



Sen. Emil Jones, III

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10200SB4016sam001

LRB102 24652 AMQ 36579 a

1 AMENDMENT TO SENATE BILL 4016

2 AMENDMENT NO. _____. Amend Senate Bill 4016 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.33 and 4.38 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 ~~The Naprapathic Practice Act.~~

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional

1 Counselor Licensing and Practice Act.

2 The Wholesale Drug Distribution Licensing Act.

3 (Source: P.A. 101-621, eff. 12-20-19.)

4 (5 ILCS 80/4.38)

5 Sec. 4.38. Acts repealed on January 1, 2028. The following
6 Acts are repealed on January 1, 2028:

7 The Acupuncture Practice Act.

8 The Clinical Social Work and Social Work Practice Act.

9 The Home Medical Equipment and Services Provider License
10 Act.

11 The Illinois Petroleum Education and Marketing Act.

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

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Naprapathic Practice Act.

16 The Nurse Practice Act.

17 The Nursing Home Administrators Licensing and Disciplinary
18 Act.

19 The Physician Assistant Practice Act of 1987.

20 The Podiatric Medical Practice Act of 1987.

21 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
22 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
23 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
24 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

1 Section 10. The Naprapathic Practice Act is amended by
2 changing Sections 10, 15, 17, 57, 110, 125, 145, 150, 155, 165,
3 and 190 and by adding Sections 11 and 36 as follows:

4 (225 ILCS 63/10)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 10. Definitions. In this Act:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's or licensee's application
9 file or license file as maintained by the Department's
10 licensure maintenance unit. ~~It is the duty of the applicant or~~
11 ~~licensee to inform the Department of any change of address and~~
12 ~~those changes must be made either through the Department's~~
13 ~~website or by contacting the Department.~~

14 "Board" means the Board of Naprapathy appointed by the
15 Secretary.

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

20 "Naprapath" means a person who practices Naprapathy and
21 who has met all requirements as provided in the Act.

22 "Department" means the Department of Financial and
23 Professional Regulation.

24 "Secretary" means the Secretary of ~~the Department of~~
25 Financial and Professional Regulation.

1 "Referral" means the following of guidance or direction to
2 the naprapath given by the licensed physician, dentist, or
3 podiatric physician who maintains supervision of the patient.

4 ~~"Documented current and relevant diagnosis" means a~~
5 ~~diagnosis, substantiated by signature or oral verification of~~
6 ~~a licensed physician, dentist, or podiatric physician, that a~~
7 ~~patient's condition is such that it may be treated by~~
8 ~~naprapathy as defined in this Act, which diagnosis shall~~
9 ~~remain in effect until changed by the licensed physician,~~
10 ~~dentist, or podiatric physician.~~

11 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13.)

12 (225 ILCS 63/11 new)

13 Sec. 11. Address of record; email address of record. All
14 applicants and licensees shall:

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

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

23 (225 ILCS 63/15)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 15. Practice of naprapathy defined; referrals.
2 Naprapathic practice means the identification, evaluation, and
3 treatment ~~evaluation~~ of persons with connective tissue
4 disorders through the use of naprapathic case history and
5 palpation or treatment of persons by the use of connective
6 tissue manipulation, therapeutic and rehabilitative exercise,
7 postural counseling, nutritional counseling, and the use of
8 the effective properties of physical measures of heat, cold,
9 light, water, radiant energy, electricity, sound and air, and
10 assistive devices for the purpose of preventing, correcting,
11 or alleviating a physical disability.

12 Naprapathic practice includes, but is not limited to, the
13 treatment of contractures, muscle spasms, inflammation, scar
14 tissue formation, adhesions, lesions, laxity, hypotonicity,
15 rigidity, structural imbalance, bruising, contusions, muscular
16 atrophy, and partial separation of connective tissue fibers.

