



Sen. Don Harmon

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10200HB4664sam002

LRB102 24218 LNS 42555 a

1 AMENDMENT TO HOUSE BILL 4664

2 AMENDMENT NO. _____. Amend House Bill 4664 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-5. The Reproductive Health Act is amended by
6 changing Sections 1-10 and 1-20 as follows:

7 (775 ILCS 55/1-10)

8 Sec. 1-10. Definitions. As used in this Act:

9 "Abortion" means the use of any instrument, medicine,
10 drug, or any other substance or device to terminate the
11 pregnancy of an individual known to be pregnant with an
12 intention other than to increase the probability of a live
13 birth, to preserve the life or health of the child after live
14 birth, or to remove a dead fetus.

15 "Advanced practice registered nurse" has the same meaning

1 as it does in Section 50-10 of the Nurse Practice Act.

2 "Assisted reproduction" means a method of achieving a
3 pregnancy through the handling of human oocytes, sperm,
4 zygotes, or embryos for the purpose of establishing a
5 pregnancy. "Assisted reproduction" includes, but is not
6 limited to, methods of artificial insemination, in vitro
7 fertilization, embryo transfer, zygote transfer, embryo
8 biopsy, preimplantation genetic diagnosis, embryo
9 cryopreservation, oocyte, gamete, zygote, and embryo donation,
10 and gestational surrogacy.

11 "Department" means the Illinois Department of Public
12 Health.

13 "Fetal viability" means that, in the professional judgment
14 of the attending health care professional, based on the
15 particular facts of the case, there is a significant
16 likelihood of a fetus' sustained survival outside the uterus
17 without the application of extraordinary medical measures.

18 "Health care professional" means a person who is licensed
19 as a physician, advanced practice registered nurse, or
20 physician assistant.

21 "Health of the patient" means all factors that are
22 relevant to the patient's health and well-being, including,
23 but not limited to, physical, emotional, psychological, and
24 familial health and age.

25 "Maternity care" means the health care provided in
26 relation to pregnancy, labor and childbirth, and the

1 postpartum period, and includes prenatal care, care during
2 labor and birthing, and postpartum care extending through
3 one-year postpartum. Maternity care shall seek to optimize
4 positive outcomes for the patient, and be provided on the
5 basis of the physical and psychosocial needs of the patient.
6 Notwithstanding any of the above, all care shall be subject to
7 the informed and voluntary consent of the patient, or the
8 patient's legal proxy, when the patient is unable to give
9 consent.

10 "Physician" means any person licensed to practice medicine
11 in all its branches under the Medical Practice Act of 1987.

12 "Physician assistant" has the same meaning as it does in
13 Section 4 of the Physician Assistant Practice Act of 1987.

14 "Pregnancy" means the human reproductive process,
15 beginning with the implantation of an embryo.

16 "Prevailing party" has the same meaning as in the Illinois
17 Civil Rights Act of 2003.

18 "Reproductive health care" means health care offered,
19 arranged, or furnished for the purpose of preventing
20 pregnancy, terminating a pregnancy, managing pregnancy loss,
21 or improving maternal health and birth outcomes. "Reproductive
22 health care" includes, but is not limited to: contraception;
23 sterilization; preconception care; assisted reproduction;
24 maternity care; abortion care; and counseling regarding
25 reproductive health care.

26 "State" includes any branch, department, agency,

1 instrumentality, and official or other person acting under
2 color of law of this State or a political subdivision of the
3 State, including any unit of local government (including a
4 home rule unit), school district, instrumentality, or public
5 subdivision.

6 (Source: P.A. 101-13, eff. 6-12-19.)

7 (775 ILCS 55/1-20)

8 Sec. 1-20. Prohibited State actions; causes of action.

9 (a) The State shall not:

10 (1) deny, restrict, interfere with, or discriminate
11 against an individual's exercise of the fundamental rights
12 set forth in this Act, including individuals under State
13 custody, control, or supervision; or

14 (2) prosecute, punish, or otherwise deprive any
15 individual of the individual's rights for any act or
16 failure to act during the individual's own pregnancy, if
17 the predominant basis for such prosecution, punishment, or
18 deprivation of rights is the potential, actual, or
19 perceived impact on the pregnancy or its outcomes or on
20 the pregnant individual's own health.

21 (b) Any party aggrieved by conduct or regulation in
22 violation of this Act may bring a civil lawsuit, in a federal
23 district court or State circuit court, against the offending
24 unit of government. Any State claim brought in federal
25 district court shall be a supplemental claim to a federal

1 claim. Any lawsuit brought pursuant to this Act shall be
2 commenced within 2 years after the cause of action was
3 discovered.

4 (c) Upon motion, a court shall award reasonable attorney's
5 fees and costs, including expert witness fees and other
6 litigation expenses, to a plaintiff who is a prevailing party
7 in any action brought pursuant to this Section. In awarding
8 reasonable attorney's fees, the court shall consider the
9 degree to which the relief obtained relates to the relief
10 sought.

11 (Source: P.A. 101-13, eff. 6-12-19.)

12 Article 3.

13 Section 3-5. The Wrongful Death Act is amended by changing
14 Section 2.2 as follows:

15 (740 ILCS 180/2.2) (from Ch. 70, par. 2.2)

16 Sec. 2.2. The state of gestation or development of a human
17 being when an injury is caused, when an injury takes effect, or
18 at death, shall not foreclose maintenance of any cause of
19 action under the law of this State arising from the death of a
20 human being caused by wrongful act, neglect or default.

21 There shall be no cause of action against a licensed
22 health care professional ~~physician~~ or a medical institution
23 for the wrongful death of a fetus caused by an abortion where

1 the abortion was permitted by law and the requisite consent
2 was lawfully given. Provided, however, that a cause of action
3 is not prohibited where the fetus is live-born but
4 subsequently dies.

5 There shall be no cause of action against a physician or a
6 medical institution for the wrongful death of a fetus based on
7 the alleged misconduct of the physician or medical institution
8 where the defendant did not know and, under the applicable
9 standard of good medical care, had no medical reason to know of
10 the pregnancy of the mother of the fetus.

11 (Source: P.A. 81-946.)

12 Article 4.

13 Section 4-5. The Illinois Insurance Code is amended by
14 changing Section 356z.3a as follows:

15 (215 ILCS 5/356z.3a)

16 Sec. 356z.3a. Billing; emergency services;
17 nonparticipating providers.

18 (a) As used in this Section:

19 "Ancillary services" means:

20 (1) items and services related to emergency medicine,
21 anesthesiology, pathology, radiology, and neonatology that
22 are provided by any health care provider;

23 (2) items and services provided by assistant surgeons,

1 hospitalists, and intensivists;

2 (3) diagnostic services, including radiology and
3 laboratory services, except for advanced diagnostic
4 laboratory tests identified on the most current list
5 published by the United States Secretary of Health and
6 Human Services under 42 U.S.C. 300gg-132(b) (3);

7 (4) items and services provided by other specialty
8 practitioners as the United States Secretary of Health and
9 Human Services specifies through rulemaking under 42
10 U.S.C. 300gg-132(b) (3); ~~and~~

11 (5) items and services provided by a nonparticipating
12 provider if there is no participating provider who can
13 furnish the item or service at the facility; ~~and~~

14 (6) items and services provided by a nonparticipating
15 provider if there is no participating provider who will
16 furnish the item or service because a participating
17 provider has asserted the participating provider's rights
18 under the Health Care Right of Conscience Act.

19 "Cost sharing" means the amount an insured, beneficiary,
20 or enrollee is responsible for paying for a covered item or
21 service under the terms of the policy or certificate. "Cost
22 sharing" includes copayments, coinsurance, and amounts paid
23 toward deductibles, but does not include amounts paid towards
24 premiums, balance billing by out-of-network providers, or the
25 cost of items or services that are not covered under the policy
26 or certificate.

1 "Emergency department of a hospital" means any hospital
2 department that provides emergency services, including a
3 hospital outpatient department.

4 "Emergency medical condition" has the meaning ascribed to
5 that term in Section 10 of the Managed Care Reform and Patient
6 Rights Act.

7 "Emergency medical screening examination" has the meaning
8 ascribed to that term in Section 10 of the Managed Care Reform
9 and Patient Rights Act.

10 "Emergency services" means, with respect to an emergency
11 medical condition:

12 (1) in general, an emergency medical screening
13 examination, including ancillary services routinely
14 available to the emergency department to evaluate such
15 emergency medical condition, and such further medical
16 examination and treatment as would be required to
17 stabilize the patient regardless of the department of the
18 hospital or other facility in which such further
19 examination or treatment is furnished; or

20 (2) additional items and services for which benefits
21 are provided or covered under the coverage and that are
22 furnished by a nonparticipating provider or
23 nonparticipating emergency facility regardless of the
24 department of the hospital or other facility in which such
25 items are furnished after the insured, beneficiary, or
26 enrollee is stabilized and as part of outpatient

1 observation or an inpatient or outpatient stay with
2 respect to the visit in which the services described in
3 paragraph (1) are furnished. Services after stabilization
4 cease to be emergency services only when all the
5 conditions of 42 U.S.C. 300gg-111(a)(3)(C)(ii)(II) and
6 regulations thereunder are met.

7 "Freestanding Emergency Center" means a facility licensed
8 under Section 32.5 of the Emergency Medical Services (EMS)
9 Systems Act.

10 "Health care facility" means, in the context of
11 non-emergency services, any of the following:

- 12 (1) a hospital as defined in 42 U.S.C. 1395x(e);
- 13 (2) a hospital outpatient department;
- 14 (3) a critical access hospital certified under 42
15 U.S.C. 1395i-4(e);
- 16 (4) an ambulatory surgical treatment center as defined
17 in the Ambulatory Surgical Treatment Center Act; or
- 18 (5) any recipient of a license under the Hospital
19 Licensing Act that is not otherwise described in this
20 definition.

21 "Health care provider" means a provider as defined in
22 subsection (d) of Section 370g. "Health care provider" does
23 not include a provider of air ambulance or ground ambulance
24 services.

25 "Health care services" has the meaning ascribed to that
26 term in subsection (a) of Section 370g.

1 "Health insurance issuer" has the meaning ascribed to that
2 term in Section 5 of the Illinois Health Insurance Portability
3 and Accountability Act.

4 "Nonparticipating emergency facility" means, with respect
5 to the furnishing of an item or service under a policy of group
6 or individual health insurance coverage, any of the following
7 facilities that does not have a contractual relationship
8 directly or indirectly with a health insurance issuer in
9 relation to the coverage:

10 (1) an emergency department of a hospital;

11 (2) a Freestanding Emergency Center;

12 (3) an ambulatory surgical treatment center as defined
13 in the Ambulatory Surgical Treatment Center Act; or

14 (4) with respect to emergency services described in
15 paragraph (2) of the definition of "emergency services", a
16 hospital.

17 "Nonparticipating provider" means, with respect to the
18 furnishing of an item or service under a policy of group or
19 individual health insurance coverage, any health care provider
20 who does not have a contractual relationship directly or
21 indirectly with a health insurance issuer in relation to the
22 coverage.

23 "Participating emergency facility" means any of the
24 following facilities that has a contractual relationship
25 directly or indirectly with a health insurance issuer offering
26 group or individual health insurance coverage setting forth

1 the terms and conditions on which a relevant health care
2 service is provided to an insured, beneficiary, or enrollee
3 under the coverage:

4 (1) an emergency department of a hospital;

5 (2) a Freestanding Emergency Center;

6 (3) an ambulatory surgical treatment center as defined
7 in the Ambulatory Surgical Treatment Center Act; or

8 (4) with respect to emergency services described in
9 paragraph (2) of the definition of "emergency services", a
10 hospital.

11 For purposes of this definition, a single case agreement
12 between an emergency facility and an issuer that is used to
13 address unique situations in which an insured, beneficiary, or
14 enrollee requires services that typically occur out-of-network
15 constitutes a contractual relationship and is limited to the
16 parties to the agreement.

17 "Participating health care facility" means any health care
18 facility that has a contractual relationship directly or
19 indirectly with a health insurance issuer offering group or
20 individual health insurance coverage setting forth the terms
21 and conditions on which a relevant health care service is
22 provided to an insured, beneficiary, or enrollee under the
23 coverage. A single case agreement between an emergency
24 facility and an issuer that is used to address unique
25 situations in which an insured, beneficiary, or enrollee
26 requires services that typically occur out-of-network

1 constitutes a contractual relationship for purposes of this
2 definition and is limited to the parties to the agreement.

3 "Participating provider" means any health care provider
4 that has a contractual relationship directly or indirectly
5 with a health insurance issuer offering group or individual
6 health insurance coverage setting forth the terms and
7 conditions on which a relevant health care service is provided
8 to an insured, beneficiary, or enrollee under the coverage.

9 "Qualifying payment amount" has the meaning given to that
10 term in 42 U.S.C. 300gg-111(a)(3)(E) and the regulations
11 promulgated thereunder.

12 "Recognized amount" means the lesser of the amount
13 initially billed by the provider or the qualifying payment
14 amount.

15 "Stabilize" means "stabilization" as defined in Section 10
16 of the Managed Care Reform and Patient Rights Act.

17 "Treating provider" means a health care provider who has
18 evaluated the individual.

19 "Visit" means, with respect to health care services
20 furnished to an individual at a health care facility, health
21 care services furnished by a provider at the facility, as well
22 as equipment, devices, telehealth services, imaging services,
23 laboratory services, and preoperative and postoperative
24 services regardless of whether the provider furnishing such
25 services is at the facility.

26 (b) Emergency services. When a beneficiary, insured, or

1 enrollee receives emergency services from a nonparticipating
2 provider or a nonparticipating emergency facility, the health
3 insurance issuer shall ensure that the beneficiary, insured,
4 or enrollee shall incur no greater out-of-pocket costs than
5 the beneficiary, insured, or enrollee would have incurred with
6 a participating provider or a participating emergency
7 facility. Any cost-sharing requirements shall be applied as
8 though the emergency services had been received from a
9 participating provider or a participating facility. Cost
10 sharing shall be calculated based on the recognized amount for
11 the emergency services. If the cost sharing for the same item
12 or service furnished by a participating provider would have
13 been a flat-dollar copayment, that amount shall be the
14 cost-sharing amount unless the provider has billed a lesser
15 total amount. In no event shall the beneficiary, insured,
16 enrollee, or any group policyholder or plan sponsor be liable
17 to or billed by the health insurance issuer, the
18 nonparticipating provider, or the nonparticipating emergency
19 facility for any amount beyond the cost sharing calculated in
20 accordance with this subsection with respect to the emergency
21 services delivered. Administrative requirements or limitations
22 shall be no greater than those applicable to emergency
23 services received from a participating provider or a
24 participating emergency facility.

25 (b-5) Non-emergency services at participating health care
26 facilities.

1 (1) When a beneficiary, insured, or enrollee utilizes
2 a participating health care facility and, due to any
3 reason, covered ancillary services are provided by a
4 nonparticipating provider during or resulting from the
5 visit, the health insurance issuer shall ensure that the
6 beneficiary, insured, or enrollee shall incur no greater
7 out-of-pocket costs than the beneficiary, insured, or
8 enrollee would have incurred with a participating provider
9 for the ancillary services. Any cost-sharing requirements
10 shall be applied as though the ancillary services had been
11 received from a participating provider. Cost sharing shall
12 be calculated based on the recognized amount for the
13 ancillary services. If the cost sharing for the same item
14 or service furnished by a participating provider would
15 have been a flat-dollar copayment, that amount shall be
16 the cost-sharing amount unless the provider has billed a
17 lesser total amount. In no event shall the beneficiary,
18 insured, enrollee, or any group policyholder or plan
19 sponsor be liable to or billed by the health insurance
20 issuer, the nonparticipating provider, or the
21 participating health care facility for any amount beyond
22 the cost sharing calculated in accordance with this
23 subsection with respect to the ancillary services
24 delivered. In addition to ancillary services, the
25 requirements of this paragraph shall also apply with
26 respect to covered items or services furnished as a result

1 of unforeseen, urgent medical needs that arise at the time
2 an item or service is furnished, regardless of whether the
3 nonparticipating provider satisfied the notice and consent
4 criteria under paragraph (2) of this subsection.

5 (2) When a beneficiary, insured, or enrollee utilizes
6 a participating health care facility and receives
7 non-emergency covered health care services other than
8 those described in paragraph (1) of this subsection from a
9 nonparticipating provider during or resulting from the
10 visit, the health insurance issuer shall ensure that the
11 beneficiary, insured, or enrollee incurs no greater
12 out-of-pocket costs than the beneficiary, insured, or
13 enrollee would have incurred with a participating provider
14 unless the nonparticipating provider, or the participating
15 health care facility on behalf of the nonparticipating
16 provider, satisfies the notice and consent criteria
17 provided in 42 U.S.C. 300gg-132 and regulations
18 promulgated thereunder. If the notice and consent criteria
19 are not satisfied, then:

20 (A) any cost-sharing requirements shall be applied
21 as though the health care services had been received
22 from a participating provider;

23 (B) cost sharing shall be calculated based on the
24 recognized amount for the health care services; and

25 (C) in no event shall the beneficiary, insured,
26 enrollee, or any group policyholder or plan sponsor be

1 liable to or billed by the health insurance issuer,
2 the nonparticipating provider, or the participating
3 health care facility for any amount beyond the cost
4 sharing calculated in accordance with this subsection
5 with respect to the health care services delivered.

6 (c) Notwithstanding any other provision of this Code,
7 except when the notice and consent criteria are satisfied for
8 the situation in paragraph (2) of subsection (b-5), any
9 benefits a beneficiary, insured, or enrollee receives for
10 services under the situations in subsection ~~subsections~~ (b) or
11 (b-5) are assigned to the nonparticipating providers or the
12 facility acting on their behalf. Upon receipt of the
13 provider's bill or facility's bill, the health insurance
14 issuer shall provide the nonparticipating provider or the
15 facility with a written explanation of benefits that specifies
16 the proposed reimbursement and the applicable deductible,
17 copayment, or coinsurance amounts owed by the insured,
18 beneficiary, or enrollee. The health insurance issuer shall
19 pay any reimbursement subject to this Section directly to the
20 nonparticipating provider or the facility.

21 (d) For bills assigned under subsection (c), the
22 nonparticipating provider or the facility may bill the health
23 insurance issuer for the services rendered, and the health
24 insurance issuer may pay the billed amount or attempt to
25 negotiate reimbursement with the nonparticipating provider or
26 the facility. Within 30 calendar days after the provider or

1 facility transmits the bill to the health insurance issuer,
2 the issuer shall send an initial payment or notice of denial of
3 payment with the written explanation of benefits to the
4 provider or facility. If attempts to negotiate reimbursement
5 for services provided by a nonparticipating provider do not
6 result in a resolution of the payment dispute within 30 days
7 after receipt of written explanation of benefits by the health
8 insurance issuer, then the health insurance issuer or
9 nonparticipating provider or the facility may initiate binding
10 arbitration to determine payment for services provided on a
11 per-bill ~~per-bill~~ basis. The party requesting arbitration
12 shall notify the other party arbitration has been initiated
13 and state its final offer before arbitration. In response to
14 this notice, the nonrequesting party shall inform the
15 requesting party of its final offer before the arbitration
16 occurs. Arbitration shall be initiated by filing a request
17 with the Department of Insurance.

18 (e) The Department of Insurance shall publish a list of
19 approved arbitrators or entities that shall provide binding
20 arbitration. These arbitrators shall be American Arbitration
21 Association or American Health Lawyers Association trained
22 arbitrators. Both parties must agree on an arbitrator from the
23 Department of Insurance's or its approved entity's list of
24 arbitrators. If no agreement can be reached, then a list of 5
25 arbitrators shall be provided by the Department of Insurance
26 or the approved entity. From the list of 5 arbitrators, the

1 health insurance issuer can veto 2 arbitrators and the
2 provider or facility can veto 2 arbitrators. The remaining
3 arbitrator shall be the chosen arbitrator. This arbitration
4 shall consist of a review of the written submissions by both
5 parties. The arbitrator shall not establish a rebuttable
6 presumption that the qualifying payment amount should be the
7 total amount owed to the provider or facility by the
8 combination of the issuer and the insured, beneficiary, or
9 enrollee. Binding arbitration shall provide for a written
10 decision within 45 days after the request is filed with the
11 Department of Insurance. Both parties shall be bound by the
12 arbitrator's decision. The arbitrator's expenses and fees,
13 together with other expenses, not including attorney's fees,
14 incurred in the conduct of the arbitration, shall be paid as
15 provided in the decision.

16 (f) (Blank).

17 (g) Section 368a of this Act shall not apply during the
18 pendency of a decision under subsection (d). Upon the issuance
19 of the arbitrator's decision, Section 368a applies with
20 respect to the amount, if any, by which the arbitrator's
21 determination exceeds the issuer's initial payment under
22 subsection (c), or the entire amount of the arbitrator's
23 determination if initial payment was denied. Any interest
24 required to be paid to a provider under Section 368a shall not
25 accrue until after 30 days of an arbitrator's decision as
26 provided in subsection (d), but in no circumstances longer

1 than 150 days from the date the nonparticipating
2 facility-based provider billed for services rendered.

3 (h) Nothing in this Section shall be interpreted to change
4 the prudent layperson provisions with respect to emergency
5 services under the Managed Care Reform and Patient Rights Act.

6 (i) Nothing in this Section shall preclude a health care
7 provider from billing a beneficiary, insured, or enrollee for
8 reasonable administrative fees, such as service fees for
9 checks returned for nonsufficient funds and missed
10 appointments.

11 (j) Nothing in this Section shall preclude a beneficiary,
12 insured, or enrollee from assigning benefits to a
13 nonparticipating provider when the notice and consent criteria
14 are satisfied under paragraph (2) of subsection (b-5) or in
15 any other situation not described in subsection ~~subsections~~
16 (b) or (b-5).

17 (k) Except when the notice and consent criteria are
18 satisfied under paragraph (2) of subsection (b-5), if an
19 individual receives health care services under the situations
20 described in subsection ~~subsections~~ (b) or (b-5), no referral
21 requirement or any other provision contained in the policy or
22 certificate of coverage shall deny coverage, reduce benefits,
23 or otherwise defeat the requirements of this Section for
24 services that would have been covered with a participating
25 provider. However, this subsection shall not be construed to
26 preclude a provider contract with a health insurance issuer,

1 or with an administrator or similar entity acting on the
2 issuer's behalf, from imposing requirements on the
3 participating provider, participating emergency facility, or
4 participating health care facility relating to the referral of
5 covered individuals to nonparticipating providers.

6 (l) Except if the notice and consent criteria are
7 satisfied under paragraph (2) of subsection (b-5),
8 cost-sharing amounts calculated in conformity with this
9 Section shall count toward any deductible or out-of-pocket
10 maximum applicable to in-network coverage.

11 (m) The Department has the authority to enforce the
12 requirements of this Section in the situations described in
13 subsections (b) and (b-5), and in any other situation for
14 which 42 U.S.C. Chapter 6A, Subchapter XXV, Parts D or E and
15 regulations promulgated thereunder would prohibit an
16 individual from being billed or liable for emergency services
17 furnished by a nonparticipating provider or nonparticipating
18 emergency facility or for non-emergency health care services
19 furnished by a nonparticipating provider at a participating
20 health care facility.

21 (n) This Section does not apply with respect to air
22 ambulance or ground ambulance services. This Section does not
23 apply to any policy of excepted benefits or to short-term,
24 limited-duration health insurance coverage.

25 (Source: P.A. 102-901, eff. 7-1-22; revised 8-19-22.)

1 Article 5.

2 Section 5-5. The Counties Code is amended by changing
3 Section 5-1069.3 as follows:

4 (55 ILCS 5/5-1069.3)

5 Sec. 5-1069.3. Required health benefits. If a county,
6 including a home rule county, is a self-insurer for purposes
7 of providing health insurance coverage for its employees, the
8 coverage shall include coverage for the post-mastectomy care
9 benefits required to be covered by a policy of accident and
10 health insurance under Section 356t and the coverage required
11 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,
12 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
13 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
14 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,
15 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, ~~and~~ 356z.51, ~~and~~
16 356z.53, 356z.54, 356z.56, 356z.57, and 356z.59 of the
17 Illinois Insurance Code. The coverage shall comply with
18 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois
19 Insurance Code. The Department of Insurance shall enforce the
20 requirements of this Section. The requirement that health
21 benefits be covered as provided in this Section is an
22 exclusive power and function of the State and is a denial and
23 limitation under Article VII, Section 6, subsection (h) of the
24 Illinois Constitution. A home rule county to which this

1 Section applies must comply with every provision of this
2 Section.

3 Rulemaking authority to implement Public Act 95-1045, if
4 any, is conditioned on the rules being adopted in accordance
5 with all provisions of the Illinois Administrative Procedure
6 Act and all rules and procedures of the Joint Committee on
7 Administrative Rules; any purported rule not so adopted, for
8 whatever reason, is unauthorized.

9 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
10 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
11 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
12 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
13 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
14 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
15 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
16 revised 12-13-22.)

17 Section 5-10. The Illinois Municipal Code is amended by
18 changing Section 10-4-2.3 as follows:

19 (65 ILCS 5/10-4-2.3)

20 Sec. 10-4-2.3. Required health benefits. If a
21 municipality, including a home rule municipality, is a
22 self-insurer for purposes of providing health insurance
23 coverage for its employees, the coverage shall include
24 coverage for the post-mastectomy care benefits required to be

1 covered by a policy of accident and health insurance under
2 Section 356t and the coverage required under Sections 356g,
3 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.4, 356z.4a,
4 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
5 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,
6 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,
7 356z.45, 356z.46, 356z.47, 356z.48, ~~and~~ 356z.51, ~~and~~ 356z.53,
8 356z.54, 356z.56, 356z.57, and 356z.59 of the Illinois
9 Insurance Code. The coverage shall comply with Sections
10 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance
11 Code. The Department of Insurance shall enforce the
12 requirements of this Section. The requirement that health
13 benefits be covered as provided in this is an exclusive power
14 and function of the State and is a denial and limitation under
15 Article VII, Section 6, subsection (h) of the Illinois
16 Constitution. A home rule municipality to which this Section
17 applies must comply with every provision of this Section.

18 Rulemaking authority to implement Public Act 95-1045, if
19 any, is conditioned on the rules being adopted in accordance
20 with all provisions of the Illinois Administrative Procedure
21 Act and all rules and procedures of the Joint Committee on
22 Administrative Rules; any purported rule not so adopted, for
23 whatever reason, is unauthorized.

24 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
25 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
26 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,

1 eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff. 1-1-22;
2 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731, eff.
3 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816,
4 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;
5 revised 12-13-22.)

6 Section 5-15. The School Code is amended by changing
7 Section 10-22.3f as follows:

8 (105 ILCS 5/10-22.3f)

9 Sec. 10-22.3f. Required health benefits. Insurance
10 protection and benefits for employees shall provide the
11 post-mastectomy care benefits required to be covered by a
12 policy of accident and health insurance under Section 356t and
13 the coverage required under Sections 356g, 356g.5, 356g.5-1,
14 356q, 356u, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8,
15 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
16 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
17 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, ~~and~~
18 356z.51, ~~and~~ 356z.53, 356z.54, 356z.56, 356z.57, and 356z.59
19 of the Illinois Insurance Code. Insurance policies shall
20 comply with Section 356z.19 of the Illinois Insurance Code.
21 The coverage shall comply with Sections 155.22a, 355b, and
22 370c of the Illinois Insurance Code. The Department of
23 Insurance shall enforce the requirements of this Section.

24 Rulemaking authority to implement Public Act 95-1045, if

1 any, is conditioned on the rules being adopted in accordance
2 with all provisions of the Illinois Administrative Procedure
3 Act and all rules and procedures of the Joint Committee on
4 Administrative Rules; any purported rule not so adopted, for
5 whatever reason, is unauthorized.

6 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
7 101-393, eff. 1-1-20; 101-461, eff. 1-1-20; 101-625, eff.
8 1-1-21; 102-30, eff. 1-1-22; 102-103, eff. 1-1-22; 102-203,
9 eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff. 1-1-22;
10 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804, eff.
11 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860,
12 eff. 1-1-23; 102-1093, eff. 1-1-23; revised 12-13-22.)

13 Section 5-17. The Network Adequacy and Transparency Act is
14 amended by changing Section 10 as follows:

15 (215 ILCS 124/10)

16 Sec. 10. Network adequacy.

17 (a) An insurer providing a network plan shall file a
18 description of all of the following with the Director:

19 (1) The written policies and procedures for adding
20 providers to meet patient needs based on increases in the
21 number of beneficiaries, changes in the
22 patient-to-provider ratio, changes in medical and health
23 care capabilities, and increased demand for services.

24 (2) The written policies and procedures for making

1 referrals within and outside the network.

2 (3) The written policies and procedures on how the
3 network plan will provide 24-hour, 7-day per week access
4 to network-affiliated primary care, emergency services,
5 and women's ~~woman's~~ principal health care providers.

6 An insurer shall not prohibit a preferred provider from
7 discussing any specific or all treatment options with
8 beneficiaries irrespective of the insurer's position on those
9 treatment options or from advocating on behalf of
10 beneficiaries within the utilization review, grievance, or
11 appeals processes established by the insurer in accordance
12 with any rights or remedies available under applicable State
13 or federal law.

14 (b) Insurers must file for review a description of the
15 services to be offered through a network plan. The description
16 shall include all of the following:

17 (1) A geographic map of the area proposed to be served
18 by the plan by county service area and zip code, including
19 marked locations for preferred providers.

20 (2) As deemed necessary by the Department, the names,
21 addresses, phone numbers, and specialties of the providers
22 who have entered into preferred provider agreements under
23 the network plan.

24 (3) The number of beneficiaries anticipated to be
25 covered by the network plan.

26 (4) An Internet website and toll-free telephone number

1 for beneficiaries and prospective beneficiaries to access
2 current and accurate lists of preferred providers,
3 additional information about the plan, as well as any
4 other information required by Department rule.

5 (5) A description of how health care services to be
6 rendered under the network plan are reasonably accessible
7 and available to beneficiaries. The description shall
8 address all of the following:

9 (A) the type of health care services to be
10 provided by the network plan;

11 (B) the ratio of physicians and other providers to
12 beneficiaries, by specialty and including primary care
13 physicians and facility-based physicians when
14 applicable under the contract, necessary to meet the
15 health care needs and service demands of the currently
16 enrolled population;

17 (C) the travel and distance standards for plan
18 beneficiaries in county service areas; and

19 (D) a description of how the use of telemedicine,
20 telehealth, or mobile care services may be used to
21 partially meet the network adequacy standards, if
22 applicable.

23 (6) A provision ensuring that whenever a beneficiary
24 has made a good faith effort, as evidenced by accessing
25 the provider directory, calling the network plan, and
26 calling the provider, to utilize preferred providers for a

1 covered service and it is determined the insurer does not
2 have the appropriate preferred providers due to
3 insufficient number, type, ~~or~~ unreasonable travel distance
4 or delay, or preferred providers refusing to provide a
5 covered service because it is contrary to the conscience
6 of the preferred providers, as protected by the Health
7 Care Right of Conscience Act, the insurer shall ensure,
8 directly or indirectly, by terms contained in the payer
9 contract, that the beneficiary will be provided the
10 covered service at no greater cost to the beneficiary than
11 if the service had been provided by a preferred provider.
12 This paragraph (6) does not apply to: (A) a beneficiary
13 who willfully chooses to access a non-preferred provider
14 for health care services available through the panel of
15 preferred providers, or (B) a beneficiary enrolled in a
16 health maintenance organization. In these circumstances,
17 the contractual requirements for non-preferred provider
18 reimbursements shall apply unless Section 356z.3a of the
19 Illinois Insurance Code requires otherwise. In no event
20 shall a beneficiary who receives care at a participating
21 health care facility be required to search for
22 participating providers under the circumstances described
23 in subsection ~~subsections~~ (b) or (b-5) of Section 356z.3a
24 of the Illinois Insurance Code except under the
25 circumstances described in paragraph (2) of subsection
26 (b-5).

1 (7) A provision that the beneficiary shall receive
2 emergency care coverage such that payment for this
3 coverage is not dependent upon whether the emergency
4 services are performed by a preferred or non-preferred
5 provider and the coverage shall be at the same benefit
6 level as if the service or treatment had been rendered by a
7 preferred provider. For purposes of this paragraph (7),
8 "the same benefit level" means that the beneficiary is
9 provided the covered service at no greater cost to the
10 beneficiary than if the service had been provided by a
11 preferred provider. This provision shall be consistent
12 with Section 356z.3a of the Illinois Insurance Code.

