

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2024:

10 The Crematory Regulation Act.

11 The Electrologist Licensing Act.

12 The Illinois Certified Shorthand Reporters Act of
13 1984.

14 ~~The Illinois Occupational Therapy Practice Act.~~

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.

18 The Registered Surgical Assistant and Registered
19 Surgical Technologist Title Protection Act.

20 Section 2.5 of the Illinois Plumbing License Law.

21 The Veterinary Medicine and Surgery Practice Act of
22 2004.

23 (Source: P.A. 102-291, eff. 8-6-21.)

1 (5 ILCS 80/4.39)

2 Sec. 4.39. Acts repealed on January 1, 2029 and December
3 31, 2029.

4 (a) The following Act is repealed on January 1, 2029:

5 The Environmental Health Practitioner Licensing Act.

6 The Illinois Occupation Therapy Practice Act.

7 (b) The following Act is repealed on December 31, 2029:

8 The Structural Pest Control Act.

9 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
10 101-81, eff. 7-12-19.)

11 Section 10. The Illinois Occupational Therapy Practice Act
12 is amended by changing Sections 2, 3, 3.1, 5, 6.5, 7, 11, 12,
13 15, 16, 19, 19.2, 19.6, 19.7, 19.9, 19.15, 20, and 21 and by
14 adding Section 2.5 as follows:

15 (225 ILCS 75/2) (from Ch. 111, par. 3702)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 2. Definitions. In this Act:

18 (1) "Department" means the Department of Financial and
19 Professional Regulation.

20 (2) "Secretary" means the Secretary of the Department of
21 Financial and Professional Regulation.

22 (3) "Board" means the Illinois Occupational Therapy
23 Licensure Board appointed by the Secretary.

1 (4) "Occupational therapist" means a person initially
2 registered and licensed to practice occupational therapy as
3 defined in this Act, and whose license is in good standing.

4 (5) "Occupational therapy assistant" means a person
5 initially registered and licensed who assists ~~to assist~~ in the
6 practice of occupational therapy under this Act. The
7 occupational therapy assistant shall work under appropriate
8 supervision of and in partnership with a licensed occupational
9 therapist ~~the supervision of a licensed occupational~~
10 ~~therapist, and to implement the occupational therapy treatment~~
11 ~~program as established by the licensed occupational therapist.~~

12 (6) "Occupational therapy" means the therapeutic use of
13 everyday life occupations and activities with recipients,
14 groups, or populations to support occupational performance and
15 participation. "Occupational therapy practice" includes
16 clinical reasoning and professional judgment to evaluate,
17 analyze, and address occupational challenges, including issues
18 with client factors, performance patterns, and performance
19 skills and provide occupation-based interventions to address
20 the challenges. Through the provision of skilled services and
21 engagement in everyday activities, occupational therapy
22 promotes physical and mental health and well-being by
23 supporting occupational performance in people with, or are at
24 risk of experiencing, a range of developmental, physical, and
25 mental health disorders ~~purposeful and meaningful occupations~~
26 ~~or goal directed activities to evaluate and provide~~

~~interventions for individuals, groups, and populations who have a disease or disorder, an impairment, an activity limitation, or a participation restriction that interferes with their ability to function independently in their daily life roles, including activities of daily living (ADLs) and instrumental activities of daily living (IADLs). Occupational therapy services are provided for the purpose of habilitation, rehabilitation, and to promote health and wellness.~~

Occupational therapy may be provided via technology or telecommunication methods, also known as telehealth, however the standard of care shall be the same whether a patient or recipient is seen in person, through telehealth, or other method of electronically enabled health care. Occupational therapy practice may include any of the following components:

(A) evaluation of factors affecting activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation;

(B) methods or approaches to identify and select interventions; and

(C) interventions and procedures including:

(i) ~~(a)~~ remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;

(ii) ~~(b)~~ modification or adaptation of task,

1 process, or the environment or the teaching of
2 compensatory techniques in order to enhance
3 performance;

4 (iii) ~~(e)~~ disability prevention methods and
5 techniques that facilitate the development or safe
6 application of performance skills; and

7 (iv) ~~(d)~~ health and wellness promotion strategies,
8 including self-management strategies, and practices
9 that enhance performance abilities.

10 The licensed occupational therapist or licensed
11 occupational therapy assistant may assume a variety of roles
12 in the licensee's ~~his or her~~ career including, but not limited
13 to, practitioner, supervisor of professional students and
14 volunteers, researcher, scholar, consultant, administrator,
15 faculty, clinical instructor, fieldwork educator, and educator
16 of consumers, peers, ~~and~~ family members, and care-partners.

