



Rep. Michael J. Zalewski

Filed: 10/24/2019

10100HB1270ham001

LRB101 03462 SMS 64097 a

1 AMENDMENT TO HOUSE BILL 1270

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1270 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.30 and 4.33 as follows:

6 (5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020:

9 The Community Association Manager Licensing and  
10 Disciplinary Act.

11 The Illinois Landscape Architecture Act of 1989.

12 ~~The Pharmacy Practice Act.~~

13 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;  
14 100-863, eff. 8-14-18; 101-269, eff. 8-9-19; 101-310, eff.  
15 8-9-19; 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313,  
16 eff. 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19;

1 101-357, eff. 8-9-19; revised 9-27-19.)

2 (5 ILCS 80/4.33)

3 Sec. 4.33. Acts repealed on January 1, 2023. The following  
4 Acts are repealed on January 1, 2023:

5 The Dietitian Nutritionist Practice Act.

6 The Elevator Safety and Regulation Act.

7 The Fire Equipment Distributor and Employee Regulation Act  
8 of 2011.

9 The Funeral Directors and Embalmers Licensing Code.

10 The Naprapathic Practice Act.

11 The Pharmacy Practice Act.

12 The Professional Counselor and Clinical Professional  
13 Counselor Licensing and Practice Act.

14 The Wholesale Drug Distribution Licensing Act.

15 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;  
16 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.  
17 8-22-12; 97-1130, eff. 8-28-12; 97-1141, eff. 12-28-12.)

18 Section 10. The Pharmacy Practice Act is amended by  
19 changing Sections 9, 9.5, 17.1, 30, 33, 35.3, 35.5, 35.9,  
20 35.10, and 35.21 and by adding Sections 15.1 and 22c as  
21 follows:

22 (225 ILCS 85/9) (from Ch. 111, par. 4129)

23 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 9. Licensure as registered pharmacy technician.

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

25           (b) Beginning on January 1, 2017, within 2 years after  
26 initial licensure as a registered pharmacy technician, the

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

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

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

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

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

20 (f) The Department may take any action set forth in Section  
21 30 of this Act with regard to a license pursuant to this  
22 Section.

23 (g) Any person who is enrolled in a non-traditional  
24 Pharm.D. program at an ACPE accredited college of pharmacy and  
25 is licensed as a registered pharmacist under the laws of  
26 another United States jurisdiction shall be permitted to engage

1 in the program of practice experience required in the academic  
2 program by virtue of such license. Such person shall be exempt  
3 from the requirement of licensure as a registered pharmacy  
4 technician or registered certified pharmacy technician while  
5 engaged in the program of practice experience required in the  
6 academic program.

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

17 (Source: P.A. 99-473, eff. 1-1-17; 100-497, eff. 9-8-17.)

18 (225 ILCS 85/9.5)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 9.5. Registered certified pharmacy technician.

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

25 (1) He or she has submitted a written application in

1 the form and manner prescribed by the Department.

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

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

5 (4) Beginning on January 1, 2022, a new pharmacy  
6 technician is required to have ~~He or she has~~ (i) graduated  
7 from a pharmacy technician training program that meets  
8 ~~meeting~~ the requirements set forth in subsection (a) of  
9 Section 17.1 of this Act or (ii) obtained documentation  
10 from the pharmacist-in-charge of the pharmacy where the  
11 applicant is employed verifying that he or she has  
12 successfully completed a standardized nationally  
13 accredited education and training program, and has  
14 successfully completed an objective assessment mechanism  
15 prepared in accordance with rules established by the  
16 Department.

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

20 (6) He or she has paid the required licensure fees.

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

26 (c) The Department may, by rule, establish any additional

1 requirements for licensure under this Section.

2 (d) A person who is not a licensed registered pharmacy  
3 technician and meets the requirements of this Section may be  
4 licensed as a registered certified pharmacy technician without  
5 first being licensed as a registered pharmacy technician.

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

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

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



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

9 (Source: P.A. 99-473, eff. 1-1-17; 100-497, eff. 9-8-17.)