13 (8) A limitation that, if the plan provides that the
14 beneficiary will incur a penalty for failing to
15 pre-certify inpatient hospital treatment, the penalty may
16 not exceed \$1,000 per occurrence in addition to the plan
17 cost sharing provisions.

18 (c) The network plan shall demonstrate to the Director a
19 minimum ratio of providers to plan beneficiaries as required
20 by the Department.

21 (1) The ratio of physicians or other providers to plan
22 beneficiaries shall be established annually by the
23 Department in consultation with the Department of Public
24 Health based upon the guidance from the federal Centers
25 for Medicare and Medicaid Services. The Department shall
26 not establish ratios for vision or dental providers who

1 provide services under dental-specific or vision-specific
2 benefits. The Department shall consider establishing
3 ratios for the following physicians or other providers:

4 (A) Primary Care;

5 (B) Pediatrics;

6 (C) Cardiology;

7 (D) Gastroenterology;

8 (E) General Surgery;

9 (F) Neurology;

10 (G) OB/GYN;

11 (H) Oncology/Radiation;

12 (I) Ophthalmology;

13 (J) Urology;

14 (K) Behavioral Health;

15 (L) Allergy/Immunology;

16 (M) Chiropractic;

17 (N) Dermatology;

18 (O) Endocrinology;

19 (P) Ears, Nose, and Throat (ENT)/Otolaryngology;

20 (Q) Infectious Disease;

21 (R) Nephrology;

22 (S) Neurosurgery;

23 (T) Orthopedic Surgery;

24 (U) Physiatry/Rehabilitative;

25 (V) Plastic Surgery;

26 (W) Pulmonary;

- 1 (X) Rheumatology;
2 (Y) Anesthesiology;
3 (Z) Pain Medicine;
4 (AA) Pediatric Specialty Services;
5 (BB) Outpatient Dialysis; and
6 (CC) HIV.

7 (2) The Director shall establish a process for the
8 review of the adequacy of these standards, along with an
9 assessment of additional specialties to be included in the
10 list under this subsection (c).

11 (d) The network plan shall demonstrate to the Director
12 maximum travel and distance standards for plan beneficiaries,
13 which shall be established annually by the Department in
14 consultation with the Department of Public Health based upon
15 the guidance from the federal Centers for Medicare and
16 Medicaid Services. These standards shall consist of the
17 maximum minutes or miles to be traveled by a plan beneficiary
18 for each county type, such as large counties, metro counties,
19 or rural counties as defined by Department rule.

20 The maximum travel time and distance standards must
21 include standards for each physician and other provider
22 category listed for which ratios have been established.

23 The Director shall establish a process for the review of
24 the adequacy of these standards along with an assessment of
25 additional specialties to be included in the list under this
26 subsection (d).

1 (d-5)(1) Every insurer shall ensure that beneficiaries
2 have timely and proximate access to treatment for mental,
3 emotional, nervous, or substance use disorders or conditions
4 in accordance with the provisions of paragraph (4) of
5 subsection (a) of Section 370c of the Illinois Insurance Code.
6 Insurers shall use a comparable process, strategy, evidentiary
7 standard, and other factors in the development and application
8 of the network adequacy standards for timely and proximate
9 access to treatment for mental, emotional, nervous, or
10 substance use disorders or conditions and those for the access
11 to treatment for medical and surgical conditions. As such, the
12 network adequacy standards for timely and proximate access
13 shall equally be applied to treatment facilities and providers
14 for mental, emotional, nervous, or substance use disorders or
15 conditions and specialists providing medical or surgical
16 benefits pursuant to the parity requirements of Section 370c.1
17 of the Illinois Insurance Code and the federal Paul Wellstone
18 and Pete Domenici Mental Health Parity and Addiction Equity
19 Act of 2008. Notwithstanding the foregoing, the network
20 adequacy standards for timely and proximate access to
21 treatment for mental, emotional, nervous, or substance use
22 disorders or conditions shall, at a minimum, satisfy the
23 following requirements:

24 (A) For beneficiaries residing in the metropolitan
25 counties of Cook, DuPage, Kane, Lake, McHenry, and Will,
26 network adequacy standards for timely and proximate access

1 to treatment for mental, emotional, nervous, or substance
2 use disorders or conditions means a beneficiary shall not
3 have to travel longer than 30 minutes or 30 miles from the
4 beneficiary's residence to receive outpatient treatment
5 for mental, emotional, nervous, or substance use disorders
6 or conditions. Beneficiaries shall not be required to wait
7 longer than 10 business days between requesting an initial
8 appointment and being seen by the facility or provider of
9 mental, emotional, nervous, or substance use disorders or
10 conditions for outpatient treatment or to wait longer than
11 20 business days between requesting a repeat or follow-up
12 appointment and being seen by the facility or provider of
13 mental, emotional, nervous, or substance use disorders or
14 conditions for outpatient treatment; however, subject to
15 the protections of paragraph (3) of this subsection, a
16 network plan shall not be held responsible if the
17 beneficiary or provider voluntarily chooses to schedule an
18 appointment outside of these required time frames.

19 (B) For beneficiaries residing in Illinois counties
20 other than those counties listed in subparagraph (A) of
21 this paragraph, network adequacy standards for timely and
22 proximate access to treatment for mental, emotional,
23 nervous, or substance use disorders or conditions means a
24 beneficiary shall not have to travel longer than 60
25 minutes or 60 miles from the beneficiary's residence to
26 receive outpatient treatment for mental, emotional,

1 nervous, or substance use disorders or conditions.
2 Beneficiaries shall not be required to wait longer than 10
3 business days between requesting an initial appointment
4 and being seen by the facility or provider of mental,
5 emotional, nervous, or substance use disorders or
6 conditions for outpatient treatment or to wait longer than
7 20 business days between requesting a repeat or follow-up
8 appointment and being seen by the facility or provider of
9 mental, emotional, nervous, or substance use disorders or
10 conditions for outpatient treatment; however, subject to
11 the protections of paragraph (3) of this subsection, a
12 network plan shall not be held responsible if the
13 beneficiary or provider voluntarily chooses to schedule an
14 appointment outside of these required time frames.

15 (2) For beneficiaries residing in all Illinois counties,
16 network adequacy standards for timely and proximate access to
17 treatment for mental, emotional, nervous, or substance use
18 disorders or conditions means a beneficiary shall not have to
19 travel longer than 60 minutes or 60 miles from the
20 beneficiary's residence to receive inpatient or residential
21 treatment for mental, emotional, nervous, or substance use
22 disorders or conditions.

23 (3) If there is no in-network facility or provider
24 available for a beneficiary to receive timely and proximate
25 access to treatment for mental, emotional, nervous, or
26 substance use disorders or conditions in accordance with the

1 network adequacy standards outlined in this subsection, the
2 insurer shall provide necessary exceptions to its network to
3 ensure admission and treatment with a provider or at a
4 treatment facility in accordance with the network adequacy
5 standards in this subsection.

6 (e) Except for network plans solely offered as a group
7 health plan, these ratio and time and distance standards apply
8 to the lowest cost-sharing tier of any tiered network.

9 (f) The network plan may consider use of other health care
10 service delivery options, such as telemedicine or telehealth,
11 mobile clinics, and centers of excellence, or other ways of
12 delivering care to partially meet the requirements set under
13 this Section.

14 (g) Except for the requirements set forth in subsection
15 (d-5), insurers who are not able to comply with the provider
16 ratios and time and distance standards established by the
17 Department may request an exception to these requirements from
18 the Department. The Department may grant an exception in the
19 following circumstances:

20 (1) if no providers or facilities meet the specific
21 time and distance standard in a specific service area and
22 the insurer (i) discloses information on the distance and
23 travel time points that beneficiaries would have to travel
24 beyond the required criterion to reach the next closest
25 contracted provider outside of the service area and (ii)
26 provides contact information, including names, addresses,

1 and phone numbers for the next closest contracted provider
2 or facility;

3 (2) if patterns of care in the service area do not
4 support the need for the requested number of provider or
5 facility type and the insurer provides data on local
6 patterns of care, such as claims data, referral patterns,
7 or local provider interviews, indicating where the
8 beneficiaries currently seek this type of care or where
9 the physicians currently refer beneficiaries, or both; or

10 (3) other circumstances deemed appropriate by the
11 Department consistent with the requirements of this Act.

12 (h) Insurers are required to report to the Director any
13 material change to an approved network plan within 15 days
14 after the change occurs and any change that would result in
15 failure to meet the requirements of this Act. Upon notice from
16 the insurer, the Director shall reevaluate the network plan's
17 compliance with the network adequacy and transparency
18 standards of this Act.

19 (Source: P.A. 102-144, eff. 1-1-22; 102-901, eff. 7-1-22;
20 revised 9-2-22.)

21 Section 5-20. The Limited Health Service Organization Act
22 is amended by changing Section 4003 as follows:

23 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

24 Sec. 4003. Illinois Insurance Code provisions. Limited

1 health service organizations shall be subject to the
2 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,
3 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,
4 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 355.3,
5 355b, 356q, 356v, 356z.4, 356z.4a, 356z.10, 356z.21, 356z.22,
6 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,
7 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.57,
8 356z.59, 364.3, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2,
9 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII
10 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance
11 Code. Nothing in this Section shall require a limited health
12 care plan to cover any service that is not a limited health
13 service. For purposes of the Illinois Insurance Code, except
14 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,
15 limited health service organizations in the following
16 categories are deemed to be domestic companies:

17 (1) a corporation under the laws of this State; or

18 (2) a corporation organized under the laws of another
19 state, 30% or more of the enrollees of which are residents
20 of this State, except a corporation subject to
21 substantially the same requirements in its state of
22 organization as is a domestic company under Article VIII
23 1/2 of the Illinois Insurance Code.

24 (Source: P.A. 101-81, eff. 7-12-19; 101-281, eff. 1-1-20;
25 101-393, eff. 1-1-20; 101-625, eff. 1-1-21; 102-30, eff.
26 1-1-22; 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642,

1 eff. 1-1-22; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;
2 102-813, eff. 5-13-22; 102-816, eff. 1-1-23; 102-860, eff.
3 1-1-23; 102-1093, eff. 1-1-23; revised 12-13-22.)

4 Article 6.

5 Section 6-5. The Criminal Identification Act is amended by
6 changing Section 3.2 as follows:

7 (20 ILCS 2630/3.2) (from Ch. 38, par. 206-3.2)

8 Sec. 3.2.

9 (a) It is the duty of any person conducting or operating a
10 medical facility, or any physician or nurse as soon as
11 treatment permits to notify the local law enforcement agency
12 of that jurisdiction upon the application for treatment of a
13 person who is not accompanied by a law enforcement officer,
14 when it reasonably appears that the person requesting
15 treatment has received:

16 (1) any injury resulting from the discharge of a
17 firearm; or

18 (2) any injury sustained in the commission of or as a
19 victim of a criminal offense.

20 Any hospital, physician or nurse shall be forever held
21 harmless from any civil liability for their reasonable
22 compliance with the provisions of this Section.

23 (b) Notwithstanding subsection (a), nothing in this

1 Section shall be construed to require the reporting of lawful
2 health care activity, whether such activity may constitute a
3 violation of another state's law.

4 (c) As used in this Section:

5 "Lawful health care" means health care that is not
6 unlawful under the laws of this State, including on any theory
7 of vicarious, joint, several, or conspiracy liability.

8 "Lawful health care activity" means seeking, providing,
9 receiving, assisting in seeking, providing, or receiving,
10 providing material support for, or traveling to obtain lawful
11 health care.

12 (Source: P.A. 86-1475.)

13 Article 7.

14 Section 7-5. The Medical Practice Act of 1987 is amended
15 by changing Sections 22 as follows:

16 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 22. Disciplinary action.

19 (A) The Department may revoke, suspend, place on
20 probation, reprimand, refuse to issue or renew, or take any
21 other disciplinary or non-disciplinary action as the
22 Department may deem proper with regard to the license or
23 permit of any person issued under this Act, including imposing

1 fines not to exceed \$10,000 for each violation, upon any of the
2 following grounds:

3 (1) (Blank).

4 (2) (Blank).

5 (3) A plea of guilty or nolo contendere, finding of
6 guilt, jury verdict, or entry of judgment or sentencing,
7 including, but not limited to, convictions, preceding
8 sentences of supervision, conditional discharge, or first
9 offender probation, under the laws of any jurisdiction of
10 the United States of any crime that is a felony.

11 (4) Gross negligence in practice under this Act.

12 (5) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

15 (6) Obtaining any fee by fraud, deceit, or
16 misrepresentation.

17 (7) Habitual or excessive use or abuse of drugs
18 defined in law as controlled substances, of alcohol, or of
19 any other substances which results in the inability to
20 practice with reasonable judgment, skill, or safety.

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

23 (9) Fraud or misrepresentation in applying for, or
24 procuring, a license under this Act or in connection with
25 applying for renewal of a license under this Act.

26 (10) Making a false or misleading statement regarding

1 their skill or the efficacy or value of the medicine,
2 treatment, or remedy prescribed by them at their direction
3 in the treatment of any disease or other condition of the
4 body or mind.

5 (11) Allowing another person or organization to use
6 their license, procured under this Act, to practice.

7 (12) Adverse action taken by another state or
8 jurisdiction against a license or other authorization to
9 practice as a medical doctor, doctor of osteopathy, doctor
10 of osteopathic medicine, or doctor of chiropractic, a
11 certified copy of the record of the action taken by the
12 other state or jurisdiction being prima facie evidence
13 thereof. This includes any adverse action taken by a State
14 or federal agency that prohibits a medical doctor, doctor
15 of osteopathy, doctor of osteopathic medicine, or doctor
16 of chiropractic from providing services to the agency's
17 participants.

18 (13) Violation of any provision of this Act or of the
19 Medical Practice Act prior to the repeal of that Act, or
20 violation of the rules, or a final administrative action
21 of the Secretary, after consideration of the
22 recommendation of the Medical Board.

23 (14) Violation of the prohibition against fee
24 splitting in Section 22.2 of this Act.

25 (15) A finding by the Medical Board that the
26 registrant after having his or her license placed on

1 probationary status or subjected to conditions or
2 restrictions violated the terms of the probation or failed
3 to comply with such terms or conditions.

4 (16) Abandonment of a patient.

5 (17) Prescribing, selling, administering,
6 distributing, giving, or self-administering any drug
7 classified as a controlled substance (designated product)
8 or narcotic for other than medically accepted therapeutic
9 purposes.

10 (18) Promotion of the sale of drugs, devices,
11 appliances, or goods provided for a patient in such manner
12 as to exploit the patient for financial gain of the
13 physician.

14 (19) Offering, undertaking, or agreeing to cure or
15 treat disease by a secret method, procedure, treatment, or
16 medicine, or the treating, operating, or prescribing for
17 any human condition by a method, means, or procedure which
18 the licensee refuses to divulge upon demand of the
19 Department.

20 (20) Immoral conduct in the commission of any act
21 including, but not limited to, commission of an act of
22 sexual misconduct related to the licensee's practice.

23 (21) Willfully making or filing false records or
24 reports in his or her practice as a physician, including,
25 but not limited to, false records to support claims
26 against the medical assistance program of the Department

1 of Healthcare and Family Services (formerly Department of
2 Public Aid) under the Illinois Public Aid Code.

3 (22) Willful omission to file or record, or willfully
4 impeding the filing or recording, or inducing another
5 person to omit to file or record, medical reports as
6 required by law, or willfully failing to report an
7 instance of suspected abuse or neglect as required by law.

8 (23) Being named as a perpetrator in an indicated
9 report by the Department of Children and Family Services
10 under the Abused and Neglected Child Reporting Act, and
11 upon proof by clear and convincing evidence that the
12 licensee has caused a child to be an abused child or
13 neglected child as defined in the Abused and Neglected
14 Child Reporting Act.

15 (24) Solicitation of professional patronage by any
16 corporation, agents, or persons, or profiting from those
17 representing themselves to be agents of the licensee.

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

1 (26) A pattern of practice or other behavior which
2 demonstrates incapacity or incompetence to practice under
3 this Act.

4 (27) Mental illness or disability which results in the
5 inability to practice under this Act with reasonable
6 judgment, skill, or safety.

7 (28) Physical illness, including, but not limited to,
8 deterioration through the aging process, or loss of motor
9 skill which results in a physician's inability to practice
10 under this Act with reasonable judgment, skill, or safety.

11 (29) Cheating on or attempting to subvert the
12 licensing examinations administered under this Act.

13 (30) Willfully or negligently violating the
14 confidentiality between physician and patient except as
15 required by law.

16 (31) The use of any false, fraudulent, or deceptive
17 statement in any document connected with practice under
18 this Act.

19 (32) Aiding and abetting an individual not licensed
20 under this Act in the practice of a profession licensed
21 under this Act.

22 (33) Violating State ~~state~~ or federal laws or
23 regulations relating to controlled substances, legend
24 drugs, or ephedra as defined in the Ephedra Prohibition
25 Act.

26 (34) Failure to report to the Department any adverse

1 final action taken against them by another licensing
2 jurisdiction (any other state or any territory of the
3 United States or any foreign state or country), by any
4 peer review body, by any health care institution, by any
5 professional society or association related to practice
6 under this Act, by any governmental agency, by any law
7 enforcement agency, or by any court for acts or conduct
8 similar to acts or conduct which would constitute grounds
9 for action as defined in this Section.

10 (35) Failure to report to the Department surrender of
11 a license or authorization to practice as a medical
12 doctor, a doctor of osteopathy, a doctor of osteopathic
13 medicine, or doctor of chiropractic in another state or
14 jurisdiction, or surrender of membership on any medical
15 staff or in any medical or professional association or
16 society, while under disciplinary investigation by any of
17 those authorities or bodies, for acts or conduct similar
18 to acts or conduct which would constitute grounds for
19 action as defined in this Section.

20 (36) Failure to report to the Department any adverse
21 judgment, settlement, or award arising from a liability
22 claim related to acts or conduct similar to acts or
23 conduct which would constitute grounds for action as
24 defined in this Section.

25 (37) Failure to provide copies of medical records as
26 required by law.

1 (38) Failure to furnish the Department, its
2 investigators or representatives, relevant information,
3 legally requested by the Department after consultation
4 with the Chief Medical Coordinator or the Deputy Medical
5 Coordinator.

6 (39) Violating the Health Care Worker Self-Referral
7 Act.

8 (40) (Blank). ~~Willful failure to provide notice when~~
9 ~~notice is required under the Parental Notice of Abortion~~
10 ~~Act of 1995.~~

11 (41) Failure to establish and maintain records of
12 patient care and treatment as required by this law.

13 (42) Entering into an excessive number of written
14 collaborative agreements with licensed advanced practice
15 registered nurses resulting in an inability to adequately
16 collaborate.

17 (43) Repeated failure to adequately collaborate with a
18 licensed advanced practice registered nurse.

19 (44) Violating the Compassionate Use of Medical
20 Cannabis Program Act.

21 (45) Entering into an excessive number of written
22 collaborative agreements with licensed prescribing
23 psychologists resulting in an inability to adequately
24 collaborate.

25 (46) Repeated failure to adequately collaborate with a
26 licensed prescribing psychologist.

1 (47) Willfully failing to report an instance of
2 suspected abuse, neglect, financial exploitation, or
3 self-neglect of an eligible adult as defined in and
4 required by the Adult Protective Services Act.

5 (48) Being named as an abuser in a verified report by
6 the Department on Aging under the Adult Protective
7 Services Act, and upon proof by clear and convincing
8 evidence that the licensee abused, neglected, or
9 financially exploited an eligible adult as defined in the
10 Adult Protective Services Act.

11 (49) Entering into an excessive number of written
12 collaborative agreements with licensed physician
13 assistants resulting in an inability to adequately
14 collaborate.

15 (50) Repeated failure to adequately collaborate with a
16 physician assistant.

17 Except for actions involving the ground numbered (26), all
18 proceedings to suspend, revoke, place on probationary status,
19 or take any other disciplinary action as the Department may
20 deem proper, with regard to a license on any of the foregoing
21 grounds, must be commenced within 5 years next after receipt
22 by the Department of a complaint alleging the commission of or
23 notice of the conviction order for any of the acts described
24 herein. Except for the grounds numbered (8), (9), (26), and
25 (29), no action shall be commenced more than 10 years after the
26 date of the incident or act alleged to have violated this

1 Section. For actions involving the ground numbered (26), a
2 pattern of practice or other behavior includes all incidents
3 alleged to be part of the pattern of practice or other behavior
4 that occurred, or a report pursuant to Section 23 of this Act
5 received, within the 10-year period preceding the filing of
6 the complaint. In the event of the settlement of any claim or
7 cause of action in favor of the claimant or the reduction to
8 final judgment of any civil action in favor of the plaintiff,
9 such claim, cause of action, or civil action being grounded on
10 the allegation that a person licensed under this Act was
11 negligent in providing care, the Department shall have an
12 additional period of 2 years from the date of notification to
13 the Department under Section 23 of this Act of such settlement
14 or final judgment in which to investigate and commence formal
15 disciplinary proceedings under Section 36 of this Act, except
16 as otherwise provided by law. The time during which the holder
17 of the license was outside the State of Illinois shall not be
18 included within any period of time limiting the commencement
19 of disciplinary action by the Department.

20 The entry of an order or judgment by any circuit court
21 establishing that any person holding a license under this Act
22 is a person in need of mental treatment operates as a
23 suspension of that license. That person may resume his or her
24 practice only upon the entry of a Departmental order based
25 upon a finding by the Medical Board that the person has been
26 determined to be recovered from mental illness by the court

1 and upon the Medical Board's recommendation that the person be
2 permitted to resume his or her practice.

3 The Department may refuse to issue or take disciplinary
4 action concerning the license of any person who fails to file a
5 return, or to pay the tax, penalty, or interest shown in a
6 filed return, or to pay any final assessment of tax, penalty,
7 or interest, as required by any tax Act administered by the
8 Illinois Department of Revenue, until such time as the
9 requirements of any such tax Act are satisfied as determined
10 by the Illinois Department of Revenue.

11 The Department, upon the recommendation of the Medical
12 Board, shall adopt rules which set forth standards to be used
13 in determining:

14 (a) when a person will be deemed sufficiently
15 rehabilitated to warrant the public trust;

16 (b) what constitutes dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public;

19 (c) what constitutes immoral conduct in the commission
20 of any act, including, but not limited to, commission of
21 an act of sexual misconduct related to the licensee's
22 practice; and

23 (d) what constitutes gross negligence in the practice
24 of medicine.

25 However, no such rule shall be admissible into evidence in
26 any civil action except for review of a licensing or other

1 disciplinary action under this Act.

2 In enforcing this Section, the Medical Board, upon a
3 showing of a possible violation, may compel any individual who
4 is licensed to practice under this Act or holds a permit to
5 practice under this Act, or any individual who has applied for
6 licensure or a permit pursuant to this Act, to submit to a
7 mental or physical examination and evaluation, or both, which
8 may include a substance abuse or sexual offender evaluation,
9 as required by the Medical Board and at the expense of the
10 Department. The Medical Board shall specifically designate the
11 examining physician licensed to practice medicine in all of
12 its branches or, if applicable, the multidisciplinary team
13 involved in providing the mental or physical examination and
14 evaluation, or both. The multidisciplinary team shall be led
15 by a physician licensed to practice medicine in all of its
16 branches and may consist of one or more or a combination of
17 physicians licensed to practice medicine in all of its
18 branches, licensed chiropractic physicians, licensed clinical
19 psychologists, licensed clinical social workers, licensed
20 clinical professional counselors, and other professional and
21 administrative staff. Any examining physician or member of the
22 multidisciplinary team may require any person ordered to
23 submit to an examination and evaluation pursuant to this
24 Section to submit to any additional supplemental testing
25 deemed necessary to complete any examination or evaluation
26 process, including, but not limited to, blood testing,

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

1 submit to mental or physical examination and evaluation, or
2 both, when directed, shall result in an automatic suspension,
3 without hearing, until such time as the individual submits to
4 the examination. If the Medical Board finds a physician unable
5 to practice following an examination and evaluation because of
6 the reasons set forth in this Section, the Medical Board shall
7 require such physician to submit to care, counseling, or
8 treatment by physicians, or other health care professionals,
9 approved or designated by the Medical Board, as a condition
10 for issued, continued, reinstated, or renewed licensure to
11 practice. Any physician, whose license was granted pursuant to
12 Section ~~Sections~~ 9, 17, or 19 of this Act, or, continued,
13 reinstated, renewed, disciplined, or supervised, subject to
14 such terms, conditions, or restrictions who shall fail to
15 comply with such terms, conditions, or restrictions, or to
16 complete a required program of care, counseling, or treatment,
17 as determined by the Chief Medical Coordinator or Deputy
18 Medical Coordinators, shall be referred to the Secretary for a
19 determination as to whether the licensee shall have his or her
20 license suspended immediately, pending a hearing by the
21 Medical Board. In instances in which the Secretary immediately
22 suspends a license under this Section, a hearing upon such
23 person's license must be convened by the Medical Board within
24 15 days after such suspension and completed without
25 appreciable delay. The Medical Board shall have the authority
26 to review the subject physician's record of treatment and

1 counseling regarding the impairment, to the extent permitted
2 by applicable federal statutes and regulations safeguarding
3 the confidentiality of medical records.

4 An individual licensed under this Act, affected under this
5 Section, shall be afforded an opportunity to demonstrate to
6 the Medical Board that he or she can resume practice in
7 compliance with acceptable and prevailing standards under the
8 provisions of his or her license.

9 The Department may promulgate rules for the imposition of
10 fines in disciplinary cases, not to exceed \$10,000 for each
11 violation of this Act. Fines may be imposed in conjunction
12 with other forms of disciplinary action, but shall not be the
13 exclusive disposition of any disciplinary action arising out
14 of conduct resulting in death or injury to a patient. Any funds
15 collected from such fines shall be deposited in the Illinois
16 State Medical Disciplinary Fund.

17 All fines imposed under this Section shall be paid within
18 60 days after the effective date of the order imposing the fine
19 or in accordance with the terms set forth in the order imposing
20 the fine.

21 (B) The Department shall revoke the license or permit
22 issued under this Act to practice medicine or a chiropractic
23 physician who has been convicted a second time of committing
24 any felony under the Illinois Controlled Substances Act or the
25 Methamphetamine Control and Community Protection Act, or who
26 has been convicted a second time of committing a Class 1 felony

1 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
2 person whose license or permit is revoked under this
3 subsection B shall be prohibited from practicing medicine or
4 treating human ailments without the use of drugs and without
5 operative surgery.

6 (C) The Department shall not revoke, suspend, place on
7 probation, reprimand, refuse to issue or renew, or take any
8 other disciplinary or non-disciplinary action against the
9 license or permit issued under this Act to practice medicine
10 to a physician:

11 (1) based solely upon the recommendation of the
12 physician to an eligible patient regarding, or
13 prescription for, or treatment with, an investigational
14 drug, biological product, or device; ~~or~~

15 (2) for experimental treatment for Lyme disease or
16 other tick-borne diseases, including, but not limited to,
17 the prescription of or treatment with long-term
18 antibiotics; ~~or~~

19 (3) based solely upon the physician providing,
20 authorizing, recommending, aiding, assisting, referring
21 for, or otherwise participating in any health care
22 service, so long as the care was not unlawful under the
23 laws of this State, regardless of whether the patient was
24 a resident of this State or another state; or

25 (4) based upon the physician's license being revoked
26 or suspended, or the physician being otherwise disciplined

1 by any other state, if that revocation, suspension, or
2 other form of discipline was based solely on the physician
3 violating another state's laws prohibiting the provision
4 of, authorization of, recommendation of, aiding or
5 assisting in, referring for, or participation in any
6 health care service if that health care service as
7 provided would not have been unlawful under the laws of
8 this State and is consistent with the standards of conduct
9 for the physician if it occurred in Illinois.

10 (D) (Blank). ~~The Medical Board shall recommend to the~~
11 ~~Department civil penalties and any other appropriate~~
12 ~~discipline in disciplinary cases when the Medical Board finds~~
13 ~~that a physician willfully performed an abortion with actual~~
14 ~~knowledge that the person upon whom the abortion has been~~
15 ~~performed is a minor or an incompetent person without notice~~
16 ~~as required under the Parental Notice of Abortion Act of 1995.~~
17 ~~Upon the Medical Board's recommendation, the Department shall~~
18 ~~impose, for the first violation, a civil penalty of \$1,000 and~~
19 ~~for a second or subsequent violation, a civil penalty of~~
20 ~~\$5,000.~~

21 (E) The conduct specified in subsection (C) shall not
22 trigger reporting requirements under Section 23, constitute
23 grounds for suspension under Section 25, or be included on the
24 physician's profile required under Section 10 of the Patients'
25 Right to Know Act.

26 (F) An applicant seeking licensure, certification, or

1 authorization pursuant to this Act and who has been subject to
2 disciplinary action by a duly authorized professional
3 disciplinary agency of another jurisdiction solely on the
4 basis of having provided, authorized, recommended, aided,
5 assisted, referred for, or otherwise participated in health
6 care shall not be denied such licensure, certification, or
7 authorization, unless the Department determines that the
8 action would have constituted professional misconduct in this
9 State; however, nothing in this Section shall be construed as
10 prohibiting the Department from evaluating the conduct of the
11 applicant and making a determination regarding the licensure,
12 certification, or authorization to practice a profession under
13 this Act.

14 (G) The Department may adopt rules to implement the
15 changes made by this amendatory Act of the 102nd General
16 Assembly.

17 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
18 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
19 8-20-21; 102-813, eff. 5-13-22.)

20 Section 7-10. The Nurse Practice Act is amended by
21 changing Sections 65-65 and 70-5 as follows:

22 (225 ILCS 65/65-65) (was 225 ILCS 65/15-55)

23 (Section scheduled to be repealed on January 1, 2028)

24 Sec. 65-65. Reports relating to APRN professional conduct

1 and capacity.

2 (a) Entities Required to Report.

3 (1) Health Care Institutions. The chief administrator
4 or executive officer of a health care institution licensed
5 by the Department of Public Health, which provides the
6 minimum due process set forth in Section 10.4 of the
7 Hospital Licensing Act, shall report to the Board when an
8 advanced practice registered nurse's organized
9 professional staff clinical privileges are terminated or
10 are restricted based on a final determination, in
11 accordance with that institution's bylaws or rules and
12 regulations, that (i) a person has either committed an act
13 or acts that may directly threaten patient care and that
14 are not of an administrative nature or (ii) that a person
15 may have a mental or physical disability that may endanger
16 patients under that person's care. The chief administrator
17 or officer shall also report if an advanced practice
18 registered nurse accepts voluntary termination or
19 restriction of clinical privileges in lieu of formal
20 action based upon conduct related directly to patient care
21 and not of an administrative nature, or in lieu of formal
22 action seeking to determine whether a person may have a
23 mental or physical disability that may endanger patients
24 under that person's care. The Department shall provide by
25 rule for the reporting to it of all instances in which a
26 person licensed under this Article, who is impaired by

1 reason of age, drug, or alcohol abuse or physical or
2 mental impairment, is under supervision and, where
3 appropriate, is in a program of rehabilitation. Reports
4 submitted under this subsection shall be strictly
5 confidential and may be reviewed and considered only by
6 the members of the Board or authorized staff as provided
7 by rule of the Department. Provisions shall be made for
8 the periodic report of the status of any such reported
9 person not less than twice annually in order that the
10 Board shall have current information upon which to
11 determine the status of that person. Initial and periodic
12 reports of impaired advanced practice registered nurses
13 shall not be considered records within the meaning of the
14 State Records Act and shall be disposed of, following a
15 determination by the Board that such reports are no longer
16 required, in a manner and at an appropriate time as the
17 Board shall determine by rule. The filing of reports
18 submitted under this subsection shall be construed as the
19 filing of a report for purposes of subsection (c) of this
20 Section.

21 (2) Professional Associations. The President or chief
22 executive officer of an association or society of persons
23 licensed under this Article, operating within this State,
24 shall report to the Board when the association or society
25 renders a final determination that a person licensed under
26 this Article has committed unprofessional conduct related

1 directly to patient care or that a person may have a mental
2 or physical disability that may endanger patients under
3 the person's care.