17 (7) "Occupational therapy services" means services that
18 may be provided to individuals, groups, and populations, when
19 provided to treat an occupational therapy need, including the
20 following:

21 (a) evaluating, developing, improving, sustaining, or
22 restoring skills in self-care, self-management, health
23 management, including medication-management, health
24 routines, rest and sleep, home management, community and
25 work integration, school activities, work performance,
26 activities of daily living, work, or productive

1 ~~activities, including instrumental activities of daily~~
2 ~~living and play and leisure activities;~~

3 (b) identification, development, and remediation or
4 compensation for deficits in physical,
5 neuromusculoskeletal, sensory-perceptual, emotional
6 regulation, visual, mental, and cognitive functions; pain
7 tolerance and management; praxis; developmental skills;
8 and behavioral skills or psychosocial components of
9 performance with considerations for cultural context and
10 activity demands that affect performance ~~evaluating,~~
11 ~~developing, remediating, or restoring sensorimotor,~~
12 ~~cognitive, or psychosocial components of performance with~~
13 ~~considerations for cultural context and activity demands~~
14 ~~that affect performance;~~

15 (c) assessing, designing, fabricating, applying, or
16 training in the use of assistive technology, adaptive
17 devices, seating and positioning, ~~or temporary,~~ orthoses
18 and training in the use of ~~orthoses and~~ prostheses;

19 (d) modification of contexts in settings, such as
20 home, school, work, and community, and adaptation of
21 processes, including the application of ergonomic
22 principles, to enhance performance and safety in daily
23 life roles ~~adapting environments and processes, including~~
24 ~~the application of ergonomic principles, to enhance~~
25 ~~performance and safety in daily life roles;~~

26 (e) for the occupational therapist or occupational

1 therapy assistant possessing advanced training, skill, and
2 competency as demonstrated through criteria that shall be
3 determined by the Department, applying physical agent
4 modalities, including dry needling, as an adjunct to or in
5 preparation for engagement in occupations;

6 (f) evaluating and providing intervention in
7 collaboration with the recipient ~~client~~, family,
8 caregiver, or others;

9 (g) educating the recipient ~~client~~, family, caregiver,
10 groups, populations, or others in carrying out appropriate
11 nonskilled interventions;

12 (h) consulting with groups, programs, organizations,
13 or communities to provide population-based services;

14 (i) assessing, recommending, and training in
15 techniques to enhance functional mobility, including
16 wheelchair fitting and management and other mobility
17 devices;

18 (j) driver rehabilitation and community mobility;

19 (k) management of feeding, eating, and swallowing to
20 enable or enhance performance of these tasks;

21 (l) low vision rehabilitation;

22 (m) lymphedema and wound care management;

23 (n) pain management; ~~and~~

24 (o) care coordination, case management, and transition
25 services; ~~and~~

26 (p) exercises, including tasks and methods to increase

1 motion, strength, and endurance for occupational
2 participation;

3 (q) virtual interventions, including simulated,
4 real-time, and near-time technologies, consisting of
5 telehealth and mobile technology;

6 (r) evaluating and treating problems of rest and
7 sleep;

8 (s) group interventions, including the use of dynamics
9 of group and social interaction to facilitate learning and
10 skill acquisition across the life course; and

11 (t) habilitation, rehabilitation, and the promotion of
12 physical and mental health and wellness for clients with
13 all levels of ability-related needs and for clients who
14 have or are at risk for developing an illness, injury,
15 disease, disorder, condition, impairment, disability, and
16 activity limitation or participation restriction.

17 (8) (Blank).

18 (9) "Address of record" means the designated address
19 recorded by the Department in the applicant's or licensee's
20 application file or license file as maintained by the
21 Department's licensure maintenance unit. ~~It is the duty of the~~
22 ~~applicant or licensee to inform the Department of any change~~
23 ~~of address, and those changes must be made either through the~~
24 ~~Department's website or by contacting the Department.~~

25 (10) "Recipient" means a person, group, or population who
26 receives occupational therapy services.

1 (11) "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 (12) "Care-partner" or "caregiver" means someone, in a
6 paid or unpaid capacity, who, by mutual agreement with the
7 individual living with a temporary or chronic condition or
8 disability, assists that individual with the individual's
9 physical, mental, emotional, or spiritual care in either
10 habilitative or rehabilitative capacity.

11 (Source: P.A. 102-307, eff. 1-1-22.)

12 (225 ILCS 75/2.5 new)

13 Sec. 2.5. 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
24 (225 ILCS 75/3) (from Ch. 111, par. 3703)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 3. Licensure requirement; exempt activities. After
3 the effective date of this Act, no person shall practice
4 occupational therapy or hold oneself ~~himself~~ out as an
5 occupational therapist or an occupational therapy assistant,
6 or as being able to practice occupational therapy or to render
7 services designated as occupational therapy in this State,
8 unless the person ~~he~~ is licensed in accordance with the
9 provisions of this Act.

