinator~~
7 ~~shall have his or her primary office in Springfield.~~

8 (e) The Department Secretary shall, in conformity with the
9 Personnel Code, employ such pharmacy investigators as deemed
10 necessary ~~not less than 4 pharmacy investigators~~ who shall
11 report to the chief pharmacy coordinator ~~or a deputy pharmacy~~
12 ~~coordinator~~. Each pharmacy investigator shall be a licensed
13 pharmacist unless employed as a pharmacy investigator on or
14 before August 27, 2015 (the effective date of Public Act
15 99-473) ~~this amendatory Act of the 99th General Assembly~~. The
16 Department shall also employ at least one attorney to prosecute
17 violations of this Act and its rules. The Department may, in
18 conformity with the Personnel Code, employ such clerical and
19 other employees as are necessary to carry out the duties of the
20 Board and Department.

21 The duly authorized pharmacy investigators of the
22 Department shall have the right to enter and inspect, during
23 business hours, any pharmacy or any other place in this State
24 holding itself out to be a pharmacy where medicines, drugs or
25 drug products, or proprietary medicines are sold, offered for
26 sale, exposed for sale, or kept for sale.

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

2 (225 ILCS 85/12) (from Ch. 111, par. 4132)

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

4 Sec. 12. Expiration of license; renewal.

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

8 (b) As a condition for the renewal of a license ~~certificate~~
9 ~~of registration~~ as a pharmacist, the licensee ~~registrant~~ shall
10 provide evidence to the Department of completion of a total of
11 30 hours of pharmacy continuing education during the 24 months
12 preceding the expiration date of the certificate. Such
13 continuing education shall be approved by the Accreditation
14 Council on Pharmacy Education.

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

23 (d) Rules developed under this Section may provide for a
24 reasonable biennial fee, not to exceed \$20, to fund the cost of
25 such recordkeeping. The Department may ~~shall~~, by rule, further

1 provide an orderly process for the restoration ~~reinstatement~~ of
2 licenses which have not been renewed due to the failure to meet
3 the continuing education requirements of this Section. The
4 requirements of continuing education may be waived, in whole or
5 in part, in cases of extreme hardship as defined by rule of the
6 Department. Such waivers shall be granted for not more than one
7 of any 3 consecutive renewal periods.

8 (e) Any pharmacist who has permitted his license to expire
9 or who has had his license on inactive status may have his
10 license restored by making application to the Department and
11 filing proof acceptable to the Department of his fitness to
12 have his license restored, and by paying the required
13 restoration fee. The Department shall determine, by an
14 evaluation program established by rule his fitness for
15 restoration of his license and shall establish procedures and
16 requirements for such restoration. However, any pharmacist who
17 demonstrates that he has continuously maintained active
18 practice in another jurisdiction pursuant to a license in good
19 standing, and who has substantially complied with the
20 continuing education requirements of this Section shall not be
21 subject to further evaluation for purposes of this Section.

22 (f) Any licensee who shall engage in the practice for which
23 his or her license was issued while the license is expired or
24 on inactive status shall be considered to be practicing without
25 a license which, shall be grounds for discipline under Section
26 30 of this Act.

1 (g) Any pharmacy operating on an expired license is engaged
2 in the unlawful practice of pharmacy and is subject to
3 discipline under Section 30 of this Act. A pharmacy whose
4 license has been expired for one year or more may not have its
5 license restored but must apply for a new license and meet all
6 requirements for licensure. Any pharmacy whose license has been
7 expired for less than one year may apply for restoration of its
8 license and shall have its license restored.

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

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

21 (225 ILCS 85/13) (from Ch. 111, par. 4133)

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

23 Sec. 13. Inactive status.

24 (a) Any pharmacist, registered certified pharmacy
25 technician, or registered pharmacy technician who notifies the

1 Department, in writing or electronically on forms prescribed by
2 the Department, may elect to place his or her license on an
3 inactive status and shall be excused from payment of renewal
4 fees and completion of continuing education requirements until
5 he or she notifies the Department in writing of his or her
6 intent to restore his license.

7 (b) Any pharmacist, registered certified pharmacy
8 technician, or registered pharmacy pharmacist technician
9 requesting restoration from inactive status shall be required
10 to pay the current renewal fee and shall be required to restore
11 his or her license or certificate, as provided by rule of the
12 Department.

13 (c) Any pharmacist, registered certified pharmacy
14 technician, or registered pharmacy pharmacist technician whose
15 license is in inactive status shall not practice in the State
16 of Illinois.

17 (d) A pharmacy license may not be placed on inactive
18 status.

19 (e) Continued practice on a license which has lapsed or
20 been placed on inactive status shall be considered to be
21 practicing without a license.

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

23 (225 ILCS 85/15) (from Ch. 111, par. 4135)

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

25 Sec. 15. Pharmacy requirements.

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

4 (a) It has a licensed pharmacist, authorized to
5 practice pharmacy in this State under the provisions of
6 this Act, on duty whenever the practice of pharmacy is
7 conducted;

8 (b) Security provisions for all drugs and devices, as
9 determined by rule of the Department, are provided during
10 the absence from the licensed pharmacy of all licensed
11 pharmacists. Maintenance of security provisions is the
12 responsibility of the licensed pharmacist in charge; and

13 (c) The pharmacy is licensed under this Act to conduct
14 the practice of pharmacy in any and all forms from the
15 physical address of the pharmacy's primary inventory where
16 U.S. mail is delivered. If a facility, company, or
17 organization operates multiple pharmacies from multiple
18 physical addresses, a separate pharmacy license is
19 required for each different physical address.

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

26 (3) The Secretary may waive the requirement for a

1 pharmacist to be on duty at all times for State facilities not
2 treating human ailments. This waiver of the requirement remains
3 in effect until it is rescinded by the Secretary and the
4 Department provides written notice of the rescission to the
5 State facility.

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

18 (5) The holder of any license ~~or certificate of~~
19 ~~registration~~ shall conspicuously display it in the pharmacy in
20 which he is engaged in the practice of pharmacy. The pharmacist
21 in charge shall conspicuously display his name in such
22 pharmacy. The pharmacy license shall also be conspicuously
23 displayed.

24 (Source: P.A. 95-689, eff. 10-29-07; 96-219, eff. 8-10-09;
25 96-1000, eff. 7-2-10.)