4 (3) Professional Liability Insurers. Every insurance
5 company that offers policies of professional liability
6 insurance to persons licensed under this Article, or any
7 other entity that seeks to indemnify the professional
8 liability of a person licensed under this Article, shall
9 report to the Board the settlement of any claim or cause of
10 action, or final judgment rendered in any cause of action,
11 that alleged negligence in the furnishing of patient care
12 by the licensee when the settlement or final judgment is
13 in favor of the plaintiff. Such insurance company shall
14 not take any adverse action, including, but not limited
15 to, denial or revocation of coverage, or rate increases,
16 against a person licensed under this Act with respect to
17 coverage for services provided in Illinois if based solely
18 on the person providing, authorizing, recommending,
19 aiding, assisting, referring for, or otherwise
20 participating in health care services this State in
21 violation of another state's law, or a revocation or other
22 adverse action against the person's license in another
23 state for violation of such law if that health care
24 service as provided would have been lawful and consistent
25 with the standards of conduct for physicians if it
26 occurred in Illinois. Notwithstanding this provision, it

1 is against public policy to require coverage for an
2 illegal action.

3 (4) State's Attorneys. The State's Attorney of each
4 county shall report to the Board all instances in which a
5 person licensed under this Article is convicted or
6 otherwise found guilty of the commission of a felony.

7 (5) State Agencies. All agencies, boards, commissions,
8 departments, or other instrumentalities of the government
9 of this State shall report to the Board any instance
10 arising in connection with the operations of the agency,
11 including the administration of any law by the agency, in
12 which a person licensed under this Article has either
13 committed an act or acts that may constitute a violation
14 of this Article, that may constitute unprofessional
15 conduct related directly to patient care, or that
16 indicates that a person licensed under this Article may
17 have a mental or physical disability that may endanger
18 patients under that person's care.

19 (b) Mandatory Reporting. All reports required under items
20 (16) and (17) of subsection (a) of Section 70-5 shall be
21 submitted to the Board in a timely fashion. The reports shall
22 be filed in writing within 60 days after a determination that a
23 report is required under this Article. All reports shall
24 contain the following information:

25 (1) The name, address, and telephone number of the
26 person making the report.

1 (2) The name, address, and telephone number of the
2 person who is the subject of the report.

3 (3) The name or other means of identification of any
4 patient or patients whose treatment is a subject of the
5 report, except that no medical records may be revealed
6 without the written consent of the patient or patients.

7 (4) A brief description of the facts that gave rise to
8 the issuance of the report, including, but not limited to,
9 the dates of any occurrences deemed to necessitate the
10 filing of the report.

11 (5) If court action is involved, the identity of the
12 court in which the action is filed, the docket number, and
13 date of filing of the action.

14 (6) Any further pertinent information that the
15 reporting party deems to be an aid in the evaluation of the
16 report.

17 Nothing contained in this Section shall be construed to in
18 any way waive or modify the confidentiality of medical reports
19 and committee reports to the extent provided by law. Any
20 information reported or disclosed shall be kept for the
21 confidential use of the Board, the Board's attorneys, the
22 investigative staff, and authorized clerical staff and shall
23 be afforded the same status as is provided information
24 concerning medical studies in Part 21 of Article VIII of the
25 Code of Civil Procedure.

26 (c) Immunity from Prosecution. An individual or

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

8 (d) Indemnification. Members of the Board, the Board's
9 attorneys, the investigative staff, advanced practice
10 registered nurses or physicians retained under contract to
11 assist and advise in the investigation, and authorized
12 clerical staff shall be indemnified by the State for any
13 actions (i) occurring within the scope of services on the
14 Board, (ii) performed in good faith, and (iii) not willful and
15 wanton in nature. The Attorney General shall defend all
16 actions taken against those persons unless he or she
17 determines either that there would be a conflict of interest
18 in the representation or that the actions complained of were
19 not performed in good faith or were willful and wanton in
20 nature. If the Attorney General declines representation, the
21 member shall have the right to employ counsel of his or her
22 choice, whose fees shall be provided by the State, after
23 approval by the Attorney General, unless there is a
24 determination by a court that the member's actions were not
25 performed in good faith or were willful and wanton in nature.
26 The member shall notify the Attorney General within 7 days of

1 receipt of notice of the initiation of an action involving
2 services of the Board. Failure to so notify the Attorney
3 General shall constitute an absolute waiver of the right to a
4 defense and indemnification. The Attorney General shall
5 determine within 7 days after receiving the notice whether he
6 or she will undertake to represent the member.

7 (e) Deliberations of Board. Upon the receipt of a report
8 called for by this Section, other than those reports of
9 impaired persons licensed under this Article required pursuant
10 to the rules of the Board, the Board shall notify in writing by
11 certified or registered mail or by email to the email address
12 of record the person who is the subject of the report. The
13 notification shall be made within 30 days of receipt by the
14 Board of the report. The notification shall include a written
15 notice setting forth the person's right to examine the report.
16 Included in the notification shall be the address at which the
17 file is maintained, the name of the custodian of the reports,
18 and the telephone number at which the custodian may be
19 reached. The person who is the subject of the report shall
20 submit a written statement responding to, clarifying, adding
21 to, or proposing to amend the report previously filed. The
22 statement shall become a permanent part of the file and shall
23 be received by the Board no more than 30 days after the date on
24 which the person was notified of the existence of the original
25 report. The Board shall review all reports received by it and
26 any supporting information and responding statements submitted

1 by persons who are the subject of reports. The review by the
2 Board shall be in a timely manner but in no event shall the
3 Board's initial review of the material contained in each
4 disciplinary file be less than 61 days nor more than 180 days
5 after the receipt of the initial report by the Board. When the
6 Board makes its initial review of the materials contained
7 within its disciplinary files, the Board shall, in writing,
8 make a determination as to whether there are sufficient facts
9 to warrant further investigation or action. Failure to make
10 that determination within the time provided shall be deemed to
11 be a determination that there are not sufficient facts to
12 warrant further investigation or action. Should the Board find
13 that there are not sufficient facts to warrant further
14 investigation or action, the report shall be accepted for
15 filing and the matter shall be deemed closed and so reported.
16 The individual or entity filing the original report or
17 complaint and the person who is the subject of the report or
18 complaint shall be notified in writing by the Board of any
19 final action on their report or complaint.

20 (f) (Blank).

21 (g) Any violation of this Section shall constitute a Class
22 A misdemeanor.

23 (h) If a person violates the provisions of this Section,
24 an action may be brought in the name of the People of the State
25 of Illinois, through the Attorney General of the State of
26 Illinois, for an order enjoining the violation or for an order

1 enforcing compliance with this Section. Upon filing of a
2 petition in court, the court may issue a temporary restraining
3 order without notice or bond and may preliminarily or
4 permanently enjoin the violation, and if it is established
5 that the person has violated or is violating the injunction,
6 the court may punish the offender for contempt of court.
7 Proceedings under this subsection shall be in addition to, and
8 not in lieu of, all other remedies and penalties provided for
9 by this Section.

10 (i) The Department may adopt rules to implement the
11 changes made by this amendatory Act of the 102nd General
12 Assembly.

13 (Source: P.A. 99-143, eff. 7-27-15; 100-513, eff. 1-1-18.)

14 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 70-5. Grounds for disciplinary action.

17 (a) The Department may refuse to issue or to renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem appropriate, including fines not to exceed \$10,000 per
21 violation, with regard to a license for any one or combination
22 of the causes set forth in subsection (b) below. All fines
23 collected under this Section shall be deposited in the Nursing
24 Dedicated and Professional Fund.

25 (b) Grounds for disciplinary action include the following:

1 (1) Material deception in furnishing information to
2 the Department.

3 (2) Material violations of any provision of this Act
4 or violation of the rules of or final administrative
5 action of the Secretary, after consideration of the
6 recommendation of the Board.

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

16 (4) A pattern of practice or other behavior which
17 demonstrates incapacity or incompetency to practice under
18 this Act.

19 (5) Knowingly aiding or assisting another person in
20 violating any provision of this Act or rules.

21 (6) Failing, within 90 days, to provide a response to
22 a request for information in response to a written request
23 made by the Department by certified or registered mail or
24 by email to the email address of record.

25 (7) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public, as defined by rule.

2 (8) Unlawful taking, theft, selling, distributing, or
3 manufacturing of any drug, narcotic, or prescription
4 device.

5 (9) Habitual or excessive use or addiction to alcohol,
6 narcotics, stimulants, or any other chemical agent or drug
7 that could result in a licensee's inability to practice
8 with reasonable judgment, skill, or safety.

9 (10) Discipline by another U.S. jurisdiction or
10 foreign nation, if at least one of the grounds for the
11 discipline is the same or substantially equivalent to
12 those set forth in this Section.

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

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

25 (13) Willful omission to file or record, or willfully
26 impeding the filing or recording or inducing another

1 person to omit to file or record medical reports as
2 required by law.

3 (13.5) Willfully failing to report an instance of
4 suspected child abuse or neglect as required by the Abused
5 and Neglected Child Reporting Act.

6 (14) Gross negligence in the practice of practical,
7 professional, or advanced practice registered nursing.

8 (15) Holding oneself out to be practicing nursing
9 under any name other than one's own.

10 (16) Failure of a licensee to report to the Department
11 any adverse final action taken against him or her by
12 another licensing jurisdiction of the United States or any
13 foreign state or country, any peer review body, any health
14 care institution, any professional or nursing society or
15 association, any governmental agency, any law enforcement
16 agency, or any court or a nursing liability claim related
17 to acts or conduct similar to acts or conduct that would
18 constitute grounds for action as defined in this Section.

19 (17) Failure of a licensee to report to the Department
20 surrender by the licensee of a license or authorization to
21 practice nursing or advanced practice registered nursing
22 in another state or jurisdiction or current surrender by
23 the licensee of membership on any nursing staff or in any
24 nursing or advanced practice registered nursing or
25 professional association or society while under
26 disciplinary investigation by any of those authorities or

1 bodies for acts or conduct similar to acts or conduct that
2 would constitute grounds for action as defined by this
3 Section.

4 (18) Failing, within 60 days, to provide information
5 in response to a written request made by the Department.

6 (19) Failure to establish and maintain records of
7 patient care and treatment as required by law.

8 (20) Fraud, deceit, or misrepresentation in applying
9 for or procuring a license under this Act or in connection
10 with applying for renewal of a license under this Act.

11 (21) Allowing another person or organization to use
12 the licensee's license to deceive the public.

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

19 (23) Attempting to subvert or cheat on a licensing
20 examination administered under this Act.

21 (24) Immoral conduct in the commission of an act,
22 including, but not limited to, sexual abuse, sexual
23 misconduct, or sexual exploitation, related to the
24 licensee's practice.

25 (25) Willfully or negligently violating the
26 confidentiality between nurse and patient except as

1 required by law.

2 (26) Practicing under a false or assumed name, except
3 as provided by law.

4 (27) The use of any false, fraudulent, or deceptive
5 statement in any document connected with the licensee's
6 practice.

7 (28) Directly or indirectly giving to or receiving
8 from a person, firm, corporation, partnership, or
9 association a fee, commission, rebate, or other form of
10 compensation for professional services not actually or
11 personally rendered. Nothing in this paragraph (28)
12 affects any bona fide independent contractor or employment
13 arrangements among health care professionals, health
14 facilities, health care providers, or other entities,
15 except as otherwise prohibited by law. Any employment
16 arrangements may include provisions for compensation,
17 health insurance, pension, or other employment benefits
18 for the provision of services within the scope of the
19 licensee's practice under this Act. Nothing in this
20 paragraph (28) shall be construed to require an employment
21 arrangement to receive professional fees for services
22 rendered.

23 (29) A violation of the Health Care Worker
24 Self-Referral Act.

25 (30) Physical illness, mental illness, or disability
26 that results in the inability to practice the profession

1 with reasonable judgment, skill, or safety.

2 (31) Exceeding the terms of a collaborative agreement
3 or the prescriptive authority delegated to a licensee by
4 his or her collaborating physician or podiatric physician
5 in guidelines established under a written collaborative
6 agreement.

7 (32) Making a false or misleading statement regarding
8 a licensee's skill or the efficacy or value of the
9 medicine, treatment, or remedy prescribed by him or her in
10 the course of treatment.

11 (33) Prescribing, selling, administering,
12 distributing, giving, or self-administering a drug
13 classified as a controlled substance (designated product)
14 or narcotic for other than medically accepted therapeutic
15 purposes.

16 (34) Promotion of the sale of drugs, devices,
17 appliances, or goods provided for a patient in a manner to
18 exploit the patient for financial gain.

19 (35) Violating State or federal laws, rules, or
20 regulations relating to controlled substances.

21 (36) Willfully or negligently violating the
22 confidentiality between an advanced practice registered
23 nurse, collaborating physician, dentist, or podiatric
24 physician and a patient, except as required by law.

25 (37) Willfully failing to report an instance of
26 suspected abuse, neglect, financial exploitation, or

1 self-neglect of an eligible adult as defined in and
2 required by the Adult Protective Services Act.

3 (38) Being named as an abuser in a verified report by
4 the Department on Aging and under the Adult Protective
5 Services Act, and upon proof by clear and convincing
6 evidence that the licensee abused, neglected, or
7 financially exploited an eligible adult as defined in the
8 Adult Protective Services Act.

9 (39) A violation of any provision of this Act or any
10 rules adopted under this Act.

11 (40) Violating the Compassionate Use of Medical
12 Cannabis Program Act.

13 (b-5) The Department shall not revoke, suspend, summarily
14 suspend, place on probation, reprimand, refuse to issue or
15 renew, or take any other disciplinary or non-disciplinary
16 action against the license or permit issued under this Act to
17 practice as a registered nurse or an advanced practice
18 registered nurse based solely upon the registered nurse or
19 advanced practice registered nurse providing, authorizing,
20 recommending, aiding, assisting, referring for, or otherwise
21 participating in any health care service, so long as the care
22 was not unlawful under the laws of this State, regardless of
23 whether the patient was a resident of this State or another
24 state.

25 (b-10) The Department shall not revoke, suspend, summarily
26 suspend, place on prohibition, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against the license or permit issued under this Act to
3 practice as a registered nurse or an advanced practice
4 registered nurse based upon the registered nurse's or advanced
5 practice registered nurse's license being revoked or
6 suspended, or the registered nurse or advanced practice
7 registered nurse being otherwise disciplined by any other
8 state, if that revocation, suspension, or other form of
9 discipline was based solely on the registered nurse or
10 advanced practice registered nurse violating another state's
11 laws prohibiting the provision of, authorization of,
12 recommendation of, aiding or assisting in, referring for, or
13 participation in any health care service if that health care
14 service as provided would not have been unlawful under the
15 laws of this State and is consistent with the standards of
16 conduct for the registered nurse or advanced practice
17 registered nurse practicing in Illinois.

18 (b-15) The conduct specified in subsections (b-5) and
19 (b-10) shall not trigger reporting requirements under Section
20 65-65 or constitute grounds for suspension under Section
21 70-60.

22 (b-20) An applicant seeking licensure, certification, or
23 authorization under this Act who has been subject to
24 disciplinary action by a duly authorized professional
25 disciplinary agency of another jurisdiction solely on the
26 basis of having provided, authorized, recommended, aided,

1 assisted, referred for, or otherwise participated in health
2 care shall not be denied such licensure, certification, or
3 authorization, unless the Department determines that such
4 action would have constituted professional misconduct in this
5 State; however, nothing in this Section shall be construed as
6 prohibiting the Department from evaluating the conduct of such
7 applicant and making a determination regarding the licensure,
8 certification, or authorization to practice a profession under
9 this Act.

10 (c) The determination by a circuit court that a licensee
11 is subject to involuntary admission or judicial admission as
12 provided in the Mental Health and Developmental Disabilities
13 Code, as amended, operates as an automatic suspension. The
14 suspension will end only upon a finding by a court that the
15 patient is no longer subject to involuntary admission or
16 judicial admission and issues an order so finding and
17 discharging the patient; and upon the recommendation of the
18 Board to the Secretary that the licensee be allowed to resume
19 his or her practice.

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

1 (e) In enforcing this Act, the Department, upon a showing
2 of a possible violation, may compel an individual licensed to
3 practice under this Act or who has applied for licensure under
4 this Act, to submit to a mental or physical examination, or
5 both, as required by and at the expense of the Department. The
6 Department may order the examining physician to present
7 testimony concerning the mental or physical examination of the
8 licensee or applicant. No information shall be excluded by
9 reason of any common law or statutory privilege relating to
10 communications between the licensee or applicant and the
11 examining physician. The examining physicians shall be
12 specifically designated by the Department. The individual to
13 be examined may have, at his or her own expense, another
14 physician of his or her choice present during all aspects of
15 this examination. Failure of an individual to submit to a
16 mental or physical examination, when directed, shall result in
17 an automatic suspension without hearing.

18 All substance-related violations shall mandate an
19 automatic substance abuse assessment. Failure to submit to an
20 assessment by a licensed physician who is certified as an
21 addictionist or an advanced practice registered nurse with
22 specialty certification in addictions may be grounds for an
23 automatic suspension, as defined by rule.

24 If the Department finds an individual unable to practice
25 or unfit for duty because of the reasons set forth in this
26 subsection (e), the Department may require that individual to

1 submit to a substance abuse evaluation or treatment by
2 individuals or programs approved or designated by the
3 Department, as a condition, term, or restriction for
4 continued, restored, or renewed licensure to practice; or, in
5 lieu of evaluation or treatment, the Department may file, or
6 the Board may recommend to the Department to file, a complaint
7 to immediately suspend, revoke, or otherwise discipline the
8 license of the individual. An individual whose license was
9 granted, continued, restored, renewed, disciplined, or
10 supervised subject to such terms, conditions, or restrictions,
11 and who fails to comply with such terms, conditions, or
12 restrictions, shall be referred to the Secretary for a
13 determination as to whether the individual shall have his or
14 her license suspended immediately, pending a hearing by the
15 Department.

16 In instances in which the Secretary immediately suspends a
17 person's license under this subsection (e), a hearing on that
18 person's license must be convened by the Department within 15
19 days after the suspension and completed without appreciable
20 delay. The Department and Board shall have the authority to
21 review the subject individual's record of treatment and
22 counseling regarding the impairment to the extent permitted by
23 applicable federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 An individual licensed under this Act and affected under
26 this subsection (e) shall be afforded an opportunity to

1 demonstrate to the Department that he or she can resume
2 practice in compliance with nursing standards under the
3 provisions of his or her license.

4 (f) The Department may adopt rules to implement the
5 changes made by this amendatory Act of the 102nd General
6 Assembly.

7 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

8 Section 7-15. The Pharmacy Practice Act is amended by
9 changing Sections 30 and 30.1 as follows:

10 (225 ILCS 85/30) (from Ch. 111, par. 4150)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 30. Refusal, revocation, suspension, or other
13 discipline.

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

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

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

24 3. Making any misrepresentation for the purpose of

1 obtaining licenses.

2 4. A pattern of conduct which demonstrates
3 incompetence or unfitness to practice.

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

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

8 7. Engaging in unprofessional, dishonorable, or
9 unethical conduct of a character likely to deceive,
10 defraud or harm the public as defined by rule.

11 8. Adverse action taken by another state or
12 jurisdiction against a license or other authorization to
13 practice as a pharmacy, pharmacist, registered certified
14 pharmacy technician, or registered pharmacy technician
15 that is the same or substantially equivalent to those set
16 forth in this Section, a certified copy of the record of
17 the action taken by the other state or jurisdiction being
18 prima facie evidence thereof.

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

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

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

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

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

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

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

1 pharmacy or involves controlled substances.

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

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

12 17. Gross and willful overcharging for professional
13 services including filing false statements for collection
14 of fees for which services are not rendered, including,
15 but not limited to, filing false statements for collection
16 of monies for services not rendered from the medical
17 assistance program of the Department of Healthcare and
18 Family Services (formerly Department of Public Aid) under
19 the Public Aid Code.

20 18. Dispensing prescription drugs without receiving a
21 written or oral prescription in violation of law.

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

26 20. Physical or mental illness or any other impairment

1 or disability, including, without limitation: (A)
2 deterioration through the aging process or loss of motor
3 skills that results in the inability to practice with
4 reasonable judgment, skill or safety; or (B) mental
5 incompetence, as declared by a court of competent
6 jurisdiction.

7 21. Violation of the Health Care Worker Self-Referral
8 Act.

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

16 23. Interfering with the professional judgment of a
17 pharmacist by any licensee under this Act, or the
18 licensee's agents or employees.

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

1 would constitute grounds for discipline as defined in this
2 Section.

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

5 26. Disclosing protected health information in
6 violation of any State or federal law.

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

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

17 29. Using advertisements or making solicitations that
18 may jeopardize the health, safety, or welfare of patients,
19 including, but not ~~be~~ limited to, the use of
20 advertisements or solicitations that:

21 (A) are false, fraudulent, deceptive, or
22 misleading; or

23 (B) include any claim regarding a professional
24 service or product or the cost or price thereof that
25 cannot be substantiated by the licensee.

26 30. Requiring a pharmacist to participate in the use

1 or distribution of advertisements or in making
2 solicitations that may jeopardize the health, safety, or
3 welfare of patients.

4 31. Failing to provide a working environment for all
5 pharmacy personnel that protects the health, safety, and
6 welfare of a patient, which includes, but is not limited
7 to, failing to:

8 (A) employ sufficient personnel to prevent
9 fatigue, distraction, or other conditions that
10 interfere with a pharmacist's ability to practice with
11 competency and safety or creates an environment that
12 jeopardizes patient care;

13 (B) provide appropriate opportunities for
14 uninterrupted rest periods and meal breaks;

15 (C) provide adequate time for a pharmacist to
16 complete professional duties and responsibilities,
17 including, but not limited to:

18 (i) drug utilization review;

19 (ii) immunization;

20 (iii) counseling;

21 (iv) verification of the accuracy of a
22 prescription; and

23 (v) all other duties and responsibilities of a
24 pharmacist as listed in the rules of the
25 Department.

26 32. Introducing or enforcing external factors, such as

1 productivity or production quotas or other programs
2 against pharmacists, student pharmacists or pharmacy
3 technicians, to the extent that they interfere with the
4 ability of those individuals to provide appropriate
5 professional services to the public.

6 33. Providing an incentive for or inducing the
7 transfer of a prescription for a patient absent a
8 professional rationale.

9 (b) The Department may refuse to issue or may suspend the
10 license of any person who fails to file a return, or to pay the
11 tax, penalty or interest shown in a filed return, or to pay any
12 final assessment of tax, penalty or interest, as required by
13 any tax Act administered by the Illinois Department of
14 Revenue, until such time as the requirements of any such tax
15 Act are satisfied.

16 (c) The Department shall revoke any license issued under
17 the provisions of this Act or any prior Act of this State of
18 any person who has been convicted a second time of committing
19 any felony under the Illinois Controlled Substances Act, or
20 who has been convicted a second time of committing a Class 1
21 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid
22 Code. A person whose license issued under the provisions of
23 this Act or any prior Act of this State is revoked under this
24 subsection (c) shall be prohibited from engaging in the
25 practice of pharmacy in this State.

26 (c-5) The Department shall not revoke, suspend, summarily

1 suspend, place on prohibition, reprimand, refuse to issue or
2 renew, or take any other disciplinary or non-disciplinary
3 action against the license or permit issued under this Act to
4 practice as a pharmacist, registered pharmacy technician, or
5 registered certified pharmacy technician based solely upon the
6 pharmacist, registered pharmacy technician, or registered
7 certified pharmacy technician providing, authorizing,
8 recommending, aiding, assisting, referring for, or otherwise
9 participating in any health care service, so long as the care
10 was not unlawful under the laws of this State, regardless of
11 whether the patient was a resident of this State or another
12 state.

13 (c-10) The Department shall not revoke, suspend, summarily
14 suspend, place on prohibition, reprimand, refuse to issue or
15 renew, or take any other disciplinary or non-disciplinary
16 action against the license or permit issued under this Act to
17 practice as a pharmacist, registered pharmacy technician, or
18 registered certified pharmacy technician based upon the
19 pharmacist's, registered pharmacy technician's, or registered
20 certified pharmacy technician's license being revoked or
21 suspended, or the pharmacist being otherwise disciplined by
22 any other state, if that revocation, suspension, or other form
23 of discipline was based solely on the pharmacist, registered
24 pharmacy technician, or registered certified pharmacy
25 technician violating another state's laws prohibiting the
26 provision of, authorization of, recommendation of, aiding or

1 assisting in, referring for, or participation in any health
2 care service if that health care service as provided would not
3 have been unlawful under the laws of this State and is
4 consistent with the standards of conduct for a pharmacist,
5 registered pharmacy technician, or registered certified
6 pharmacy technician practicing in Illinois.

7 (c-15) The conduct specified in subsections (c-5) and
8 (c-10) shall not constitute grounds for suspension under
9 Section 35.16.

10 (c-20) An applicant seeking licensure, certification, or
11 authorization pursuant to this Act who has been subject to
12 disciplinary action by a duly authorized professional
13 disciplinary agency of another jurisdiction solely on the
14 basis of having provided, authorized, recommended, aided,
15 assisted, referred for, or otherwise participated in health
16 care shall not be denied such licensure, certification, or
17 authorization, unless the Department determines that such
18 action would have constituted professional misconduct in this
19 State; however, nothing in this Section shall be construed as
20 prohibiting the Department from evaluating the conduct of such
21 applicant and making a determination regarding the licensure,
22 certification, or authorization to practice a profession under
23 this Act.

24 (d) Fines may be imposed in conjunction with other forms
25 of disciplinary action, but shall not be the exclusive
26 disposition of any disciplinary action arising out of conduct

1 resulting in death or injury to a patient. Fines shall be paid
2 within 60 days or as otherwise agreed to by the Department. Any
3 funds collected from such fines shall be deposited in the
4 Illinois State Pharmacy Disciplinary Fund.

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

14 (f) The Department shall issue quarterly to the Board a
15 status of all complaints related to the profession received by
16 the Department.

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

1 professional and administrative staff, shall be those
2 specifically designated by the Department. The Board or the
3 Department may order the examining physician or any member of
4 the multidisciplinary team to present testimony concerning
5 this mental or physical examination of the licensee or
6 applicant. No information, report, or other documents in any
7 way related to the examination shall be excluded by reason of
8 any common law or statutory privilege relating to
9 communication between the licensee or applicant and the
10 examining physician or any member of the multidisciplinary
11 team. The individual to be examined may have, at his or her own
12 expense, another physician of his or her choice present during
13 all aspects of the examination. Failure of any individual to
14 submit to a mental or physical examination when directed shall
15 result in the automatic suspension of his or her license until
16 such time as the individual submits to the examination. If the
17 Board or Department finds a pharmacist, registered certified
18 pharmacy technician, or registered pharmacy technician unable
19 to practice because of the reasons set forth in this Section,
20 the Board or Department shall require such pharmacist,
21 registered certified pharmacy technician, or registered
22 pharmacy technician to submit to care, counseling, or
23 treatment by physicians or other appropriate health care
24 providers approved or designated by the Department as a
25 condition for continued, restored, or renewed licensure to
26 practice. Any pharmacist, registered certified pharmacy

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

18 (h) An individual or organization acting in good faith,
19 and not in a willful and wanton manner, in complying with this
20 Section by providing a report or other information to the
21 Board, by assisting in the investigation or preparation of a
22 report or information, by participating in proceedings of the
23 Board, or by serving as a member of the Board shall not, as a
24 result of such actions, be subject to criminal prosecution or
25 civil damages. Any person who reports a violation of this
26 Section to the Department is protected under subsection (b) of

1 Section 15 of the Whistleblower Act.

2 (i) Members of the Board shall have no liability in any
3 action based upon any disciplinary proceedings or other
4 activity performed in good faith as a member of the Board. The
5 Attorney General shall defend all such actions unless he or
6 she determines either that there would be a conflict of
7 interest in such representation or that the actions complained
8 of were not in good faith or were willful and wanton.

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

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

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

23 (j) The Department may adopt rules to implement the
24 changes made by this amendatory Act of the 102nd General
25 Assembly.

26 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;

1 revised 12-9-22.)

2 (225 ILCS 85/30.1)

3 (Section scheduled to be repealed on January 1, 2028)

4 Sec. 30.1. Reporting.

5 (a) When a pharmacist, registered certified pharmacy
6 technician, or a registered pharmacy technician licensed by
7 the Department is terminated for actions which may have
8 threatened patient safety, the pharmacy or
9 pharmacist-in-charge, pursuant to the policies and procedures
10 of the pharmacy at which he or she is employed, shall report
11 the termination to the chief pharmacy coordinator. Such
12 reports shall be strictly confidential and may be reviewed and
13 considered only by the members of the Board or by authorized
14 Department staff. Such reports, and any records associated
15 with such reports, are exempt from public disclosure and the
16 Freedom of Information Act. Although the reports are exempt
17 from disclosure, any formal complaint filed against a licensee
18 or registrant by the Department or any order issued by the
19 Department against a licensee, registrant, or applicant shall
20 be a public record, except as otherwise prohibited by law. A
21 pharmacy shall not take any adverse action, including, but not
22 limited to, disciplining or terminating a pharmacist,
23 registered certified pharmacy technician, or registered
24 pharmacy technician, as a result of an adverse action against
25 the person's license or clinical privileges or other

1 disciplinary action by another state or health care
2 institution that resulted from the pharmacist's, registered
3 certified pharmacy technician's, or registered pharmacy
4 technician's provision of, authorization of, recommendation
5 of, aiding or assistance with, referral for, or participation
6 in any health care service, if the adverse action was based
7 solely on a violation of the other state's law prohibiting the
8 provision such health care and related services in the state
9 or for a resident of the state.

10 (b) The report shall be submitted to the chief pharmacy
11 coordinator in a timely fashion. Unless otherwise provided in
12 this Section, the reports shall be filed in writing, on forms
13 provided by the Department, within 60 days after a pharmacy's
14 determination that a report is required under this Act. All
15 reports shall contain only the following information:

16 (1) The name, address, and telephone number of the
17 person making the report.

18 (2) The name, license number, and last known address
19 and telephone number of the person who is the subject of
20 the report.

21 (3) A brief description of the facts which gave rise
22 to the issuance of the report, including dates of
23 occurrence.

24 (c) The contents of any report and any records associated
25 with such report shall be strictly confidential and may only
26 be reviewed by:

- 1 (1) members of the Board of Pharmacy;
- 2 (2) the Board of Pharmacy's designated attorney;
- 3 (3) administrative personnel assigned to open mail
4 containing reports, to process and distribute reports to
5 authorized persons, and to communicate with senders of
6 reports;
- 7 (4) Department investigators and Department
8 prosecutors; or
- 9 (5) attorneys from the Office of the Illinois Attorney
10 General representing the Department in litigation in
11 response to specific disciplinary action the Department
12 has taken or initiated against a specific individual
13 pursuant to this Section.

14 (d) Whenever a pharmacy or pharmacist-in-charge makes a
15 report and provides any records associated with that report to
16 the Department, acts in good faith, and not in a willful and
17 wanton manner, the person or entity making the report and the
18 pharmacy or health care institution employing him or her shall
19 not, as a result of such actions, be subject to criminal
20 prosecution or civil damages.

21 (e) The Department may adopt rules to implement the
22 changes made by this amendatory Act of the 102nd General
23 Assembly.

24 (Source: P.A. 99-863, eff. 8-19-16.)

25 Article 8.

1 Section 8-1. The Illinois Administrative Procedure Act is
2 amended by adding Section 5-45.35 as follows:

3 (5 ILCS 100/5-45.35 new)

4 Sec. 5-45.35. Emergency rulemaking; temporary licenses for
5 health care. To provide for the expeditious and timely
6 implementation of Section 66 of the Medical Practice Act of
7 1987, Section 65-11.5 of the Nurse Practice Act, and Section
8 9.7 of the Physician Assistant Practice Act of 1987, emergency
9 rules implementing the issuance of temporary permits to
10 applicants who are licensed to practice as a physician,
11 advanced practice registered nurse, or physician assistant in
12 another state may be adopted in accordance with Section 5-45
13 by the Department of Financial and Professional Regulation.
14 The adoption of emergency rules authorized by Section 5-45 and
15 this Section is deemed to be necessary for the public
16 interest, safety, and welfare.

17 This Section is repealed one year after the effective date
18 of this amendatory Act of the 102nd General Assembly.

19 Section 8-5. The Physician Assistant Practice Act of 1987
20 is amended by changing Sections 4, 21, 22.2, 22.3, 22.5, 22.6,
21 22.7, 22.8, 22.9, and 22.10 and by adding Section 9.7 as
22 follows:

1 (225 ILCS 95/4) (from Ch. 111, par. 4604)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 4. Definitions. In this Act:

4 1. "Department" means the Department of Financial and
5 Professional Regulation.