10 Nothing in this Act shall be construed as preventing or
11 restricting the practice, services, or activities of:

12 (1) Any person licensed in this State by any other law
13 from engaging in the profession or occupation for which he
14 is licensed; or

15 (2) Any person employed as an occupational therapist
16 or occupational therapy assistant by the Government of the
17 United States, if such person provides occupational
18 therapy solely under the direction or control of the
19 organization by which the person ~~he or she~~ is employed; or

20 (3) Any person pursuing a course of study leading to a
21 degree or certificate in occupational therapy at an
22 accredited or approved educational program if such
23 activities and services constitute a part of a supervised
24 course of study, and if such person is designated by a
25 title which clearly indicates the person's ~~his or her~~
26 status as a student or trainee; or

1 (4) Any person fulfilling the supervised work
2 experience requirements of Sections 8 and 9 of this Act,
3 if such activities and services constitute a part of the
4 experience necessary to meet the requirement of those
5 Sections; or

6 (5) Any person performing occupational therapy
7 services in the State, if such a person is not a resident
8 of this State and is not licensed under this Act, and if
9 such services are performed for no more than 60 days a
10 calendar year in association with an occupational
11 therapist licensed under this Act and if such person meets
12 the qualifications for license under this Act and:

13 (i) such person is licensed under the law of
14 another state which has licensure requirements at
15 least as restrictive as the requirements of this Act,
16 or

17 (ii) such person meets the requirements for
18 certification as an Occupational Therapist Registered
19 (O.T.R.) or a Certified Occupational Therapy Assistant
20 (C.O.T.A.) established by the National Board for
21 Certification of Occupational Therapy or another
22 nationally recognized credentialing body approved by
23 the Board; or

24 (6) The practice of occupational therapy by one who
25 has applied in writing to the Department for a license, in
26 form and substance satisfactory to the Department, and has

1 complied with all the provisions of either Section 8 or 9
2 except the passing of the examination to be eligible to
3 receive such license. In no event shall this exemption
4 extend to any person for longer than 6 months, except as
5 follows:

6 (i) if the date on which a person can take the next
7 available examination authorized by the Department
8 extends beyond 6 months from the date the person
9 completes the occupational therapy program as required
10 under Section 8 or 9, the Department shall extend the
11 exemption until the results of that examination become
12 available to the Department; or

13 (ii) if the Department is unable to complete its
14 evaluation and processing of a person's application
15 for a license within 6 months after the date on which
16 the application is submitted to the Department in
17 proper form, the Department shall extend the exemption
18 until the Department has completed its evaluation and
19 processing of the application.

20 In the event such applicant fails the examination, the
21 applicant shall cease work immediately until such time as
22 the applicant is licensed to practice occupational therapy
23 in this State; or

24 (7) The practice of occupational therapy by one who
25 has applied to the Department, in form and substance
26 satisfactory to the Department, and who is licensed to

1 practice occupational therapy under the laws of another
2 state, territory of the United States or country and who
3 is qualified to receive a license under the provisions of
4 either Section 8 or 9 of this Act. In no event shall this
5 exemption extend to any person for longer than 6 months;
6 or

7 (8) (Blank).

8 (Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

9 (225 ILCS 75/3.1)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 3.1. Referrals.

12 (a) A licensed occupational therapist or licensed
13 occupational therapy assistant may evaluate, initiate, and
14 provide occupational therapy services and consult with,
15 educate, evaluate, and monitor services for individuals,
16 groups, and populations concerning occupational therapy needs
17 without a referral. ~~Except as indicated in subsections (b) and~~
18 ~~(c) of this Section, implementation of direct occupational~~
19 ~~therapy treatment to individuals for their specific health~~
20 ~~care conditions shall be based upon a referral from a licensed~~
21 ~~physician, dentist, podiatric physician, advanced practice~~
22 ~~registered nurse, physician assistant, or optometrist.~~

23 (b) (Blank). ~~A referral is not required for the purpose of~~
24 ~~providing consultation, habilitation, screening, education,~~
25 ~~wellness, prevention, environmental assessments, and~~

1 ~~work-related ergonomic services to individuals, groups, or~~
2 ~~populations.~~

3 (c) Referral from a physician or other health care
4 provider is not required for evaluation or intervention for
5 children and youths if an occupational therapist or
6 occupational therapy assistant provides services in a
7 school-based or educational environment, including the child's
8 home.

9 (d) An occupational therapist shall refer ~~to a licensed~~
10 ~~physician, dentist, optometrist, advanced practice registered~~
11 ~~nurse, physician assistant, or podiatric physician any a~~
12 patient to the patient's treating health care professional of
13 record, or to a health care professional of the patient's
14 choosing if there is no health care professional of record,
15 if:

16 (1) the patient does not demonstrate measurable or
17 functional improvement after 10 visits or 15 business
18 days, whichever occurs first, and continued improvement
19 thereafter;

20 (2) the patient was under the care of an occupational
21 therapist without a diagnosis established by a health care
22 professional of a chronic disease that may benefit from
23 occupational therapy and returns for services for the same
24 or similar condition 30 calendar days after being
25 discharged by the occupational therapist; or

26 (3) the patient's ~~whose~~ medical condition ~~should~~, at

1 the time of evaluation or services ~~treatment~~, is ~~be~~
2 determined to be beyond the scope of practice of the
3 occupational therapist.