17 Naprapathic practice also includes: (a) performance of
18 specialized tests and measurements, (b) administration of
19 specialized treatment procedures, (c) interpretation of
20 referrals from licensed physicians, dentists, and podiatric
21 physicians, (d) establishment and modification of naprapathic
22 treatment programs, and (e) supervision or teaching of
23 naprapathy.

24 Naprapathic practice does not include radiology, surgery,
25 pharmacology, or invasive diagnostic testing, ~~or determination~~
26 ~~of a differential diagnosis; provided, however, the limitation~~

1 ~~on determining a differential diagnosis shall not in any~~
2 ~~manner limit a naprapath licensed under this Act from~~
3 ~~performing an evaluation authorized under this Act. A~~
4 naprapath licensed under this Act who is not also licensed as a
5 physical therapist under the Illinois Physical Therapy Act
6 shall not hold himself or herself out as qualified to provide
7 physical therapy or physiotherapy services. Nothing in this
8 Section shall limit a naprapath from employing appropriate
9 naprapathic techniques that he or she is educated and licensed
10 to perform. A naprapath shall refer to a licensed physician,
11 dentist, or podiatric physician any patient whose medical
12 condition should, at the time of evaluation or treatment, be
13 determined to be beyond the scope of practice of the
14 naprapath. A naprapath shall order additional screening if the
15 patient does not demonstrate measurable or functional
16 improvement after 6 visits and continued improvement
17 thereafter. A naprapath shall refer a patient to the patient's
18 treating health care professional of record or, in the case
19 where there is no health care professional of record, to a
20 health care professional of the patient's choice, if the
21 patient's condition, at the time of evaluation or services, is
22 determined to be beyond the scope of practice of the
23 naprapath.

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

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 17. Educational and professional qualifications for
3 licensure. A person may be qualified to receive a license as a
4 naprapath if he or she:

5 (1) is at least 21 ~~18~~ years of age and of good moral
6 character;

7 (2) for licenses granted on or before December 31,
8 2027, has graduated from a 2-year ~~2-year~~ college level
9 program or its equivalent approved by the Department;

10 (2.5) for licenses granted on or after January 1,
11 2028, has graduated from a 4-year college level program or
12 its equivalent approved by the Department;

13 (3) has graduated from a curriculum in naprapathy
14 approved by the Department. In approving a curriculum in
15 naprapathy, the Department shall consider, but not be
16 bound by, a curriculum approved by the American
17 Naprapathic Association, the Illinois Naprapathic
18 Association, or a national or regional accrediting body
19 recognized by the United States Department of Education;

20 (4) has passed an examination approved by the
21 Department to determine a person's fitness to practice as
22 a naprapath; and

23 (5) has met all other requirements of the Act.

24 The Department has the right and may request a personal
25 interview with an applicant to further evaluate a person's
26 qualifications for a license.

1 (Source: P.A. 97-778, eff. 7-13-12.)

2 (225 ILCS 63/36 new)

3 Sec. 36. Board of Naprapathy. The Secretary shall appoint
4 a Board of Naprapathy to consist of 7 persons who shall serve
5 in an advisory capacity to the Secretary. Four members must
6 hold an active license to engage in the practice of
7 naprapathy, one member shall be a physician licensed under the
8 Medical Practice Act of 1987, one member shall be an
9 acupuncturist licensed under the Acupuncture Practice Act, and
10 one member of the public.

11 Members shall serve 4-year terms and until their
12 successors are appointed and qualified. No member may be
13 appointed to more than 2 consecutive full terms. Appointments
14 to fill vacancies shall be made in the same manner as original
15 appointments for the unexpired portion of the vacated term.
16 Initial terms shall begin upon the effective date of this
17 amendatory Act of the 102nd General Assembly.