6 2. "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 3. "Physician assistant" means any person not holding an
9 active license or permit issued by the Department pursuant to
10 the Medical Practice Act of 1987 who has been certified as a
11 physician assistant by the National Commission on the
12 Certification of Physician Assistants or equivalent successor
13 agency and performs procedures in collaboration with a
14 physician as defined in this Act. A physician assistant may
15 perform such procedures within the specialty of the
16 collaborating physician, except that such physician shall
17 exercise such direction, collaboration, and control over such
18 physician assistants as will assure that patients shall
19 receive quality medical care. Physician assistants shall be
20 capable of performing a variety of tasks within the specialty
21 of medical care in collaboration with a physician.
22 Collaboration with the physician assistant shall not be
23 construed to necessarily require the personal presence of the
24 collaborating physician at all times at the place where
25 services are rendered, as long as there is communication
26 available for consultation by radio, telephone or

1 telecommunications within established guidelines as determined
2 by the physician/physician assistant team. The collaborating
3 physician may delegate tasks and duties to the physician
4 assistant. Delegated tasks or duties shall be consistent with
5 physician assistant education, training, and experience. The
6 delegated tasks or duties shall be specific to the practice
7 setting and shall be implemented and reviewed under a written
8 collaborative agreement established by the physician or
9 physician/physician assistant team. A physician assistant,
10 acting as an agent of the physician, shall be permitted to
11 transmit the collaborating physician's orders as determined by
12 the institution's by-laws, policies, procedures, or job
13 description within which the physician/physician assistant
14 team practices. Physician assistants shall practice only in
15 accordance with a written collaborative agreement.

16 Any person who holds an active license or permit issued
17 pursuant to the Medical Practice Act of 1987 shall have that
18 license automatically placed into inactive status upon
19 issuance of a physician assistant license. Any person who
20 holds an active license as a physician assistant who is issued
21 a license or permit pursuant to the Medical Practice Act of
22 1987 shall have his or her physician assistant license
23 automatically placed into inactive status.

24 3.5. "Physician assistant practice" means the performance
25 of procedures within the specialty of the collaborating
26 physician. Physician assistants shall be capable of performing

1 a variety of tasks within the specialty of medical care of the
2 collaborating physician. Collaboration with the physician
3 assistant shall not be construed to necessarily require the
4 personal presence of the collaborating physician at all times
5 at the place where services are rendered, as long as there is
6 communication available for consultation by radio, telephone,
7 telecommunications, or electronic communications. The
8 collaborating physician may delegate tasks and duties to the
9 physician assistant. Delegated tasks or duties shall be
10 consistent with physician assistant education, training, and
11 experience. The delegated tasks or duties shall be specific to
12 the practice setting and shall be implemented and reviewed
13 under a written collaborative agreement established by the
14 physician or physician/physician assistant team. A physician
15 assistant shall be permitted to transmit the collaborating
16 physician's orders as determined by the institution's bylaws,
17 policies, or procedures or the job description within which
18 the physician/physician assistant team practices. Physician
19 assistants shall practice only in accordance with a written
20 collaborative agreement, except as provided in Section 7.5 of
21 this Act.

22 4. "Board" means the Medical Licensing Board constituted
23 under the Medical Practice Act of 1987.

24 5. (Blank). ~~"Disciplinary Board" means the Medical~~
25 ~~Disciplinary Board constituted under the Medical Practice Act~~
26 ~~of 1987.~~

1 6. "Physician" means a person licensed to practice
2 medicine in all of its branches under the Medical Practice Act
3 of 1987.

4 7. "Collaborating physician" means the physician who,
5 within his or her specialty and expertise, may delegate a
6 variety of tasks and procedures to the physician assistant.
7 Such tasks and procedures shall be delegated in accordance
8 with a written collaborative agreement.

9 8. (Blank).

10 9. "Address of record" means the designated address
11 recorded by the Department in the applicant's or licensee's
12 application file or license file maintained by the
13 Department's licensure maintenance unit.

14 10. "Hospital affiliate" means a corporation, partnership,
15 joint venture, limited liability company, or similar
16 organization, other than a hospital, that is devoted primarily
17 to the provision, management, or support of health care
18 services and that directly or indirectly controls, is
19 controlled by, or is under common control of the hospital. For
20 the purposes of this definition, "control" means having at
21 least an equal or a majority ownership or membership interest.
22 A hospital affiliate shall be 100% owned or controlled by any
23 combination of hospitals, their parent corporations, or
24 physicians licensed to practice medicine in all its branches
25 in Illinois. "Hospital affiliate" does not include a health
26 maintenance organization regulated under the Health

1 Maintenance Organization Act.

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

6 (Source: P.A. 99-330, eff. 1-1-16; 100-453, eff. 8-25-17.)

7 (225 ILCS 95/9.7 new)

8 Sec. 9.7. Temporary permit for health care.

9 (a) The Department may issue a temporary permit to an
10 applicant who is licensed to practice as a physician assistant
11 in another state. The temporary permit will authorize the
12 practice of providing health care to patients in this State,
13 with a collaborating physician in this State, if all of the
14 following apply:

15 (1) The Department determines that the applicant's
16 services will improve the welfare of Illinois residents
17 and non-residents requiring health care services.

18 (2) The applicant has obtained certification by the
19 National Commission on Certification of Physician
20 Assistants or its successor agency; the applicant has
21 submitted verification of licensure status in good
22 standing in the applicant's current state or territory of
23 licensure; and the applicant can furnish the Department
24 with a certified letter upon request from that
25 jurisdiction attesting to the fact that the applicant has

1 no pending action or violations against the applicant's
2 license.

3 The Department will not consider a physician
4 assistant's license being revoked or otherwise disciplined
5 by any state or territory based solely on the physician
6 providing, authorizing, recommending, aiding, assisting,
7 referring for, or otherwise participating in any health
8 care service that is unlawful or prohibited in that state
9 or territory, if the provision of, authorization of, or
10 participation in that health care service, medical
11 service, or procedure related to any health care service
12 is not unlawful or prohibited in this State.

13 (3) The applicant has sufficient training and
14 possesses the appropriate core competencies to provide
15 health care services, and is physically, mentally, and
16 professionally capable of practicing as a physician
17 assistant with reasonable judgment, skill, and safety and
18 in accordance with applicable standards of care.

19 (4) The applicant has met the written collaborative
20 agreement requirements under subsection (a) of Section
21 7.5.

22 (5) The applicant will be working pursuant to an
23 agreement with a sponsoring licensed hospital, medical
24 office, clinic, or other medical facility providing health
25 care services. Such agreement shall be executed by an
26 authorized representative of the licensed hospital,

1 medical office, clinic, or other medical facility,
2 certifying that the physician assistant holds an active
3 license and is in good standing in the state in which they
4 are licensed. If an applicant for a temporary permit has
5 been previously disciplined by another jurisdiction,
6 except as described in paragraph (2) of subsection (a),
7 further review may be conducted pursuant to the Civil
8 Administrative Code of Illinois and this Act. The
9 application shall include the physician assistant's name,
10 contact information, state of licensure, and license
11 number.

12 (6) Payment of a \$75 fee.

13 The sponsoring licensed hospital, medical office, clinic,
14 or other medical facility engaged in the agreement with the
15 applicant shall notify the Department should the applicant at
16 any point leave or become separate from the sponsor.

17 The Department may adopt rules to carry out this Section.

18 (b) A temporary permit under this Section shall expire 2
19 years after the date of issuance. The temporary permit may be
20 renewed for a \$45 fee for an additional 2 years. A holder of a
21 temporary permit may only renew one time.

22 (c) The temporary permit shall only permit the holder to
23 practice as a physician assistant with a collaborating
24 physician who provides health care services with the sponsor
25 specified on the permit.

26 (d) An application for the temporary permit shall be made

1 to the Department, in writing, on forms prescribed by the
2 Department, and shall be accompanied by a non-refundable fee
3 of \$75. The Department shall grant or deny an applicant a
4 temporary permit within 60 days of receipt of a completed
5 application. The Department shall notify the applicant of any
6 deficiencies in the applicant's application materials
7 requiring corrections in a timely manner.

8 (e) An applicant for a temporary permit may be requested
9 to appear before the Board to respond to questions concerning
10 the applicant's qualifications to receive the permit. An
11 applicant's refusal to appear before the Board may be grounds
12 for denial of the application by the Department.

13 (f) The Secretary may summarily cancel any temporary
14 permit issued pursuant to this Section, without a hearing, if
15 the Secretary finds that evidence in his or her possession
16 indicates that a permit holder's continuation in practice
17 would constitute an imminent danger to the public or violate
18 any provision of this Act or its rules. If the Secretary
19 summarily cancels a temporary permit issued pursuant to this
20 Section or Act, the permit holder may petition the Department
21 for a hearing in accordance with the provisions of Section
22 22.11 to restore his or her permit, unless the permit holder
23 has exceeded his or her renewal limit.

24 (g) In addition to terminating any temporary permit issued
25 pursuant to this Section or Act, the Department may issue a
26 monetary penalty not to exceed \$10,000 upon the temporary

1 permit holder and may notify any state in which the temporary
2 permit holder has been issued a permit that his or her Illinois
3 permit has been terminated and the reasons for that
4 termination. The monetary penalty shall be paid within 60 days
5 after the effective date of the order imposing the penalty.
6 The order shall constitute a judgment and may be filed, and
7 execution had thereon in the same manner as any judgment from
8 any court of record. It is the intent of the General Assembly
9 that a permit issued pursuant to this Section shall be
10 considered a privilege and not a property right.

11 (h) While working in Illinois, all temporary permit
12 holders are subject to all statutory and regulatory
13 requirements of this Act in the same manner as a licensee.
14 Failure to adhere to all statutory and regulatory requirements
15 may result in revocation or other discipline of the temporary
16 permit.

17 (i) If the Department becomes aware of a violation
18 occurring at the licensed hospital, medical office, clinic, or
19 other medical facility, or occurring via telehealth services,
20 the Department shall notify the Department of Public Health.

21 (j) The Department may adopt emergency rules pursuant to
22 this Section. The General Assembly finds that the adoption of
23 rules to implement a temporary permit for health care services
24 is deemed an emergency and necessary for the public interest,
25 safety, and welfare.

1 (225 ILCS 95/21) (from Ch. 111, par. 4621)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 21. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or to renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action with regard to any
7 license issued under this Act as the Department may deem
8 proper, including the issuance of fines not to exceed \$10,000
9 for each violation, for any one or combination of the
10 following causes:

11 (1) Material misstatement in furnishing information to
12 the Department.

13 (2) Violations of this Act, or the rules adopted under
14 this Act.

15 (3) Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or
17 sentencing, including, but not limited to, convictions,
18 preceding sentences of supervision, conditional discharge,
19 or first offender probation, under the laws of any
20 jurisdiction of the United States that is: (i) a felony;
21 or (ii) a misdemeanor, an essential element of which is
22 dishonesty, or that is directly related to the practice of
23 the profession.

24 (4) Making any misrepresentation for the purpose of
25 obtaining licenses.

26 (5) Professional incompetence.

1 (6) Aiding or assisting another person in violating
2 any provision of this Act or its rules.

3 (7) Failing, within 60 days, to provide information in
4 response to a written request made by the Department.

5 (8) Engaging in dishonorable, unethical, or
6 unprofessional conduct, as defined by rule, of a character
7 likely to deceive, defraud, or harm the public.

8 (9) Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug
10 that results in a physician assistant's inability to
11 practice with reasonable judgment, skill, or safety.

12 (10) Discipline by another U.S. jurisdiction or
13 foreign nation, if at least one of the grounds for
14 discipline is the same or substantially equivalent to
15 those set forth in this Section.

16 (11) Directly or indirectly giving to or receiving
17 from any person, firm, corporation, partnership, or
18 association any fee, commission, rebate or other form of
19 compensation for any professional services not actually or
20 personally rendered. Nothing in this paragraph (11)
21 affects any bona fide independent contractor or employment
22 arrangements, which may include provisions for
23 compensation, health insurance, pension, or other
24 employment benefits, with persons or entities authorized
25 under this Act for the provision of services within the
26 scope of the licensee's practice under this Act.

1 (12) A finding by the ~~Disciplinary~~ Board that the
2 licensee, after having his or her license placed on
3 probationary status, has violated the terms of probation.

4 (13) Abandonment of a patient.

5 (14) Willfully making or filing false records or
6 reports in his or her practice, including but not limited
7 to false records filed with State ~~state~~ agencies or
8 departments.

9 (15) Willfully failing to report an instance of
10 suspected child abuse or neglect as required by the Abused
11 and Neglected Child Reporting Act.

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

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

24 (18) (Blank).

25 (19) Gross negligence resulting in permanent injury or
26 death of a patient.

1 (20) Employment of fraud, deception or any unlawful
2 means in applying for or securing a license as a physician
3 assistant.

4 (21) Exceeding the authority delegated to him or her
5 by his or her collaborating physician in a written
6 collaborative agreement.

7 (22) Immoral conduct in the commission of any act,
8 such as sexual abuse, sexual misconduct, or sexual
9 exploitation related to the licensee's practice.

10 (23) Violation of the Health Care Worker Self-Referral
11 Act.

12 (24) Practicing under a false or assumed name, except
13 as provided by law.

14 (25) Making a false or misleading statement regarding
15 his or her skill or the efficacy or value of the medicine,
16 treatment, or remedy prescribed by him or her in the
17 course of treatment.

18 (26) Allowing another person to use his or her license
19 to practice.

20 (27) Prescribing, selling, administering,
21 distributing, giving, or self-administering a drug
22 classified as a controlled substance for other than
23 medically accepted therapeutic purposes.

24 (28) Promotion of the sale of drugs, devices,
25 appliances, or goods provided for a patient in a manner to
26 exploit the patient for financial gain.

1 (29) A pattern of practice or other behavior that
2 demonstrates incapacity or incompetence to practice under
3 this Act.

4 (30) Violating State or federal laws or regulations
5 relating to controlled substances or other legend drugs or
6 ephedra as defined in the Ephedra Prohibition Act.

7 (31) Exceeding the prescriptive authority delegated by
8 the collaborating physician or violating the written
9 collaborative agreement delegating that authority.

10 (32) Practicing without providing to the Department a
11 notice of collaboration or delegation of prescriptive
12 authority.

13 (33) Failure to establish and maintain records of
14 patient care and treatment as required by law.

15 (34) Attempting to subvert or cheat on the examination
16 of the National Commission on Certification of Physician
17 Assistants or its successor agency.

18 (35) Willfully or negligently violating the
19 confidentiality between physician assistant and patient,
20 except as required by law.

21 (36) Willfully failing to report an instance of
22 suspected abuse, neglect, financial exploitation, or
23 self-neglect of an eligible adult as defined in and
24 required by the Adult Protective Services Act.

25 (37) Being named as an abuser in a verified report by
26 the Department on Aging under the Adult Protective

1 Services Act and upon proof by clear and convincing
2 evidence that the licensee abused, neglected, or
3 financially exploited an eligible adult as defined in the
4 Adult Protective Services Act.

5 (38) Failure to report to the Department an adverse
6 final action taken against him or her by another licensing
7 jurisdiction of the United States or a foreign state or
8 country, a peer review body, a health care institution, a
9 professional society or association, a governmental
10 agency, a law enforcement agency, or a court acts or
11 conduct similar to acts or conduct that would constitute
12 grounds for action under this Section.

13 (39) Failure to provide copies of records of patient
14 care or treatment, except as required by law.

15 (40) Entering into an excessive number of written
16 collaborative agreements with licensed physicians
17 resulting in an inability to adequately collaborate.

18 (41) Repeated failure to adequately collaborate with a
19 collaborating physician.

20 (42) Violating the Compassionate Use of Medical
21 Cannabis Program Act.

22 (b) The Department may, without a hearing, refuse to issue
23 or renew or may suspend the license of any person who fails to
24 file a return, or to pay the tax, penalty or interest shown in
25 a filed return, or to pay any final assessment of the tax,
26 penalty, or interest as required by any tax Act administered

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

3 (b-5) The Department shall not revoke, suspend, summarily
4 suspend, place on prohibition, reprimand, refuse to issue or
5 renew, or take any other disciplinary or non-disciplinary
6 action against the license or permit issued under this Act to
7 practice as a physician assistant based solely upon the
8 physician assistant providing, authorizing, recommending,
9 aiding, assisting, referring for, or otherwise participating
10 in any health care service, so long as the care was not
11 unlawful under the laws of this State, regardless of whether
12 the patient was a resident of this State or another state.

13 (b-10) The Department shall not revoke, suspend, summarily
14 suspend, place on prohibition, reprimand, refuse to issue or
15 renew, or take any other disciplinary or non-disciplinary
16 action against the license or permit issued under this Act to
17 practice as a physician assistant based upon the physician
18 assistant's license being revoked or suspended, or the
19 physician assistant being otherwise disciplined by any other
20 state, if that revocation, suspension, or other form of
21 discipline was based solely on the physician assistant
22 violating another state's laws prohibiting the provision of,
23 authorization of, recommendation of, aiding or assisting in,
24 referring for, or participation in any health care service if
25 that health care service as provided would not have been
26 unlawful under the laws of this State and is consistent with

1 the standards of conduct for a physician assistant practicing
2 in Illinois.

3 (b-15) The conduct specified in subsections (b-5) and
4 (b-10) shall not constitute grounds for suspension under
5 Section 22.13.

6 (b-20) An applicant seeking licensure, certification, or
7 authorization pursuant to this Act who has been subject to
8 disciplinary action by a duly authorized professional
9 disciplinary agency of another jurisdiction solely on the
10 basis of having provided, authorized, recommended, aided,
11 assisted, referred for, or otherwise participated in health
12 care shall not be denied such licensure, certification, or
13 authorization, unless the Department determines that such
14 action would have constituted professional misconduct in this
15 State; however, nothing in this Section shall be construed as
16 prohibiting the Department from evaluating the conduct of such
17 applicant and making a determination regarding the licensure,
18 certification, or authorization to practice a profession under
19 this Act.

20 (c) The determination by a circuit court that a licensee
21 is subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code operates as an automatic suspension. The suspension will
24 end only upon a finding by a court that the patient is no
25 longer subject to involuntary admission or judicial admission
26 and issues an order so finding and discharging the patient,

1 and upon the recommendation of the ~~Disciplinary~~ Board to the
2 Secretary that the licensee be allowed to resume his or her
3 practice.

4 (d) In enforcing this Section, the Department upon a
5 showing of a possible violation may compel an individual
6 licensed to practice under this Act, or who has applied for
7 licensure under this Act, to submit to a mental or physical
8 examination, or both, which may include a substance abuse or
9 sexual offender evaluation, as required by and at the expense
10 of the Department.

11 The Department shall specifically designate the examining
12 physician licensed to practice medicine in all of its branches
13 or, if applicable, the multidisciplinary team involved in
14 providing the mental or physical examination or both. The
15 multidisciplinary team shall be led by a physician licensed to
16 practice medicine in all of its branches and may consist of one
17 or more or a combination of physicians licensed to practice
18 medicine in all of its branches, licensed clinical
19 psychologists, licensed clinical social workers, licensed
20 clinical professional counselors, and other professional and
21 administrative staff. Any examining physician or member of the
22 multidisciplinary team may require any person ordered to
23 submit to an examination pursuant to this Section to submit to
24 any additional supplemental testing deemed necessary to
25 complete any examination or evaluation process, including, but
26 not limited to, blood testing, urinalysis, psychological

1 testing, or neuropsychological testing.

2 The Department may order the examining physician or any
3 member of the multidisciplinary team to provide to the
4 Department any and all records, including business records,
5 that relate to the examination and evaluation, including any
6 supplemental testing performed.

7 The Department may order the examining physician or any
8 member of the multidisciplinary team to present testimony
9 concerning the mental or physical examination of the licensee
10 or applicant. No information, report, record, or other
11 documents in any way related to the examination shall be
12 excluded by reason of any common law or statutory privilege
13 relating to communications between the licensee or applicant
14 and the examining physician or any member of the
15 multidisciplinary team. No authorization is necessary from the
16 licensee or applicant ordered to undergo an examination for
17 the examining physician or any member of the multidisciplinary
18 team to provide information, reports, records, or other
19 documents or to provide any testimony regarding the
20 examination and evaluation.

21 The individual to be examined may have, at his or her own
22 expense, another physician of his or her choice present during
23 all aspects of this examination. However, that physician shall
24 be present only to observe and may not interfere in any way
25 with the examination.

26 Failure of an individual to submit to a mental or physical

1 examination, when ordered, shall result in an automatic
2 suspension of his or her license until the individual submits
3 to the examination.

4 If the Department finds an individual unable to practice
5 because of the reasons set forth in this Section, the
6 Department may require that individual to submit to care,
7 counseling, or treatment by physicians approved or designated
8 by the Department, as a condition, term, or restriction for
9 continued, reinstated, or renewed licensure to practice; or,
10 in lieu of care, counseling, or treatment, the Department may
11 file a complaint to immediately suspend, revoke, or otherwise
12 discipline the license of the individual. An individual whose
13 license was granted, continued, reinstated, renewed,
14 disciplined, or supervised subject to such terms, conditions,
15 or restrictions, and who fails to comply with such terms,
16 conditions, or restrictions, shall be referred to the
17 Secretary for a determination as to whether the individual
18 shall have his or her license suspended immediately, pending a
19 hearing by the Department.

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that
22 person's license must be convened by the Department within 30
23 days after the suspension and completed without appreciable
24 delay. The Department shall have the authority to review the
25 subject individual's record of treatment and counseling
26 regarding the impairment to the extent permitted by applicable

1 federal statutes and regulations safeguarding the
2 confidentiality of medical records.

3 An individual licensed under this Act and affected under
4 this Section shall be afforded an opportunity to demonstrate
5 to the Department that he or she can resume practice in
6 compliance with acceptable and prevailing standards under the
7 provisions of his or her license.

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

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

24 If the Attorney General declines representation, the
25 member has the right to employ counsel of his or her choice,
26 whose fees shall be provided by the State, after approval by

1 the Attorney General, unless there is a determination by a
2 court that the member's actions were not in good faith or were
3 willful and wanton.

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

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

12 (g) The Department may adopt rules to implement the
13 changes made by this amendatory Act of the 102nd General
14 Assembly.

15 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21.)

16 (225 ILCS 95/22.2) (from Ch. 111, par. 4622.2)

17 (Section scheduled to be repealed on January 1, 2028)

18 Sec. 22.2. Investigation; notice; hearing. The Department
19 may investigate the actions of any applicant or of any person
20 or persons holding or claiming to hold a license. The
21 Department shall, before suspending, revoking, placing on
22 probationary status, or taking any other disciplinary action
23 as the Department may deem proper with regard to any license,
24 at least 30 days prior to the date set for the hearing, notify
25 the applicant or licensee in writing of any charges made and

1 the time and place for a hearing of the charges before the
2 ~~Disciplinary~~ Board, direct him or her to file his or her
3 written answer thereto to the ~~Disciplinary~~ Board under oath
4 within 20 days after the service on him or her of such notice
5 and inform him or her that if he or she fails to file such
6 answer default will be taken against him or her and his or her
7 license may be suspended, revoked, placed on probationary
8 status, or have other disciplinary action, including limiting
9 the scope, nature or extent of his or her practice, as the
10 Department may deem proper taken with regard thereto. Written
11 or electronic notice may be served by personal delivery,
12 email, or mail to the applicant or licensee at his or her
13 address of record or email address of record. At the time and
14 place fixed in the notice, the Department shall proceed to
15 hear the charges and the parties or their counsel shall be
16 accorded ample opportunity to present such statements,
17 testimony, evidence, and argument as may be pertinent to the
18 charges or to the defense thereto. The Department may continue
19 such hearing from time to time. In case the applicant or
20 licensee, after receiving notice, fails to file an answer, his
21 or her license may in the discretion of the Secretary, having
22 received first the recommendation of the ~~Disciplinary~~ Board,
23 be suspended, revoked, placed on probationary status, or the
24 Secretary may take whatever disciplinary action as he or she
25 may deem proper, including limiting the scope, nature, or
26 extent of such person's practice, without a hearing, if the

1 act or acts charged constitute sufficient grounds for such
2 action under this Act.

3 (Source: P.A. 100-453, eff. 8-25-17.)

4 (225 ILCS 95/22.3) (from Ch. 111, par. 4622.3)

5 (Section scheduled to be repealed on January 1, 2028)

6 Sec. 22.3. The Department, at its expense, shall preserve
7 a record of all proceedings at the formal hearing of any case
8 involving the refusal to issue, renew or discipline of a
9 license. The notice of hearing, complaint and all other
10 documents in the nature of pleadings and written motions filed
11 in the proceedings, the transcript of testimony, the report of
12 the ~~Disciplinary~~ Board or hearing officer and orders of the
13 Department shall be the record of such proceeding.

14 (Source: P.A. 85-981.)

15 (225 ILCS 95/22.5) (from Ch. 111, par. 4622.5)

16 (Section scheduled to be repealed on January 1, 2028)

17 Sec. 22.5. Subpoena power; oaths. The Department shall
18 have power to subpoena and bring before it any person and to
19 take testimony either orally or by deposition or both, with
20 the same fees and mileage and in the same manner as prescribed
21 by law in judicial proceedings in civil cases in circuit
22 courts of this State.

23 The Secretary, the designated hearing officer, and any
24 member of the ~~Disciplinary~~ Board designated by the Secretary

1 shall each have power to administer oaths to witnesses at any
2 hearing which the Department is authorized to conduct under
3 this Act and any other oaths required or authorized to be
4 administered by the Department under this Act.

5 (Source: P.A. 95-703, eff. 12-31-07.)

6 (225 ILCS 95/22.6) (from Ch. 111, par. 4622.6)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 22.6. At the conclusion of the hearing, the
9 ~~Disciplinary~~ Board shall present to the Secretary a written
10 report of its findings of fact, conclusions of law, and
11 recommendations. The report shall contain a finding whether or
12 not the accused person violated this Act or failed to comply
13 with the conditions required in this Act. The ~~Disciplinary~~
14 Board shall specify the nature of the violation or failure to
15 comply, and shall make its recommendations to the Secretary.

16 The report of findings of fact, conclusions of law, and
17 recommendation of the ~~Disciplinary~~ Board shall be the basis
18 for the Department's order or refusal or for the granting of a
19 license or permit. If the Secretary disagrees in any regard
20 with the report of the ~~Disciplinary~~ Board, the Secretary may
21 issue an order in contravention thereof. The finding is not
22 admissible in evidence against the person in a criminal
23 prosecution brought for the violation of this Act, but the
24 hearing and finding are not a bar to a criminal prosecution
25 brought for the violation of this Act.

1 (Source: P.A. 100-453, eff. 8-25-17.)

2 (225 ILCS 95/22.7) (from Ch. 111, par. 4622.7)

3 (Section scheduled to be repealed on January 1, 2028)

4 Sec. 22.7. Hearing officer. Notwithstanding the provisions
5 of Section 22.2 of this Act, the Secretary shall have the
6 authority to appoint any attorney duly licensed to practice
7 law in the State of Illinois to serve as the hearing officer in
8 any action for refusal to issue or renew, or for discipline of,
9 a license. The hearing officer shall have full authority to
10 conduct the hearing. The hearing officer shall report his or
11 her findings of fact, conclusions of law, and recommendations
12 to the ~~Disciplinary~~ Board and the Secretary. The ~~Disciplinary~~
13 Board shall have 60 days from receipt of the report to review
14 the report of the hearing officer and present their findings
15 of fact, conclusions of law, and recommendations to the
16 Secretary. If the ~~Disciplinary~~ Board fails to present its
17 report within the 60-day period, the respondent may request in
18 writing a direct appeal to the Secretary, in which case the
19 Secretary may issue an order based upon the report of the
20 hearing officer and the record of the proceedings or issue an
21 order remanding the matter back to the hearing officer for
22 additional proceedings in accordance with the order.
23 Notwithstanding any other provision of this Section, if the
24 Secretary, upon review, determines that substantial justice
25 has not been done in the revocation, suspension, or refusal to

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

7 (Source: P.A. 100-453, eff. 8-25-17.)

8 (225 ILCS 95/22.8) (from Ch. 111, par. 4622.8)

9 (Section scheduled to be repealed on January 1, 2028)

10 Sec. 22.8. In any case involving the refusal to issue,
11 renew or discipline of a license, a copy of the ~~Disciplinary~~
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 may enter an order in
21 accordance with recommendations of the ~~Disciplinary~~ Board
22 except as provided in Section 22.6 or 22.7 of this Act. If the
23 respondent shall order from the reporting service, and pay for
24 a transcript of the record within the time for filing a motion
25 for rehearing, the 20 day period within which such a motion may

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

3 (Source: P.A. 95-703, eff. 12-31-07.)

4 (225 ILCS 95/22.9) (from Ch. 111, par. 4622.9)

5 (Section scheduled to be repealed on January 1, 2028)

6 Sec. 22.9. Whenever the Secretary is satisfied that
7 substantial justice has not been done in the revocation,
8 suspension or refusal to issue or renew a license, the
9 Secretary may order a rehearing by the same or another hearing
10 officer or ~~Disciplinary~~ Board.

11 (Source: P.A. 95-703, eff. 12-31-07.)

12 (225 ILCS 95/22.10) (from Ch. 111, par. 4622.10)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 22.10. Order or certified copy; prima facie proof. An
15 order or a certified copy thereof, over the seal of the
16 Department and purporting to be signed by the Secretary, shall
17 be prima facie proof that:

18 (a) the signature is the genuine signature of the
19 Secretary;

20 (b) the Secretary is duly appointed and qualified; and

21 (c) the ~~Disciplinary~~ Board and the members thereof are
22 qualified to act.

23 (Source: P.A. 95-703, eff. 12-31-07.)

1 Section 8-10. The Medical Practice Act of 1987 is amended
2 by changing Section 2 and by adding Section 66 as follows:

3 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 2. Definitions. For purposes of this Act, the
6 following definitions shall have the following meanings,
7 except where the context requires otherwise:

8 "Act" means the Medical Practice Act of 1987.

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file as maintained by the Department's
12 licensure maintenance unit.

13 "Chiropractic physician" means a person licensed to treat
14 human ailments without the use of drugs and without operative
15 surgery. Nothing in this Act shall be construed to prohibit a
16 chiropractic physician from providing advice regarding the use
17 of non-prescription products or from administering atmospheric
18 oxygen. Nothing in this Act shall be construed to authorize a
19 chiropractic physician to prescribe drugs.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Disciplinary action" means revocation, suspension,
23 probation, supervision, practice modification, reprimand,
24 required education, fines or any other action taken by the
25 Department against a person holding a license.

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

5 "Final determination" means the governing body's final
6 action taken under the procedure followed by a health care
7 institution, or professional association or society, against
8 any person licensed under the Act in accordance with the
9 bylaws or rules and regulations of such health care
10 institution, or professional association or society.

11 "Fund" means the Illinois State Medical Disciplinary Fund.

12 "Impaired" means the inability to practice medicine with
13 reasonable skill and safety due to physical or mental
14 disabilities as evidenced by a written determination or
15 written consent based on clinical evidence including
16 deterioration through the aging process or loss of motor
17 skill, or abuse of drugs or alcohol, of sufficient degree to
18 diminish a person's ability to deliver competent patient care.

19 "Medical Board" means the Illinois State Medical Board.

20 "Physician" means a person licensed under the Medical
21 Practice Act to practice medicine in all of its branches or a
22 chiropractic physician.

23 "Professional association" means an association or society
24 of persons licensed under this Act, and operating within the
25 State of Illinois, including but not limited to, medical
26 societies, osteopathic organizations, and chiropractic

1 organizations, but this term shall not be deemed to include
2 hospital medical staffs.

3 "Program of care, counseling, or treatment" means a
4 written schedule of organized treatment, care, counseling,
5 activities, or education, satisfactory to the Medical Board,
6 designed for the purpose of restoring an impaired person to a
7 condition whereby the impaired person can practice medicine
8 with reasonable skill and safety of a sufficient degree to
9 deliver competent patient care.

10 "Reinstate" means to change the status of a license or
11 permit from inactive or nonrenewed status to active status.

12 "Restore" means to remove an encumbrance from a license
13 due to probation, suspension, or revocation.

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

16 (Source: P.A. 102-20, eff. 1-1-22.)

17 (225 ILCS 60/66 new)

18 Sec. 66. Temporary permit for health care.

19 (a) The Department may issue a temporary permit to an
20 applicant who is licensed to practice as a physician in
21 another state. The temporary permit will authorize the
22 practice of providing health care to patients in this State if
23 all of the following apply:

24 (1) The Department determines that the applicant's
25 services will improve the welfare of Illinois residents

1 and non-residents requiring health care services.