4 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

5 (225 ILCS 75/5) (from Ch. 111, par. 3705)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 5. Board. The Secretary shall appoint an Illinois
8 Occupational Therapy Licensure Board as follows: 7 persons who
9 shall be appointed by and shall serve in an advisory capacity
10 to the Secretary. Four members must be licensed occupational
11 therapists in good standing, and actively engaged in the
12 practice of occupational therapy in this State; 2 members must
13 be licensed occupational therapy assistants in good standing
14 and actively engaged in the practice of occupational therapy
15 in this State; and 1 member must be a public member who is not
16 licensed under this Act, or a similar Act of another
17 jurisdiction, and is not a provider of health care service.

18 Members shall serve 4-year ~~4-year~~ terms and until their
19 successors are appointed and qualified. No member shall be
20 appointed under this or any prior Act to the Board for service
21 which would constitute more than 2 full consecutive terms.
22 Appointments to fill vacancies shall be made in the same
23 manner as original appointments, for the unexpired portion of
24 the vacated term.

25 The Secretary shall have the authority to remove or

1 suspend any member of the Board for cause at any time before
2 the expiration of the member's ~~his or her~~ term. The Secretary
3 shall be the sole arbiter of cause.

4 The Secretary shall consider the recommendations of the
5 Board on questions involving standards of professional
6 conduct, discipline and qualifications of candidates and
7 license holders under this Act.

8 Four members of the Board shall constitute a quorum. A
9 quorum is required for all Board decisions.

10 Members of the Board have no liability in any action based
11 upon any disciplinary proceeding or other activity performed
12 in good faith as a member of the Board.

13 Members of the Board shall be reimbursed for all
14 legitimate, necessary, and authorized expenses incurred in
15 attending the meetings of the Board.

16 (Source: P.A. 98-264, eff. 12-31-13.)

17 (225 ILCS 75/6.5)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 6.5. Social Security Number or individual taxpayer
20 identification number on license application. In addition to
21 any other information required to be contained in the
22 application, every application for an original license under
23 this Act shall include the applicant's Social Security Number
24 or individual taxpayer identification number, which shall be
25 retained in the agency's records pertaining to the license. As

1 soon as practical, the Department shall assign a customer's
2 identification number to each applicant for a license.

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

5 (Source: P.A. 97-400, eff. 1-1-12.)

6 (225 ILCS 75/7) (from Ch. 111, par. 3707)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 7. Examinations. The Department shall authorize
9 examinations of applicants for a license under this Act at the
10 times and place as it may designate. The examination shall be
11 of a character to give a fair test of the qualifications of the
12 applicant to practice occupational therapy.

13 Applications for examination as occupational therapists
14 and occupational therapy assistants shall be required to pay,
15 either to the Department or the designated testing service, a
16 fee covering the cost of providing the examination. Failure to
17 appear for the examination on the scheduled date, at the time
18 and place specified, after the applicant's application for
19 examination has been received and acknowledged by the
20 Department or the designated testing service, shall result in
21 the forfeiture of the examination fee.

22 If an applicant neglects, fails or refuses to take the
23 examination within 90 days after the date the Confirmation of
24 Examination and Eligibility to Examine Notice is issued or
25 fails to pass an examination for certification under this Act,

1 the application shall be denied. If an applicant fails to pass
2 an examination for registration under this Act within 3 years
3 after filing the ~~his~~ application, the application shall be
4 denied. The applicant may thereafter make a new application
5 accompanied by the required fee, however, the applicant shall
6 meet all requirements in effect at the time of subsequent
7 application before obtaining licensure.

8 The Department may employ consultants for the purposes of
9 preparing and conducting examinations.

10 (Source: P.A. 98-264, eff. 12-31-13.)

11 (225 ILCS 75/11) (from Ch. 111, par. 3711)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 11. Expiration and renewal; restoration; military
14 service.

15 (a) The expiration date and renewal period for each
16 certificate issued under this Act shall be set by rule.

17 (b) Any occupational therapist or occupational therapy
18 assistant who has permitted the ~~his or her~~ license to expire or
19 who has had the ~~his or her~~ license on inactive status may have
20 the ~~his or her~~ license restored by making application to the
21 Department, by filing proof acceptable to the Department of
22 the licensee's ~~his~~ fitness to have the ~~his~~ license restored,
23 by paying the required fee, and by showing proof of compliance
24 with any continuing education requirements. Proof of fitness
25 may include sworn evidence certifying to active practice in

1 another jurisdiction.