1 (225 ILCS 85/16) (from Ch. 111, par. 4136)

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

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

9 In the event the ~~designated~~ pharmacist in charge dies or
10 otherwise ceases to function in that capacity, or when the
11 license of the pharmacist in charge has been suspended or
12 revoked, the owner of the pharmacy shall be required to notify
13 the Department, on forms provided by the Department, of the
14 identity of the new pharmacist in charge.

15 It is the duty of every pharmacist in charge who ceases to
16 function in that capacity to report to the Department within 30
17 days of the date on which he ceased such functions for such
18 pharmacy. It is the duty of every owner of a pharmacy licensed
19 under this Act to report to the Department within 30 days of
20 the date on which the pharmacist in charge died or ceased to
21 function in that capacity and to specify a new pharmacist in
22 charge. Failure to provide such notification to the Department
23 shall be grounds for disciplinary action.

24 No license shall be issued to any pharmacy unless such
25 pharmacy has a pharmacist in charge and each such pharmacy
26 license shall indicate on the face thereof the pharmacist in

1 charge.

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

3 (225 ILCS 85/16a) (from Ch. 111, par. 4136a)

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

5 Sec. 16a. (a) The Department shall establish rules ~~and~~
6 ~~regulations~~, consistent with the provisions of this Act,
7 governing nonresident pharmacies, including pharmacies
8 providing services via the Internet, which sell, or offer for
9 sale, drugs, medicines, or other pharmaceutical services in
10 this State.

11 (b) The Department shall require and provide for a ~~an~~
12 ~~annual~~ nonresident ~~special~~ pharmacy license ~~registration~~ for
13 all pharmacies located outside of this State that dispense
14 medications for Illinois residents and mail, ship, or deliver
15 prescription medications into this State. A nonresident
16 ~~Nonresident-special~~ pharmacy license ~~registration~~ shall be
17 granted by the Department upon the disclosure and certification
18 by a pharmacy:

19 (1) that it is licensed in the state in which the
20 dispensing facility is located and from which the drugs are
21 dispensed;

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

25 (3) that it complies with all lawful directions and

1 requests for information from the board of pharmacy of each
2 state in which it is licensed or registered, except that it
3 shall respond directly to all communications from the Board
4 or Department concerning any circumstances arising from
5 the dispensing of drugs to residents of this State;

6 (4) that it maintains its records of drugs dispensed to
7 residents of this State so that the records are readily
8 retrievable from the records of other drugs dispensed;

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

13 (6) that during its regular hours of operation, but not
14 less than 6 days per week, for a minimum of 40 hours per
15 week, a toll-free telephone service is provided to
16 facilitate communication between patients in this State
17 and a pharmacist at the nonresident pharmacy who has access
18 to the patients' records. The toll-free number must be
19 disclosed on the label affixed to each container of drugs
20 dispensed to residents of this State.

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

22 (225 ILCS 85/17) (from Ch. 111, par. 4137)

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

24 Sec. 17. Disposition of legend drugs on cessation of
25 pharmacy operations.

1 (a) The pharmacist in charge of a pharmacy which has its
2 pharmacy license revoked or otherwise ceases operation shall
3 notify the Department and forward to the Department a copy of
4 the closing inventory of controlled substances and a statement
5 indicating the intended manner of disposition of all legend
6 drugs and prescription files within 30 days of such revocation
7 or cessation of operation.

8 (b) The Department shall approve the intended manner of
9 disposition of all legend drugs prior to disposition of such
10 drugs by the pharmacist in charge.

11 (1) The Department shall notify the pharmacist in
12 charge of approval of the manner of disposition of all
13 legend drugs, or disapproval accompanied by reasons for
14 such disapproval, within 30 days of receipt of the
15 statement from the pharmacist in charge. In the event that
16 the manner of disposition is not approved, the pharmacist
17 in charge shall notify the Department of an alternative
18 manner of disposition within 30 days of the receipt of
19 disapproval.

20 (2) If disposition of all legend drugs does not occur
21 within 30 days after approval is received from the
22 Department, or if no alternative method of disposition is
23 submitted to the Department within 30 days of the
24 Department's disapproval, the Secretary ~~Director~~ shall
25 notify the pharmacist in charge by mail at the address of
26 the closing pharmacy, of the Department's intent to

1 confiscate all legend drugs. The Notice of Intent to
2 Confiscate shall be the final administrative decision of
3 the Department, as that term is defined in the
4 Administrative Review Law, and the confiscation of all
5 prescription drugs shall be effected.

6 (b-5) In the event that the pharmacist in charge has died
7 or is otherwise physically incompetent to perform the duties of
8 this Section, the owner of a pharmacy that has its license
9 revoked or otherwise ceases operation shall be required to
10 fulfill the duties otherwise imposed upon the pharmacist in
11 charge.

12 (c) The pharmacist in charge of a pharmacy which acquires
13 prescription files from a pharmacy which ceases operation shall
14 be responsible for the preservation of such acquired
15 prescriptions for the remainder of the term that such
16 prescriptions are required to be preserved by this Act.

17 (d) Failure to comply with this Section shall be grounds
18 for denying an application or renewal application for a
19 pharmacy license or for disciplinary action against a license
20 registration.

21 (e) Compliance with the provisions of the Illinois
22 Controlled Substances Act concerning the disposition of
23 controlled substances shall be deemed compliance with this
24 Section with respect to legend drugs which are controlled
25 substances.

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

1 (225 ILCS 85/17.1)

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

3 Sec. 17.1. Registered pharmacy ~~Pharmacy~~ technician
4 training.

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

10 (1) The duties and responsibilities of the technicians
11 and pharmacists.

12 (2) Tasks and technical skills, policies, and
13 procedures.

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

15 (4) Pharmaceutical and medical terminology.

16 (5) Record keeping requirements.

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

19 (b) Within 6 months after initial employment or changing
20 the duties and responsibilities of a registered pharmacy
21 technician, it shall be the joint responsibility of the
22 pharmacy and the pharmacist in charge to train the registered
23 pharmacy technician or obtain proof of prior training in the
24 areas listed in subsection (a) of this Section as they relate
25 to the practice site or to document that the pharmacy

1 technician is making appropriate progress.

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

5 (d) All pharmacies shall create and maintain retrievable
6 records of training or proof of training as required in this
7 Section.