10 (225 ILCS 85/15.1 new)

11 Sec. 15.1. Pharmacy working conditions.

12 (a) A pharmacy licensed under this Act shall not require a  
13 pharmacist, student pharmacist, or pharmacy technician to work  
14 longer than 12 continuous hours per day, inclusive of the  
15 breaks required under subsection (b).

16 (b) A pharmacist who works 6 continuous hours or longer per  
17 day shall be allowed to take, at a minimum, one 30-minute  
18 uninterrupted meal break and one 15-minute break during that  
19 6-hour period. If such pharmacist is required to work 12  
20 continuous hours per day, at a minimum, he or she qualifies for  
21 an additional 15-minute break. A pharmacist who is entitled to  
22 take such breaks shall not be required to work more than 5  
23 continuous hours, excluding a 15-minute break, before being  
24 given the opportunity to take a 30-minute uninterrupted meal  
25 break.

1       (c) A pharmacy may, but is not required to, close when a  
2 pharmacist is allowed to take a break under subsection (b). If  
3 the pharmacy does not close, the pharmacist shall either remain  
4 within the licensed pharmacy or within the establishment in  
5 which the licensed pharmacy is located in order to be available  
6 for emergencies. In addition, the following applies:

7           (1) pharmacy technicians, student pharmacists, and  
8 other supportive staff authorized by the pharmacist on duty  
9 may continue to perform duties as allowed under this Act;

10          (2) no duties reserved to pharmacists and student  
11 pharmacists under this Act, or that require the  
12 professional judgment of a pharmacist, may be performed by  
13 pharmacy technicians or other supportive staff; and

14          (3) only prescriptions that have received final  
15 verification by a pharmacist may be dispensed while the  
16 pharmacist is on break, except those prescriptions that  
17 require counseling by a pharmacist, including all new  
18 prescriptions and those refill prescriptions for which a  
19 pharmacist has determined that counseling is necessary,  
20 may be dispensed only if the following conditions are met:

21           (i) the patient or other individual who is picking  
22 up the prescription on behalf of the patient is told  
23 that the pharmacist is on a break and is offered the  
24 chance to wait until the pharmacist returns from break  
25 in order to receive counseling;

26           (ii) if the patient or other individual who is

1           picking up the prescription on behalf of the patient  
2           declines to wait, a telephone number at which the  
3           patient or other individual who is picking up the  
4           prescription on behalf of the patient can be reached is  
5           obtained;

6           (iii) after returning from the break, the  
7           pharmacist makes a reasonable effort to contact the  
8           patient or other individual who is picking up the  
9           prescription on behalf of the patient and provide  
10           counseling; and

11           (iv) the pharmacist documents the counseling that  
12           was provided or documents why counseling was not  
13           provided after a minimum of 2 attempts, including a  
14           description of the efforts made to contact the patient  
15           or other individual who is picking up the prescription  
16           on behalf of the patient; the documentation shall be  
17           retained by the pharmacy and made available for  
18           inspection by the Board or its authorized  
19           representatives for at least 2 years.

20           (d) In a pharmacy staffed by 2 or more pharmacists, the  
21           pharmacists shall stagger breaks so that at least one  
22           pharmacist remains on duty during all times that the pharmacy  
23           remains open for the transaction of business.

24           (e) A pharmacy shall keep and maintain a complete and  
25           accurate record showing its pharmacists' daily break periods.

26           (f) Subsections (a) and (b) shall not apply when an

1 emergency, as deemed by the professional judgment of the  
2 pharmacist, necessitates that a pharmacist, student  
3 pharmacist, or pharmacy technician work longer than 12  
4 continuous hours, work without taking required meal breaks, or  
5 have a break interrupted in order to minimize immediate health  
6 risks for patients.

7 (225 ILCS 85/17.1)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 17.1. Registered pharmacy technician training.