2 (2) The applicant has graduated from a medical program
3 officially recognized by the jurisdiction in which it is
4 located for the purpose of receiving a license to practice
5 medicine in all of its branches, and maintains an
6 equivalent authorization to practice medicine in good
7 standing in the applicant's current state or territory of
8 licensure; and the applicant can furnish the Department
9 with a certified letter upon request from that
10 jurisdiction attesting to the fact that the applicant has
11 no pending action or violations against the applicant's
12 license.

13 The Department will not consider a physician's license
14 being revoked or otherwise disciplined by any state or
15 territory based solely on the physician providing,
16 authorizing, recommending, aiding, assisting, referring
17 for, or otherwise participating in any health care service
18 that is unlawful or prohibited in that state or territory,
19 if the provision of, authorization of, or participation in
20 that health care, medical service, or procedure related to
21 any health care service is not unlawful or prohibited in
22 this State.

23 (3) The applicant has sufficient training and
24 possesses the appropriate core competencies to provide
25 health care services, and is physically, mentally, and
26 professionally capable of practicing medicine with

1 reasonable judgment, skill, and safety and in accordance
2 with applicable standards of care.

3 (4) The applicant will be working pursuant to an
4 agreement with a sponsoring licensed hospital, medical
5 office, clinic, or other medical facility providing
6 abortion or other health care services. Such agreement
7 shall be executed by an authorized representative of the
8 licensed hospital, medical office, clinic, or other
9 medical facility, certifying that the physician holds an
10 active license and is in good standing in the state in
11 which they are licensed. If an applicant for a temporary
12 permit has been previously disciplined by another
13 jurisdiction, except as described in paragraph (2) of
14 subsection (a), further review may be conducted pursuant
15 to the Civil Administrative Code of Illinois and this Act.
16 The application shall include the physician's name,
17 contact information, state of licensure, and license
18 number.

19 (5) Payment of a \$75 fee.

20 The sponsoring licensed hospital, medical office, clinic,
21 or other medical facility engaged in the agreement with the
22 applicant shall notify the Department should the applicant at
23 any point leave or become separate from the sponsor.

24 The Department may adopt rules pursuant to this Section.

25 (b) A temporary permit under this Section shall expire 2
26 years after the date of issuance. The temporary permit may be

1 renewed for a \$45 fee for an additional 2 years. A holder of a
2 temporary permit may only renew one time.

3 (c) The temporary permit shall only permit the holder to
4 practice medicine within the scope of providing health care
5 services at the location or locations specified on the permit.

6 (d) An application for the temporary permit shall be made
7 to the Department, in writing, on forms prescribed by the
8 Department, and shall be accompanied by a non-refundable fee
9 of \$75. The Department shall grant or deny an applicant a
10 temporary permit within 60 days of receipt of a completed
11 application. The Department shall notify the applicant of any
12 deficiencies in the applicant's application materials
13 requiring corrections in a timely manner.

14 (e) An applicant for temporary permit may be requested to
15 appear before the Board to respond to questions concerning the
16 applicant's qualifications to receive the permit. An
17 applicant's refusal to appear before the Illinois State
18 Medical Board may be grounds for denial of the application by
19 the Department.

20 (f) The Secretary may summarily cancel any temporary
21 permit issued pursuant to this Section, without a hearing, if
22 the Secretary finds that evidence in his or her possession
23 indicates that a permit holder's continuation in practice
24 would constitute an imminent danger to the public or violate
25 any provision of this Act or its rules. If the Secretary
26 summarily cancels a temporary permit issued pursuant to this

1 Section or Act, the permit holder may petition the Department
2 for a hearing in accordance with the provisions of Section 43
3 of this Act to restore his or her permit, unless the permit
4 holder has exceeded his or her renewal limit.

5 (g) In addition to terminating any temporary permit issued
6 pursuant to this Section or Act, the Department may issue a
7 monetary penalty not to exceed \$10,000 upon the temporary
8 permit holder and may notify any state in which the temporary
9 permit holder has been issued a permit that his or her Illinois
10 permit has been terminated and the reasons for the
11 termination. The monetary penalty shall be paid within 60 days
12 after the effective date of the order imposing the penalty.
13 The order shall constitute a judgment and may be filed and
14 execution had thereon in the same manner as any judgment from
15 any court of record. It is the intent of the General Assembly
16 that a permit issued pursuant to this Section shall be
17 considered a privilege and not a property right.

18 (h) While working in Illinois, all temporary permit
19 holders are subject to all statutory and regulatory
20 requirements of this Act in the same manner as a licensee.
21 Failure to adhere to all statutory and regulatory requirements
22 may result in revocation or other discipline of the temporary
23 permit.

24 (i) If the Department becomes aware of a violation
25 occurring at the licensed hospital, medical office, clinic, or
26 other medical facility or via telehealth practice, the

1 Department shall notify the Department of Public Health.

2 (j) The Department may adopt emergency rules pursuant to
3 this Section. The General Assembly finds that the adoption of
4 rules to implement a temporary permit for health care services
5 is deemed an emergency and necessary for the public interest,
6 safety, and welfare.

7 Section 8-15. The Nurse Practice Act is amended by adding
8 Sections 65-11 and 65-11.5 as follows:

9 (225 ILCS 65/65-11 new)

10 Sec. 65-11. Temporary permit for advanced practice
11 registered nurses for health care.

12 (a) The Department may issue a temporary permit to an
13 applicant who is licensed to practice as an advanced practice
14 registered nurse in another state. The temporary permit will
15 authorize the practice of providing health care to patients in
16 this State, with a collaborating physician in this State, if
17 all of the following apply:

18 (1) The Department determines that the applicant's
19 services will improve the welfare of Illinois residents
20 and non-residents requiring health care services.

21 (2) The applicant has obtained a graduate degree
22 appropriate for national certification in a clinical
23 advanced practice registered nursing specialty or a
24 graduate degree or post-master's certificate from a

1 graduate level program in a clinical advanced practice
2 registered nursing specialty; the applicant has submitted
3 verification of licensure status in good standing in the
4 applicant's current state or territory of licensure; and
5 the applicant can furnish the Department with a certified
6 letter upon request from that jurisdiction attesting to
7 the fact that the applicant has no pending action or
8 violations against the applicant's license.

9 The Department will not consider an advanced practice
10 registered nurse's license being revoked or otherwise
11 disciplined by any state or territory based solely on the
12 advanced practice registered nurse providing, authorizing,
13 recommending, aiding, assisting, referring for, or
14 otherwise participating in any health care service that is
15 unlawful or prohibited in that state or territory, if the
16 provision of, authorization of, or participation in that
17 health care, medical service, or procedure related to any
18 health care service is not unlawful or prohibited in this
19 State.

20 (3) The applicant has sufficient training and
21 possesses the appropriate core competencies to provide
22 health care services, and is physically, mentally, and
23 professionally capable of practicing as an advanced
24 practice registered nurse with reasonable judgment, skill,
25 and safety and in accordance with applicable standards of
26 care.

1 (4) The applicant has met the written collaborative
2 agreement requirements under Section 65-35.

3 (5) The applicant will be working pursuant to an
4 agreement with a sponsoring licensed hospital, medical
5 office, clinic, or other medical facility providing health
6 care services. Such agreement shall be executed by an
7 authorized representative of the licensed hospital,
8 medical office, clinic, or other medical facility,
9 certifying that the advanced practice registered nurse
10 holds an active license and is in good standing in the
11 state in which they are licensed. If an applicant for a
12 temporary permit has been previously disciplined by
13 another jurisdiction, except as described in paragraph (2)
14 of subsection (a), further review may be conducted
15 pursuant to the Civil Administrative Code of Illinois and
16 this Act. The application shall include the advanced
17 practice registered nurse's name, contact information,
18 state of licensure, and license number.

19 (6) Payment of a \$75 fee.

20 The sponsoring licensed hospital, medical office, clinic,
21 or other medical facility engaged in the agreement with the
22 applicant shall notify the Department should the applicant at
23 any point leave or become separate from the sponsor.

24 The Department may adopt rules to carry out this Section.

25 (b) A temporary permit under this Section shall expire 2
26 years after the date of issuance. The temporary permit may be

1 renewed for a \$45 fee for an additional 2 years. A holder of a
2 temporary permit may only renew one time.

3 (c) The temporary permit shall only permit the holder to
4 practice as an advanced practice registered nurse with a
5 collaborating physician who provides health care services at
6 the location or locations specified on the permit or via
7 telehealth.

8 (d) An application for the temporary permit shall be made
9 to the Department, in writing, on forms prescribed by the
10 Department, and shall be accompanied by a non-refundable fee
11 of \$75. The Department shall grant or deny an applicant a
12 temporary permit within 60 days of receipt of a completed
13 application. The Department shall notify the applicant of any
14 deficiencies in the applicant's application materials
15 requiring corrections in a timely manner.

16 (e) An applicant for temporary permit may be requested to
17 appear before the Board to respond to questions concerning the
18 applicant's qualifications to receive the permit. An
19 applicant's refusal to appear before the Board of Nursing may
20 be grounds for denial of the application by the Department.

21 (f) The Secretary may summarily cancel any temporary
22 permit issued pursuant to this Section, without a hearing, if
23 the Secretary finds that evidence in his or her possession
24 indicates that a permit holder's continuation in practice
25 would constitute an imminent danger to the public or violate
26 any provision of this Act or its rules.

1 If the Secretary summarily cancels a temporary permit
2 issued pursuant to this Section or Act, the permit holder may
3 petition the Department for a hearing in accordance with the
4 provisions of Section 70-125 to restore his or her permit,
5 unless the permit holder has exceeded his or her renewal
6 limit.

7 (g) In addition to terminating any temporary permit issued
8 pursuant to this Section or Act, the Department may issue a
9 monetary penalty not to exceed \$10,000 upon the temporary
10 permit holder and may notify any state in which the temporary
11 permit holder has been issued a permit that his or her Illinois
12 permit has been terminated and the reasons for the
13 termination. The monetary penalty shall be paid within 60 days
14 after the effective date of the order imposing the penalty.
15 The order shall constitute a judgment and may be filed, and
16 execution had thereon in the same manner as any judgment from
17 any court of record. It is the intent of the General Assembly
18 that a permit issued pursuant to this Section shall be
19 considered a privilege and not a property right.

20 (h) While working in Illinois, all temporary permit
21 holders are subject to all statutory and regulatory
22 requirements of this Act in the same manner as a licensee.
23 Failure to adhere to all statutory and regulatory requirements
24 may result in revocation or other discipline of the temporary
25 permit.

26 (i) If the Department becomes aware of a violation

1 occurring at the licensed hospital, medical office, clinic, or
2 other medical facility, or via telehealth service, the
3 Department shall notify the Department of Public Health.

4 (j) The Department may adopt emergency rules pursuant to
5 this Section. The General Assembly finds that the adoption of
6 rules to implement a temporary permit for health care services
7 is deemed an emergency and necessary for the public interest,
8 safety, and welfare.

9 (225 ILCS 65/65-11.5 new)

10 Sec. 65-11.5. Temporary permit for full practice advanced
11 practice registered nurses for health care.

12 (a) The Department may issue a full practice advanced
13 practice registered nurse temporary permit to an applicant who
14 is licensed to practice as an advanced practice registered
15 nurse in another state. The temporary permit will authorize
16 the practice of providing health care to patients in this
17 State if all of the following apply:

18 (1) The Department determines that the applicant's
19 services will improve the welfare of Illinois residents
20 and non-residents requiring health care services.

21 (2) The applicant has obtained a graduate degree
22 appropriate for national certification in a clinical
23 advanced practice registered nursing specialty or a
24 graduate degree or post-master's certificate from a
25 graduate level program in a clinical advanced practice

1 registered nursing specialty; the applicant is certified
2 as a nurse practitioner, nurse midwife, or clinical nurse
3 specialist; the applicant has submitted verification of
4 licensure status in good standing in the applicant's
5 current state or territory of licensure; and the applicant
6 can furnish the Department with a certified letter upon
7 request from that jurisdiction attesting to the fact that
8 the applicant has no pending action or violations against
9 the applicant's license.

10 The Department shall not consider an advanced practice
11 registered nurse's license being revoked or otherwise
12 disciplined by any state or territory for the provision
13 of, authorization of, or participation in any health care,
14 medical service, or procedure related to an abortion on
15 the basis that such health care, medical service, or
16 procedure related to an abortion is unlawful or prohibited
17 in that state or territory, if the provision of,
18 authorization of, or participation in that health care,
19 medical service, or procedure related to an abortion is
20 not unlawful or prohibited in this State.

21 (3) The applicant has sufficient training and
22 possesses the appropriate core competencies to provide
23 health care services, and is physically, mentally, and
24 professionally capable of practicing as an advanced
25 practice registered nurse with reasonable judgment, skill,
26 and safety and in accordance with applicable standards of

1 care.

2 (4) The applicant will be working pursuant to an
3 agreement with a sponsoring licensed hospital, medical
4 office, clinic, or other medical facility providing health
5 care services. Such agreement shall be executed by an
6 authorized representative of the licensed hospital,
7 medical office, clinic, or other medical facility,
8 certifying that the advanced practice registered nurse
9 holds an active license and is in good standing in the
10 state in which they are licensed. If an applicant for a
11 temporary permit has been previously disciplined by
12 another jurisdiction, except as described in paragraph (2)
13 of subsection (a), further review may be conducted
14 pursuant to the Civil Administrative Code of Illinois and
15 this Act. The application shall include the advanced
16 practice registered nurse's name, contact information,
17 state of licensure, and license number.

18 (5) Payment of a \$75 fee.

19 The sponsoring licensed hospital, medical office, clinic,
20 or other medical facility engaged in the agreement with the
21 applicant shall notify the Department should the applicant at
22 any point leave or become separate from the sponsor.

23 The Department may adopt rules to carry out this Section.

24 (b) A temporary permit under this Section shall expire 2
25 years after the date of issuance. The temporary permit may be
26 renewed for a \$45 fee for an additional 2 years. A holder of a

1 temporary permit may only renew one time.

2 (c) The temporary permit shall only permit the holder to
3 practice as a full practice advanced practice registered nurse
4 within the scope of providing health care services at the
5 location or locations specified on the permit or via
6 telehealth service.

7 (d) An application for the temporary permit shall be made
8 to the Department, in writing, on forms prescribed by the
9 Department, and shall be accompanied by a non-refundable fee
10 of \$75.

11 (e) An applicant for temporary permit may be requested to
12 appear before the Board to respond to questions concerning the
13 applicant's qualifications to receive the permit. An
14 applicant's refusal to appear before the Board of Nursing may
15 be grounds for denial of the application by the Department.

16 (f) The Secretary may summarily cancel any temporary
17 permit issued pursuant to this Section, without a hearing, if
18 the Secretary finds that evidence in his or her possession
19 indicates that a permit holder's continuation in practice
20 would constitute an imminent danger to the public or violate
21 any provision of this Act or its rules.

22 If the Secretary summarily cancels a temporary permit
23 issued pursuant to this Section or Act, the permit holder may
24 petition the Department for a hearing in accordance with the
25 provisions of Section 70-125 of this Act to restore his or her
26 permit, unless the permit holder has exceeded his or her

1 renewal limit.

2 (g) In addition to terminating any temporary permit issued
3 pursuant to this Section or Act, the Department may issue a
4 monetary penalty not to exceed \$10,000 upon the temporary
5 permit holder and may notify any state in which the temporary
6 permit holder has been issued a permit that his or her Illinois
7 permit has been terminated and the reasons for the
8 termination. The monetary penalty shall be paid within 60 days
9 after the effective date of the order imposing the penalty.
10 The order shall constitute a judgment and may be filed, and
11 execution had thereon in the same manner as any judgment from
12 any court of record. It is the intent of the General Assembly
13 that a permit issued pursuant to this Section shall be
14 considered a privilege and not a property right.

15 (h) While working in Illinois, all temporary permit
16 holders are subject to all statutory and regulatory
17 requirements of this Act in the same manner as a licensee.
18 Failure to adhere to all statutory and regulatory requirements
19 may result in revocation or other discipline of the temporary
20 permit.

21 (i) If the Department becomes aware of a violation
22 occurring at the licensed hospital, medical office, clinic, or
23 other medical facility, or via telehealth service, the
24 Department shall notify the Department of Public Health.

25 (j) The Department may adopt emergency rules pursuant to
26 this Section. The General Assembly finds that the adoption of

1 rules to implement a temporary permit for health care services
2 is deemed an emergency and necessary for the public interest,
3 safety, and welfare.

4 Article 9.

5 Section 9-5. The Behavior Analyst Licensing Act is amended
6 by changing Section 60 as follows:

7 (225 ILCS 6/60)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 60. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or renew a license,
11 or may suspend, revoke, place on probation, reprimand, or take
12 any other disciplinary or nondisciplinary action deemed
13 appropriate by the Department, including the imposition of
14 fines not to exceed \$10,000 for each violation, with regard to
15 any license issued under the provisions of this Act for any one
16 or a combination of the following grounds:

17 (1) material misstatements in furnishing information
18 to the Department or to any other State agency or in
19 furnishing information to any insurance company with
20 respect to a claim on behalf of a licensee or a patient;

21 (2) violations or negligent or intentional disregard
22 of this Act or its rules;

23 (3) conviction of or entry of a plea of guilty or nolo

1 contendere, finding of guilt, jury verdict, or entry of
2 judgment or sentencing, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation, under
5 the laws of any jurisdiction of the United States that is
6 (i) a felony or (ii) a misdemeanor, an essential element
7 of which is dishonesty, or that is directly related to the
8 practice of behavior analysis;

9 (4) fraud or misrepresentation in applying for or
10 procuring a license under this Act or in connection with
11 applying for renewal or restoration of a license under
12 this Act;

13 (5) professional incompetence;

14 (6) gross negligence in practice under this Act;

15 (7) aiding or assisting another person in violating
16 any provision of this Act or its rules;

17 (8) failing to provide information within 60 days in
18 response to a written request made by the Department;

19 (9) engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public as defined by the rules of the
22 Department or violating the rules of professional conduct
23 adopted by the Department;

24 (10) habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, of alcohol, or of
26 any other substances that results in the inability to

1 practice with reasonable judgment, skill, or safety;

2 (11) adverse action taken by another state or
3 jurisdiction if at least one of the grounds for the
4 discipline is the same or substantially equivalent to
5 those set forth in this Section;

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

21 (13) a finding by the Department that the licensee,
22 after having the license placed on probationary status,
23 has violated the terms of probation or failed to comply
24 with those terms;

25 (14) abandonment, without cause, of a client;

26 (15) willfully making or filing false records or

1 reports relating to a licensee's practice, including, but
2 not limited to, false records filed with federal or State
3 agencies or departments;

4 (16) willfully failing to report an instance of
5 suspected child abuse or neglect as required by the Abused
6 and Neglected Child Reporting Act;

7 (17) being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act, and
10 upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act;

14 (18) physical illness, mental illness, or any other
15 impairment or disability, including, but not limited to,
16 deterioration through the aging process, or loss of motor
17 skills that results in the inability to practice the
18 profession with reasonable judgment, skill, or safety;

19 (19) solicitation of professional services by using
20 false or misleading advertising;

21 (20) violation of the Health Care Worker Self-Referral
22 Act;

23 (21) willfully failing to report an instance of
24 suspected abuse, neglect, financial exploitation, or
25 self-neglect of an eligible adult as defined in and
26 required by the Adult Protective Services Act; or

1 (22) being named as an abuser in a verified report by
2 the Department on Aging under the Adult Protective
3 Services Act, and upon proof by clear and convincing
4 evidence that the licensee abused, neglected, or
5 financially exploited an eligible adult as defined in the
6 Adult Protective Services Act.

7 (b) The determination by a court that a licensee is
8 subject to involuntary admission or judicial admission as
9 provided in the Mental Health and Developmental Disabilities
10 Code shall result in an automatic suspension of the licensee's
11 license. The suspension shall end upon a finding by a court
12 that the licensee is no longer subject to involuntary
13 admission or judicial admission and issues an order so finding
14 and discharging the patient, and upon the recommendation of
15 the Board to the Secretary that the licensee be allowed to
16 resume professional practice.

17 (c) The Department shall refuse to issue or renew or may
18 suspend the license of a person who (i) fails to file a tax
19 return, pay the tax, penalty, or interest shown in a filed tax
20 return, or pay any final assessment of tax, penalty, or
21 interest, as required by any tax Act administered by the
22 Department of Revenue, until the requirements of the tax Act
23 are satisfied or (ii) has failed to pay any court-ordered
24 child support as determined by a court order or by referral
25 from the Department of Healthcare and Family Services.

26 (c-5) The Department shall not revoke, suspend, place on

1 probation, reprimand, refuse to issue or renew, or take any
2 other disciplinary or non-disciplinary action against a
3 licensed behavior analyst or a licensed assistant behavior
4 analyst based solely upon the license of the behavior analyst
5 or assistant behavior analyst being revoked or the licensee
6 being otherwise disciplined by any state or territory other
7 than this State for the provision of, authorization of,
8 referral for, or participation in any health care or
9 consultation, including behavior analysis, if the revocation
10 or disciplinary action was based solely on a violation of the
11 other state's law prohibiting the provision of, authorization
12 of, referral for, or participation in any such health care or
13 consultation, including behavior analysis, performed in any
14 state for any person and such conduct is consistent with the
15 behavior analyst or assistant behavior analysts scope of
16 practice and is permissible under Illinois law. The Department
17 retains the ability to discipline a licensed behavior analyst
18 or licensed assistant behavior analyst for conduct that would
19 otherwise constitute unprofessional and unethical conduct.

20 (d) In enforcing this Section, the Department, upon a
21 showing of a possible violation, may compel a person licensed
22 to practice under this Act, or who has applied for licensure
23 under this Act, to submit to a mental or physical examination,
24 or both, which may include a substance abuse or sexual
25 offender evaluation, as required by and at the expense of the
26 Department.

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

19 (2) The Department may order the examining physician
20 or any member of the multidisciplinary team to present
21 testimony concerning this mental or physical examination
22 of the licensee or applicant. No information, report,
23 record, or other documents in any way related to the
24 examination shall be excluded by reason of any common law
25 or statutory privilege relating to communications between
26 the licensee or applicant and the examining physician or

1 any member of the multidisciplinary team. No authorization
2 is necessary from the licensee or applicant ordered to
3 undergo an examination for the examining physician or any
4 member of the multidisciplinary team to provide
5 information, reports, records, or other documents or to
6 provide any testimony regarding the examination and
7 evaluation.

8 (3) The person to be examined may have, at the
9 person's own expense, another physician of the person's
10 choice present during all aspects of the examination.
11 However, that physician shall be present only to observe
12 and may not interfere in any way with the examination.

13 (4) The failure of any person to submit to a mental or
14 physical examination without reasonable cause, when
15 ordered, shall result in an automatic suspension of the
16 person's license until the person submits to the
17 examination.

18 (e) If the Department finds a person unable to practice
19 because of the reasons set forth in this Section, the
20 Department or Board may require that person to submit to care,
21 counseling, or treatment by physicians approved or designated
22 by the Department or Board, as a condition, term, or
23 restriction for continued, reinstated, or renewed licensure to
24 practice; or, in lieu of care, counseling, or treatment, the
25 Department may file, or the Board may recommend to the
26 Department to file, a complaint to immediately suspend,

1 revoke, or otherwise discipline the license of the person. Any
2 person whose license was granted, continued, reinstated,
3 renewed, disciplined, or supervised subject to the terms,
4 conditions, or restrictions, and who fails to comply with the
5 terms, conditions, or restrictions, shall be referred to the
6 Secretary for a determination as to whether the person shall
7 have the person's license suspended immediately, pending a
8 hearing by the Department.

9 (f) All fines imposed shall be paid within 60 days after
10 the effective date of the order imposing the fine or in
11 accordance with the terms set forth in the order imposing the
12 fine.

13 If the Secretary immediately suspends a person's license
14 under this subsection, a hearing on that person's license must
15 be convened by the Department within 30 days after the
16 suspension and completed without appreciable delay. The
17 Department and Board shall have the authority to review the
18 subject person's record of treatment and counseling regarding
19 the impairment, to the extent permitted by applicable federal
20 statutes and regulations safeguarding the confidentiality of
21 medical records.

22 A person licensed under this Act and affected under this
23 Section shall be afforded an opportunity to demonstrate to the
24 Department or Board that the person can resume practice in
25 compliance with acceptable and prevailing standards under the
26 provisions of the person's license.

1 (Source: P.A. 102-953, eff. 5-27-22.)

2 Section 9-10. The Clinical Psychologist Licensing Act is
3 amended by changing Section 15 as follows:

4 (225 ILCS 15/15) (from Ch. 111, par. 5365)
5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 15. Disciplinary action; grounds.

7 (a) The Department may refuse to issue, refuse to renew,
8 suspend, or revoke any license, or may place on probation,
9 reprimand, or take other disciplinary or non-disciplinary
10 action deemed appropriate by the Department, including the
11 imposition of fines not to exceed \$10,000 for each violation,
12 with regard to any license issued under the provisions of this
13 Act for any one or a combination of the following reasons:

14 (1) Conviction of, or entry of a plea of guilty or nolo
15 contendere to, any crime that is a felony under the laws of
16 the United States or any state or territory thereof or
17 that is a misdemeanor of which an essential element is
18 dishonesty, or any crime that is directly related to the
19 practice of the profession.

20 (2) Gross negligence in the rendering of clinical
21 psychological services.

22 (3) Using fraud or making any misrepresentation in
23 applying for a license or in passing the examination
24 provided for in this Act.

1 (4) Aiding or abetting or conspiring to aid or abet a
2 person, not a clinical psychologist licensed under this
3 Act, in representing himself or herself as so licensed or
4 in applying for a license under this Act.

5 (5) Violation of any provision of this Act or the
6 rules promulgated thereunder.

7 (6) Professional connection or association with any
8 person, firm, association, partnership or corporation
9 holding himself, herself, themselves, or itself out in any
10 manner contrary to this Act.

11 (7) Unethical, unauthorized or unprofessional conduct
12 as defined by rule. In establishing those rules, the
13 Department shall consider, though is not bound by, the
14 ethical standards for psychologists promulgated by
15 recognized national psychology associations.

16 (8) Aiding or assisting another person in violating
17 any provisions of this Act or the rules promulgated
18 thereunder.

19 (9) Failing to provide, within 60 days, information in
20 response to a written request made by the Department.

21 (10) Habitual or excessive use or addiction to
22 alcohol, narcotics, stimulants, or any other chemical
23 agent or drug that results in a clinical psychologist's
24 inability to practice with reasonable judgment, skill or
25 safety.

26 (11) Discipline by another state, territory, the

1 District of Columbia or foreign country, if at least one
2 of the grounds for the discipline is the same or
3 substantially equivalent to those set forth herein.

4 (12) Directly or indirectly giving or receiving from
5 any person, firm, corporation, association or partnership
6 any fee, commission, rebate, or other form of compensation
7 for any professional service not actually or personally
8 rendered. Nothing in this paragraph (12) affects any bona
9 fide independent contractor or employment arrangements
10 among health care professionals, health facilities, health
11 care 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
16 Act. Nothing in this paragraph (12) shall be construed to
17 require an employment arrangement to receive professional
18 fees for services rendered.

19 (13) A finding that the licensee, after having his or
20 her license placed on probationary status, l has violated
21 the terms of probation.

22 (14) Willfully making or filing false records or
23 reports, including but not limited to, false records or
24 reports filed with State agencies or departments.

25 (15) Physical illness, including but not limited to,
26 deterioration through the aging process, mental illness or

1 disability that results in the inability to practice the
2 profession with reasonable judgment, skill and safety.

3 (16) Willfully failing to report an instance of
4 suspected child abuse or neglect as required by the Abused
5 and Neglected Child Reporting Act.

6 (17) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 pursuant to the Abused and Neglected Child Reporting Act,
9 and upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (18) Violation of the Health Care Worker Self-Referral
14 Act.

15 (19) Making a material misstatement in furnishing
16 information to the Department, any other State or federal
17 agency, or any other entity.

18 (20) Failing to report to the Department any adverse
19 judgment, settlement, or award arising from a liability
20 claim related to an act or conduct similar to an act or
21 conduct that would constitute grounds for action as set
22 forth in this Section.

23 (21) Failing to report to the Department any adverse
24 final action taken against a licensee or applicant by
25 another licensing jurisdiction, including any other state
26 or territory of the United States or any foreign state or

1 country, or any peer review body, health care institution,
2 professional society or association related to the
3 profession, governmental agency, law enforcement agency,
4 or court for an act or conduct similar to an act or conduct
5 that would constitute grounds for disciplinary action as
6 set forth in this Section.

7 (22) Prescribing, selling, administering,
8 distributing, giving, or self-administering (A) any drug
9 classified as a controlled substance (designated product)
10 for other than medically accepted therapeutic purposes or
11 (B) any narcotic drug.

12 (23) Violating state or federal laws or regulations
13 relating to controlled substances, legend drugs, or
14 ephedra as defined in the Ephedra Prohibition Act.

15 (24) Exceeding the terms of a collaborative agreement
16 or the prescriptive authority delegated to a licensee by
17 his or her collaborating physician or established under a
18 written collaborative agreement.

19 The entry of an order by any circuit court establishing
20 that any person holding a license under this Act is subject to
21 involuntary admission or judicial admission as provided for in
22 the Mental Health and Developmental Disabilities Code,
23 operates as an automatic suspension of that license. That
24 person may have his or her license restored only upon the
25 determination by a circuit court that the patient is no longer
26 subject to involuntary admission or judicial admission and the

1 issuance of an order so finding and discharging the patient
2 and upon the Board's recommendation to the Department that the
3 license be restored. Where the circumstances so indicate, the
4 Board may recommend to the Department that it require an
5 examination prior to restoring any license so automatically
6 suspended.

7 The Department shall refuse to issue or suspend the
8 license of any person who fails to file a return, or to pay the
9 tax, penalty or interest shown in a filed return, or to pay any
10 final assessment of the tax penalty or interest, as required
11 by any tax Act administered by the Illinois Department of
12 Revenue, until such time as the requirements of any such tax
13 Act are satisfied.

14 In enforcing this Section, the Department or Board upon a
15 showing of a possible violation may compel any person licensed
16 to practice under this Act, or who has applied for licensure or
17 certification pursuant to this Act, to submit to a mental or
18 physical examination, or both, as required by and at the
19 expense of the Department. The examining physicians or
20 clinical psychologists shall be those specifically designated
21 by the Department. The Board or the Department may order the
22 examining physician or clinical psychologist to present
23 testimony concerning this mental or physical examination of
24 the licensee or applicant. No information shall be excluded by
25 reason of any common law or statutory privilege relating to
26 communications between the licensee or applicant and the

1 examining physician or clinical psychologist. The person to be
2 examined may have, at his or her own expense, another
3 physician or clinical psychologist of his or her choice
4 present during all aspects of the examination. Failure of any
5 person to submit to a mental or physical examination, when
6 directed, shall be grounds for suspension of a license until
7 the person submits to the examination if the Department or
8 Board finds, after notice and hearing, that the refusal to
9 submit to the examination was without reasonable cause.

10 If the Department or Board finds a person unable to
11 practice because of the reasons set forth in this Section, the
12 Department or Board may require that person to submit to care,
13 counseling or treatment by physicians or clinical
14 psychologists approved or designated by the Department, as a
15 condition, term, or restriction for continued, reinstated, or
16 renewed licensure to practice; or, in lieu of care, counseling
17 or treatment, the Board may recommend to the Department to
18 file or the Department may file a complaint to immediately
19 suspend, revoke or otherwise discipline the license of the
20 person. Any person whose license was granted, continued,
21 reinstated, renewed, disciplined or supervised subject to such
22 terms, conditions or restrictions, and who fails to comply
23 with such terms, conditions or restrictions, shall be referred
24 to the Secretary for a determination as to whether the person
25 shall have his or her license suspended immediately, pending a
26 hearing by the Board.

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

10 A person licensed under this Act and affected under this
11 Section shall be afforded an opportunity to demonstrate to the
12 Board that he or she can resume practice in compliance with
13 acceptable and prevailing standards under the provisions of
14 his or her license.

15 (b) The Department shall not revoke, suspend, place on
16 probation, reprimand, refuse to issue or renew, or take any
17 other disciplinary or non-disciplinary action against the
18 license or permit issued under this Act based solely upon the
19 licensed clinical psychologist recommending, aiding,
20 assisting, referring for, or participating in any health care
21 service, so long as the care was not unlawful under the laws of
22 this State, regardless of whether the patient was a resident
23 of this State or another state.