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

9 (225 ILCS 85/18) (from Ch. 111, par. 4138)

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

11 Sec. 18. Record retention. There ~~Except as provided in~~
12 ~~subsection (b), there~~ shall be kept in every drugstore or
13 pharmacy a suitable book, file, or electronic record keeping
14 system in which shall be preserved for a period of not less
15 than 5 years the original, or an exact, unalterable image, of
16 every written prescription and the original transcript or copy
17 of every verbal prescription filled, compounded, or dispensed,
18 in such pharmacy; and such book, ~~or~~ file, or electronic record
19 keeping system of prescriptions shall at all reasonable times
20 be open to inspection to the chief pharmacy coordinator and the
21 duly authorized agents or employees of the Department.

22 Every prescription filled or refilled shall contain the
23 unique identifiers of the persons authorized to practice
24 pharmacy under the provision of this Act who fills or refills
25 the prescription.

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

4 (1) the records maintained in the alternative data
5 retention system contain all of the information required in
6 a manual record;

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

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

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

17 As used in this Section, "digital imaging system" means a
18 system, including people, machines, methods of organization,
19 and procedures, that provides input, storage, processing,
20 communications, output, and control functions for digitized
21 representations of original prescription records.

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

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

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

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

9 (1) Prior to dispensing pursuant to any such prescription,
10 the dispensing pharmacist shall:

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

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

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

20 (d) Record in writing or electronically the
21 prescription order, the name of the pharmacy at which the
22 prescription was on file, the prescription number, the name
23 of the drug and the original amount dispensed, the date of
24 original dispensing, and the number of remaining
25 authorized refills.

26 (e) Obtain the consent of the prescriber to the

1 refilling of the prescription when the prescription, in the
2 professional judgment of the dispensing pharmacist, so
3 requires.

4 (2) Upon receipt of a request for prescription information
5 set forth in subparagraph (d) of paragraph (1) of this Section,
6 if the requested pharmacist is satisfied in his professional
7 judgment that such request is valid and legal, the requested
8 pharmacist shall:

9 (a) Provide such information accurately and
10 completely.

11 (b) Record electronically or, if in writing, on the
12 face of the prescription, the name of the requesting
13 pharmacy and pharmacist and the date of request.

14 (c) Cancel the prescription on file by writing the word
15 "void" on its face or the electronic equivalent, if not in
16 written format. No further prescription information shall
17 be given or medication dispensed pursuant to such original
18 prescription.

19 (3) In the event that, after the information set forth in
20 subparagraph (d) of paragraph (1) of this Section has been
21 provided, a prescription is not dispensed by the requesting
22 pharmacist, then such pharmacist shall provide notice of this
23 fact to the pharmacy from which such information was obtained;
24 such notice shall then cancel the prescription in the same
25 manner as set forth in subparagraph (c) of paragraph (2) of
26 this Section.

1 (4) When filling or refilling a valid prescription on file
2 in another state, the dispensing pharmacist shall be required
3 to follow all the requirements of Illinois law which apply to
4 the dispensing of prescription drugs. If anything in Illinois
5 law prevents the filling or refilling of the original
6 prescription it shall be unlawful to dispense pursuant to this
7 Section.

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

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

15 (225 ILCS 85/20) (from Ch. 111, par. 4140)

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

17 Sec. 20. Dispensing systems.

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

20 (b) Pharmacies using such a common electronic file are not
21 required to physically transfer prescriptions or information
22 for dispensing purposes between or among pharmacies
23 participating in the same common prescription file; provided,
24 however any such common file must contain complete and adequate
25 records of such prescription and refill dispensed as stated in

1 Section 18.

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

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

11 (e) The dispensing by a pharmacist licensed in this State
12 or another state of a prescription contained in a common
13 database shall not constitute a transfer, provided that (1) ~~(i)~~
14 all pharmacies involved in the transactions pursuant to which
15 the prescription is dispensed and all pharmacists engaging in
16 dispensing functions are properly licensed, permitted, or
17 registered in this State or another jurisdiction, (2) ~~(ii)~~ a
18 policy and procedures manual that governs all participating
19 pharmacies and pharmacists is available to the Department upon
20 request and includes the procedure for maintaining appropriate
21 records for regulatory oversight for tracking a prescription
22 during each stage of the filling and dispensing process, and
23 (3) ~~(iii)~~ the pharmacists involved in filling and dispensing
24 the prescription and counseling the patient are identified. A
25 pharmacist shall be accountable only for the specific tasks
26 performed.

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

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

7 (225 ILCS 85/22) (from Ch. 111, par. 4142)

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

9 Sec. 22. Except only in the case of a drug, medicine or
10 poison which is lawfully sold or dispensed, at retail, in the
11 original and unbroken package of the manufacturer, packer, or
12 distributor thereof, and which package bears the original label
13 thereon showing the name and address of the manufacturer,
14 packer, or distributor thereof, and the name of the drug,
15 medicine, or poison therein contained, and the directions for
16 its use, no person shall sell or dispense, at retail, any drug,
17 medicine, or poison, without affixing to the box, bottle,
18 vessel, or package containing the same, a label bearing the
19 name of the article distinctly shown, and the directions for
20 its use, with the name and address of the pharmacy wherein the
21 same is sold or dispensed. However, in the case of a drug,
22 medicine, or poison which is sold or dispensed pursuant to a
23 prescription of a physician licensed to practice medicine in
24 all of its branches, a physician assistant in accordance with
25 subsection (f) of Section 4 of this Act, an advanced practice

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

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

20 (225 ILCS 85/22b)

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

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

23 (a) Automated pharmacy systems must have adequate security
24 and procedures to comply with federal and State laws and
25 regulations and maintain patient confidentiality, as defined

1 by rule.

2 (b) Access to and dispensing from an automated pharmacy
3 system shall be limited to pharmacists or personnel who are
4 designated in writing by the pharmacist-in-charge and have
5 completed documented training concerning their duties
6 associated with the automated pharmacy system.

7 (c) All drugs stored in relation to an automated pharmacy
8 system must be stored in compliance with this Act and the rules
9 adopted under this Act, including the requirements for
10 temperature, proper storage containers, handling of outdated
11 drugs, prescription dispensing, and delivery.

12 (d) An automated pharmacy system operated from a remote
13 site shall be under the continuous supervision of a home
14 pharmacy pharmacist. To qualify as continuous supervision, the
15 pharmacist is not required to be physically present at the site
16 of the automated pharmacy system if the system is supervised
17 electronically by a pharmacist, as defined by rule.