2 If the occupational therapist or occupational therapy
3 assistant has not maintained an active practice in another
4 jurisdiction satisfactory to the Department, the Department
5 shall determine, by an evaluation program established by rule,
6 the licensee's ~~his~~ fitness to resume active status and shall
7 establish procedures and requirements for restoration.

8 (c) However, any occupational therapist or occupational
9 therapy assistant whose license expired while the licensee ~~he~~
10 was (1) in Federal Service on active duty with the Armed Forces
11 of the United States, or the State Militia called into service
12 or training, or (2) in training or education under the
13 supervision of the United States preliminary to induction into
14 the military service, may have the licensee's ~~his or her~~
15 license renewed or restored without paying any lapsed renewal
16 fees if within 2 years after honorable termination of such
17 service, training or education except under conditions other
18 than honorable, the licensee ~~he or she~~ furnishes the
19 Department with satisfactory evidence to the effect that the
20 licensee ~~he or she~~ has been so engaged and that the licensee's
21 ~~his or her~~ service, training, or education has been so
22 terminated.

23 (Source: P.A. 98-264, eff. 12-31-13.)

24 (225 ILCS 75/12) (from Ch. 111, par. 3712)

25 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 12. Inactive status; restoration. Any occupational
2 therapist or occupational therapy assistant who notifies the
3 Department in writing on forms prescribed by the Department,
4 may elect to place the licensee's ~~his~~ license on an inactive
5 status and shall, subject to rules of the Department, be
6 excused from payment of renewal fees until the licensee ~~he~~
7 notifies the Department in writing of the licensee's ~~his~~
8 desire to resume active status.

9 Any occupational therapist or occupational therapy
10 assistant requesting restoration from inactive or expired
11 status shall be required to pay the current renewal fee,
12 demonstrate compliance with continuing education requirements,
13 if any, and shall be required to restore the ~~his~~ license as
14 provided in Section 11.

15 Any occupational therapist or occupational therapy
16 assistant whose license is in expired or inactive status shall
17 not practice occupational therapy in the State or present
18 oneself as an occupational therapist or occupational therapy
19 assistant ~~of Illinois~~.

20 (Source: P.A. 98-264, eff. 12-31-13.)

21 (225 ILCS 75/15) (from Ch. 111, par. 3715)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 15. Any person who is issued a license as an
24 occupational therapist registered under the terms of this Act
25 may use the words "occupational therapist" or "licensed

1 occupational therapist", or may use the letters "O.T.",
2 "OT/L", or "OTR/L", in connection with the licensee's ~~his or~~
3 ~~her~~ name or place of business to denote the licensee's ~~his or~~
4 ~~her~~ licensure under this Act.

5 Any person who is issued a license as an occupational
6 therapy assistant under the terms of this Act may use the
7 words, "occupational therapy assistant" or "licensed
8 occupational therapy assistant", or the licensee ~~he or she~~ may
9 use the letters "O.T.A.", "OTA/L", or "COTA/L" in connection
10 with the licensee's ~~his or her~~ name or place of business to
11 denote the licensee's ~~his or her~~ licensure under this Act.

12 (Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

13 (225 ILCS 75/16) (from Ch. 111, par. 3716)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 16. Fees; returned checks. The fees for the
16 administration and enforcement of this Act, including, but not
17 limited to, original certification, renewal, and restoration
18 of a license issued under this Act, shall be set by rule. The
19 fees shall be non-refundable.

20 Any person who delivers a check or other payment to the
21 Department that is returned to the Department unpaid by the
22 financial institution upon which it is drawn shall pay to the
23 Department, in addition to the amount already owed to the
24 Department, a fine of \$50. The fines imposed by this Section
25 are in addition to any other discipline provided under this

1 Act for unlicensed practice or practice on a nonrenewed
2 license. The Department shall notify the person that payment
3 of fees and fines shall be paid to the Department by certified
4 check or money order within 30 calendar days of the
5 notification. If, after the expiration of 30 days from the
6 date of the notification, the person has failed to submit the
7 necessary remittance, the Department shall automatically
8 terminate the license or certificate or deny the application,
9 without hearing. If, after termination or denial, the person
10 seeks a license or certificate, the person ~~he or she~~ shall
11 apply to the Department for restoration or issuance of the
12 license or certificate and pay all fees and fines due to the
13 Department. The Department may establish a fee for the
14 processing of an application for restoration of a license or
15 certificate to pay all expenses of processing this
16 application. The Secretary may waive the fines due under this
17 Section in individual cases where the Secretary finds that the
18 fines would be unreasonable or unnecessarily burdensome.

19 (Source: P.A. 98-264, eff. 12-31-13.)

20 (225 ILCS 75/19) (from Ch. 111, par. 3719)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 19. Grounds for discipline.

