

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 changing
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Barber, Cosmetology, Esthetics, and Nail Technology
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 ~~The Illinois Physical Therapy Act.~~

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following
24 Act is repealed on January 1, 2016:

25 The Illinois Physical Therapy Act.

26 Section 10. The Illinois Physical Therapy Act is amended by
27 changing Sections 1, 6, 8, 8.1, 12, 15, 17, 19, 20, 22, 23, 25,
28 26, 27, and 29 as follows:

29 (225 ILCS 90/1) (from Ch. 111, par. 4251)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 1. Definitions. As used in this Act:

3 (1) "Physical therapy" means all of the following:

4 (A) Examining, evaluating, and testing individuals who
5 may have mechanical, physiological, or developmental
6 impairments, functional limitations, disabilities, or
7 other health and movement-related conditions, classifying
8 these disorders, and determining a rehabilitation
9 prognosis and plan of therapeutic intervention, and
10 assessing the on-going effects of the interventions.

11 (B) Alleviating impairments, functional limitations,
12 or disabilities by designing, implementing, and modifying
13 therapeutic interventions that may include, but are not
14 limited to, the evaluation or treatment of a person through
15 the use of the effective properties of physical measures
16 and heat, cold, light, water, radiant energy, electricity,
17 sound, and air and use of therapeutic massage, therapeutic
18 exercise, functional training, mobilization, and
19 rehabilitative procedures, with or without assistive
20 devices, for the purposes of preventing, correcting, or
21 alleviating a physical or mental impairment, functional
22 limitation, or disability.

23 (C) Reducing the risk of injury, impairment,
24 functional limitation, or disability, including the
25 promotion and maintenance of fitness, health, and
26 wellness.

27 (D) Engaging in administration, consultation,
28 education, and research. ~~the evaluation or treatment of a~~
29 ~~person by the use of the effective properties of physical~~
30 ~~measures and heat, cold, light, water, radiant energy,~~
31 ~~electricity, sound, and air; and the use of therapeutic~~
32 ~~massage, therapeutic exercise, mobilization, and the~~
33 ~~rehabilitative procedures with or without assistive~~
34 ~~devices for the purposes of preventing, correcting, or~~
35 ~~alleviating a physical or mental disability, or promoting~~
36 ~~physical fitness and well being.~~

1 Physical therapy includes, but is not limited to: (a)
2 performance of specialized tests and measurements, (b)
3 administration of specialized treatment procedures, (c)
4 interpretation of referrals from physicians, dentists,
5 advanced practice nurses, physician assistants, and
6 podiatrists, (d) establishment, and modification of physical
7 therapy treatment programs, (e) administration of topical
8 medication used in generally accepted physical therapy
9 procedures when such medication is prescribed by the patient's
10 physician, licensed to practice medicine in all its branches,
11 the patient's physician licensed to practice podiatric
12 medicine, the patient's advanced practice nurse, the patient's
13 physician assistant, or the patient's dentist, and (f)
14 supervision or teaching of physical therapy. Physical therapy
15 does not include radiology, electrosurgery, chiropractic
16 technique or determination of a differential diagnosis;
17 provided, however, the limitation on determining a
18 differential diagnosis shall not in any manner limit a physical
19 therapist licensed under this Act from performing an evaluation
20 pursuant to such license. Nothing in this Section shall limit a
21 physical therapist from employing appropriate physical therapy
22 techniques that he or she is educated and licensed to perform.
23 A physical therapist shall refer to a licensed physician,
24 advanced practice nurse, physician assistant, dentist, or
25 podiatrist any patient whose medical condition should, at the
26 time of evaluation or treatment, be determined to be beyond the
27 scope of practice of the physical therapist.

28 (2) "Physical therapist" means a person who practices
29 physical therapy and who has met all requirements as provided
30 in this Act.

31 (3) "Department" means the Department of Professional
32 Regulation.

33 (4) "Director" means the Director of Professional
34 Regulation.

35 (5) "Board" ~~"Committee"~~ means the Physical Therapy
36 Licensing and Disciplinary Board ~~Examining Committee~~ approved

1 by the Director.

2 (6) "Referral" means a written or oral authorization for
3 physical therapy services for a patient by a physician,
4 dentist, advanced practice nurse, physician assistant, or
5 podiatrist who maintains medical supervision of the patient and
6 makes a diagnosis or verifies that the patient's condition is
7 such that it may be treated by a physical therapist.