18 (e) Drugs may only be dispensed at a remote site through an
19 automated pharmacy system after receipt of an original
20 prescription drug order by a pharmacist at the home pharmacy. A
21 pharmacist at the home pharmacy must control all operations of
22 the automated pharmacy system and approve the release of the
23 initial dose of a prescription drug order. Refills from an
24 approved prescription drug order may be removed from the
25 automated medication system after this initial approval. Any
26 change made in the prescription drug order shall require a new

1 approval by a pharmacist to release the drug.

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

19 An automated pharmacy system must use a bar code verification,
20 electronic, or similar process, as defined by rule, to ensure
21 that the proper medication is dispensed from the automated
22 system. A record of each transaction with the automated
23 pharmacy system must be maintained for 5 years. A prescription
24 dispensed from an automated pharmacy system shall be deemed to
25 have been approved by the pharmacist. No automated pharmacy
26 system shall be operated prior to inspection and approval by

1 the Department.

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

3 (225 ILCS 85/25.10)

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

5 Sec. 25.10. Remote prescription processing.

6 (a) In this Section, "remote prescription processing"
7 means and includes the outsourcing of certain prescription
8 functions to another pharmacy or licensed non-resident
9 pharmacy, ~~including the dispensing of drugs.~~ "Remote
10 prescription processing" includes any of the following
11 activities related to the dispensing process:

12 (1) Receiving, interpreting, evaluating, or clarifying
13 prescriptions.

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

16 (3) Transferring prescription information.

17 (4) Performing a drug regimen review.

18 (5) Obtaining refill or substitution authorizations or
19 otherwise communicating with the prescriber concerning a
20 patient's prescription.

21 (6) Evaluating clinical data for prior authorization
22 for dispensing.

23 (7) Discussing therapeutic interventions with
24 prescribers.

25 (8) Providing drug information or counseling

1 concerning a patient's prescription to the patient or
2 patient's agent, as defined in this Act.

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

5 (1) The pharmacies shall either have the same owner or
6 have a written contract describing the scope of services to
7 be provided and the responsibilities and accountabilities
8 of each pharmacy in compliance with all federal and State
9 laws and regulations related to the practice of pharmacy.

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

13 (3) The records may be maintained separately by each
14 pharmacy or in common electronic file shared by both
15 pharmacies, provided that the system can produce a record
16 at either location that shows ~~showing~~ each processing task,
17 the identity of the person performing each task, and the
18 location where each task was performed.

19 (c) Nothing in this Section shall prohibit an individual
20 employee licensed as a pharmacist from accessing the employer
21 pharmacy's database from a pharmacist's home or other remote
22 location or home verification for the purpose of performing
23 certain prescription processing functions, provided that the
24 pharmacy establishes controls to protect the privacy and
25 security of confidential records.

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

1 (225 ILCS 85/25.15)

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

3 Sec. 25.15. Telepharmacy.

4 (a) In this Section, "telepharmacy" means the provision of
5 pharmacist care by a pharmacist that is accomplished through
6 the use of telecommunications or other technologies to patients
7 or their agents who are at a distance and are located within
8 the United States, and which follows all federal and State
9 laws, rules, and regulations with regard to privacy and
10 security.

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

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

16 (2) An automated pharmacy or prescription dispensing
17 machine system may be used in conjunction with the
18 pharmacy's practice of telepharmacy after inspection and
19 approval by the Department.

20 (3) The pharmacist in charge shall:

21 (A) be responsible for the practice of
22 telepharmacy performed at a remote pharmacy, including
23 the supervision of any prescription dispensing machine
24 or automated medication system;

25 (B) ensure that the home pharmacy has sufficient

1 pharmacists on duty for the safe operation and
2 supervision of all remote pharmacies;

3 (C) ensure, through the use of a video and auditory
4 communication system, that a registered certified
5 pharmacy technician at the remote pharmacy has
6 accurately and correctly prepared any prescription for
7 dispensing according to the prescription;

8 (D) be responsible for the supervision and
9 training of registered certified pharmacy technicians
10 at remote pharmacies who shall be subject to all rules
11 and regulations; and

12 (E) ensure that patient counseling at the remote
13 pharmacy is performed by a pharmacist or student
14 pharmacist.

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

16 (225 ILCS 85/27) (from Ch. 111, par. 4147)

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

18 Sec. 27. Fees.

19 (a) The Department shall, by rule, provide for a schedule
20 of fees to be paid for licenses and certificates. These fees
21 shall be for the administration and enforcement of this Act,
22 including without limitation original licensure and renewal
23 and restoration of licensure. All fees are nonrefundable.

24 (b) Applicants for any examination as a pharmacist shall be
25 required to pay, either to the Department or to the designated

1 testing service, a fee covering the cost of determining an
2 applicant's eligibility and providing the examination. Failure
3 to appear for the examination on the scheduled date, at the
4 time and place specified, after the applicant's application for
5 examination has been received and acknowledged by the
6 Department or the designated testing service, shall result in
7 the forfeiture of the examination fee.

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

17 (d) All fees, fines, or penalties received by the
18 Department under this Act shall be deposited in the Illinois
19 State Pharmacy Disciplinary Fund hereby created in the State
20 Treasury and shall be used by the Department in the exercise of
21 its powers and performance of its duties under this Act,
22 including, but not limited to, the provision for evidence in
23 pharmacy investigations.

24 Moneys in the Fund may be transferred to the Professions
25 Indirect Cost Fund as authorized under Section 2105-300 of the
26 Department of Professional Regulation Law (20 ILCS

1 2105/2105-300).

2 The moneys deposited in the Illinois State Pharmacy
3 Disciplinary Fund shall be invested to earn interest which
4 shall accrue to the Fund.

5 (e) From the money received for license renewal fees, \$5
6 from each pharmacist fee, and \$2.50 from each pharmacy
7 technician fee, shall be set aside within the Illinois State
8 Pharmacy Disciplinary Fund for the purpose of supporting a
9 substance abuse program for pharmacists and pharmacy
10 technicians.

11 (f) A pharmacy, manufacturer of controlled substances, or
12 wholesale distributor of controlled substances that is
13 licensed under this Act and owned and operated by the State is
14 exempt from licensure, ~~registration~~, renewal, and other fees
15 required under this Act.

16 Pharmacists and pharmacy technicians working in facilities
17 owned and operated by the State are not exempt from the payment
18 of fees required by this Act and any rules adopted under this
19 Act.