23 (a) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other
25 disciplinary or non-disciplinary action as the Department may

1 deem proper, including imposing fines not to exceed \$10,000
2 for each violation and the assessment of costs as provided
3 under Section 19.3 of this Act, with regard to any license for
4 any one or combination of the following:

5 (1) Material misstatement in furnishing information to
6 the Department;

7 (2) Violations of this Act, or of the rules
8 promulgated thereunder;

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

18 (4) Fraud, ~~or any~~ misrepresentation, or concealment in
19 applying for or procuring a license under this Act, or in
20 connection with applying for renewal of a license under
21 this Act;

22 (5) Professional incompetence;

23 (6) Aiding or assisting another person, firm,
24 partnership or corporation in violating any provision of
25 this Act or rules;

26 (7) Failing, within 60 days, to provide information in

1 response to a written request made by the Department;

2 (8) Engaging in dishonorable, unethical or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public;

5 (9) Habitual or excessive use or abuse of drugs
6 defined in law as controlled substances, alcohol, or any
7 other substance that results in the inability to practice
8 with reasonable judgment, skill, or safety;

9 (10) Discipline by another state, unit of government,
10 government agency, the District of Columbia, a territory,
11 or foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to
13 those set forth herein;

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

1 paragraph (11) shall be construed to require an employment
2 arrangement to receive professional fees for services
3 rendered;

4 (12) A finding by the Department that the license
5 holder, after having the ~~his~~ license disciplined, has
6 violated the terms of the discipline;

7 (13) Willfully ~~Wilfully~~ making or filing false records
8 or reports in the practice of occupational therapy,
9 including, but not limited to, false records filed with
10 the State agencies or departments;

11 (14) Physical illness, including, but not limited to,
12 deterioration through the aging process, or loss of motor
13 skill which results in the inability to practice under
14 this Act with reasonable judgment, skill, or safety;

15 (15) Solicitation of professional services other than
16 by permitted advertising;

17 (16) Allowing one's license under this Act to be used
18 by an unlicensed person in violation of this Act;

19 (17) Practicing under a false or, except as provided
20 by law, assumed name;

21 (18) Professional incompetence or gross negligence;

22 (19) Malpractice;

23 (20) Promotion of the sale of drugs, devices,
24 appliances, or goods provided for a patient in any manner
25 to exploit the client for financial gain of the licensee;

26 (21) Gross, willful, or continued overcharging for

1 professional services;

2 (22) Mental illness or disability that results in the
3 inability to practice under this Act with reasonable
4 judgment, skill, or safety;

5 (23) Violating the Health Care Worker Self-Referral
6 Act;

7 (24) Failing to refer a patient or individual whose
8 medical condition should, at the time of evaluation or
9 treatment, be determined to be beyond the scope of
10 practice of the occupational therapist to an appropriate
11 health care professional ~~Having treated patients other~~
12 ~~than by the practice of occupational therapy as defined in~~
13 ~~this Act, or having treated patients as a licensed~~
14 ~~occupational therapist independent of a referral from a~~
15 ~~physician, advanced practice registered nurse or physician~~
16 ~~assistant in accordance with Section 3.1, dentist,~~
17 ~~podiatric physician, or optometrist, or having failed to~~
18 ~~notify the physician, advanced practice registered nurse,~~
19 ~~physician assistant, dentist, podiatric physician, or~~
20 ~~optometrist who established a diagnosis that the patient~~
21 ~~is receiving occupational therapy pursuant to that~~
22 ~~diagnosis;~~

23 (25) Cheating on or attempting to subvert the
24 licensing examination administered under this Act; ~~and~~

25 (26) Charging for professional services not rendered,
26 including filing false statements for the collection of

1 fees for which services are not rendered;~~;~~

2 (27) Practicing beyond the scope of the practice of
3 occupational therapy;

4 (28) Providing substandard care as an occupational
5 therapist due to a deliberate or negligent act, negligent
6 supervision of an occupational therapy assistant, or
7 failure to act regardless of whether actual injury to the
8 recipient is established;

9 (29) Providing substandard care as an occupational
10 therapy assistant, including exceeding the authority to
11 perform components of intervention selected and delegated
12 by the supervising occupational therapist regardless of
13 whether actual injury to the recipient is established;

14 (30) Knowingly delegating responsibilities to an
15 individual who does not have the knowledge, skills, or
16 abilities to perform those responsibilities; and

17 (31) Engaging in sexual misconduct. For the purposes
18 of this paragraph, sexual misconduct includes:

19 (A) engaging in or soliciting a sexual
20 relationship, whether consensual or non-consensual,
21 while an occupational therapist or occupational
22 therapy assistant with the recipient of occupational
23 therapy services; and

24 (B) making sexual advances, requesting sexual
25 favors, or engaging in physical contact of a sexual
26 nature with the recipient of occupational therapy

1 services.