24 (c) The Department shall not revoke, suspend, place on
25 prohibition, reprimand, refuse to issue or renew, or take any
26 other disciplinary or non-disciplinary action against the

1 license or permit issued under this Act to practice as a
2 licensed clinical psychologist based upon the licensed
3 clinical psychologist's license being revoked or suspended, or
4 the licensed clinical psychologist being otherwise disciplined
5 by any other state, if that revocation, suspension, or other
6 form of discipline was based solely on the licensed clinical
7 psychologist violating another state's laws prohibiting the
8 provision of, authorization of, recommendation of, aiding or
9 assisting in, referring for, or participation in any health
10 care service if that health care service as provided would not
11 have been unlawful under the laws of this State and is
12 consistent with the standards of conduct for a licensed
13 clinical psychologist practicing in Illinois.

14 (d) The conduct specified in subsections (b) and (c) shall
15 not constitute grounds for suspension under Section 21.6.

16 (e) The Department shall not revoke, suspend, summarily
17 suspend, place on prohibition, reprimand, refuse to issue or
18 renew, or take any other disciplinary or non-disciplinary
19 action against the license or permit issued under this Act to
20 practice as a licensed clinical psychologist based solely upon
21 the license of a licensed clinical psychologist being revoked
22 or the licensed clinical psychologist being otherwise
23 disciplined by any other state or territory other than
24 Illinois for the referral for or having otherwise participated
25 in any health care service, if the revocation or disciplinary
26 action was based solely on a violation of the other state's law

1 prohibiting related sexual or reproductive health care or
2 gender-affirming care services in the state, for a resident of
3 the state, or in any other state.

4 (f) The Department may adopt rules to implement the
5 changes made by this amendatory Act of the 102nd General
6 Assembly.

7 (Source: P.A. 98-668, eff. 6-25-14; 99-572, eff. 7-15-16.)

8 Section 9-15. The Clinical Social Work and Social Work
9 Practice Act is amended by changing Section 19 as follows:

10 (225 ILCS 20/19) (from Ch. 111, par. 6369)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 19. Grounds for disciplinary action.

13 (1) The Department may refuse to issue or renew a license,
14 or may suspend, revoke, place on probation, reprimand, or take
15 any other disciplinary or non-disciplinary action deemed
16 appropriate by the Department, including the imposition of
17 fines not to exceed \$10,000 for each violation, with regard to
18 any license issued under the provisions of this Act for any one
19 or a combination of the following grounds:

20 (a) material misstatements in furnishing information
21 to the Department or to any other State agency or in
22 furnishing information to any insurance company with
23 respect to a claim on behalf of a licensee or a patient;

24 (b) violations or negligent or intentional disregard

1 of this Act, or any of the rules promulgated hereunder;

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

12 (d) fraud or misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal or restoration of a license under
15 this Act;

16 (e) professional incompetence;

17 (f) gross negligence in practice under this Act;

18 (g) aiding or assisting another person in violating
19 any provision of this Act or its rules;

20 (h) failing to provide information within 60 days in
21 response to a written request made by the Department;

22 (i) engaging in dishonorable, unethical or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public as defined by the rules of the
25 Department, or violating the rules of professional conduct
26 adopted by the Department;

1 (j) habitual or excessive use or abuse of drugs
2 defined in law as controlled substances, of alcohol, or of
3 any other substances that results in the inability to
4 practice with reasonable judgment, skill, or safety;

5 (k) adverse action taken by another state or
6 jurisdiction, if at least one of the grounds for the
7 discipline is the same or substantially equivalent to
8 those set forth in this Section;

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

24 (m) a finding by the Department that the licensee,
25 after having the license placed on probationary status,
26 has violated the terms of probation or failed to comply

1 with such terms;

2 (n) abandonment, without cause, of a client;

3 (o) willfully making or filing false records or
4 reports relating to a licensee's practice, including, but
5 not limited to, false records filed with Federal or State
6 agencies or departments;

7 (p) willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act;

10 (q) being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 under the Abused and Neglected Child Reporting Act, and
13 upon proof by clear and convincing evidence that the
14 licensee has caused a child to be an abused child or
15 neglected child as defined in the Abused and Neglected
16 Child Reporting Act;

17 (r) physical illness, mental illness, or any other
18 impairment or disability, including, but not limited to,
19 deterioration through the aging process, or loss of motor
20 skills that results in the inability to practice the
21 profession with reasonable judgment, skill or safety;

22 (s) solicitation of professional services by using
23 false or misleading advertising;

24 (t) violation of the Health Care Worker Self-Referral
25 Act;

26 (u) willfully failing to report an instance of

1 suspected abuse, neglect, financial exploitation, or
2 self-neglect of an eligible adult as defined in and
3 required by the Adult Protective Services Act; or

4 (v) being named as an abuser in a verified report by
5 the Department on Aging under the Adult Protective
6 Services Act, and upon proof by clear and convincing
7 evidence that the licensee abused, neglected, or
8 financially exploited an eligible adult as defined in the
9 Adult Protective Services Act.

10 (2) (Blank).

11 (3) The determination by a court that a licensee is
12 subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code, will result in an automatic suspension of his license.
15 Such suspension will end upon a finding by a court that the
16 licensee is no longer subject to involuntary admission or
17 judicial admission and issues an order so finding and
18 discharging the patient, and upon the recommendation of the
19 Board to the Secretary that the licensee be allowed to resume
20 professional practice.

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

1 or (ii) has failed to pay any court-ordered child support as
2 determined by a court order or by referral from the Department
3 of Healthcare and Family Services.

4 (4.5) The Department shall not revoke, suspend, summarily
5 suspend, place on prohibition, reprimand, refuse to issue or
6 renew, or take any other disciplinary or non-disciplinary
7 action against a license or permit issued under this Act based
8 solely upon the licensed clinical social worker authorizing,
9 recommending, aiding, assisting, referring for, or otherwise
10 participating in any health care service, so long as the care
11 was not unlawful under the laws of this State, regardless of
12 whether the patient was a resident of this State or another
13 state.

14 (4.10) The Department shall not revoke, suspend, summarily
15 suspend, place on prohibition, reprimand, refuse to issue or
16 renew, or take any other disciplinary or non-disciplinary
17 action against the license or permit issued under this Act to
18 practice as a licensed clinical social worker based upon the
19 licensed clinical social worker's license being revoked or
20 suspended, or the licensed clinical social worker being
21 otherwise disciplined by any other state, if that revocation,
22 suspension, or other form of discipline was based solely on
23 the licensed clinical social worker violating another state's
24 laws prohibiting the provision of, authorization of,
25 recommendation of, aiding or assisting in, referring for, or
26 participation in any health care service if that health care

1 service as provided would not have been unlawful under the
2 laws of this State and is consistent with the standards of
3 conduct for a licensed clinical social worker practicing in
4 Illinois.

5 (4.15) The conduct specified in subsections (4.5) and
6 (4.10) shall not constitute grounds for suspension under
7 Section 32.

8 (4.20) An applicant seeking licensure, certification, or
9 authorization pursuant to this Act who has been subject to
10 disciplinary action by a duly authorized professional
11 disciplinary agency of another jurisdiction solely on the
12 basis of having authorized, recommended, aided, assisted,
13 referred for, or otherwise participated in health care shall
14 not be denied such licensure, certification, or authorization,
15 unless the Department determines that such action would have
16 constituted professional misconduct in this State; however,
17 nothing in this Section shall be construed as prohibiting the
18 Department from evaluating the conduct of such applicant and
19 making a determination regarding the licensure, certification,
20 or authorization to practice a profession under this Act.

21 (5) (a) In enforcing this Section, the Department or Board,
22 upon a showing of a possible violation, may compel a person
23 licensed to practice under this Act, or who has applied for
24 licensure under this Act, to submit to a mental or physical
25 examination, or both, which may include a substance abuse or
26 sexual offender evaluation, as required by and at the expense

1 of the Department.

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

19 (c) The Board or the Department may order the examining
20 physician or any member of the multidisciplinary team to
21 present testimony concerning this mental or physical
22 examination of the licensee or applicant. No information,
23 report, record, or other documents in any way related to the
24 examination shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician or any

1 member of the multidisciplinary team. No authorization is
2 necessary from the licensee or applicant ordered to undergo an
3 examination for the examining physician or any member of the
4 multidisciplinary team to provide information, reports,
5 records, or other documents or to provide any testimony
6 regarding the examination and evaluation.

7 (d) The person to be examined may have, at his or her own
8 expense, another physician of his or her choice present during
9 all aspects of the examination. However, that physician shall
10 be present only to observe and may not interfere in any way
11 with the examination.

12 (e) Failure of any person to submit to a mental or physical
13 examination without reasonable cause, when ordered, shall
14 result in an automatic suspension of his or her license until
15 the person submits to the examination.

16 (f) If the Department or Board finds a person unable to
17 practice because of the reasons set forth in this Section, the
18 Department or Board may require that person to submit to care,
19 counseling, or treatment by physicians approved or designated
20 by the Department or Board, as a condition, term, or
21 restriction for continued, reinstated, or renewed licensure to
22 practice; or, in lieu of care, counseling or treatment, the
23 Department may file, or the Board may recommend to the
24 Department to file, a complaint to immediately suspend,
25 revoke, or otherwise discipline the license of the person. Any
26 person whose license was granted, continued, reinstated,

1 renewed, disciplined or supervised subject to such terms,
2 conditions or restrictions, and who fails to comply with such
3 terms, conditions, or restrictions, shall be referred to the
4 Secretary for a determination as to whether the person shall
5 have his or her license suspended immediately, pending a
6 hearing by the Department.

7 (g) All fines imposed shall be paid within 60 days after
8 the effective date of the order imposing the fine or in
9 accordance with the terms set forth in the order imposing the
10 fine.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that
13 person's license must be convened by the Department within 30
14 days after the suspension and completed without appreciable
15 delay. The Department and Board shall have the authority to
16 review the subject person's record of treatment and counseling
17 regarding the impairment, to the extent permitted by
18 applicable federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 A person licensed under this Act and affected under this
21 Section shall be afforded an opportunity to demonstrate to the
22 Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of his or her license.

25 (h) The Department may adopt rules to implement the
26 changes made by this amendatory Act of the 102nd General

1 Assembly.

2 (Source: P.A. 100-414, eff. 8-25-17.)

3 Section 9-20. The Marriage and Family Therapy Licensing
4 Act is amended by changing Section 85 as follows:

5 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 85. Refusal, revocation, or suspension.

8 (a) The Department may refuse to issue or renew a license,
9 or may revoke, suspend, reprimand, place on probation, or take
10 any other disciplinary or non-disciplinary action as the
11 Department may deem proper, including the imposition of fines
12 not to exceed \$10,000 for each violation, with regard to any
13 license issued under the provisions of this Act for any one or
14 combination of the following grounds:

15 (1) Material misstatement in furnishing information to
16 the Department.

17 (2) Violation of any provision of this Act or its
18 rules.

19 (3) Conviction of or entry of a plea of guilty or nolo
20 contendere, finding of guilt, jury verdict, or entry of
21 judgment or sentencing, including, but not limited to,
22 convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States that is

1 (i) a felony or (ii) a misdemeanor, an essential element
2 of which is dishonesty or that is directly related to the
3 practice of the profession.

4 (4) Fraud or misrepresentation in applying for or
5 procuring a license under this Act or in connection with
6 applying for renewal or restoration of a license under
7 this Act or its rules.

8 (5) Professional incompetence.

9 (6) Gross negligence in practice under this Act.

10 (7) Aiding or assisting another person in violating
11 any provision of this Act or its rules.

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

14 (9) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud or harm the public as defined by the rules of the
17 Department, or violating the rules of professional conduct
18 adopted by the Department.

19 (10) Habitual or excessive use or abuse of drugs
20 defined in law as controlled substances, of alcohol, or
21 any other substance that results in the inability to
22 practice with reasonable judgment, skill, or safety.

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

26 (12) Directly or indirectly giving to or receiving

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

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

20 (14) Abandonment of a patient without cause.

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

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

1 and Neglected Child Reporting Act.

2 (17) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 under the Abused and Neglected Child Reporting Act and
5 upon proof by clear and convincing evidence that the
6 licensee has caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (18) Physical illness or mental illness or impairment,
10 including, but not limited to, deterioration through the
11 aging process or loss of motor skill that results in the
12 inability to practice the profession with reasonable
13 judgment, skill, or safety.

14 (19) Solicitation of professional services by using
15 false or misleading advertising.

16 (20) A pattern of practice or other behavior that
17 demonstrates incapacity or incompetence to practice under
18 this Act.

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

21 (22) Gross, willful, and continued overcharging for
22 professional services, including filing false statements
23 for collection of fees or moneys for which services are
24 not rendered.

25 (23) Failure to establish and maintain records of
26 patient care and treatment as required by law.

1 (24) Cheating on or attempting to subvert the
2 licensing examinations administered under this Act.

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

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

13 (b) (Blank).

14 (c) The determination by a circuit court that a licensee
15 is subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. The suspension will
18 terminate only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission
20 and the issuance of an order so finding and discharging the
21 patient, and upon the recommendation of the Board to the
22 Secretary that the licensee be allowed to resume his or her
23 practice as a licensed marriage and family therapist or an
24 associate licensed marriage and family therapist.

25 (d) The Department shall refuse to issue or may suspend
26 the license of any person who fails to file a return, pay the

1 tax, penalty, or interest shown in a filed return or pay any
2 final assessment of tax, penalty, or interest, as required by
3 any tax Act administered by the Illinois Department of
4 Revenue, until the time the requirements of the tax Act are
5 satisfied.

6 (d-5) The Department shall not revoke, suspend, summarily
7 suspend, place on prohibition, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against the license or permit issued under this Act to
10 practice as a marriage and family therapist or associate
11 licensed marriage and family therapist based solely upon the
12 marriage and family therapist or associate licensed marriage
13 and family therapist authorizing, recommending, aiding,
14 assisting, referring for, or otherwise participating in any
15 health care service, so long as the care was not Unlawful under
16 the laws of this State, regardless of whether the patient was a
17 resident of this State or another state.

18 (d-10) The Department shall not revoke, suspend, summarily
19 suspend, place on prohibition, reprimand, refuse to issue or
20 renew, or take any other disciplinary or non-disciplinary
21 action against the license or permit issued under this Act to
22 practice as a marriage and family therapist or associate
23 licensed marriage and family therapist based upon the marriage
24 and family therapist's or associate licensed marriage and
25 family therapist's license being revoked or suspended, or the
26 marriage and family therapist or associate licensed marriage

1 and family therapist being otherwise disciplined by any other
2 state, if that revocation, suspension, or other form of
3 discipline was based solely on the marriage and family
4 therapist or associate licensed marriage and family therapist
5 violating another state's laws prohibiting the provision of,
6 authorization of, recommendation of, aiding or assisting in,
7 referring for, or participation in any health care service if
8 that health care service as provided would not have been
9 unlawful under the laws of this State and is consistent with
10 the standards of conduct for a marriage and family therapist
11 or an associate licensed marriage and family therapist
12 practicing in Illinois.

13 (d-15) The conduct specified in subsections (d-5) or
14 (d-10) shall not constitute grounds for suspension under
15 Section 145.

16 (d-20) An applicant seeking licensure, certification, or
17 authorization pursuant to this Act who has been subject to
18 disciplinary action by a duly authorized professional
19 disciplinary agency of another jurisdiction solely on the
20 basis of having authorized, recommended, aided, assisted,
21 referred for, or otherwise participated in health care shall
22 not be denied such licensure, certification, or authorization,
23 unless the Department determines that such action would have
24 constituted professional misconduct in this State; however,
25 nothing in this Section shall be construed as prohibiting the
26 Department from evaluating the conduct of such applicant and

1 making a determination regarding the licensure, certification,
2 or authorization to practice a profession under this Act.

3 (e) In enforcing this Section, the Department or Board
4 upon a showing of a possible violation may compel an
5 individual licensed to practice under this Act, or who has
6 applied for licensure under this Act, to submit to a mental or
7 physical examination, or both, which may include a substance
8 abuse or sexual offender evaluation, as required by and at the
9 expense of the Department.

10 The Department shall specifically designate the examining
11 physician licensed to practice medicine in all of its branches
12 or, if applicable, the multidisciplinary team involved in
13 providing the mental or physical examination or both. The
14 multidisciplinary team shall be led by a physician licensed to
15 practice medicine in all of its branches and may consist of one
16 or more or a combination of physicians licensed to practice
17 medicine in all of its branches, licensed clinical
18 psychologists, licensed clinical social workers, licensed
19 clinical professional counselors, licensed marriage and family
20 therapists, and other professional and administrative staff.
21 Any examining physician or member of the multidisciplinary
22 team may require any person ordered to submit to an
23 examination and evaluation pursuant to this Section to submit
24 to any additional supplemental testing deemed necessary to
25 complete any examination or evaluation process, including, but
26 not limited to, blood testing, urinalysis, psychological

1 testing, or neuropsychological testing.

2 The Department may order the examining physician or any
3 member of the multidisciplinary team to provide to the
4 Department any and all records, including business records,
5 that relate to the examination and evaluation, including any
6 supplemental testing performed.

7 The Department or Board may order the examining physician
8 or any member of the multidisciplinary team to present
9 testimony concerning the mental or physical examination of the
10 licensee or applicant. No information, report, record, or
11 other documents in any way related to the examination shall be
12 excluded by reason of any common law or statutory privilege
13 relating to communications between the licensee or applicant
14 and the examining physician or any member of the
15 multidisciplinary team. No authorization is necessary from the
16 licensee or applicant ordered to undergo an examination for
17 the examining physician or any member of the multidisciplinary
18 team to provide information, reports, records, or other
19 documents or to provide any testimony regarding the
20 examination and evaluation.

21 The individual to be examined may have, at his or her own
22 expense, another physician of his or her choice present during
23 all aspects of this examination. However, that physician shall
24 be present only to observe and may not interfere in any way
25 with the examination.

26 Failure of an individual to submit to a mental or physical

1 examination, when ordered, shall result in an automatic
2 suspension of his or her license until the individual submits
3 to the examination.

4 If the Department or Board finds an individual unable to
5 practice because of the reasons set forth in this Section, the
6 Department or Board may require that individual to submit to
7 care, counseling, or treatment by physicians approved or
8 designated by the Department or Board, as a condition, term,
9 or restriction for continued, reinstated, or renewed licensure
10 to practice; or, in lieu of care, counseling, or treatment,
11 the Department may file, or the Board may recommend to the
12 Department to file, a complaint to immediately suspend,
13 revoke, or otherwise discipline the license of the individual.
14 An individual whose license was granted, continued,
15 reinstated, renewed, disciplined or supervised subject to such
16 terms, conditions, or restrictions, and who fails to comply
17 with such terms, conditions, or restrictions, shall be
18 referred to the Secretary for a determination as to whether
19 the individual shall have his or her license suspended
20 immediately, pending a hearing by the Department.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that
23 person's license must be convened by the Department within 30
24 days after the suspension and completed without appreciable
25 delay. The Department and Board shall have the authority to
26 review the subject individual's record of treatment and

1 counseling regarding the impairment to the extent permitted by
2 applicable federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 An individual licensed under this Act and affected under
5 this Section shall be afforded an opportunity to demonstrate
6 to the Department or Board that he or she can resume practice
7 in compliance with acceptable and prevailing standards under
8 the provisions of his or her license.

9 (f) A fine shall be paid within 60 days after the effective
10 date of the order imposing the fine or in accordance with the
11 terms set forth in the order imposing the fine.

12 (g) The Department may adopt rules to implement the
13 changes made by this amendatory Act of the 102nd General
14 Assembly.

15 (Source: P.A. 100-372, eff. 8-25-17; 100-872, eff. 8-14-18.)

16 Section 9-25. The Professional Counselor and Clinical
17 Professional Counselor Licensing and Practice Act is amended
18 by changing Section 80 as follows:

19 (225 ILCS 107/80)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 80. Grounds for discipline.

22 (a) The Department may refuse to issue, renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary or non-disciplinary action as the Department

1 deems appropriate, including the issuance of fines not to
2 exceed \$10,000 for each violation, with regard to any license
3 for any one or more of the following:

4 (1) Material misstatement in furnishing information to
5 the Department or to any other State agency.

6 (2) Violations or negligent or intentional disregard
7 of this Act or rules adopted under this Act.

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

17 (4) Fraud or any misrepresentation in applying for or
18 procuring a license under this Act or in connection with
19 applying for renewal of a license under this Act.

20 (5) Professional incompetence or gross negligence in
21 the rendering of professional counseling or clinical
22 professional counseling services.

23 (6) Malpractice.

24 (7) Aiding or assisting another person in violating
25 any provision of this Act or any rules.

26 (8) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public and violating the rules of
5 professional conduct adopted by the Department.

6 (10) Habitual or excessive use or abuse of drugs as
7 defined in law as controlled substances, alcohol, or any
8 other substance which results in inability to practice
9 with reasonable skill, judgment, or safety.

10 (11) Discipline by another jurisdiction, the District
11 of Columbia, territory, county, or governmental agency, if
12 at least one of the grounds for the discipline is the same
13 or substantially equivalent to those set forth in this
14 Section.

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

1 Act. Nothing in this paragraph (12) shall be construed to
2 require an employment arrangement to receive professional
3 fees for services rendered.

4 (13) A finding by the Board that the licensee, after
5 having the license placed on probationary status, has
6 violated the terms of probation.

7 (14) Abandonment of a client.

8 (15) Willfully filing false reports relating to a
9 licensee's practice, including but not limited to false
10 records filed with federal or State agencies or
11 departments.

12 (16) Willfully failing to report an instance of
13 suspected child abuse or neglect as required by the Abused
14 and Neglected Child Reporting Act and in matters
15 pertaining to suspected abuse, neglect, financial
16 exploitation, or self-neglect of adults with disabilities
17 and older adults as set forth in the Adult Protective
18 Services Act.

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

26 (18) Physical or mental illness or disability,

1 including, but not limited to, deterioration through the
2 aging process or loss of abilities and skills which
3 results in the inability to practice the profession with
4 reasonable judgment, skill, or safety.

5 (19) Solicitation of professional services by using
6 false or misleading advertising.

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

9 (21) A finding that licensure has been applied for or
10 obtained by fraudulent means.

11 (22) Practicing under a false or, except as provided
12 by law, an assumed name.

13 (23) Gross and willful overcharging for professional
14 services including filing statements for collection of
15 fees or monies for which services are not rendered.

16 (24) Rendering professional counseling or clinical
17 professional counseling services without a license or
18 practicing outside the scope of a license.

19 (25) Clinical supervisors failing to adequately and
20 responsibly monitor supervisees.

21 All fines imposed under this Section shall be paid within
22 60 days after the effective date of the order imposing the
23 fine.

24 (b) (Blank).

25 (b-5) The Department may refuse to issue or may suspend
26 without hearing, as provided for in the Code of Civil

1 Procedure, the license of any person who fails to file a
2 return, pay the tax, penalty, or interest shown in a filed
3 return, or pay any final assessment of the tax, penalty, or
4 interest as required by any tax Act administered by the
5 Illinois Department of Revenue, until such time as the
6 requirements of any such tax Act are satisfied in accordance
7 with subsection (g) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code
9 of Illinois.

10 (b-10) In cases where the Department of Healthcare and
11 Family Services has previously determined a licensee or a
12 potential licensee is more than 30 days delinquent in the
13 payment of child support and has subsequently certified the
14 delinquency to the Department, the Department may refuse to
15 issue or renew or may revoke or suspend that person's license
16 or may take other disciplinary action against that person
17 based solely upon the certification of delinquency made by the
18 Department of Healthcare and Family Services in accordance
19 with item (5) of subsection (a) of Section 2105-15 of the
20 Department of Professional Regulation Law of the Civil
21 Administrative Code of Illinois.

22 (c) The determination by a court that a licensee is
23 subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code will result in an automatic suspension of his or her
26 license. The suspension will end upon a finding by a court that

1 the licensee is no longer subject to involuntary admission or
2 judicial admission, the issuance of an order so finding and
3 discharging the patient, and the recommendation of the Board
4 to the Secretary that the licensee be allowed to resume
5 professional practice.

6 (c-1) The Department shall not revoke, suspend, summarily
7 suspend, place on prohibition, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against the license or permit issued under this Act to
10 practice as a professional counselor or clinical professional
11 counselor based solely upon the professional counselor or
12 clinical professional counselor authorizing, recommending,
13 aiding, assisting, referring for, or otherwise participating
14 in any health care service, so long as the care was not
15 unlawful under the laws of this State, regardless of whether
16 the patient was a resident of this State or another state.

17 (c-2) The Department shall not revoke, suspend, summarily
18 suspend, place on prohibition, reprimand, refuse to issue or
19 renew, or take any other disciplinary or non-disciplinary
20 action against the license or permit issued under this Act to
21 practice as a professional counselor or clinical professional
22 counselor based upon the professional counselor's or clinical
23 professional counselor's license being revoked or suspended,
24 or the professional counselor or clinical professional
25 counselor being otherwise disciplined by any other state, if
26 that revocation, suspension, or other form of discipline was

1 based solely on the professional counselor or clinical
2 professional counselor violating another state's laws
3 prohibiting the provision of, authorization of, recommendation
4 of, aiding or assisting in, referring for, or participation in
5 any health care service if that health care service as
6 provided would not have been unlawful under the laws of this
7 State and is consistent with the standards of conduct for a
8 professional counselor or clinical professional counselor
9 practicing in Illinois.

10 (c-3) The conduct specified in subsections (c-1) and (c-2)
11 shall not constitute grounds for suspension under Section 145.

12 (c-4) An applicant seeking licensure, certification, or
13 authorization pursuant to this Act who has been subject to
14 disciplinary action by a duly authorized professional
15 disciplinary agency of another jurisdiction solely on the
16 basis of having authorized, recommended, aided, assisted,
17 referred for, or otherwise participated in health care shall
18 not be denied such licensure, certification, or authorization,
19 unless the Department determines that such action would have
20 constituted professional misconduct in this State; however,
21 nothing in this Section shall be construed as prohibiting the
22 Department from evaluating the conduct of such applicant and
23 making a determination regarding the licensure, certification,
24 or authorization to practice a profession under this Act.

25 (c-5) In enforcing this Act, the Department, upon a
26 showing of a possible violation, may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, as required by and at the expense of the
4 Department. The Department may order the examining physician
5 to present testimony concerning the mental or physical
6 examination of the licensee or applicant. No information shall
7 be excluded by reason of any common law or statutory privilege
8 relating to communications between the licensee or applicant
9 and the examining physician. The examining physicians shall be
10 specifically designated by the Department. The individual to
11 be examined may have, at his or her own expense, another
12 physician of his or her choice present during all aspects of
13 this examination. The examination shall be performed by a
14 physician licensed to practice medicine in all its branches.
15 Failure of an individual to submit to a mental or physical
16 examination, when directed, shall result in an automatic
17 suspension without hearing.

18 All substance-related violations shall mandate an
19 automatic substance abuse assessment. Failure to submit to an
20 assessment by a licensed physician who is certified as an
21 addictionist or an advanced practice registered nurse with
22 specialty certification in addictions may be grounds for an
23 automatic suspension.

24 If the Department finds an individual unable to practice
25 or unfit for duty because of the reasons set forth in this
26 subsection (c-5), the Department may require that individual

1 to submit to a substance abuse evaluation or treatment by
2 individuals or programs approved or designated by the
3 Department, as a condition, term, or restriction for
4 continued, restored, or renewed licensure to practice; or, in
5 lieu of evaluation or treatment, the Department may file, or
6 the Board may recommend to the Department to file, a complaint
7 to immediately suspend, revoke, or otherwise discipline the
8 license of the individual. An individual whose license was
9 granted, continued, restored, renewed, disciplined, or
10 supervised subject to such terms, conditions, or restrictions,
11 and who fails to comply with such terms, conditions, or
12 restrictions, shall be referred to the Secretary for a
13 determination as to whether the individual shall have his or
14 her license suspended immediately, pending a hearing by the
15 Department.

16 A person holding a license under this Act or who has
17 applied for a license under this Act who, because of a physical
18 or mental illness or disability, including, but not limited
19 to, deterioration through the aging process or loss of motor
20 skill, is unable to practice the profession with reasonable
21 judgment, skill, or safety, may be required by the Department
22 to submit to care, counseling, or treatment by physicians
23 approved or designated by the Department as a condition, term,
24 or restriction for continued, reinstated, or renewed licensure
25 to practice. Submission to care, counseling, or treatment as
26 required by the Department shall not be considered discipline

1 of a license. If the licensee refuses to enter into a care,
2 counseling, or treatment agreement or fails to abide by the
3 terms of the agreement, the Department may file a complaint to
4 revoke, suspend, or otherwise discipline the license of the
5 individual. The Secretary may order the license suspended
6 immediately, pending a hearing by the Department. Fines shall
7 not be assessed in disciplinary actions involving physical or
8 mental illness or impairment.

9 In instances in which the Secretary immediately suspends a
10 person's license under this Section, a hearing on that
11 person's license must be convened by the Department within 15
12 days after the suspension and completed without appreciable
13 delay. The Department shall have the authority to review the
14 subject individual's record of treatment and counseling
15 regarding the impairment to the extent permitted by applicable
16 federal statutes and regulations safeguarding the
17 confidentiality of medical records.

18 An individual licensed under this Act and affected under
19 this Section shall be afforded an opportunity to demonstrate
20 to the Department that he or she can resume practice in
21 compliance with acceptable and prevailing standards under the
22 provisions of his or her license.

23 (d) (Blank).

24 (e) The Department may adopt rules to implement the
25 changes made by this amendatory Act of the 102nd General
26 Assembly.

1 (Source: P.A. 102-878, eff. 1-1-23.)

2 Section 9-30. The Registered Surgical Assistant and
3 Registered Surgical Technologist Title Protection Act is
4 amended by changing Section 75 as follows:

5 (225 ILCS 130/75)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 75. Grounds for disciplinary action.

8 (a) The Department may refuse to issue, renew, or restore
9 a registration, may revoke or suspend a registration, or may
10 place on probation, reprimand, or take other disciplinary or
11 non-disciplinary action with regard to a person registered
12 under this Act, including but not limited to the imposition of
13 fines not to exceed \$10,000 for each violation and the
14 assessment of costs as provided for in Section 90, for any one
15 or combination of the following causes:

16 (1) Making a material misstatement in furnishing
17 information to the Department.

18 (2) Violating a provision of this Act or rules adopted
19 under this Act.

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States that is
2 (i) a felony or (ii) a misdemeanor, an essential element
3 of which is dishonesty, or that is directly related to the
4 practice of the profession.

5 (4) Fraud or misrepresentation in applying for,
6 renewing, restoring, reinstating, or procuring a
7 registration under this Act.

8 (5) Aiding or assisting another person in violating a
9 provision of this Act or its rules.

10 (6) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (7) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public, as defined by rule of the
15 Department.

16 (8) Discipline by another United States jurisdiction,
17 governmental agency, unit of government, or foreign
18 nation, if at least one of the grounds for discipline is
19 the same or substantially equivalent to those set forth in
20 this Section.

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

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

10 (10) A finding by the Department that the registrant,
11 after having his or her registration placed on
12 probationary status, has violated the terms of probation.

13 (11) Willfully making or filing false records or
14 reports in his or her practice, including but not limited
15 to false records or reports filed with State agencies.

16 (12) Willfully making or signing a false statement,
17 certificate, or affidavit to induce payment.

18 (13) Willfully failing to report an instance of
19 suspected child abuse or neglect as required under the
20 Abused and Neglected Child Reporting Act.

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

1 Child Reporting Act.

2 (15) (Blank).

3 (16) Failure to report to the Department (A) any
4 adverse final action taken against the registrant by
5 another registering or licensing jurisdiction, government
6 agency, law enforcement agency, or any court or (B)
7 liability for conduct that would constitute grounds for
8 action as set forth in this Section.

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

13 (18) Physical or mental illness, including but not
14 limited to deterioration through the aging process or loss
15 of motor skills, which results in the inability to
16 practice the profession for which he or she is registered
17 with reasonable judgment, skill, or safety.

18 (19) Gross malpractice.

19 (20) Immoral conduct in the commission of an act
20 related to the registrant's practice, including but not
21 limited to sexual abuse, sexual misconduct, or sexual
22 exploitation.