18 The Board may annually elect a chairperson and a
19 vice-chairperson who shall preside in the absence of the
20 chairperson. The membership of the Board shall reasonably
21 reflect the demographic diversity of the State as well as
22 representation from the geographic areas in this State. The
23 Secretary may terminate the appointment of any member for
24 cause. The Secretary may give due consideration to all
25 recommendations of the Board. A majority of the Board members

1 currently appointed shall constitute a quorum. A vacancy in
2 the membership of the Board shall not impair the right of a
3 quorum to exercise the right and perform all duties of the
4 Board. Members of the Board shall have no liability in any
5 action based upon any disciplinary proceeding or other
6 activity performed in good faith as a member of the Board.

7 (225 ILCS 63/57)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 57. Social Security Number on license application. In
10 addition to any other information required to be contained in
11 the application, every application for an original,~~renewal,~~
12 ~~reinstated, or restored~~ license under this Act shall include
13 the applicant's Social Security Number, which shall be
14 retained in the agency's records pertaining to the license. As
15 soon as practical, the Department shall assign a customer's
16 identification number to each applicant for a license.

17 Every application for a renewal or restored license shall
18 require the applicant's customer identification number.

19 (Source: P.A. 97-400, eff. 1-1-12; 97-778, eff. 7-13-12.)

20 (225 ILCS 63/110)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 110. Grounds for disciplinary action; refusal,
23 revocation, suspension.

24 (a) The Department may refuse to issue or to renew, or may

1 revoke, suspend, place on probation, reprimand or take other
2 disciplinary or non-disciplinary action as the Department may
3 deem appropriate, including imposing fines not to exceed
4 \$10,000 for each violation, with regard to any licensee or
5 license for any one or combination of the following causes:

6 (1) Violations of this Act or of rules adopted under
7 this Act.

8 (2) Making a material misstatement in furnishing
9 information to the Department or otherwise making
10 misleading, deceptive, untrue, or fraudulent
11 representations in violation of this Act or otherwise in
12 the practice of the profession ~~Material misstatement in~~
13 ~~furnishing information to the Department.~~

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

23 (4) Fraud or any 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 (5) Professional incompetence or gross negligence.

1 (6) Malpractice.

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

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

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

9 (10) Habitual or excessive use or abuse of drugs
10 defined in law as controlled substances, alcohol, or any
11 other substance which results in the inability to practice
12 with reasonable judgment, skill, or safety.

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

17 (12) Directly or indirectly giving to or receiving
18 from any person, firm, corporation, partnership, or
19 association any fee, commission, rebate, or other form of
20 compensation for any professional services not actually or
21 personally rendered. This shall not be deemed to include
22 rent or other remunerations paid to an individual,
23 partnership, or corporation by a naprapath for the lease,
24 rental, or use of space, owned or controlled by the
25 individual, partnership, corporation, or association.
26 Nothing in this paragraph (12) affects any bona fide

1 independent contractor or employment arrangements among
2 health care professionals, health facilities, health care
3 providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this
8 Act. Nothing in this paragraph (12) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered.

11 (13) Using the title "Doctor" or its abbreviation
12 without further clarifying that title or abbreviation with
13 the word "naprapath" or "naprapathy" or the designation
14 "D.N.".

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

18 (15) Abandonment of a patient without cause.

19 (16) Willfully making or filing false records or
20 reports relating to a licensee's practice, including but
21 not limited to, false records filed with State agencies or
22 departments.

23 (17) Willfully failing to report an instance of
24 suspected child abuse or neglect as required by the Abused
25 and Neglected 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 motor skill that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety.

5 (19) Solicitation of professional services by means
6 other than permitted advertising.

7 (20) Failure to provide a patient with a copy of his or
8 her record upon the written request of the patient.

9 (21) Cheating on or attempting to subvert the
10 licensing examination administered under this Act.

11 (22) Allowing one's license under this Act to be used
12 by an unlicensed person in violation of this Act.

13 (23) (Blank).

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

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

23 (26) Immoral conduct in the commission of any act,
24 such as sexual abuse, sexual misconduct, or sexual
25 exploitation, related to the licensee's practice.