10 (a) Beginning January 1, 2022 ~~2004~~, it shall be the joint  
11 responsibility of a pharmacy and its pharmacist in charge to  
12 ensure that all new pharmacy technicians are educated and  
13 trained using a standard nationally accredited education and  
14 training program, as those accredited by the Accreditation  
15 Council for Pharmacy Education or the American Society of  
16 Health-System Pharmacists or other Board approved education  
17 and training programs. Training is also required in all of the  
18 following practice areas as they apply to State law and relate  
19 to the specific practice site and job responsibilities ~~have~~  
20 ~~trained all of its registered pharmacy technicians or obtain~~  
21 ~~proof of prior training in all of the following topics as they~~  
22 ~~relate to the practice site:~~

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

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

1 procedures.

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

3 (4) Pharmaceutical and medical terminology.

4 (5) Record keeping requirements.

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

7 (b) Within 2 years of initial licensure as a pharmacy  
8 technician and within 6 months before beginning any new ~~after~~  
9 ~~initial employment or changing the~~ duties and responsibilities  
10 of a registered pharmacy technician, it shall be the joint  
11 responsibility of the pharmacy and the pharmacist in charge to  
12 train the registered pharmacy technician or obtain proof of  
13 prior training in the areas listed in subsection (a) of this  
14 Section as they relate to the practice site or to document that  
15 the pharmacy technician is making appropriate progress.

16 (c) All pharmacies shall maintain an up-to-date training  
17 program policies and procedures manual describing the duties  
18 and responsibilities of a registered pharmacy technician and  
19 registered certified pharmacy technician.

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

23 (Source: P.A. 100-497, eff. 9-8-17.)

24 (225 ILCS 85/22c new)

25 Sec. 22c. Automated prescription refills.

1       (a) Before a prescription that has a refill on file from a  
2 prescribing practitioner may be included in an auto-refill  
3 program, a patient or patient's agent must enroll each  
4 prescription medication in an auto-refill program.  
5 Prescriptions without a refill on file are not eligible for  
6 auto-refill.

7       (b) Beginning January 1, 2022, a pharmacy using the  
8 National Council for Prescription Drug Programs's SCRIPT  
9 standard for receiving electronic prescriptions must enable,  
10 activate, and maintain the ability to receive transmissions of  
11 electronic prescription cancellation and to transmit  
12 cancellation response transactions.

13       (c) Within 2 business days of receipt of a prescription  
14 cancellation transaction, pharmacy staff must either review  
15 the cancellation transaction for deactivation or provide that  
16 deactivation occurs automatically.

17       (d) The Department shall adopt rules to implement this  
18 Section. The rules shall ensure that discontinued medications  
19 are not dispensed to a patient by a pharmacist or by any  
20 automatic refill dispensing systems, whether prescribed  
21 through electronic prescriptions or paper prescriptions.

22       (225 ILCS 85/30) (from Ch. 111, par. 4150)

23       (Section scheduled to be repealed on January 1, 2020)

24       Sec. 30. Refusal, revocation, suspension, or other  
25 discipline.

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

7                 1. Material misstatement in furnishing information to  
8                 the Department.

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

11                3. Making any misrepresentation for the purpose of  
12                obtaining licenses.

13                4. A pattern of conduct which demonstrates  
14                incompetence or unfitness to practice.

15                5. Aiding or assisting another person in violating any  
16                provision of this Act or rules.

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

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

22                8. Adverse action taken by another state or  
23                jurisdiction against a license or other authorization to  
24                practice as a pharmacy, pharmacist, registered certified  
25                pharmacy technician, or registered pharmacy technician  
26                that is the same or substantially equivalent to those set

1           forth in this Section, a certified copy of the record of  
2           the action taken by the other state or jurisdiction being  
3           prima facie evidence thereof.

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

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

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

24          12. Physical illness, including but not limited to,  
25          deterioration through the aging process, or loss of motor  
26          skill which results in the inability to practice the



1 profession with reasonable judgment, skill or safety.

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

4 14. Conviction by plea of guilty or nolo contendere,  
5 finding of guilt, jury verdict, or entry of judgment or  
6 sentencing, including, but not limited to, convictions,  
7 preceding sentences of supervision, conditional discharge,  
8 or first offender probation, under the laws of any  
9 jurisdiction of the United States that is (i) a felony or  
10 (ii) a misdemeanor, an essential element of which is  
11 dishonesty, or that is directly related to the practice of  
12 pharmacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Services Act.