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

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

24 (225 ILCS 85/28) (from Ch. 111, par. 4148)

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

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

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

1 (225 ILCS 85/30) (from Ch. 111, par. 4150)

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

3 Sec. 30. Refusal, revocation, ~~or~~ suspension, or other
4 discipline.

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

12 1. Material misstatement in furnishing information to
13 the Department.

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

16 3. Making any misrepresentation for the purpose of
17 obtaining licenses.

18 4. A pattern of conduct which demonstrates
19 incompetence or unfitness to practice.

20 5. Aiding or assisting another person in violating any
21 provision of this Act or rules.

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

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

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

12 9. Directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership, or association
14 any fee, commission, rebate or other form of compensation
15 for any professional services not actually or personally
16 rendered. Nothing in this item 9 affects any bona fide
17 independent contractor or employment arrangements among
18 health care professionals, health facilities, health care
19 providers, or other entities, except as otherwise
20 prohibited by law. Any employment arrangements may include
21 provisions for compensation, health insurance, pension, or
22 other employment benefits for the provision of services
23 within the scope of the licensee's practice under this Act.
24 Nothing in this item 9 shall be construed to require an
25 employment arrangement to receive professional fees for
26 services rendered.

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

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

6 12. Physical illness, including but not limited to,
7 deterioration through the aging process, or loss of motor
8 skill which results in the inability to practice the
9 profession with reasonable judgment, skill or safety.

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

12 14. Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or
14 sentencing, including, but not limited to, convictions,
15 preceding sentences of supervision, conditional discharge,
16 or first offender probation, under the laws of any
17 jurisdiction of the United States that is (i) a felony or
18 (ii) a misdemeanor, an essential element of which is
19 dishonesty, or that is directly related to the practice of
20 pharmacy. The applicant or licensee has been convicted in
21 state or federal court of or entered a plea of guilty, nolo
22 contendere, or the equivalent in a state or federal court
23 to any crime which is a felony or any misdemeanor related
24 to the practice of pharmacy or which an essential element
25 is dishonesty.

26 15. Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants or any other chemical agent or drug
2 which results in the inability to practice with reasonable
3 judgment, skill or safety.

4 16. Willfully making or filing false records or reports
5 in the practice of pharmacy, including, but not limited to
6 false records to support claims against the medical
7 assistance program of the Department of Healthcare and
8 Family Services (formerly Department of Public Aid) under
9 the Public Aid Code.

10 17. Gross and willful overcharging for professional
11 services including filing false statements for collection
12 of fees for which services are not rendered, including, but
13 not limited to, filing false statements for collection of
14 monies for services not rendered from 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 18. Dispensing prescription drugs without receiving a
19 written or oral prescription in violation of law.

20 19. Upon a finding of a substantial discrepancy in a
21 Department audit of a prescription drug, including
22 controlled substances, as that term is defined in this Act
23 or in the Illinois Controlled Substances Act.

24 20. Physical or mental illness or any other impairment
25 or disability, including, without limitation: (A)
26 deterioration through the aging process or loss of motor

1 skills that results in the inability to practice with
2 reasonable judgment, skill or safety; ~~7~~ or (B) mental
3 incompetence, as declared by a court of competent
4 jurisdiction.

5 21. Violation of the Health Care Worker Self-Referral
6 Act.

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

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

17 24. Failing to report within 60 days to the Department
18 any adverse final action taken against a pharmacy,
19 pharmacist, registered pharmacy ~~pharmacist~~ technician, or
20 registered certified pharmacy ~~pharmacist~~ technician by
21 another licensing jurisdiction in any other state or any
22 territory of the United States or any foreign jurisdiction,
23 any governmental agency, any law enforcement agency, or any
24 court for acts or conduct similar to acts or conduct that
25 would constitute grounds for discipline as defined in this
26 Section.

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

3 26. Disclosing protected health information in
4 violation of any State or federal law.

5 27. Willfully failing to report an instance of
6 suspected abuse, neglect, financial exploitation, or
7 self-neglect of an eligible adult as defined in and
8 required by the Adult Protective Services Act.

9 28. Being named as an abuser in a verified report by
10 the Department on Aging under the Adult Protective Services
11 Act, and upon proof by clear and convincing evidence that
12 the licensee abused, neglected, or financially exploited
13 an eligible adult as defined in the Adult Protective
14 Services Act.

15 (b) The Department may refuse to issue or may suspend the
16 license ~~or registration~~ of any person who fails to file a
17 return, or to pay the tax, penalty or interest shown in a filed
18 return, or to pay any final assessment of tax, penalty or
19 interest, as required by any tax Act administered by the
20 Illinois Department of Revenue, until such time as the
21 requirements of any such tax Act are satisfied.

22 (c) The Department shall revoke any ~~the~~ license ~~or~~
23 ~~certificate of registration~~ issued under the provisions of this
24 Act or any prior Act of this State of any person who has been
25 convicted a second time of committing any felony under the
26 Illinois Controlled Substances Act, or who has been convicted a

1 second time of committing a Class 1 felony under Sections 8A-3
2 and 8A-6 of the Illinois Public Aid Code. A person whose
3 license ~~or certificate of registration~~ issued under the
4 provisions of this Act or any prior Act of this State is
5 revoked under this subsection (c) shall be prohibited from
6 engaging in the practice of pharmacy in this State.

7 (d) Fines may be imposed in conjunction with other forms of
8 disciplinary action, but shall not be the exclusive disposition
9 of any disciplinary action arising out of conduct resulting in
10 death or injury to a patient. Fines shall be paid within 60
11 days or as otherwise agreed to by the Department. Any funds
12 collected from such fines shall be deposited in the Illinois
13 State Pharmacy Disciplinary Fund.

14 (e) The entry of an order or judgment by any circuit court
15 establishing that any person holding a license or certificate
16 under this Act is a person in need of mental treatment operates
17 as a suspension of that license. A licensee may resume his or
18 her practice only upon the entry of an order of the Department
19 based upon a finding by the Board that he or she has been
20 determined to be recovered from mental illness by the court and
21 upon the Board's recommendation that the licensee be permitted
22 to resume his or her practice.

23 (f) The Department shall issue quarterly to the Board a
24 status of all complaints related to the profession received by
25 the Department.