2 All fines imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the fine
4 or in accordance with the terms set forth in the order imposing
5 the fine.

6 (b) The determination by a circuit court that a license
7 holder is subject to involuntary admission or judicial
8 admission as provided in the Mental Health and Developmental
9 Disabilities Code, as now or hereafter amended, operates as an
10 automatic suspension. Such suspension will end only upon a
11 finding by a court that the patient is no longer subject to
12 involuntary admission or judicial admission and an order by
13 the court so finding and discharging the patient. In any case
14 where a license is suspended under this provision, the
15 licensee shall file a petition for restoration and shall
16 include evidence acceptable to the Department that the
17 licensee can resume practice in compliance with acceptable and
18 prevailing standards of their profession.

19 (c) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (a) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code
3 of Illinois.

4 (d) In enforcing this Section, the Department, upon a
5 showing of a possible violation, may compel any individual who
6 is licensed under this Act or any individual who has applied
7 for licensure to submit to a mental or physical examination or
8 evaluation, or both, which may include a substance abuse or
9 sexual offender evaluation, at the 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 and evaluation.
14 The multidisciplinary team shall be led by a physician
15 licensed to practice medicine in all of its branches and may
16 consist of one or more or a combination of physicians licensed
17 to practice medicine in all of its branches, licensed
18 chiropractic physicians, licensed clinical psychologists,
19 licensed clinical social workers, licensed clinical
20 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.

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

26 Failure of any individual to submit to mental or physical

1 examination or evaluation, or both, when directed, shall
2 result in an automatic suspension without hearing, until such
3 time as the individual submits to the examination. If the
4 Department finds a licensee unable to practice because of the
5 reasons set forth in this Section, the Department shall
6 require the licensee to submit to care, counseling, or
7 treatment by physicians approved or designated by the
8 Department as a condition for continued, reinstated, or
9 renewed licensure.

10 When the Secretary immediately suspends a license under
11 this Section, a hearing upon such person's license must be
12 convened by the Department within 15 days after the suspension
13 and completed without appreciable delay. The Department shall
14 have the authority to review the licensee's record of
15 treatment and counseling regarding the impairment to the
16 extent permitted by applicable federal statutes and
17 regulations safeguarding the confidentiality of medical
18 records.

19 Individuals licensed under this Act that are affected
20 under this Section, shall be afforded an opportunity to
21 demonstrate to the Department that they can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of their license.

24 (e) (Blank).

25 (f) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

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

11 (Source: P.A. 100-513, eff. 1-1-18; 100-872, eff. 8-14-18.)

12 (225 ILCS 75/19.2) (from Ch. 111, par. 3721)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 19.2. Investigations; notice and hearing. The
15 Department may investigate the actions of any applicant or of
16 any person or person holding or claiming to hold a license. The
17 Department shall, before refusing to issue, renew, or
18 discipline a licensee or applicant, at least 30 days prior to
19 the date set for the hearing, notify the applicant or licensee
20 in writing of the nature of the charges and the time and place
21 for a hearing on the charges. The Department shall direct the
22 applicant or licensee to file a written answer to the charges
23 with the Board under oath within 20 days after the service of
24 the notice and inform the applicant or licensee that failure
25 to file an answer will result in default being taken against

1 the applicant or licensee. At the time and place fixed in the
2 notice, the Department shall proceed to hear the charges and
3 the parties or their counsel shall be accorded ample
4 opportunity to present any pertinent statements, testimony,
5 evidence, and arguments. The Department may continue the
6 hearing from time to time. In case the person, after receiving
7 the notice, fails to file an answer, his or her license may, in
8 the discretion of the Department, be revoked, suspended,
9 placed on probationary status, or the Department may take
10 whatever disciplinary action considered proper, including
11 limiting the scope, nature, or extent of the person's practice
12 or the imposition of a fine, without a hearing, if the act or
13 acts charged constitute sufficient grounds for that action
14 under the Act. The written notice and any notice in the
15 subsequent proceeding may be served by personal delivery or by
16 registered or certified mail to the licensee's address or
17 email address of record.

18 The written notice and any notice in the subsequent
19 proceeding may be served electronically to the licensee's
20 email address of record, or, if in the course of the
21 administrative proceeding the party has previously designated
22 a specific email address at which to accept electronic service
23 for that specific proceeding, by sending a copy by email to the
24 party's email address on record.

25 (Source: P.A. 98-264, eff. 12-31-13.)