26 (27) Maintaining a professional relationship with any

1 person, firm, or corporation when the naprapath knows, or
2 should know, that the person, firm, or corporation is
3 violating this Act.

4 (28) Promotion of the sale of food supplements,
5 devices, appliances, or goods provided for a client or
6 patient in such manner as to exploit the patient or client
7 for financial gain of the licensee.

8 (29) Having treated ailments of human beings other
9 than by the practice of naprapathy as defined in this Act
10 unless authorized to do so by State law. ~~, or having~~
11 ~~treated ailments of human beings as a licensed naprapath~~
12 ~~independent of a documented referral or documented current~~
13 ~~and relevant diagnosis from a physician, dentist, or~~
14 ~~podiatric physician, or having failed to notify the~~
15 ~~physician, dentist, or podiatric physician who established~~
16 ~~a documented current and relevant diagnosis that the~~
17 ~~patient is receiving naprapathic treatment pursuant to~~
18 ~~that diagnosis.~~

19 (30) Use by a registered naprapath of the word
20 "infirmary", "hospital", "school", "university", in
21 English or any other language, in connection with the
22 place where naprapathy may be practiced or demonstrated.

23 (31) Continuance of a naprapath in the employ of any
24 person, firm, or corporation, or as an assistant to any
25 naprapath or naprapaths, directly or indirectly, after his
26 or her employer or superior has been found guilty of

1 violating or has been enjoined from violating the laws of
2 the State of Illinois relating to the practice of
3 naprapathy when the employer or superior persists in that
4 violation.

5 (32) The performance of naprapathic service in
6 conjunction with a scheme or plan with another person,
7 firm, or corporation known to be advertising in a manner
8 contrary to this Act or otherwise violating the laws of
9 the State of Illinois concerning the practice of
10 naprapathy.

11 (33) Failure to provide satisfactory proof of having
12 participated in approved continuing education programs as
13 determined by and approved by the Secretary. Exceptions
14 for extreme hardships are to be defined by the rules of the
15 Department.

16 (34) (Blank).

17 (35) Gross or willful overcharging for professional
18 services.

19 (36) (Blank).

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the
22 fine, unless an alternate payment schedule has been agreed
23 upon in writing.

24 (b) A person not licensed under this Act and engaged in the
25 business of offering naprapathy services through others, shall
26 not aid, abet, assist, procure, advise, employ, or contract

1 with any unlicensed person to practice naprapathy contrary to
2 any rules or provisions of this Act. A person violating this
3 subsection (b) shall be treated as a licensee for the purposes
4 of disciplinary action under this Section and shall be subject
5 to cease and desist orders as provided in Section 90 of this
6 Act. The Department may refuse to issue or may suspend without
7 hearing, as provided for in the Department of Professional
8 Regulation Law of the Civil Administrative Code, the license
9 of any person who fails to file a return, or pay the tax,
10 penalty, or interest shown in a filed return, or pay any final
11 assessment of the tax, penalty, or interest as required by any
12 tax Act administered by the Illinois Department of Revenue,
13 until such time as the requirements of any such tax Act are
14 satisfied in accordance with subsection (g) of Section 2105 15
15 of the Department of Professional Regulation Law of the Civil
16 Administrative Code of Illinois.

17 (b-5) The Department may refuse to issue or may suspend
18 the license of any person who fails to file a tax return, to
19 pay the tax, penalty, or interest shown in a filed tax return,
20 or to pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Department of
22 Revenue, until the requirements of the tax Act are satisfied
23 in accordance with subsection (g) of Section 2105-15 of the
24 Civil Administrative Code of Illinois.

25 (c) (Blank).

26 (d) In cases where the Department of Healthcare and Family

1 Services has previously determined a licensee or a potential
2 licensee is more than 30 days delinquent in the payment of
3 child support and has subsequently certified the delinquency
4 to the Department, the Department may refuse to issue or renew
5 or may revoke or suspend that person's license or may take
6 other disciplinary action against that person based solely
7 upon the certification of delinquency made by the Department
8 of Healthcare and Family Services in accordance with item (5)
9 of subsection (a) of Section 2105-15 of the Department of
10 Professional Regulation Law of the Civil Administrative Code
11 of Illinois.