23 (21) Violation of the Health Care Worker Self-Referral
24 Act.

25 (b) The Department may refuse to issue or may suspend
26 without hearing the registration of a person who fails to file

1 a return, to pay the tax, penalty, or interest shown in a filed
2 return, or to pay a final assessment of the tax, penalty, or
3 interest as required by a tax Act administered by the
4 Department of Revenue, until the requirements of the tax Act
5 are satisfied in accordance with subsection (g) of Section
6 2105-15 of the Department of Regulation Law of the Civil
7 Administrative Code of Illinois.

8 (b-1) The Department shall not revoke, suspend, summarily
9 suspend, place on probation, reprimand, refuse to issue or
10 renew, or take any other disciplinary or non-disciplinary
11 action against the license issued under this Act to practice
12 as a registered surgical assistant or registered surgical
13 technologist based solely upon the registered surgical
14 assistant or registered surgical technologist providing,
15 authorizing, recommending, aiding, assisting, referring for,
16 or otherwise participating in any health care service, so long
17 as the care was not unlawful under the laws of this State,
18 regardless of whether the patient was a resident of this State
19 or another state.

20 (b-2) The Department shall not revoke, suspend, summarily
21 suspend, place on prohibition, reprimand, refuse to issue or
22 renew, or take any other disciplinary or non-disciplinary
23 action against the license issued under this Act to practice
24 as a registered surgical assistant or registered surgical
25 technologist based upon the registered surgical assistant's or
26 registered surgical technologist's license being revoked or

1 suspended, or the registered surgical assistant's or
2 registered surgical technologist's being otherwise disciplined
3 by any other state, if that revocation, suspension, or other
4 form of discipline was based solely on the registered surgical
5 assistant or registered surgical technologist violating
6 another state's laws prohibiting the provision of,
7 authorization of, recommendation of, aiding or assisting in,
8 referring for, or participation in any health care service if
9 that health care service as provided would not have been
10 unlawful under the laws of this State and is consistent with
11 the standards of conduct for the registered surgical assistant
12 or registered surgical technologist practicing in this State.

13 (b-3) The conduct specified in subsection (b-1) or (b-2)
14 shall not constitute grounds for suspension under Section 145.

15 (b-4) An applicant seeking licensure, certification, or
16 authorization pursuant to this Act who has been subject to
17 disciplinary action by a duly authorized professional
18 disciplinary agency of another jurisdiction solely on the
19 basis of having provided, authorized, recommended, aided,
20 assisted, referred for, or otherwise participated in health
21 care shall not be denied such licensure, certification, or
22 authorization, unless the Department determines that such
23 action would have constituted professional misconduct in this
24 State. Nothing in this Section shall be construed as
25 prohibiting the Department from evaluating the conduct of such
26 applicant and making a determination regarding the licensure,

1 certification, or authorization to practice a profession under
2 this Act.

3 (c) The determination by a circuit court that a registrant
4 is subject to involuntary admission or judicial admission as
5 provided in the Mental Health and Developmental Disabilities
6 Code operates as an automatic suspension. The suspension will
7 end only upon (1) a finding by a court that the patient is no
8 longer subject to involuntary admission or judicial admission,
9 (2) issuance of an order so finding and discharging the
10 patient, and (3) filing of a petition for restoration
11 demonstrating fitness to practice.

12 (d) (Blank).

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

25 (f) In enforcing this Section, the Department, upon a
26 showing of a possible violation, may compel any individual

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

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

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

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

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

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

14 Individuals registered under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate
16 to the Department that they can resume practice in compliance
17 with acceptable and prevailing standards under the provisions
18 of their registration.

19 (g) All fines imposed under this Section shall be paid
20 within 60 days after the effective date of the order imposing
21 the fine or in accordance with the terms set forth in the order
22 imposing the fine.

23 (f) The Department may adopt rules to implement the
24 changes made by this amendatory Act of the 102nd General
25 Assembly.

26 (Source: P.A. 100-872, eff. 8-14-18.)

1 Section 9-35. The Genetic Counselor Licensing Act is
2 amended by changing Section 95 as follows:

3 (225 ILCS 135/95)

4 (Section scheduled to be repealed on January 1, 2025)

5 Sec. 95. Grounds for discipline.

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

12 (1) Material misstatement in furnishing information to
13 the Department or to any other State agency.

14 (2) Violations or negligent or intentional disregard
15 of this Act, or any of its rules.

16 (3) Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or
18 sentencing, including, but not limited to, convictions,
19 preceding sentences of supervision, conditional discharge,
20 or first offender probation, under the laws of any
21 jurisdiction of the United States: (i) that is a felony or
22 (ii) that is a misdemeanor, an essential element of which
23 is dishonesty, or that is directly related to the practice
24 of genetic counseling.

1 (4) Making any misrepresentation for the purpose of
2 obtaining a license, or violating any provision of this
3 Act or its rules.

4 (5) Negligence in the rendering of genetic counseling
5 services.

6 (6) Failure to provide genetic testing results and any
7 requested information to a referring physician licensed to
8 practice medicine in all its branches, advanced practice
9 registered nurse, or physician assistant.

10 (7) Aiding or assisting another person in violating
11 any provision of this Act or any rules.

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

14 (9) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public and violating the rules of
17 professional conduct adopted by the Department.

18 (10) Failing to maintain the confidentiality of any
19 information received from a client, unless otherwise
20 authorized or required by law.

21 (10.5) Failure to maintain client records of services
22 provided and provide copies to clients upon request.

23 (11) Exploiting a client for personal advantage,
24 profit, or interest.

25 (12) Habitual or excessive use or addiction to
26 alcohol, narcotics, stimulants, or any other chemical

1 agent or drug which results in inability to practice with
2 reasonable skill, judgment, or safety.

3 (13) Discipline by another governmental agency or unit
4 of government, by any jurisdiction of the United States,
5 or by a foreign nation, if at least one of the grounds for
6 the discipline is the same or substantially equivalent to
7 those set forth in this Section.

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

23 (15) A finding by the Department that the licensee,
24 after having the license placed on probationary status, l
25 has violated the terms of probation.

26 (16) Failing to refer a client to other health care

1 professionals when the licensee is unable or unwilling to
2 adequately support or serve the client.

3 (17) Willfully filing false reports relating to a
4 licensee's practice, including but not limited to false
5 records filed with federal or State agencies or
6 departments.

7 (18) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act.

10 (19) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 pursuant to the Abused and Neglected Child Reporting Act,
13 and upon proof by clear and convincing evidence that the
14 licensee has caused a child to be an abused child or
15 neglected child as defined in the Abused and Neglected
16 Child Reporting Act.

17 (20) Physical or mental disability, including
18 deterioration through the aging process or loss of
19 abilities and skills which results in the inability to
20 practice the profession with reasonable judgment, skill,
21 or safety.

22 (21) Solicitation of professional services by using
23 false or misleading advertising.

24 (22) Failure to file a return, or to pay the tax,
25 penalty of interest shown in a filed return, or to pay any
26 final assessment of tax, penalty or interest, as required

1 by any tax Act administered by the Illinois Department of
2 Revenue or any successor agency or the Internal Revenue
3 Service or any successor agency.

4 (23) Fraud or making any misrepresentation in applying
5 for or procuring a license under this Act or in connection
6 with applying for renewal of a license under this Act.

7 (24) Practicing or attempting to practice under a name
8 other than the full name as shown on the license or any
9 other legally authorized name.

10 (25) Gross overcharging for professional services,
11 including filing statements for collection of fees or
12 monies for which services are not rendered.

13 (26) (Blank).

14 (27) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

17 (28) Allowing one's license under this Act to be used
18 by an unlicensed person in violation of this Act.

19 (b) (Blank).

20 (b-5) The Department shall not revoke, suspend, summarily
21 suspend, place on prohibition, reprimand, refuse to issue or
22 renew, or take any other disciplinary or non-disciplinary
23 action against the license or permit issued under this Act to
24 practice as a genetic counselor based solely upon the genetic
25 counselor authorizing, recommending, aiding, assisting,
26 referring for, or otherwise participating in any health care

1 service, so long as the care was not unlawful under the laws of
2 this State, regardless of whether the patient was a resident
3 of this State or another state.

4 (b-10) The Department shall not revoke, suspend, summarily
5 suspend, place on prohibition, reprimand, refuse to issue or
6 renew, or take any other disciplinary or non-disciplinary
7 action against the license or permit issued under this Act to
8 practice as a genetic counselor based upon the genetic
9 counselor's license being revoked or suspended, or the genetic
10 counselor being otherwise disciplined by any other state, if
11 that revocation, suspension, or other form of discipline was
12 based solely on the genetic counselor violating another
13 state's laws prohibiting the provision of, authorization of,
14 recommendation of, aiding or assisting in, referring for, or
15 participation in any health care service if that health care
16 service as provided would not have been unlawful under the
17 laws of this State and is consistent with the standards of
18 conduct for the genetic counselor if it occurred in Illinois.

19 (b-15) The conduct specified in subsections (b-5) and
20 (b-10) shall not constitute grounds for suspension under
21 Section 160.

22 (b-20) An applicant seeking licensure, certification, or
23 authorization pursuant to this Act who has been subject to
24 disciplinary action by a duly authorized professional
25 disciplinary agency of another jurisdiction solely on the
26 basis of having authorized, recommended, aided, assisted,

1 referred for, or otherwise participated in health care shall
2 not be denied such licensure, certification, or authorization,
3 unless the Department determines that such action would have
4 constituted professional misconduct in this State; however,
5 nothing in this Section shall be construed as prohibiting the
6 Department from evaluating the conduct of such applicant and
7 making a determination regarding the licensure, certification,
8 or authorization to practice a profession under this Act.

9 (c) The determination by a court that a licensee is
10 subject to involuntary admission or judicial admission as
11 provided in the Mental Health and Developmental Disabilities
12 Code will result in an automatic suspension of his or her
13 license. The suspension will end upon a finding by a court that
14 the licensee is no longer subject to involuntary admission or
15 judicial admission, the issuance of an order so finding and
16 discharging the patient, and the determination of the
17 Secretary that the licensee be allowed to resume professional
18 practice.

19 (d) The Department may refuse to issue or renew or may
20 suspend without hearing the license of any person who fails to
21 file a return, to pay the tax penalty or interest shown in a
22 filed return, or to pay any final assessment of the tax,
23 penalty, or interest as required by any Act regarding the
24 payment of taxes administered by the Illinois Department of
25 Revenue until the requirements of the Act are satisfied in
26 accordance with subsection (g) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 (e) In cases where the Department of Healthcare and Family
3 Services has previously determined that a licensee or a
4 potential licensee is more than 30 days delinquent in the
5 payment of child support and has subsequently certified the
6 delinquency to the Department, the Department may refuse to
7 issue or renew or may revoke or suspend that person's license
8 or may take other disciplinary action against that person
9 based solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance
11 with item (5) of subsection (a) of Section 2105-15 of the
12 Department of Professional Regulation Law of the Civil
13 Administrative Code of Illinois.

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

18 (g) The Department may adopt rules to implement the
19 changes made by this amendatory Act of the 102nd General
20 Assembly.

21 (Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17;
22 100-201, eff. 8-18-17; 100-513, eff. 1-1-18; 100-872, eff.
23 8-14-18.)

24 Article 11.

1 Section 11-5. The Reproductive Health Act is amended by
2 changing Section 1-25 as follows:

3 (775 ILCS 55/1-25)

4 Sec. 1-25. Reporting of abortions performed by health care
5 professionals.

6 (a) A health care professional may provide abortion care
7 in accordance with the health care professional's professional
8 judgment and training and based on accepted standards of
9 clinical practice consistent with the scope of his or her
10 practice under the Medical Practice Act of 1987, the Nurse
11 Practice Act, or the Physician Assistant Practice Act of 1987.
12 An advanced practice registered nurse or physician assistant
13 as defined in this Act may perform aspiration abortion
14 procedures that do not require general anesthesia, consistent
15 with their training and standards of clinical practice and, if
16 applicable, consistent with any collaborative agreement. If
17 the health care professional determines that there is fetal
18 viability, the health care professional may provide abortion
19 care only if, in the professional judgment of the health care
20 professional, the abortion is necessary to protect the life or
21 health of the patient.

22 (b) A report of each abortion performed by a health care
23 professional shall be made to the Department on forms
24 prescribed by it. Such reports shall be transmitted to the
25 Department on a quarterly basis ~~not later than 10 days~~

1 ~~following the end of the month in which the abortion is~~
2 ~~performed.~~

3 (c) The abortion reporting forms prescribed by the
4 Department shall not request or require information that
5 identifies a patient or health care professional by name or
6 any other identifying information, and the Department shall
7 secure anonymity of all patients and health care
8 professionals.

9 (d) All reports received by the Department pursuant to
10 this Section shall be treated as confidential and exempt from
11 the Freedom of Information Act. Such reports shall not be
12 admissible as evidence or discoverable in any action of any
13 kind, in any court, or before any tribunal, board, agency or
14 person. Access to such reports shall be limited to authorized
15 Department staff who shall use the reports for statistical
16 purposes only. Such reports must be destroyed within 2 years
17 after date of receipt. The Department may make aggregate data
18 derived from the reports publicly available so long as such
19 disclosure does not reveal any identifying information about a
20 patient or health care professional.

21 (Source: P.A. 101-13, eff. 6-12-19.)

22 Article 12.

23 Section 12-5. The Telehealth Act is amended by changing
24 Sections 10 and 15 as follows:

1 (225 ILCS 150/10)

2 Sec. 10. Practice authority. A health care professional
3 treating a patient located in this State through telehealth
4 services must be licensed or authorized to practice in
5 Illinois. A health care professional with a temporary permit
6 for full practice advanced practice registered nurse for
7 health care, a temporary permit for advanced practice
8 registered nurse for health care, or a temporary permit for
9 health care may treat a patient located in this State through
10 telehealth services in a manner consistent with the health
11 care professional's scope of practice and agreement with a
12 sponsoring entity.

13 (Source: P.A. 102-104, eff. 7-22-21.)

14 (225 ILCS 150/15)

15 Sec. 15. Use of telehealth services.

16 (a) A health care professional may engage in the practice
17 of telehealth services in Illinois to the extent of his or her
18 scope of practice as established in his or her respective
19 licensing Act consistent with the standards of care for
20 in-person services. This Act shall not be construed to alter
21 the scope of practice of any health care professional or
22 authorize the delivery of health care services in a setting or
23 in a manner not otherwise authorized by the laws of this State.

24 (b) Telehealth services provided pursuant to this Section

1 shall be consistent with all federal and State privacy,
2 security, and confidentiality laws, rules, or regulations.

3 (c) A health care professional with a temporary permit for
4 full practice advanced practice registered nurse for health
5 care, a temporary permit for advanced practice registered
6 nurse for health care, or a temporary permit for health care
7 may treat a patient located in this State through telehealth
8 services in a manner consistent with the health care
9 professional's scope of practice and agreement with a
10 sponsoring entity.

11 (Source: P.A. 102-104, eff. 7-22-21.)

12 Article 14.

13 Section 14-5. The Medical Practice Act of 1987 is amended
14 by changing Section 49.5 as follows:

15 (225 ILCS 60/49.5)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 49.5. Telemedicine.

18 (a) The General Assembly finds and declares that because
19 of technological advances and changing practice patterns the
20 practice of medicine is occurring with increasing frequency
21 across state lines and across increasing geographical
22 distances within the State of Illinois and that certain
23 technological advances in the practice of medicine are in the

1 public interest. The General Assembly further finds and
2 declares that the practice of medicine is a privilege and that
3 the licensure by this State of practitioners outside this
4 State engaging in medical practice within this State and the
5 ability to discipline those practitioners is necessary for the
6 protection of the public health, welfare, and safety.

7 (b) A person who engages in the practice of telemedicine
8 without a license or permit issued under this Act shall be
9 subject to penalties provided in Section 59. A person with a
10 temporary permit for health care may treat a patient located
11 in this State through telehealth services in a manner
12 consistent with the person's scope of practice and agreement
13 with a sponsoring entity.

14 (c) For purposes of this Act, "telemedicine" means the
15 performance of any of the activities listed in Section 49,
16 including, but not limited to, rendering written or oral
17 opinions concerning diagnosis or treatment of a patient in
18 Illinois by a person in a different location than the patient
19 as a result of transmission of individual patient data by
20 telephonic, electronic, or other means of communication.
21 "Telemedicine" does not include the following:

22 (1) periodic consultations between a person licensed
23 under this Act and a person outside the State of Illinois;

24 (2) a second opinion provided to a person licensed
25 under this Act;

26 (3) diagnosis or treatment services provided to a

1 patient in Illinois following care or treatment originally
2 provided to the patient in the state in which the provider
3 is licensed to practice medicine; and

4 (4) health care services provided to an existing
5 patient while the person licensed under this Act or
6 patient is traveling.

7 (d) Whenever the Department has reason to believe that a
8 person has violated this Section, the Department may issue a
9 rule to show cause why an order to cease and desist should not
10 be entered against that person. The rule shall clearly set
11 forth the grounds relied upon by the Department and shall
12 provide a period of 7 days from the date of the rule to file an
13 answer to the satisfaction of the Department. Failure to
14 answer to the satisfaction of the Department shall cause an
15 order to cease and desist to be issued immediately.

16 (e) An out-of-state person providing a service listed in
17 Section 49 to a patient residing in Illinois through the
18 practice of telemedicine submits himself or herself to the
19 jurisdiction of the courts of this State.

20 (Source: P.A. 100-317, eff. 1-1-18.)

21 Article 16.

22 Section 16-1. Short title. This Article may be cited as
23 the Abortion Care Clinical Training Program Act. References in
24 this Article to "this Act" mean this Article.

1 Section 16-5. Intent. The Program established under this
2 Act is intended to protect access to abortion care in Illinois
3 by ensuring there are a sufficient number of health care
4 professionals appropriately trained to provide abortion care
5 and other reproductive health care services.

6 Section 16-10. Definitions. As used in this Act:

7 "Abortion" has the meaning given to that term in Section
8 1-10 of the Reproductive Health Act.

9 "Coordinating organization" means a nonprofit entity in
10 good standing in any state or jurisdiction in which the
11 organization is registered or incorporated that has
12 demonstrated experience in coordinating or providing abortion
13 care training programs at community-based and hospital-based
14 provider sites.

15 "Department" means the Department of Public Health.

16 "Fund" means the Abortion Care Clinical Training Program
17 Fund.

18 "Health care professional" has the meaning given to that
19 term in Section 1-10 of the Reproductive Health Act.

20 "Program" means the Abortion Care Clinical Training
21 Program.

22 "Reproductive health care" has the meaning given to that
23 term in Section 1-10 of the Reproductive Health Act.

24 "Transportation hub" means an area easily accessible by

1 interstate or interregional transportation, including
2 roadways, railways, buses, air travel, and public
3 transportation.

4 "Underserved community" means a community that lacks a
5 sufficient number of health care providers or facilities to
6 meet the demand for abortion care without waiting periods more
7 than 3 days.

8 Section 16-15. Program administration and reporting.

9 (a) Subject to appropriation to the Fund, the Department
10 shall contract with at least one coordinating organization to
11 administer the Program. The Department shall use the Fund to
12 contract with the coordinating organization.

13 (b) A coordinating organization contracted by the
14 Department to administer the Program shall:

15 (1) submit an annual report to the Department
16 regarding Program performance, including the number of
17 participants enrolled, the demographics of Program
18 participants, the number of participants who successfully
19 complete the Program, the outcome of successful Program
20 participants, and the level of involvement of the
21 participants in providing abortion and other forms of
22 reproductive health care in Illinois; and

23 (2) meet any other requirements established by the
24 Department that are not inconsistent with this Act.

25 (c) The Department shall release the name of any

1 coordinating organization it coordinates with and any entity
2 receiving funds to assist in the implementation of this
3 Program through the coordinating organization. The Department
4 shall not release the name of any individual person or health
5 care professional administering services through or
6 participating in the Program. The Department shall, by rule,
7 establish procedures to ensure that sensitive Program
8 information, including any personal information and
9 information that, if released, could endanger the life or
10 physical safety of program participants, remains confidential.

11 (d) Any coordinating organization or other entity
12 receiving funds to implement this Program is subject to the
13 requirements of the Grant Accountability and Transparency Act.

14 Section 16-20. Coordinating organization duties. A
15 coordinating organization contracted by the Department to
16 administer the Program shall assume the following duties:

17 (1) Administer grants to develop and sustain abortion care
18 training programs at a minimum of 2 community-based provider
19 sites. When selecting community-based provider sites, the
20 coordinating organization shall prioritize sites near
21 transportation hubs and underserved communities.

22 (2) If funding is available, administer grants to:

23 (A) other community-based sites;

24 (B) hospital-based provider sites; and

25 (C) continuing education programs for reproductive

1 health care, including through professional associations
2 and other clinical education programs.

3 (3) Establish training Program requirements that:

4 (A) are consistent with evidence-based training
5 standards;

6 (B) comply with any applicable State or federal law
7 and regulations; and

8 (C) focus on providing culturally congruent care and
9 include implicit bias training.

10 (4) Support abortion care clinical training to health care
11 professionals or individuals seeking to become health care
12 professionals, consistent with the appropriate scope of
13 clinical practice, intended to:

14 (A) expand the number of health care professionals
15 with abortion care training; and

16 (B) increase diversity among health care professionals
17 with abortion care training.

18 (5) Support the identification, recruitment, screening,
19 and placement of qualified reproductive health care
20 professionals at training sites.

21 Section 16-25. Rules. The Department is authorized to
22 adopt rules pursuant to the Illinois Administrative Procedure
23 Act to implement this Act.

24 Section 16-30. Abortion Care Clinical Training Program

1 Fund. The Abortion Care Clinical Training Program Fund is
2 established as a special fund in the State Treasury. The Fund
3 may accept moneys from any public source in the form of grants,
4 deposits, and transfers, and shall be used for administration
5 and implementation of the Abortion Care Clinical Training
6 Program.

7 Section 16-90. The State Finance Act is amended by adding
8 Section 5.990 as follows:

9 (30 ILCS 105/5.990 new)

10 Sec. 5.990. The Abortion Care Clinical Training Program
11 Fund.

12 Article 21.

13 Section 21-5. The Pharmacy Practice Act is amended by
14 changing Section 43 as follows:

15 (225 ILCS 85/43)

16 (Section scheduled to be repealed on January 1, 2028)

17 Sec. 43. Dispensation of hormonal contraceptives.

18 (a) The dispensing of hormonal contraceptives to a patient
19 shall be pursuant to a valid prescription, or pursuant to a
20 standing order by a physician licensed to practice medicine in
21 all its branches, a standing order by ~~or~~ the medical director

1 of a local health department, or a standing order by the
2 Department of Public Health pursuant to the following:

3 (1) a pharmacist may dispense no more than a 12-month
4 supply of hormonal contraceptives to a patient;

5 (2) a pharmacist must complete an educational training
6 program accredited by the Accreditation Council for
7 Pharmacy Education and approved by the Department that is
8 related to the patient self-screening risk assessment,
9 patient assessment contraceptive counseling and education,
10 and dispensation of hormonal contraceptives;

11 (3) a pharmacist shall have the patient complete the
12 self-screening risk assessment tool; the self-screening
13 risk assessment tool is to be based on the most current
14 version of the United States Medical Eligibility Criteria
15 for Contraceptive Use published by the federal Centers for
16 Disease Control and Prevention;

17 (4) based upon the results of the self-screening risk
18 assessment and the patient assessment, the pharmacist
19 shall use his or her professional and clinical judgment as
20 to when a patient should be referred to the patient's
21 physician or another health care provider;

22 (5) a pharmacist shall provide, during the patient
23 assessment and consultation, counseling and education
24 about all methods of contraception, including methods not
25 covered under the standing order, and their proper use and
26 effectiveness;

1 (6) the patient consultation shall take place in a
2 private manner; and

3 (7) a pharmacist and pharmacy must maintain
4 appropriate records.

5 (b) The Department may adopt rules to implement this
6 Section.

7 (c) Nothing in this Section shall be interpreted to
8 require a pharmacist to dispense hormonal contraception under
9 a standing order issued by a physician licensed to practice
10 medicine in all its branches or the medical director of a local
11 health department.

12 (d) Notwithstanding any other provision of the law to the
13 contrary, a pharmacist may dispense hormonal contraceptives in
14 conformance with standing orders issued pursuant to this
15 Section without prior establishment of a relationship between
16 the pharmacist and the person receiving hormonal
17 contraception.

18 (e) No employee of the Department of Public Health issuing
19 a standing order pursuant to this Section shall, as a result of
20 the employee's acts or omissions in issuing the standing order
21 pursuant to this Section, be subject to (i) any disciplinary
22 or other adverse action under the Medical Practice Act of
23 1987, (ii) any civil liability, or (iii) any criminal
24 liability.

25 (Source: P.A. 102-103, eff. 1-1-22; 102-813, eff. 5-13-22.)

1 Article 22.

2 Section 22-5. The Birth Center Licensing Act is amended by
3 changing Sections 5 and 30 as follows:

4 (210 ILCS 170/5)

5 Sec. 5. Definitions. In this Act:

6 "Birth center" means a designated site, other than a
7 hospital:

8 (1) in which births are planned to occur following a
9 normal, uncomplicated, and low-risk pregnancy;

10 (2) that is not the pregnant person's usual place of
11 residence;

12 (3) that is ~~exclusively~~ dedicated to serving the
13 childbirth-related needs of pregnant persons and their
14 newborns, and has no more than 10 beds;

15 (4) that offers prenatal care and community education
16 services and coordinates these services with other health
17 care services available in the community; and

18 (5) that does not provide general anesthesia or
19 surgery.

20 "Certified nurse midwife" means an advanced practice
21 registered nurse licensed in Illinois under the Nurse Practice
22 Act with full practice authority or who is delegated such
23 authority as part of a written collaborative agreement with a
24 physician who is associated with the birthing center or who

1 has privileges at a nearby birthing hospital.

2 "Department" means the Illinois Department of Public
3 Health.

4 "Hospital" does not include places where pregnant females
5 are received, cared for, or treated during delivery if it is in
6 a licensed birth center, nor include any facility required to
7 be licensed as a birth center.

8 "Licensed certified professional midwife" means a person
9 who has successfully met the requirements under Section 45 of
10 the Licensed Certified Professional Midwife Practice Act and
11 holds an active license to practice as a licensed certified
12 professional midwife in Illinois.

13 "Physician" means a physician licensed to practice
14 medicine in all its branches in Illinois.

15 "Sexual health care" means health care offered, arranged,
16 or furnished related to sexually transmitted diseases, sexual
17 health across the life span, sexual orientation or identity,
18 sexual discrimination, or sexual violence.

19 (Source: P.A. 102-518, eff. 8-20-21; 102-964, eff. 1-1-23.)

20 (210 ILCS 170/30)

21 Sec. 30. Minimum standards.

22 (a) The Department's rules adopted pursuant to Section 60
23 of this Act shall contain minimum standards to protect the
24 health and safety of a patient of a birth center. In adopting
25 rules for birth centers, the Department shall consider:

1 (1) the Commission for the Accreditation of Birth
2 Centers' Standards for Freestanding Birth Centers;

3 (2) the American Academy of Pediatrics and American
4 College of Obstetricians and Gynecologists Guidelines for
5 Perinatal Care; and

6 (3) the Regionalized Perinatal Health Care Code.

7 (b) Nothing in this Section shall be construed to prohibit
8 a facility licensed as a birth center from offering other
9 sexual health care or reproductive health care subject to any
10 applicable laws, rules, regulations, or licensing requirements
11 for those services. In this subsection, "reproductive health
12 care" means health care offered, arranged, or furnished for
13 the purpose of preventing pregnancy, terminating a pregnancy,
14 managing pregnancy loss, or improving maternal health and
15 birth outcomes. "Reproductive health care" includes, but is
16 not limited to, contraception, sterilization, preconception
17 care, maternity care, abortion care, and counseling regarding
18 reproductive health care.

19 (Source: P.A. 102-518, eff. 8-20-21; 102-813, eff. 5-13-22.)

20 Article 24.

21 Section 24-5. The Counties Code is amended by changing
22 Section 3-4006 as follows:

23 (55 ILCS 5/3-4006) (from Ch. 34, par. 3-4006)

1 Sec. 3-4006. Duties of public defender. The Public
2 Defender, as directed by the court, shall act as attorney,
3 without fee, before any court within any county for all
4 persons who are held in custody or who are charged with the
5 commission of any criminal offense, and who the court finds
6 are unable to employ counsel.

7 The Public Defender shall be the attorney, without fee,
8 when so appointed by the court under ~~Section 1-20 of the~~
9 ~~Juvenile Court Act or~~ Section 1-5 of the Juvenile Court Act of
10 1987 ~~or by any court under Section 5(b) of the Parental Notice~~
11 ~~of Abortion Act of 1983 for any party who the court finds is~~
12 ~~financially unable to employ counsel.~~

13 In cases subject to Section 5-170 of the Juvenile Court
14 Act of 1987 involving a minor who was under 15 years of age at
15 the time of the commission of the offense, that occurs in a
16 county with a full-time public defender office, a public
17 defender, without fee or appointment, may represent and have
18 access to a minor during a custodial interrogation. In cases
19 subject to Section 5-170 of the Juvenile Court Act of 1987
20 involving a minor who was under 15 years of age at the time of
21 the commission of the offense, that occurs in a county without
22 a full-time public defender, the law enforcement agency
23 conducting the custodial interrogation shall ensure that the
24 minor is able to consult with an attorney who is under contract
25 with the county to provide public defender services.
26 Representation by the public defender shall terminate at the

1 first court appearance if the court determines that the minor
2 is not indigent.

3 Every court shall, with the consent of the defendant and
4 where the court finds that the rights of the defendant would be
5 prejudiced by the appointment of the public defender, appoint
6 counsel other than the public defender, except as otherwise
7 provided in Section 113-3 of the "Code of Criminal Procedure
8 of 1963". That counsel shall be compensated as is provided by
9 law. He shall also, in the case of the conviction of any such
10 person, prosecute any proceeding in review which in his
11 judgment the interests of justice require.

12 In counties with a population over 3,000,000, the public
13 defender, without fee or appointment and with the concurrence
14 of the county board, may act as attorney to noncitizens in
15 immigration cases. Representation by the public defender in
16 immigration cases shall be limited to those arising in
17 immigration courts located within the geographical boundaries
18 of the county where the public defender has been appointed to
19 office unless the board authorizes the public defender to
20 provide representation outside the county.

21 (Source: P.A. 102-410, eff. 1-1-22.)

22 Section 24-10. The Consent by Minors to Health Care
23 Services Act is amended by changing Section 1.5 as follows:

24 (410 ILCS 210/1.5)

1 Sec. 1.5. Consent by minor seeking care for limited
2 primary care services.

3 (a) The consent to the performance of primary care
4 services by a physician licensed to practice medicine in all
5 its branches, a licensed advanced practice registered nurse, a
6 licensed physician assistant, a chiropractic physician, or a
7 licensed optometrist executed by a minor seeking care is not
8 voidable because of such minority, and for such purpose, a
9 minor seeking care is deemed to have the same legal capacity to
10 act and has the same powers and obligations as has a person of
11 legal age under the following circumstances:

12 (1) the health care professional reasonably believes
13 that the minor seeking care understands the benefits and
14 risks of any proposed primary care or services; and

15 (2) the minor seeking care is identified in writing as
16 a minor seeking care by:

17 (A) an adult relative;

18 (B) a representative of a homeless service agency
19 that receives federal, State, county, or municipal
20 funding to provide those services or that is otherwise
21 sanctioned by a local continuum of care;

22 (C) an attorney licensed to practice law in this
23 State;

24 (D) a public school homeless liaison or school
25 social worker;

26 (E) a social service agency providing services to

1 at risk, homeless, or runaway youth; or

2 (F) a representative of a religious organization.

3 (b) A health care professional rendering primary care
4 services under this Section shall not incur civil or criminal
5 liability for failure to obtain valid consent or professional
6 discipline for failure to obtain valid consent if he or she
7 relied in good faith on the representations made by the minor
8 or the information provided under paragraph (2) of subsection
9 (a) of this Section. Under such circumstances, good faith
10 shall be presumed.

11 (c) The confidential nature of any communication between a
12 health care professional described in Section 1 of this Act
13 and a minor seeking care is not waived (1) by the presence, at
14 the time of communication, of any additional persons present
15 at the request of the minor seeking care, (2) by the health
16 care professional's disclosure of confidential information to
17 the additional person with the consent of the minor seeking
18 care, when reasonably necessary to accomplish the purpose for
19 which the additional person is consulted, or (3) by the health
20 care professional billing a health benefit insurance or plan
21 under which the minor seeking care is insured, is enrolled, or
22 has coverage for the services provided.