26 (g) In enforcing this Section, the Board or the Department,

1 upon a showing of a possible violation, may compel any licensee
2 or applicant for licensure under this Act to submit to a mental
3 or physical examination or both, as required by and at the
4 expense of the Department. The examining physician, or
5 multidisciplinary team involved in providing physical and
6 mental examinations led by a physician consisting of one or a
7 combination of licensed physicians, licensed clinical
8 psychologists, licensed clinical social workers, licensed
9 clinical professional counselors, and other professional and
10 administrative staff, shall be those specifically designated
11 by the Department. The Board or the Department may order the
12 examining physician or any member of the multidisciplinary team
13 to present testimony concerning this mental or physical
14 examination of the licensee or applicant. No information,
15 report, or other documents in any way related to the
16 examination shall be excluded by reason of any common law or
17 statutory privilege relating to communication between the
18 licensee or applicant and the examining physician or any member
19 of the multidisciplinary team. The individual to be examined
20 may have, at his or her own expense, another physician of his
21 or her choice present during all aspects of the examination.
22 Failure of any individual to submit to a mental or physical
23 examination when directed shall result in the automatic
24 suspension ~~be grounds for suspension~~ of his or her license
25 until such time as the individual submits to the examination ~~if~~
26 ~~the Board finds, after notice and hearing, that the refusal to~~

1 ~~submit to the examination was without reasonable cause.~~ If the
2 Board or Department finds a pharmacist, registered certified
3 pharmacy technician, or registered pharmacy technician unable
4 to practice because of the reasons set forth in this Section,
5 the Board or Department shall require such pharmacist,
6 registered certified pharmacy technician, or registered
7 pharmacy technician to submit to care, counseling, or treatment
8 by physicians or other appropriate health care providers
9 approved or designated by the Department ~~Board~~ as a condition
10 for continued, reinstated, or renewed licensure to practice.
11 Any pharmacist, registered certified pharmacy technician, or
12 registered pharmacy technician whose license was granted,
13 continued, reinstated, renewed, disciplined, or supervised,
14 subject to such terms, conditions, or restrictions, and who
15 fails to comply with such terms, conditions, or restrictions or
16 to complete a required program of care, counseling, or
17 treatment, as determined by the chief pharmacy coordinator ~~or a~~
18 ~~deputy pharmacy coordinator~~, shall be referred to the Secretary
19 for a determination as to whether the licensee shall have his
20 or her license suspended immediately, pending a hearing by the
21 Board. In instances in which the Secretary immediately suspends
22 a license under this subsection (g), a hearing upon such
23 person's license must be convened by the Board within 15 days
24 after such suspension and completed without appreciable delay.
25 The Department and Board ~~Board~~ shall have the authority to
26 review the subject pharmacist's, registered certified pharmacy

1 technician's, or registered pharmacy technician's record of
2 treatment and counseling regarding the impairment.

3 (h) An individual or organization acting in good faith, and
4 not in a willful and wanton manner, in complying with this
5 Section by providing a report or other information to the
6 Board, by assisting in the investigation or preparation of a
7 report or information, by participating in proceedings of the
8 Board, or by serving as a member of the Board shall not, as a
9 result of such actions, be subject to criminal prosecution or
10 civil damages.

11 (i) Members of the Board shall be indemnified by the State
12 for any actions occurring within the scope of services on the
13 Board, done in good faith, and not willful and wanton in
14 nature. The Attorney General shall defend all such actions
15 unless he or she determines either that there would be a
16 conflict of interest in such representation or that the actions
17 complained of were not in good faith or were willful and
18 wanton.

19 If the Attorney General declines representation, the
20 member shall have the right to employ counsel of his or her
21 choice, whose fees shall be provided by the State, after
22 approval by the Attorney General, unless there is a
23 determination by a court that the member's actions were not in
24 good faith or were willful and wanton.

25 The member must notify the Attorney General within 7 days
26 of receipt of notice of the initiation of any action involving

1 services of the Board. Failure to so notify the Attorney
2 General shall constitute an absolute waiver of the right to a
3 defense and indemnification.

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

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

9 (225 ILCS 85/30.5)

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

11 Sec. 30.5. Suspension of license or certificate for failure
12 to pay restitution. The Department, without further process or
13 hearing, shall suspend the license issued under this Act ~~or~~
14 ~~other authorization to practice~~ of any person ~~issued under this~~
15 ~~Act~~ who has been certified by court order as not having paid
16 restitution to a person under Section 8A-3.5 of the Illinois
17 Public Aid Code or under Section 17-10.5 or 46-1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012. A person
19 whose license or other authorization to practice is suspended
20 under this Section is prohibited from practicing until the
21 restitution is made in full.

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

23 (225 ILCS 85/32) (from Ch. 111, par. 4152)

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

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

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

12 (225 ILCS 85/33) (from Ch. 111, par. 4153)

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

14 Sec. 33. The Secretary ~~Director of the Department~~ may, upon
15 receipt of a written communication from the Secretary of Human
16 Services, the Director of Healthcare and Family Services
17 (formerly Director of Public Aid), or the Director of Public
18 Health that continuation of practice of a person licensed or
19 registered under this Act constitutes an immediate danger to
20 the public, immediately suspend the license ~~or registration~~ of
21 such person without a hearing. In instances in which the
22 Secretary ~~Director~~ immediately suspends a license ~~or~~
23 ~~registration~~ under this Act, a hearing upon such person's
24 license must be convened by the Board within 15 days after such
25 suspension and completed without appreciable delay, such

1 hearing held to determine whether to recommend to the Secretary
2 ~~Director~~ that the person's license be revoked, suspended,
3 placed on probationary status or reinstated, or such person be
4 subject to other disciplinary action. In such hearing, the
5 written communication and any other evidence submitted
6 therewith may be introduced as evidence against such person;
7 provided however, the person, or his counsel, shall have the
8 opportunity to discredit or impeach such evidence and submit
9 evidence rebutting same.

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

11 (225 ILCS 85/34) (from Ch. 111, par. 4154)

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

13 Sec. 34. The determination by a circuit court that a
14 licensee is subject to involuntary admission or judicial
15 admission as provided in the "Mental Health and Developmental
16 Disabilities Code", approved September 5, 1978, as now or
17 hereafter amended operates as an automatic suspension. Such
18 suspension will end only upon a finding by a court that the
19 patient is no longer subject to involuntary admission or
20 judicial admission and issues an order so finding and
21 discharging the patient; and upon the recommendation of the
22 Board to the Department ~~Director~~ that the licensee be allowed
23 to resume his practice.