12 (e) The determination by a circuit court that a licensee
13 is subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. The suspension
16 shall end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission
18 and the issuance of an order so finding and discharging the
19 patient and upon the Board's recommendation to the Department
20 that the license be restored. Where the circumstances so
21 indicate, the Board may recommend to the Department that it
22 require an examination prior to restoring a suspended license.

23 (f) In enforcing this Act, the Department, upon a showing
24 of a possible violation, may compel an individual licensed to
25 practice under this Act, or who has applied for licensure
26 under this Act, to submit to a mental or physical examination,

1 or both, as required by and at the expense of the Department.
2 The Department or Board may order the examining physician to
3 present testimony concerning the mental or physical
4 examination of the licensee or applicant. No information shall
5 be excluded by reason of any common law or statutory privilege
6 relating to communications between the licensee or applicant
7 and the examining physician. The examining physicians shall be
8 specifically designated by the Board or Department. The
9 individual to be examined may have, at his or her own expense,
10 another physician of his or her choice present during all
11 aspects of this examination. The examination shall be
12 performed by a physician under the Medical Practice Act of
13 1987. Failure of an individual to submit to a mental or
14 physical examination, when directed, shall result in an
15 automatic suspension without hearing. ~~and evaluation, or both,~~
16 ~~which may include a substance abuse or sexual offender~~
17 ~~evaluation, as required by and at the expense of the~~
18 ~~Department. The Department shall specifically designate the~~
19 ~~examining physician licensed to practice medicine in all of~~
20 ~~its branches or, if applicable, the multidisciplinary team~~
21 ~~involved in providing the mental or physical examination and~~
22 ~~evaluation, or both. The multidisciplinary team shall be led~~
23 ~~by a physician licensed to practice medicine in all of its~~
24 ~~branches and may consist of one or more or a combination of~~
25 ~~physicians licensed to practice medicine in all of its~~
26 ~~branches, licensed chiropractic physicians, licensed clinical~~

1 ~~psychologists, licensed clinical social workers, licensed~~
2 ~~clinical professional counselors, and other professional and~~
3 ~~administrative staff. Any examining physician or member of the~~
4 ~~multidisciplinary team may require any person ordered to~~
5 ~~submit to an examination and evaluation pursuant to this~~
6 ~~Section to submit to any additional supplemental testing~~
7 ~~deemed necessary to complete any examination or evaluation~~
8 ~~process, including, but not limited to, blood testing,~~
9 ~~urinalysis, psychological testing, or neuropsychological~~
10 ~~testing.~~

11 ~~The Department may order the examining physician or any~~
12 ~~member of the multidisciplinary team to provide to the~~
13 ~~Department any and all records including business records that~~
14 ~~relate to the examination and evaluation, including any~~
15 ~~supplemental testing performed. The Department may order the~~
16 ~~examining physician or any member of the multidisciplinary~~
17 ~~team to present testimony concerning the examination and~~
18 ~~evaluation of the licensee or applicant, including testimony~~
19 ~~concerning any supplemental testing or documents in any way~~
20 ~~related to the examination and evaluation. No information,~~
21 ~~report, record, or other documents in any way related to the~~
22 ~~examination and evaluation shall be excluded by reason of any~~
23 ~~common law or statutory privilege relating to communications~~
24 ~~between the licensee or applicant and the examining physician~~
25 ~~or any member of the multidisciplinary team. No authorization~~
26 ~~is necessary from the licensee or applicant ordered to undergo~~