2 29. Using advertisements or making solicitations that  
3 may jeopardize the health, safety, or welfare of patients,  
4 including, but not be limited to, the use of advertisements  
5 or solicitations that:

6 (A) are false, fraudulent, deceptive, or  
7 misleading; or

8 (B) include any claim regarding a professional  
9 service or product or the cost or price thereof that  
10 cannot be substantiated by the licensee.

11 30. Requiring a pharmacist to participate in the use or  
12 distribution of advertisements or in making solicitations  
13 that may jeopardize the health, safety, or welfare of  
14 patients.

15 31. Failing to provide a working environment for all  
16 pharmacy personnel that protects the health, safety, and  
17 welfare of a patient, which includes, but is not limited  
18 to, failing to:

19 (A) employ sufficient personnel to prevent  
20 fatigue, distraction, or other conditions that  
21 interfere with a pharmacist's ability to practice with  
22 competency and safety or creates an environment that  
23 jeopardizes patient care;

24 (B) provide appropriate opportunities for  
25 uninterrupted rest periods and meal breaks;

26 (C) provide adequate time for a pharmacist to

1           complete professional duties and responsibilities,  
2           including, but not limited to:

3                   (i) drug utilization review;

4                   (ii) immunization;

5                   (iii) counseling;

6                   (iv) verification of the accuracy of a  
7                   prescription; and

8                   (v) all other duties and responsibilities of a  
9                   pharmacist as listed in the rules of the  
10                  Department.

11           32. Introducing or enforcing external factors, such as  
12           productivity or production quotas or other programs  
13           against pharmacists, student pharmacists or pharmacy  
14           technicians, to the extent that they interfere with the  
15           ability of those individuals to provide appropriate  
16           professional services to the public.

17           33. Providing an incentive for or inducing the transfer  
18           of a prescription for a patient absent a professional  
19           rationale.

20           (b) The Department may refuse to issue or may suspend the  
21           license of any person who fails to file a return, or to pay the  
22           tax, penalty or interest shown in a filed return, or to pay any  
23           final assessment of tax, penalty or interest, as required by  
24           any tax Act administered by the Illinois Department of Revenue,  
25           until such time as the requirements of any such tax Act are  
26           satisfied.

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

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

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

1           (f) The Department shall issue quarterly to the Board a  
2 status of all complaints related to the profession received by  
3 the Department.

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

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



1 Department and Board shall have the authority to review the  
2 subject pharmacist's, registered certified pharmacy  
3 technician's, or registered pharmacy technician's record of  
4 treatment and counseling regarding the impairment.

5 (h) An individual or organization acting in good faith, and  
6 not in a willful and wanton manner, in complying with this  
7 Section by providing a report or other information to the  
8 Board, by assisting in the investigation or preparation of a  
9 report or information, by participating in proceedings of the  
10 Board, or by serving as a member of the Board shall not, as a  
11 result of such actions, be subject to criminal prosecution or  
12 civil damages. Any person who reports a violation of this  
13 Section to the Department is protected under subsection (b) of  
14 Section 15 of the Whistleblower Act.

15 (i) Members of the Board shall have no liability in any  
16 action based upon any disciplinary proceedings or other  
17 activity performed in good faith as a member of the Board ~~be~~  
18 ~~indemnified by the State for any actions occurring within the~~  
19 ~~scope of services on the Board, done in good faith, and not~~  
20 ~~willful and wanton in nature.~~ The Attorney General shall defend  
21 all such actions unless he or she determines either that there  
22 would be a conflict of interest in such representation or that  
23 the actions complained of were not in good faith or were  
24 willful and wanton.

25 If the Attorney General declines representation, the  
26 member shall have the right to employ counsel of his or her

1 choice, whose fees shall be provided by the State, after  
2 approval by the Attorney General, unless there is a  
3 determination by a court that the member's actions were not in  
4 good faith or were willful and wanton.

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

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

13 (Source: P.A. 100-497, eff. 9-8-17.)