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

1 (225 ILCS 85/35.1) (from Ch. 111, par. 4155.1)

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

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

17 (b) If any person shall practice as a pharmacist or hold
18 himself out as a pharmacist or operate a pharmacy or drugstore,
19 including a nonresident pharmacy under Section 16a, without
20 being licensed under the provisions of this Act, then any
21 licensed pharmacist, any interested party or any person injured
22 thereby may, in addition to the Secretary ~~Director~~, petition
23 for relief as provided in subsection (a) of this Section.

24 Whoever knowingly practices or offers to practice in this
25 State without being appropriately licensed or registered under
26 this Act shall be guilty of a Class A misdemeanor and for each

1 subsequent conviction, shall be guilty of a Class 4 felony.

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

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

13 (225 ILCS 85/35.2) (from Ch. 111, par. 4155.2)

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

15 Sec. 35.2. The Department's pharmacy investigators may
16 investigate the actions of any applicant or of any person or
17 persons holding or claiming to hold a license ~~or registration~~.
18 The Department shall, before suspending, revoking, placing on
19 probationary status, or taking any other disciplinary or
20 non-disciplinary action as the Department may deem proper with
21 regard to any license ~~or certificate~~, at least 30 days prior to
22 the date set for the hearing, notify the accused in writing of
23 any charges made and the time and place for a hearing of the
24 charges before the Board, direct him or her to file his or her
25 written answer thereto to the Board under oath within 20 days

1 after the service on him or her of such notice and inform him
2 or her that if he or she fails to file such answer default will
3 be taken against him or her and his or her license or
4 certificate may be suspended, revoked, placed on probationary
5 status, or have other disciplinary action, including limiting
6 the scope, nature or extent of his or her practice, provided
7 for herein. Such written notice may be served by personal
8 delivery, email to the respondent's email address of record, or
9 ~~certified or registered~~ mail to the respondent at his or her
10 address of record. At the time and place fixed in the notice,
11 the Board shall proceed to hear the charges and the parties or
12 their counsel shall be accorded ample opportunity to present
13 such statements, testimony, evidence and argument as may be
14 pertinent to the charges or to the defense thereto. Such
15 hearing may be continued from time to time. In case the accused
16 person, after receiving notice, fails to file an answer, his or
17 her license ~~or certificate~~ may, in the discretion of the
18 Secretary Director, having received first the recommendation
19 of the Board, be suspended, revoked, placed on probationary
20 status, or the Secretary Director may take whatever
21 disciplinary action as he or she may deem proper as provided
22 herein, including limiting the scope, nature, or extent of said
23 person's practice, without a hearing, if the act or acts
24 charged constitute sufficient grounds for such action under
25 this Act.

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

1 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

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

3 Sec. 35.5. The Department shall have power to subpoena and
4 bring before it any person in this State and to take testimony,
5 either orally or by deposition or both, with the same fees and
6 mileage and in the same manner as prescribed by law in judicial
7 proceedings in civil cases in circuit courts of this State. The
8 Department may subpoena and compel the production of documents,
9 papers, files, books, and records in connection with any
10 hearing or investigation.

11 The Secretary ~~Director~~, and any member of the Board, shall
12 each have power to administer oaths to witnesses at any hearing
13 which the Department is authorized to conduct under this Act,
14 and any other oaths required or authorized to be administered
15 by the Department hereunder.

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

17 (225 ILCS 85/35.6) (from Ch. 111, par. 4155.6)

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

19 Sec. 35.6. At the conclusion of the hearing, the Board
20 shall present to the Secretary ~~Director~~ a written report of its
21 findings of fact, conclusions of law, and recommendations. The
22 report shall contain a finding whether or not the accused
23 person violated this Act or failed to comply with the
24 conditions required in this Act. The Board shall specify the

1 nature of the violation or failure to comply, and shall make
2 its recommendations to the Secretary ~~Director~~.

3 The report of findings of fact, conclusions of law, and
4 recommendations of the Board shall be the basis for the
5 Department's order or refusal or for the granting of a license
6 ~~or registration~~. The finding is not admissible in evidence
7 against the person in a criminal prosecution brought for the
8 violation of this Act, but the hearing and finding are not a
9 bar to a criminal prosecution brought for the violation of this
10 Act.

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

12 (225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

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

14 Sec. 35.7. Notwithstanding the provisions of Section 35.6
15 of this Act, the Secretary ~~Director~~ shall have the authority to
16 appoint any attorney duly licensed to practice law in the State
17 of Illinois to serve as the hearing officer in any action
18 before the Board for refusal to issue, renew, or discipline of
19 a license ~~or certificate~~. ~~The Director shall notify the Board~~
20 ~~of any such appointment~~. The hearing officer shall have full
21 authority to conduct the hearing. There may ~~shall~~ be present ~~at~~
22 ~~least~~ one or more members ~~member~~ of the Board at any such
23 hearing. The hearing officer shall report his findings of fact,
24 conclusions of law and recommendations to the Board and the
25 Secretary ~~Director~~. The Board shall have 60 days from receipt

1 of the report to review the report of the hearing officer and
2 present their findings of fact, conclusions of law, and
3 recommendations to the Secretary ~~Director~~. If the Board fails
4 to present its report within the 60-day ~~60-day~~ period, the
5 respondent may request in writing a direct appeal to the
6 Secretary, in which case the Secretary may ~~shall, within 7~~
7 ~~calendar days after the request, issue an order directing the~~
8 ~~Board to issue its findings of fact, conclusions of law, and~~
9 ~~recommendations to the Secretary within 30 calendar days after~~
10 ~~such order. If the Board fails to issue its findings of fact,~~
11 ~~conclusions of law, and recommendations within that time frame~~
12 ~~to the Secretary after the entry of such order, the Secretary~~
13 ~~shall, within 30 calendar days thereafter, issue an order based~~
14 upon the report of the hearing officer and the record of the
15 proceedings or issue an order remanding the matter back to the
16 hearing officer for additional proceedings in accordance with
17 the order. ~~If (i) a direct appeal is requested, (ii) the Board~~
18 ~~fails to issue its findings of fact, conclusions of law, and~~
19 ~~recommendations within the 30 day mandate from the Secretary or~~
20 ~~the Secretary fails to order the Board to do so, and (iii) the~~
21 ~~Secretary fails to issue an order within 30 calendar days~~
22 ~~thereafter, then the hearing officer's report is deemed~~
23 ~~accepted and a final decision of the Secretary.~~ Notwithstanding
24 any other provision of this Section, if the Secretary, upon
25 review, determines that substantial justice has not been done
26 in the revocation, suspension, or refusal to issue or renew a

1 license or other disciplinary action taken as the result of the
2 entry of the hearing officer's report, the Secretary may order
3 a rehearing by the same or other examiners. If the Secretary
4 disagrees with the recommendation of the Board or the hearing
5 officer, the Secretary may issue an order in contravention of
6 the recommendation.