1 (225 ILCS 75/19.6) (from Ch. 111, par. 3725)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 19.6. Findings of Board. At the conclusion of the
4 hearing the Board shall present to the Secretary a written
5 report of its findings of fact, conclusions of law, and
6 recommendations. The report shall contain a finding whether or
7 not the accused person violated this Act or failed to comply
8 with the conditions required in this Act. The Board shall
9 specify the nature of the violation or failure to comply, and
10 shall make its recommendations to the Secretary. The report of
11 findings of fact, conclusions of law and recommendations of
12 the Board may be the basis for the Secretary's ~~Department's~~
13 order for refusing to issue, restore, or renew a license or
14 otherwise disciplining a licensee. If the Secretary disagrees
15 in any regard with the report of the Board he may issue an
16 order in contravention thereof. The finding is not admissible
17 in evidence against the person in a criminal prosecution
18 brought for the violation of this Act, but the hearing and
19 findings are not a bar to a criminal prosecution brought for
20 the violation of this Act.

21 (Source: P.A. 98-264, eff. 12-31-13.)

22 (225 ILCS 75/19.7) (from Ch. 111, par. 3726)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 19.7. Report of Board; motion for rehearing. In any
25 case involving the refusal to issue or renew, or the taking of

1 disciplinary action against, a license, a copy of the Board's
2 report shall be served upon the respondent by the Department
3 as provided in this Act for the service of the notice of
4 hearing. Within 20 days after such service, the respondent may
5 present to the Secretary ~~Department~~ a motion in writing for a
6 rehearing, which motion shall specify the particular grounds
7 therefor. If no motion for rehearing is filed, then upon the
8 expiration of the time specified for filing such a motion, or
9 if a motion for rehearing is denied, then upon such denial the
10 Secretary may enter an order in accordance with
11 recommendations of the Board except as provided in Section
12 19.6. If the respondent shall order from the reporting
13 service, and pays for a transcript of the record within the
14 time for filing a motion for rehearing, the 20-day ~~20-day~~
15 period within which such a motion may be filed shall commence
16 upon the delivery of the transcript to the respondent.

17 (Source: P.A. 98-264, eff. 12-31-13.)

18 (225 ILCS 75/19.9) (from Ch. 111, par. 3728)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 19.9. Appointment of hearing officer. The Secretary
21 shall have the authority to appoint any attorney duly licensed
22 to practice law in the State of Illinois to serve as the
23 hearing officer in any action involving a refusal to issue or
24 renew, or the taking of disciplinary action against a license.
25 The hearing officer shall have full authority to conduct the

1 hearing. The hearing officer shall report his or her findings
2 of fact, conclusions of law and recommendations to the Board
3 ~~and the Secretary~~. The Board shall have 60 days from receipt of
4 the report to review the report of the hearing officer and
5 present their findings of fact, conclusion of law and
6 recommendations to the Secretary. If the Board fails to
7 present its report within the 60-day ~~60-day~~ period, the
8 Secretary may issue an order based on the report of the hearing
9 officer. If the Secretary disagrees with the report of the
10 Board or hearing officer, then the Secretary may issue an
11 order in contravention thereof.

12 (Source: P.A. 98-264, eff. 12-31-13.)

13 (225 ILCS 75/19.15) (from Ch. 111, par. 3734)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 19.15. Certification of record. The Department shall
16 not be required to certify any record to the court or file any
17 answer in court or otherwise appear in any court in a judicial
18 review proceeding, unless and until the Department has
19 received from the plaintiff payment of the costs of furnishing
20 and certifying the record, which costs shall be determined by
21 the Department. ~~Exhibits shall be certified without cost.~~
22 Failure on the part of the plaintiff to file a receipt in court
23 shall be grounds for dismissal of the action.

24 (Source: P.A. 98-264, eff. 12-31-13.)

1 (225 ILCS 75/20) (from Ch. 111, par. 3736)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 20. Administrative Procedure Act. The Illinois
4 Administrative Procedure Act is hereby expressly adopted and
5 incorporated herein as if all of the provisions of that Act
6 were included in this Act, except that the provision of
7 subsection (d) of Section 10-65 of the Illinois Administrative
8 Procedure Act that provides that at hearings the certificate
9 holder has the right to show compliance with all lawful
10 requirements for retention, continuation or renewal of
11 certification is specifically excluded. For the purpose of
12 this Act the notice required under Section 10-25 of the
13 Illinois Administrative Procedure Act is deemed sufficient
14 when mailed or emailed to the last known address of record of a
15 party.

16 (Source: P.A. 98-264, eff. 12-31-13.)

17 (225 ILCS 75/21) (from Ch. 111, par. 3737)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 21. Home rule. The regulation and licensing as an
20 occupational therapist are exclusive powers and functions of
21 the State. A home rule unit may not regulate or license an
22 occupational therapist, occupational therapy assistant, or the
23 practice of occupational therapy. This Section is a denial and
24 limitation of home rule powers and functions under subsection
25 (h) of Section 6 of Article VII of the Illinois Constitution.

1 (Source: P.A. 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

2 (225 ILCS 75/17 rep.)

3 Section 15. The Illinois Occupational Therapy Practice Act
4 is amended by repealing Section 17.

5 Section 99. Effective date. This Section and Section 5
6 take effect upon becoming law.

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