14 (225 ILCS 85/33) (from Ch. 111, par. 4153)

15 (Section scheduled to be repealed on January 1, 2020)

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

1 suspension and completed without appreciable delay, such  
2 hearing held to determine whether to recommend to the Secretary  
3 that the person's license be revoked, suspended, placed on  
4 probationary status or restored ~~reinstated~~, or such person be  
5 subject to other disciplinary action. In such hearing, the  
6 written communication and any other evidence submitted  
7 therewith may be introduced as evidence against such person;  
8 provided however, the person, or his counsel, shall have the  
9 opportunity to discredit or impeach such evidence and submit  
10 evidence rebutting same.

11 (Source: P.A. 100-497, eff. 9-8-17.)

12 (225 ILCS 85/35.3) (from Ch. 111, par. 4155.3)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 35.3. The Department, at its expense, shall preserve a  
15 record of all proceedings at the formal hearing of any case  
16 involving the refusal to issue, renew or discipline of a  
17 license. The notice of hearing, complaint and all other  
18 documents in the nature of pleadings and written motions filed  
19 in the proceedings, the transcript of testimony, the report of  
20 the Board or hearing officer, exhibits, and orders of the  
21 Department shall be the record of such proceeding.

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

23 (225 ILCS 85/35.5) (from Ch. 111, par. 4155.5)

24 (Section scheduled to be repealed on January 1, 2020)

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

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

14       (Source: P.A. 100-497, eff. 9-8-17.)

15           (225 ILCS 85/35.9) (from Ch. 111, par. 4155.9)

16           (Section scheduled to be repealed on January 1, 2020)

17           Sec. 35.9. Whenever the Secretary ~~Director~~ is satisfied  
18 that substantial justice has not been done in the revocation,  
19 suspension or refusal to issue or renew a license or  
20 registration, the Secretary ~~Director~~ may order a rehearing by  
21 the same hearing officer and Board.

22       (Source: P.A. 88-428.)

23           (225 ILCS 85/35.10) (from Ch. 111, par. 4155.10)

24           (Section scheduled to be repealed on January 1, 2020)

1           Sec. 35.10. None of the disciplinary functions, powers and  
2 duties enumerated in this Act shall be exercised by the  
3 Department except upon the review of the Board.

4           ~~In all instances, under this Act, in which the Board has~~  
5 ~~rendered a recommendation to the Director with respect to a~~  
6 ~~particular license or certificate, the Director shall, in the~~  
7 ~~event that he or she disagrees with or takes action contrary to~~  
8 ~~the recommendation of the Board, file with the Board his or her~~  
9 ~~specific written reasons of disagreement with the Board.~~

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

11           (225 ILCS 85/35.21)

12           (Section scheduled to be repealed on January 1, 2020)

13           Sec. 35.21. Citations.

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

1 does not request a hearing within 30 days after the citation is  
2 served, then the citation shall become a final,  
3 non-disciplinary order and any fine imposed is due and payable.  
4 If the cited person requests a hearing within 30 days after the  
5 citation is served, the Department shall afford the cited  
6 person a hearing conducted in the same manner as a hearing  
7 provided in this Act for any violation of this Act and shall  
8 determine whether the cited person committed the violation as  
9 charged and whether the fine as levied is warranted. If the  
10 violation is found, any fine shall constitute discipline and be  
11 due and payable within 30 days of the order of the Secretary.  
12 Failure to comply with any final order may subject the licensed  
13 person to further discipline or other action by the Department  
14 or a referral to the State's Attorney.

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

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

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

23 (e) The Department may adopt rules for the issuance of  
24 citations in accordance with this Section.

25 (Source: P.A. 100-497, eff. 9-8-17.)

1 (225 ILCS 85/2.5 rep.)

2 (225 ILCS 85/4.5 rep.)

3 (225 ILCS 85/29 rep.)

4 (225 ILCS 85/35.12 rep.)

5 Section 15. The Pharmacy Practice Act is amended by  
6 repealing Sections 2.5, 4.5, 29, and 35.12.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law, except that Sections 10 and 15 take effect  
9 January 1, 2020."