1 ~~an evaluation and examination for the examining physician or~~
2 ~~any member of the multidisciplinary team to provide~~
3 ~~information, reports, records, or other documents or to~~
4 ~~provide any testimony regarding the examination and~~
5 ~~evaluation. The individual to be examined may have, at his or~~
6 ~~her own expense, another physician of his or her choice~~
7 ~~present during all aspects of this examination. Failure of an~~
8 ~~individual to submit to a mental or physical examination and~~
9 ~~evaluation, or both, when directed, shall result in an~~
10 ~~automatic suspension without hearing, until such time as the~~
11 ~~individual submits to the examination.~~

12 A person holding a license under this Act or who has
13 applied for a license under this Act who, because of a physical
14 or mental illness or disability, including, but not limited
15 to, deterioration through the aging process or loss of motor
16 skill, is unable to practice the profession with reasonable
17 judgment, skill, or safety, may be required by the Department
18 to submit to care, counseling, or treatment by physicians
19 approved or designated by the Department as a condition, term,
20 or restriction for continued, reinstated, or renewed licensure
21 to practice. Submission to care, counseling, or treatment as
22 required by the Department shall not be considered discipline
23 of a license. If the licensee refuses to enter into a care,
24 counseling, or treatment agreement or fails to abide by the
25 terms of the agreement, the Department may file a complaint to
26 revoke, suspend, or otherwise discipline the license of the

1 individual. The Secretary may order the license suspended
2 immediately, pending a hearing by the Department. Fines shall
3 not be assessed in disciplinary actions involving physical or
4 mental illness or impairment.

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

14 An individual licensed under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate
16 to the Department that he or she can resume practice in
17 compliance with acceptable and prevailing standards under the
18 provisions of his or her license.

19 (Source: P.A. 100-872, eff. 8-14-18.)

20 (225 ILCS 63/125)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 125. Investigation; notice; hearing. The Department
23 may investigate the actions of any applicant or of any person
24 or persons holding or claiming to hold a license. Before
25 refusing to issue, refusing to renew, or taking any

1 disciplinary action under Section 110 regarding a license, the
2 Department shall, at least 30 days prior to the date set for
3 the hearing, notify in writing the applicant for, or holder
4 of, a license of the nature of any charges and that a hearing
5 will be held on a date designated. The Department shall direct
6 the applicant or licensee to file a written answer with the
7 Department under oath within 20 days after the service of the
8 notice and inform the applicant or licensee that failure to
9 file an answer shall result in default being taken against the
10 applicant or licensee. At the time and place fixed in the
11 notice, the Department shall proceed to hear the charges and
12 the parties or their counsel shall be accorded ample
13 opportunity to present any pertinent statements, testimony,
14 evidence, and arguments. The Department may continue the
15 hearing from time to time. If the person, after receiving the
16 notice, fails to file an answer, his or her license may, in the
17 discretion of the Department, be revoked, suspended, or placed
18 on probationary status or the Department may take whatever
19 disciplinary action considered proper, including limiting the
20 scope, nature, or extent of the person's practice under the
21 Act. If the Board is not sitting at the time and place fixed in
22 the notice or at the time and place to which the hearing shall
23 have been continued, the Department may continue the hearing
24 for a period not to exceed 30 days. The written notice in the
25 subsequent proceeding may be served by U.S. registered or
26 certified mail or email to the licensee's address or email

1 address of record.

2 (Source: P.A. 97-778, eff. 7-13-12.)

3 (225 ILCS 63/145)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 145. Findings of facts, conclusions of law, and
6 recommendations. At the conclusion of the hearing the Board
7 ~~hearing officer~~ shall present to the Secretary a written
8 report of its findings of fact, conclusions of law, and
9 recommendations. The report shall contain a finding whether or
10 not the accused person violated this Act or failed to comply
11 with the conditions required in this Act. The Board ~~hearing~~
12 ~~officer~~ shall specify the nature of the violation or failure
13 to comply and shall make its recommendations to the Secretary.