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

8 (225 ILCS 85/35.8) (from Ch. 111, par. 4155.8)

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

10 Sec. 35.8. In any case involving the refusal to issue,
11 renew or discipline of a license ~~or registration~~, a copy of the
12 Board's report shall be served upon the respondent by the
13 Department, either personally or as provided in this Act for
14 the service of the notice of hearing. Within 20 days after such
15 service, the respondent may present to the Department a motion
16 in writing for a rehearing, which motion shall specify the
17 particular grounds therefor. If no motion for rehearing is
18 filed, then upon the expiration of the time specified for
19 filing such a motion, or if a motion for rehearing is denied,
20 then upon such denial the Secretary ~~Director~~ may enter an order
21 in accordance with recommendations of the Board except as
22 provided in Section 35.6 or 35.7 of this Act. If the respondent
23 shall order from the reporting service, and pay for a
24 transcript of the record within the time for filing a motion
25 for rehearing, the 20-day ~~20-day~~ period within which such a

1 motion may be filed shall commence upon the delivery of the
2 transcript to the respondent.

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

4 (225 ILCS 85/35.12) (from Ch. 111, par. 4155.12)

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

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

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

18 (225 ILCS 85/35.13) (from Ch. 111, par. 4155.13)

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

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

24 (a) the signature is the genuine signature of the

1 Secretary Director;

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

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

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

7 (225 ILCS 85/35.14) (from Ch. 111, par. 4155.14)

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

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

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

20 (225 ILCS 85/35.15) (from Ch. 111, par. 4155.15)

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

22 Sec. 35.15. Upon the revocation or suspension of any
23 license ~~or registration~~, the holder shall forthwith surrender
24 the license ~~license(s) or registration(s)~~ to the Department and

1 if the licensee fails to do so, the Department shall have the
2 right to seize the license ~~license(s) or certificate(s)~~.

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

4 (225 ILCS 85/35.16) (from Ch. 111, par. 4155.16)

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

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

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

19 (225 ILCS 85/35.18) (from Ch. 111, par. 4155.18)

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

21 Sec. 35.18. Certification of record. The Department shall
22 not be required to certify any record to the court, ~~or~~ to file
23 an any answer in court, or to otherwise appear in any court in
24 a judicial review proceeding, ~~unless~~ and until the Department

1 has received from the plaintiff there is filed in the court,
2 with the complaint, a receipt from the Department acknowledging
3 payment of the costs of furnishing and certifying the record,
4 which costs shall be determined by the Department. Exhibits
5 shall be certified without cost. Failure on the part of the
6 plaintiff to file a receipt in court shall be grounds for
7 dismissal of the action. During the pendency and hearing of any
8 and all judicial proceedings incident to the disciplinary
9 action the sanctions imposed upon the accused by the Department
10 because of acts or omissions related to the delivery of direct
11 patient care as specified in the Department's final
12 administrative decision, shall, as a matter of public policy,
13 remain in full force and effect in order to protect the public
14 pending final resolution of any of the proceedings.

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

16 (225 ILCS 85/35.20 new)

17 Sec. 35.20. Confidentiality. All information collected by
18 the Department in the course of an examination or investigation
19 of a licensee or applicant, including, but not limited to, any
20 complaint against a licensee filed with the Department and
21 information collected to investigate any such complaint, shall
22 be maintained for the confidential use of the Department and
23 shall not be disclosed. The Department may not disclose the
24 information to anyone other than law enforcement officials,
25 other regulatory agencies that have an appropriate regulatory

1 interest as determined by the Secretary, or to a party
2 presenting a lawful subpoena to the Department. Information and
3 documents disclosed to a federal, State, county, or local law
4 enforcement agency shall not be disclosed by the agency for any
5 purpose to any other agency or person. A formal complaint filed
6 against a licensee by the Department or any order issued by the
7 Department against a licensee or applicant shall be a public
8 record, except as otherwise prohibited by law.

9 (225 ILCS 85/35.21 new)

10 Sec. 35.21. Citations.

11 (a) The Department shall adopt rules to permit the issuance
12 of citations to any licensee for any violation of this Act or
13 the rules. The citation shall be issued to the licensee or
14 other person alleged to have committed one or more violations
15 and shall contain the licensee's or other person's name and
16 address, the licensee's license number, if any, a brief factual
17 statement, the Sections of this Act or the rules allegedly
18 violated, and the penalty imposed, which shall not exceed
19 \$1,000. The citation must clearly state that if the cited
20 person wishes to dispute the citation, he or she may request in
21 writing, within 30 days after the citation is served, a hearing
22 before the Department. If the cited person does not request a
23 hearing within 30 days after the citation is served, then the
24 citation shall become a final, non-disciplinary order and any
25 fine imposed is due and payable. If the cited person requests a

1 hearing within 30 days after the citation is served, the
2 Department shall afford the cited person a hearing conducted in
3 the same manner as a hearing provided in this Act for any
4 violation of this Act and shall determine whether the cited
5 person committed the violation as charged and whether the fine
6 as levied is warranted. If the violation is found, any fine
7 shall constitute discipline and be due and payable within 30
8 days of the order of the Secretary. Failure to comply with any
9 final order may subject the licensed person to further
10 discipline or other action by the Department or a referral to
11 the State's Attorney.

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

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

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

20 (225 ILCS 85/36) (from Ch. 111, par. 4156)

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

22 Sec. 36. Illinois Administrative Procedure Act. The
23 Illinois Administrative Procedure Act is hereby expressly
24 adopted and incorporated herein as if all of the provisions of
25 that Act were included in this Act, except that the provision

1 of subsection (d) of Section 10-65 of the Illinois
2 Administrative Procedure Act that provides that at hearings the
3 licensee has the right to show compliance with all lawful
4 requirements for retention, continuation or renewal of the
5 license is specifically excluded. For the purpose of this Act,
6 the notice required under Section 10-25 of the Illinois
7 Administrative Procedure Act is deemed sufficient when
8 personally served, mailed to the address of record of the
9 applicant or licensee, or emailed to the email address of
10 record of the applicant or licensee ~~last known address of a~~
11 ~~party.~~

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

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