23 (d) Nothing in this Section shall be construed to limit or
24 expand a minor's existing powers and obligations under any
25 federal, State, or local law. ~~Nothing in this Section shall be~~
26 ~~construed to affect the Parental Notice of Abortion Act of~~

1 ~~1995.~~ Nothing in this Section affects the right or authority
2 of a parent or legal guardian to verbally, in writing, or
3 otherwise authorize health care services to be provided for a
4 minor in their absence.

5 (e) For the purposes of this Section:

6 "Minor seeking care" means a person at least 14 years of
7 age but less than 18 years of age who is living separate and
8 apart from his or her parents or legal guardian, whether with
9 or without the consent of a parent or legal guardian who is
10 unable or unwilling to return to the residence of a parent, and
11 managing his or her own personal affairs. "Minor seeking care"
12 does not include minors who are under the protective custody,
13 temporary custody, or guardianship of the Department of
14 Children and Family Services.

15 "Primary care services" means health care services that
16 include screening, counseling, immunizations, medication, and
17 treatment of illness and conditions customarily provided by
18 licensed health care professionals in an out-patient setting,
19 eye care services, excluding advanced optometric procedures,
20 provided by optometrists, and services provided by
21 chiropractic physicians according to the scope of practice of
22 chiropractic physicians under the Medical Practice Act of
23 1987. "Primary care services" does not include invasive care,
24 beyond standard injections, laceration care, or non-surgical
25 fracture care.

26 (Source: P.A. 99-173, eff. 7-29-15; 100-378, eff. 1-1-18;

1 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

2 Section 24-15. The Medical Practice Act of 1987 is amended
3 by changing Section 23 as follows:

4 (225 ILCS 60/23) (from Ch. 111, par. 4400-23)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 23. Reports relating to professional conduct and
7 capacity.

8 (A) Entities required to report.

9 (1) Health care institutions. The chief administrator
10 or executive officer of any health care institution
11 licensed by the Illinois Department of Public Health shall
12 report to the Medical Board when any person's clinical
13 privileges are terminated or are restricted based on a
14 final determination made in accordance with that
15 institution's by-laws or rules and regulations that a
16 person has either committed an act or acts which may
17 directly threaten patient care or that a person may have a
18 mental or physical disability that may endanger patients
19 under that person's care. Such officer also shall report
20 if a person accepts voluntary termination or restriction
21 of clinical privileges in lieu of formal action based upon
22 conduct related directly to patient care or in lieu of
23 formal action seeking to determine whether a person may
24 have a mental or physical disability that may endanger

1 patients under that person's care. The Medical Board
2 shall, by rule, provide for the reporting to it by health
3 care institutions of all instances in which a person,
4 licensed under this Act, who is impaired by reason of age,
5 drug or alcohol abuse or physical or mental impairment, is
6 under supervision and, where appropriate, is in a program
7 of rehabilitation. Such reports shall be strictly
8 confidential and may be reviewed and considered only by
9 the members of the Medical Board, or by authorized staff
10 as provided by rules of the Medical Board. Provisions
11 shall be made for the periodic report of the status of any
12 such person not less than twice annually in order that the
13 Medical Board shall have current information upon which to
14 determine the status of any such person. Such initial and
15 periodic reports of impaired physicians shall not be
16 considered records within the meaning of the State Records
17 Act and shall be disposed of, following a determination by
18 the Medical Board that such reports are no longer
19 required, in a manner and at such time as the Medical Board
20 shall determine by rule. The filing of such reports shall
21 be construed as the filing of a report for purposes of
22 subsection (C) of this Section. Such health care
23 institution shall not take any adverse action, including,
24 but not limited to, restricting or terminating any
25 person's clinical privileges, as a result of an adverse
26 action against a person's license or clinical privileges

1 or other disciplinary action by another state or health
2 care institution that resulted from the person's provision
3 of, authorization of, recommendation of, aiding or
4 assistance with, referral for, or participation in any
5 health care service if the adverse action was based solely
6 on a violation of the other state's law prohibiting the
7 provision of such health care and related services in the
8 state or for a resident of the state if that health care
9 service would not have been unlawful under the laws of
10 this State and is consistent with the standards of conduct
11 for physicians practicing in Illinois.

12 (1.5) Clinical training programs. The program director
13 of any post-graduate clinical training program shall
14 report to the Medical Board if a person engaged in a
15 post-graduate clinical training program at the
16 institution, including, but not limited to, a residency or
17 fellowship, separates from the program for any reason
18 prior to its conclusion. The program director shall
19 provide all documentation relating to the separation if,
20 after review of the report, the Medical Board determines
21 that a review of those documents is necessary to determine
22 whether a violation of this Act occurred.

23 (2) Professional associations. The President or chief
24 executive officer of any association or society, of
25 persons licensed under this Act, operating within this
26 State shall report to the Medical Board when the

1 association or society renders a final determination that
2 a person has committed unprofessional conduct related
3 directly to patient care or that a person may have a mental
4 or physical disability that may endanger patients under
5 that person's care.

6 (3) Professional liability insurers. Every insurance
7 company which offers policies of professional liability
8 insurance to persons licensed under this Act, or any other
9 entity which seeks to indemnify the professional liability
10 of a person licensed under this Act, shall report to the
11 Medical Board the settlement of any claim or cause of
12 action, or final judgment rendered in any cause of action,
13 which alleged negligence in the furnishing of medical care
14 by such licensed person when such settlement or final
15 judgment is in favor of the plaintiff. Such insurance
16 company shall not take any adverse action, including, but
17 not limited to, denial or revocation of coverage, or rate
18 increases, against a person licensed under this Act with
19 respect to coverage for services provided in the State if
20 based solely on the person providing, authorizing,
21 recommending, aiding, assisting, referring for, or
22 otherwise participating in health care services in this
23 State in violation of another state's law, or a revocation
24 or other adverse action against the person's license in
25 another state for violation of such law if that health
26 care service as provided would have been lawful and

1 consistent with the standards of conduct for physicians if
2 it occurred in the State. Notwithstanding this provision,
3 it is against public policy to require coverage for an
4 illegal action.

5 (4) State's Attorneys. The State's Attorney of each
6 county shall report to the Medical Board, within 5 days,
7 any instances in which a person licensed under this Act is
8 convicted of any felony or Class A misdemeanor. ~~The~~
9 ~~State's Attorney of each county may report to the Medical~~
10 ~~Board through a verified complaint any instance in which~~
11 ~~the State's Attorney believes that a physician has~~
12 ~~willfully violated the notice requirements of the Parental~~
13 ~~Notice of Abortion Act of 1995.~~

14 (5) State agencies. All agencies, boards, commissions,
15 departments, or other instrumentalities of the government
16 of the State of Illinois shall report to the Medical Board
17 any instance arising in connection with the operations of
18 such agency, including the administration of any law by
19 such agency, in which a person licensed under this Act has
20 either committed an act or acts which may be a violation of
21 this Act or which may constitute unprofessional conduct
22 related directly to patient care or which indicates that a
23 person licensed under this Act may have a mental or
24 physical disability that may endanger patients under that
25 person's care.

26 (B) Mandatory reporting. All reports required by items

1 (34), (35), and (36) of subsection (A) of Section 22 and by
2 Section 23 shall be submitted to the Medical Board in a timely
3 fashion. Unless otherwise provided in this Section, the
4 reports shall be filed in writing within 60 days after a
5 determination that a report is required under this Act. All
6 reports shall contain the following information:

7 (1) The name, address and telephone number of the
8 person making the report.

9 (2) The name, address and telephone number of the
10 person who is the subject of the report.

11 (3) The name and date of birth of any patient or
12 patients whose treatment is a subject of the report, if
13 available, or other means of identification if such
14 information is not available, identification of the
15 hospital or other healthcare facility where the care at
16 issue in the report was rendered, provided, however, no
17 medical records may be revealed.

18 (4) A brief description of the facts which gave rise
19 to the issuance of the report, including the dates of any
20 occurrences deemed to necessitate the filing of the
21 report.

22 (5) If court action is involved, the identity of the
23 court in which the action is filed, along with the docket
24 number and date of filing of the action.

25 (6) Any further pertinent information which the
26 reporting party deems to be an aid in the evaluation of the

1 report.

2 The Medical Board or Department may also exercise the
3 power under Section 38 of this Act to subpoena copies of
4 hospital or medical records in mandatory report cases alleging
5 death or permanent bodily injury. Appropriate rules shall be
6 adopted by the Department with the approval of the Medical
7 Board.

8 When the Department has received written reports
9 concerning incidents required to be reported in items (34),
10 (35), and (36) of subsection (A) of Section 22, the licensee's
11 failure to report the incident to the Department under those
12 items shall not be the sole grounds for disciplinary action.

13 Nothing contained in this Section shall act to, in any
14 way, waive or modify the confidentiality of medical reports
15 and committee reports to the extent provided by law. Any
16 information reported or disclosed shall be kept for the
17 confidential use of the Medical Board, the Medical
18 Coordinators, the Medical Board's attorneys, the medical
19 investigative staff, and authorized clerical staff, as
20 provided in this Act, and shall be afforded the same status as
21 is provided information concerning medical studies in Part 21
22 of Article VIII of the Code of Civil Procedure, except that the
23 Department may disclose information and documents to a
24 federal, State, or local law enforcement agency pursuant to a
25 subpoena in an ongoing criminal investigation or to a health
26 care licensing body or medical licensing authority of this

1 State or another state or jurisdiction pursuant to an official
2 request made by that licensing body or medical licensing
3 authority. Furthermore, information and documents disclosed to
4 a federal, State, or local law enforcement agency may be used
5 by that agency only for the investigation and prosecution of a
6 criminal offense, or, in the case of disclosure to a health
7 care licensing body or medical licensing authority, only for
8 investigations and disciplinary action proceedings with regard
9 to a license. Information and documents disclosed to the
10 Department of Public Health may be used by that Department
11 only for investigation and disciplinary action regarding the
12 license of a health care institution licensed by the
13 Department of Public Health.

14 (C) Immunity from prosecution. Any individual or
15 organization acting in good faith, and not in a wilful and
16 wanton manner, in complying with this Act by providing any
17 report or other information to the Medical Board or a peer
18 review committee, or assisting in the investigation or
19 preparation of such information, or by voluntarily reporting
20 to the Medical Board or a peer review committee information
21 regarding alleged errors or negligence by a person licensed
22 under this Act, or by participating in proceedings of the
23 Medical Board or a peer review committee, or by serving as a
24 member of the Medical Board or a peer review committee, shall
25 not, as a result of such actions, be subject to criminal
26 prosecution or civil damages.

1 (D) Indemnification. Members of the Medical Board, the
2 Medical Coordinators, the Medical Board's attorneys, the
3 medical investigative staff, physicians retained under
4 contract to assist and advise the medical coordinators in the
5 investigation, and authorized clerical staff shall be
6 indemnified by the State for any actions occurring within the
7 scope of services on the Medical Board, done in good faith and
8 not wilful and wanton in nature. The Attorney General shall
9 defend all such actions unless he or she determines either
10 that there would be a conflict of interest in such
11 representation or that the actions complained of were not in
12 good faith or were wilful and wanton.

13 Should the Attorney General decline representation, the
14 member shall have the right to employ counsel of his or her
15 choice, whose fees shall be provided by the State, after
16 approval by the Attorney General, unless there is a
17 determination by a court that the member's actions were not in
18 good faith or were wilful and wanton.

19 The member must notify the Attorney General within 7 days
20 of receipt of notice of the initiation of any action involving
21 services of the Medical Board. Failure to so notify the
22 Attorney General shall constitute an absolute waiver of the
23 right to a defense and indemnification.

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

1 (E) Deliberations of Medical Board. Upon the receipt of
2 any report called for by this Act, other than those reports of
3 impaired persons licensed under this Act required pursuant to
4 the rules of the Medical Board, the Medical Board shall notify
5 in writing, by mail or email, the person who is the subject of
6 the report. Such notification shall be made within 30 days of
7 receipt by the Medical Board of the report.

8 The notification shall include a written notice setting
9 forth the person's right to examine the report. Included in
10 such notification shall be the address at which the file is
11 maintained, the name of the custodian of the reports, and the
12 telephone number at which the custodian may be reached. The
13 person who is the subject of the report shall submit a written
14 statement responding, clarifying, adding to, or proposing the
15 amending of the report previously filed. The person who is the
16 subject of the report shall also submit with the written
17 statement any medical records related to the report. The
18 statement and accompanying medical records shall become a
19 permanent part of the file and must be received by the Medical
20 Board no more than 30 days after the date on which the person
21 was notified by the Medical Board of the existence of the
22 original report.

23 The Medical Board shall review all reports received by it,
24 together with any supporting information and responding
25 statements submitted by persons who are the subject of
26 reports. The review by the Medical Board shall be in a timely

1 manner but in no event, shall the Medical Board's initial
2 review of the material contained in each disciplinary file be
3 less than 61 days nor more than 180 days after the receipt of
4 the initial report by the Medical Board.

5 When the Medical Board makes its initial review of the
6 materials contained within its disciplinary files, the Medical
7 Board shall, in writing, make a determination as to whether
8 there are sufficient facts to warrant further investigation or
9 action. Failure to make such determination within the time
10 provided shall be deemed to be a determination that there are
11 not sufficient facts to warrant further investigation or
12 action.

13 Should the Medical Board find that there are not
14 sufficient facts to warrant further investigation, or action,
15 the report shall be accepted for filing and the matter shall be
16 deemed closed and so reported to the Secretary. The Secretary
17 shall then have 30 days to accept the Medical Board's decision
18 or request further investigation. The Secretary shall inform
19 the Medical Board of the decision to request further
20 investigation, including the specific reasons for the
21 decision. The individual or entity filing the original report
22 or complaint and the person who is the subject of the report or
23 complaint shall be notified in writing by the Secretary of any
24 final action on their report or complaint. The Department
25 shall disclose to the individual or entity who filed the
26 original report or complaint, on request, the status of the

1 Medical Board's review of a specific report or complaint. Such
2 request may be made at any time, including prior to the Medical
3 Board's determination as to whether there are sufficient facts
4 to warrant further investigation or action.

5 (F) Summary reports. The Medical Board shall prepare, on a
6 timely basis, but in no event less than once every other month,
7 a summary report of final disciplinary actions taken upon
8 disciplinary files maintained by the Medical Board. The
9 summary reports shall be made available to the public upon
10 request and payment of the fees set by the Department. This
11 publication may be made available to the public on the
12 Department's website. Information or documentation relating to
13 any disciplinary file that is closed without disciplinary
14 action taken shall not be disclosed and shall be afforded the
15 same status as is provided by Part 21 of Article VIII of the
16 Code of Civil Procedure.

17 (G) Any violation of this Section shall be a Class A
18 misdemeanor.

19 (H) If any such person violates the provisions of this
20 Section an action may be brought in the name of the People of
21 the State of Illinois, through the Attorney General of the
22 State of Illinois, for an order enjoining such violation or
23 for an order enforcing compliance with this Section. Upon
24 filing of a verified petition in such court, the court may
25 issue a temporary restraining order without notice or bond and
26 may preliminarily or permanently enjoin such violation, and if

1 it is established that such person has violated or is
2 violating the injunction, the court may punish the offender
3 for contempt of court. Proceedings under this paragraph shall
4 be in addition to, and not in lieu of, all other remedies and
5 penalties provided for by this Section.

6 (I) The Department may adopt rules to implement the
7 changes made by this amendatory Act of the 102nd General
8 Assembly.

9 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21.)

10 Article 26.

11 Section 26-5. The Illinois Parentage Act of 2015 is
12 amended by changing Sections 704 and 709 as follows:

13 (750 ILCS 46/704)

14 Sec. 704. Withdrawal of consent of intended parent or
15 donor. An intended parent or donor may withdraw consent to use
16 his or her gametes in a writing or legal pleading with notice
17 to the other participants. An intended parent who withdraws
18 consent under this Section prior to the insemination or embryo
19 transfer is not a parent of any resulting child. If a donor
20 withdraws consent to his or her donation prior to the
21 insemination or the combination of gametes, the intended
22 parent is not the parent of any resulting child. If the
23 intended parent or parents no longer wish to use any remaining

1 cryopreserved fertilized ovum for medical purposes, the terms
2 of the most recent informed consent of the intended parent or
3 parents executed at the fertility center or a marital
4 settlement agreement under a judgment of dissolution of
5 marriage, judgment of legal separation, or judgment of
6 dissolution of civil union governs the disposition of the
7 fertilized ovum.

8 (Source: P.A. 99-763, eff. 1-1-17.)

9 (750 ILCS 46/709)

10 Sec. 709. Establishment of parentage; requirements of
11 Gestational Surrogacy Act.

12 (a) In the event of gestational surrogacy, in addition to
13 the requirements of the Gestational Surrogacy Act, a
14 parent-child relationship is established between a person and
15 a child if all of the following conditions are met prior to the
16 birth of the child:

17 (1) The gestational surrogate certifies that she did
18 not provide a gamete for the child, and that she is
19 carrying the child for the intended parents.

20 (2) The spouse, if any, of the gestational surrogate
21 certifies that he or she did not provide a gamete for the
22 child.

23 (3) Each intended parent, or the parent's legally
24 authorized designee if an intended parent dies, certifies
25 that the child being carried by the gestational surrogate

1 was conceived using at least one of the intended parents'
2 gametes.

3 (4) A physician licensed in the state in which the
4 fertilized ovum was inseminated or transferred to the
5 gestational surrogate certifies that the child being
6 carried by the gestational surrogate was conceived using
7 the gamete or gametes of at least one of the intended
8 parents, and that neither the gestational surrogate nor
9 the gestational surrogate's spouse, if any, provided
10 gametes for the child being carried by the gestational
11 surrogate.

12 (5) The attorneys for the intended parents and the
13 gestational surrogate each certify that the parties
14 entered into a gestational surrogacy agreement intended to
15 satisfy the requirements of the Gestational Surrogacy Act.

16 (b) All certifications under this Section shall be in
17 writing and witnessed by 2 competent adults who are not the
18 gestational surrogate, gestational surrogate's spouse, if any,
19 or an intended parent. Certifications shall be on forms
20 prescribed by the Illinois Department of Public Health and
21 shall be executed prior to the birth of the child. All
22 certifications shall be provided, prior to the birth of the
23 child, to both the hospital where the gestational surrogate
24 anticipates the delivery will occur and to the Illinois
25 Department of Public Health.

26 (c) Parentage established in accordance with this Section

1 has the full force and effect of a judgment entered under this
2 Act.

3 (d) The Illinois Department of Public Health shall adopt
4 rules to implement this Section.

5 (Source: P.A. 99-763, eff. 1-1-17.)

6 Article 27.

7 Section 27-5. The Illinois Insurance Code is amended by
8 changing Section 356z.4a as follows:

9 (215 ILCS 5/356z.4a)

10 Sec. 356z.4a. Coverage for abortion.

11 (a) Except as otherwise provided in this Section, no
12 individual or group policy of accident and health insurance
13 that provides pregnancy-related benefits may be issued,
14 amended, delivered, or renewed in this State after the
15 effective date of this amendatory Act of the 101st General
16 Assembly unless the policy provides a covered person with
17 coverage for abortion care. Regardless of whether the policy
18 otherwise provides prescription drug benefits, abortion care
19 coverage must include medications that are obtained through a
20 prescription and used to terminate a pregnancy, regardless of
21 whether there is proof of a pregnancy.

22 (b) Coverage for abortion care may not impose any
23 deductible, coinsurance, waiting period, or other cost-sharing

1 limitation that is greater than that required for other
2 pregnancy-related benefits covered by the policy.

3 (c) Except as otherwise authorized under this Section, a
4 policy shall not impose any restrictions or delays on the
5 coverage required under this Section.

6 (d) This Section does not, pursuant to 42 U.S.C.
7 18054(a)(6), apply to a multistate plan that does not provide
8 coverage for abortion.

9 (e) If the Department concludes that enforcement of this
10 Section may adversely affect the allocation of federal funds
11 to this State, the Department may grant an exemption to the
12 requirements, but only to the minimum extent necessary to
13 ensure the continued receipt of federal funds.

14 (Source: P.A. 101-13, eff. 6-12-19.)

15 Article 28.

16 Section 28-5. Short title. This Article may be cited as
17 the Lawful Health Care Activity Act. References in this
18 Article to "this Act" mean this Article.

19 Section 28-10. Definitions. As used in this Act:

20 "Lawful health care" means health care that is not
21 unlawful under the laws of this State, including on any theory
22 of vicarious, joint, several, or conspiracy liability.

23 "Lawful health care activity" means seeking, providing,

1 receiving, assisting in seeking, providing, or receiving,
2 providing material support for, or traveling to obtain lawful
3 health care.

4 Section 28-15. Conflict of law. Notwithstanding any
5 general or special law or common law conflict of law rule to
6 the contrary, the laws of this State shall govern in any case
7 or controversy heard in this State related to lawful health
8 care activity.

9 Section 28-20. Limits on execution of foreign judgments.
10 In any action filed to enforce the judgment of a foreign state,
11 issued in connection with any litigation concerning lawful
12 health care, the court hearing the action shall not give any
13 force or effect to any judgment issued without jurisdiction.

14 Section 28-25. Severability. The provisions of this Act
15 are severable under Section 1.31 of the Statute on Statutes.

16 Section 28-30. The Uniform Interstate Depositions and
17 Discovery Act is amended by changing Section 3 and by adding
18 Section 3.5 as follows:

19 (735 ILCS 35/3)

20 Sec. 3. Issuance of subpoena.

21 (a) To request issuance of a subpoena under this Section,

1 a party must submit a foreign subpoena to a clerk of court in
2 the county in which discovery is sought to be conducted in this
3 State. A request for the issuance of a subpoena under this Act
4 does not constitute an appearance in the courts of this State.

5 (b) When a party submits a foreign subpoena to a clerk of
6 court in this State, the clerk, in accordance with that
7 court's procedure, shall promptly issue a subpoena for service
8 upon the person to which the foreign subpoena is directed
9 unless issuance is prohibited by Section 3.5.

10 (c) A subpoena under subsection (b) must:

11 (A) incorporate the terms used in the foreign
12 subpoena; and

13 (B) contain or be accompanied by the names, addresses,
14 and telephone numbers of all counsel of record in the
15 proceeding to which the subpoena relates and of any party
16 not represented by counsel.

17 (Source: P.A. 99-79, eff. 1-1-16.)

18 (735 ILCS 35/3.5 new)

19 Sec. 3.5. Unenforceable foreign subpoenas.

20 (a) If a request for issuance of a subpoena pursuant to
21 this Act seeks documents or information related to lawful
22 health care activity, as defined in the Lawful Health Care
23 Activity Act, or seeks documents in support of any claim that
24 interferes with rights under the Reproductive Health Act, then
25 the person or entity requesting the subpoena shall include an

1 attestation, signed under penalty of perjury, confirming and
2 identifying that an exemption in subsection (c) applies. Any
3 false attestation submitted under this Section or the failure
4 to submit an attestation required by this Section shall be
5 subject to a statutory penalty of \$10,000 per violation.
6 Submission of such attestation shall subject the attestor to
7 the jurisdiction of the courts of this State for any suit,
8 penalty, or damages arising out of a false attestation under
9 this Section.

10 (b) No clerk of court shall issue a subpoena based on a
11 foreign subpoena that:

12 (1) requests information or documents related to
13 lawful health care activity, as defined in the Lawful
14 Health Care Activity Act; or

15 (2) is related to the enforcement of another state's
16 law that would interfere with an individual's rights under
17 the Reproductive Health Act.

18 (c) A clerk of court may issue the subpoena if the subpoena
19 includes the attestation as described in subsection (a) and
20 the subpoena relates to:

21 (1) an out-of-state action founded in tort, contract,
22 or statute brought by the patient who sought or received
23 the lawful health care or the patient's authorized legal
24 representative, for damages suffered by the patient or
25 damages derived from an individual's loss of consortium of
26 the patient, and for which a similar claim would exist

1 under the laws of this State; or

2 (2) an out-of-state action founded in contract brought
3 or sought to be enforced by a party with a contractual
4 relationship with the individual whose documents or
5 information are the subject of the subpoena and for which
6 a similar claim would exist under the laws of this State.

7 (d) Any person or entity served with a subpoena reasonably
8 believed to be issued in violation of this Section shall not
9 comply with the subpoena.

10 (e) Any person or entity who is the recipient of, or whose
11 lawful health care is the subject of, a subpoena reasonably
12 believed to be issued in violation of this Section may, but is
13 not required to, move to modify or quash the subpoena.

14 (f) No clerk of court shall issue an order compelling a
15 person or entity to comply with a subpoena reasonably believed
16 to be issued in violation of this Section.

17 (g) As used in this Section, "lawful health care" and
18 "lawful health care activity" have the meanings given to those
19 terms in Section 28-10 of the Lawful Health Care Activity Act.

20 (h) The Supreme Court shall have jurisdiction to adopt
21 rules for the implementation of this Section.

22 Section 28-35. The Uniform Act to Secure the Attendance of
23 Witnesses from Within or Without a State in Criminal
24 Proceedings is amended by changing Section 2 as follows:

1 (725 ILCS 220/2) (from Ch. 38, par. 156-2)

2 Sec. 2. Summoning witness in this state to testify in
3 another state.

4 If a judge of a court of record in any state which by its
5 laws has made provision for commanding persons within that
6 state to attend and testify in this state certifies under the
7 seal of such court that there is a criminal prosecution
8 pending in such court, or that a grand jury investigation has
9 commenced or is about to commence, that a person being within
10 this state is a material witness in such prosecution, or grand
11 jury investigation, and his presence will be required for a
12 specified number of days, upon presentation of such
13 certificate to any judge of a court in the county in which such
14 person is, such judge shall fix a time and place for a hearing,
15 and shall make an order directing the witness to appear at a
16 time and place certain for the hearing.

17 If at a hearing the judge determines that the witness is
18 material and necessary, that it will not cause undue hardship
19 to the witness to be compelled to attend and testify in the
20 prosecution or a grand jury investigation in the other state,
21 and that the laws of the state in which the prosecution is
22 pending, or grand jury investigation has commenced or is about
23 to commence (and of any other state through which the witness
24 may be required to pass by ordinary course of travel), will
25 give to him protection from arrest and the service of civil and
26 criminal process, he shall issue a summons, with a copy of the

1 certificate attached, directing the witness to attend and
2 testify in the court where the prosecution is pending, or
3 where a grand jury investigation has commenced or is about to
4 commence at a time and place specified in the summons. In any
5 such hearing the certificate shall be prima facie evidence of
6 all the facts stated therein.

7 If said certificate recommends that the witness be taken
8 into immediate custody and delivered to an officer of the
9 requesting state to assure his attendance in the requesting
10 state, such judge may, in lieu of notification of the hearing,
11 direct that such witness be forthwith brought before him for
12 said hearing; and the judge at the hearing being satisfied of
13 the desirability of such custody and delivery, for which
14 determination the certificate shall be prima facie proof of
15 such desirability may, in lieu of issuing subpoena or summons,
16 order that said witness be forthwith taken into custody and
17 delivered to an officer of the requesting state.

18 No subpoena, summons, or order shall be issued for a
19 witness to provide information or testimony in relation to any
20 proceeding if the charge is based on conduct that involves
21 lawful health care activity, as defined by the Lawful Health
22 Care Activity Act, that is not unlawful under the laws of this
23 State. This limitation does not apply for the purpose of
24 complying with obligations under Brady v. Maryland (373 U.S.
25 83) or Giglio v. United States (405 U.S. 150).

26 If the witness, who is summoned as above provided, after

1 being paid or tendered by some properly authorized person the
2 sum of 10 cents a mile for each mile by the ordinary travel
3 route to and from the court where the prosecution is pending
4 and five dollars for each day that he is required to travel and
5 attend as a witness, fails without good cause to attend and
6 testify as directed in the summons, he shall be punished in the
7 manner provided for the punishment of any witness who disobeys
8 a summons issued from a court in this state.

9 (Source: Laws 1967, p. 3804.)

10 Section 28-40. The Uniform Criminal Extradition Act is
11 amended by changing Section 6 as follows:

12 (725 ILCS 225/6) (from Ch. 60, par. 23)

13 Sec. 6. Extradition of persons not present in demanding
14 state at time of commission of crime.

15 The Governor of this State may also surrender, on demand
16 of the Executive Authority of any other state, any person in
17 this State charged in such other state in the manner provided
18 in Section 3 with committing an act in this State, or in a
19 third state, intentionally resulting in a crime in the state
20 whose Executive Authority is making the demand. However, the
21 Governor of this State shall not surrender such a person if the
22 charge is based on conduct that involves seeking, providing,
23 receiving, assisting in seeking, providing, or receiving,
24 providing material support for, or traveling to obtain lawful

1 health care, as defined by Section 28-10 of the Lawful Health
2 Care Activity Act, that is not unlawful under the laws of this
3 State, including a charge based on any theory of vicarious,
4 joint, several, or conspiracy liability.

5 (Source: Laws 1955, p. 1982.)

6 Article 29.

7 Section 29-5. Short title. This Article may be cited as
8 the Protecting Reproductive Health Care Services Act.
9 References in this Article to "this Act" mean this Article.

10 Section 29-10. Definitions. As used in this Act:

11 "Advanced practice registered nurse" has the same meaning
12 as it does in Section 50-10 of the Nurse Practice Act.

13 "Health care professional" means a person who is licensed
14 as a physician, advanced practice registered nurse, or
15 physician assistant.

16 "Person" includes an individual, a partnership, an
17 association, a limited liability company, or a corporation.

18 "Physician" means any person licensed to practice medicine
19 in all its branches under the Medical Practice Act of 1987.

20 "Physician assistant" has the same meaning as it does in
21 Section 4 of the Physician Assistant Practice Act of 1987.

22 "Reproductive health care services" means health care
23 offered, arranged, or furnished for the purpose of preventing

1 pregnancy, terminating a pregnancy, managing pregnancy loss,
2 or improving maternal health and birth outcomes. "Reproductive
3 health care services" includes, but is not limited to:
4 contraception; sterilization; preconception care; maternity
5 care; abortion care; and counseling regarding reproductive
6 health care.

7 Section 29-15. Right of action.

8 (a) When any person has had a judgment entered against
9 such person, in any state, where liability, in whole or in
10 part, is based on the alleged provision, receipt, assistance
11 in receipt or provision, material support for, or any theory
12 of vicarious, joint, several, or conspiracy liability derived
13 therefrom, for reproductive health care services that are
14 permitted under the laws of this State, such person may
15 recover damages from any party that brought the action leading
16 to that judgment or has sought to enforce that judgment.

17 (b) Any person aggrieved by conduct in subsection (a)
18 shall have a right of action in a State circuit court or as a
19 supplemental claim in federal district court against any party
20 that brought the action leading to that judgment or has sought
21 to enforce that judgment. This lawsuit must be brought not
22 later than 2 years after the violation of subsection (a).

23 (c) If the court finds that a violation of subsection (a)
24 has occurred, the court may award to the plaintiff:

25 (1) actual damages created by the action that led to

1 that judgment, including, but not limited to, money
2 damages in the amount of the judgment in that other state
3 and costs, expenses, and reasonable attorney's fees spent
4 in defending the action that resulted in the entry of a
5 judgment in another state; and

6 (2) costs, expenses, and reasonable attorney's fees,
7 including expert witness fees and other litigation
8 expenses, incurred in bringing an action under this Act as
9 may be allowed by the court.

10 (d) The provisions of this Act shall not apply to a
11 judgment entered in another state that is based on:

12 (1) an action founded in tort, contract, or statute,
13 and for which a similar claim would exist under the laws of
14 this State, brought by the patient who received the
15 reproductive health care services upon which the original
16 lawsuit was based or the patient's authorized legal
17 representative, for damages suffered by the patient or
18 damages derived from an individual's loss of consortium of
19 the patient;

20 (2) an action founded in contract, and for which a
21 similar claim would exist under the laws of this State,
22 brought or sought to be enforced by a party with a
23 contractual relationship with the person that is the
24 subject of the judgment entered in another state; or

25 (3) an action where no part of the acts that formed the
26 basis for liability occurred in this State.

1 Article 99.

2 Section 99-97. Severability. The provisions of this Act
3 are severable under Section 1.31 of the Statute on Statutes.

4 Section 99-99. Effective date. This Act takes effect upon
5 becoming law.".