14 The report of findings of fact, conclusions of law, and
15 recommendations of the Board ~~hearing officer~~ shall be the
16 basis for the Department's order refusing to issue, restore,
17 or renew a license, or otherwise disciplining a licensee. If
18 the Secretary disagrees in any regard with the report of the
19 Board ~~hearing officer~~, the Secretary may issue an order in
20 contravention of the Board ~~hearing officer's~~ recommendations.
21 The finding is not admissible in evidence against the person
22 in a criminal prosecution brought for the violation of this
23 Act, but the hearing and findings are not a bar to a criminal
24 prosecution brought for the violation of this Act.

25 ~~If the Secretary fails to issue a final order within 30~~

1 ~~days after the receipt of the hearing officer's findings of~~
2 ~~fact, conclusions of law, and recommendations, then the~~
3 ~~hearing officer's findings of fact, conclusions of law, and~~
4 ~~recommendations shall become a final order of the Department~~
5 ~~without further review.~~

6 (Source: P.A. 97-778, eff. 7-13-12.)

7 (225 ILCS 63/150)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 150. Hearing officer. The Secretary shall have the
10 authority to appoint any attorney duly licensed to practice
11 law in the State of Illinois to serve as the hearing officer in
12 any action for Departmental refusal to issue, renew, or
13 license an applicant, or disciplinary action against a
14 licensee. The hearing officer shall have full authority to
15 conduct the hearing. The hearing officer shall report his or
16 her findings of fact, conclusions of law, and recommendations
17 to the Board and the Secretary. The Board shall review the
18 report of the hearing officer and present its findings of
19 fact, conclusions of law, and recommendations to the
20 Secretary. If the Secretary disagrees with the recommendation
21 of the hearing officer, he or she may issue an order in
22 contravention of that recommendation.

23 (Source: P.A. 97-778, eff. 7-13-12.)

24 (225 ILCS 63/155)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 155. Service of report; rehearing; order. In any case
3 involving the refusal to issue or renew or the discipline of a
4 license, a copy of the Board's ~~hearing officer's~~ report shall
5 be served upon the respondent by the Department, either
6 personally or as provided in this Act for the service of the
7 notice of hearing. Within 20 days after the service, the
8 respondent may present to the Department a motion in writing
9 for a rehearing that shall specify the particular grounds for
10 rehearing. If no motion for rehearing is filed, then upon the
11 expiration of the time specified for filing a motion, or if a
12 motion for rehearing is denied, then upon the denial the
13 Secretary may enter an order in accordance with this Act. If
14 the respondent orders from the reporting service and pays for
15 a transcript of the record within the time for filing a motion
16 for rehearing, the 20 calendar day period within which the
17 motion may be filed shall commence upon the delivery of the
18 transcript to the respondent.

19 (Source: P.A. 97-778, eff. 7-13-12.)

20 (225 ILCS 63/165)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 165. Order or certified copy as prima facie proof. An
23 order or a certified copy thereof, over the seal of the
24 Department and purporting to be signed by the Secretary, shall
25 be prima facie proof:

1 (a) that the signature is the genuine signature of the
2 Secretary; ~~and~~

3 (b) that such Secretary is duly appointed and
4 qualified; and -

5 (c) that the Board and its members are qualified to
6 act.

7 (Source: P.A. 97-778, eff. 7-13-12.)

8 (225 ILCS 63/190)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 190. The Department shall not be required to certify
11 any record to the Court or file any answer in court or
12 otherwise appear in any court in a judicial review proceeding,
13 unless and until the Department receives from the plaintiff
14 payment of the costs of furnishing and certifying the record,
15 which costs shall be determined by the Department. ~~Exhibits~~
16 ~~shall be certified without cost.~~ Failure on the part of the
17 plaintiff to file a receipt in court is grounds for dismissal
18 of the action.

19 (Source: P.A. 97-778, eff. 7-13-12.)

20 (225 ILCS 63/95 rep.)

21 Section 15. The Naprapathic Practice Act is amended by
22 repealing Section 95.

23 Section 99. Effective date. This Section and Section 5

1 take effect upon becoming law.".