8 (7) "Documented current and relevant diagnosis" for the
9 purpose of this Act means a diagnosis, substantiated by
10 signature or oral verification of a physician, dentist,
11 advanced practice nurse, physician assistant, or podiatrist,
12 that a patient's condition is such that it may be treated by
13 physical therapy as defined in this Act, which diagnosis shall
14 remain in effect until changed by the physician, dentist,
15 advanced practice nurse, physician assistant, or podiatrist.

16 (8) "State" includes:

17 (a) the states of the United States of America;

18 (b) the District of Columbia; and

19 (c) the Commonwealth of Puerto Rico.

20 (9) "Physical therapist assistant" means a person licensed
21 to assist a physical therapist and who has met all requirements
22 as provided in this Act and who works under the supervision of
23 a licensed physical therapist to assist in implementing the
24 physical therapy treatment program as established by the
25 licensed physical therapist. The patient care activities
26 provided by the physical therapist assistant shall not include
27 the interpretation of referrals, evaluation procedures, or the
28 planning or major modification of patient programs.

29 (10) "Physical therapy aide" means a person who has
30 received on the job training, specific to the facility in which
31 he is employed, but who has not completed an approved physical
32 therapist assistant program.

33 (11) "Advanced practice nurse" means a person licensed
34 under the Nursing and Advanced Practice Nursing Act who has a
35 collaborative agreement with a collaborating physician that
36 authorizes referrals to physical therapists.

1 (12) "Physician assistant" means a person licensed under
2 the Physician Assistant Practice Act of 1987 who has been
3 delegated authority to make referrals to physical therapists.

4 (Source: P.A. 92-651, eff. 7-11-02; 93-1010, eff. 8-24-04.)

5 (225 ILCS 90/6) (from Ch. 111, par. 4256)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 6. Duties and functions of Director and Board
8 ~~Committee~~. The Director shall appoint a Physical Therapy
9 Licensing and Disciplinary Board ~~Committee~~ as follows: Seven
10 persons who shall be appointed by and shall serve in an
11 advisory capacity to the Director. Six members must be actively
12 engaged in the practice of physical therapy in this State for a
13 minimum of 5 years and one member must be a member of the
14 public who is not licensed under this Act, or a similar Act of
15 another jurisdiction.

16 Members shall serve 4 year terms and until their successors
17 are appointed and qualified, ~~except that of the initial~~
18 ~~appointments, 2 members shall be appointed to serve for 2~~
19 ~~years, 2 shall be appointed to serve for 3 years and the~~
20 ~~remaining shall be appointed to serve for 4 years and until~~
21 ~~their successors are appointed and qualified.~~ No member shall
22 be reappointed to the Board ~~Committee~~ for a term which would
23 cause his continuous service on the Board ~~Committee~~ to be
24 longer than 9 successive years. Appointments to fill vacancies
25 shall be made in the same manner as original appointments, for
26 the unexpired portion of the vacated term. ~~Initial terms shall~~
27 ~~begin upon the effective date of this amendatory Act of 1987~~
28 ~~and Committee members in office on that date shall be eligible~~
29 ~~for appointment to specific terms as indicated herein.~~

30 For the initial appointment of the Board ~~Committee~~, the
31 Director shall give priority to filling the public member terms
32 as vacancies become available.

33 Members of the Board ~~Committee~~ shall be immune from suit in
34 any action based upon any disciplinary proceedings or other
35 activities performed in good faith as members of the Board

1 ~~Committee.~~

2 A vacancy in the membership of the Board ~~Committee~~ shall
3 not impair the right of a quorum to exercise all the rights and
4 perform all the duties of the Board ~~Committee~~.

5 The members of the Board ~~Committee~~ are entitled to receive
6 as compensation a reasonable sum as determined by the Director
7 for each day actually engaged in the duties of the office and
8 all legitimate and necessary expenses incurred in attending the
9 meetings of the Board ~~Committee~~.

10 The membership of the Board ~~Committee~~ should reasonably
11 reflect representation from the geographic areas in this State.

12 The Director may terminate the appointment of any member
13 for cause which in the opinion of the Director reasonably
14 justifies such termination.

15 The Director shall consider the recommendations of the
16 Board ~~Committee~~ on questions involving standards of
17 professional conduct, discipline and qualifications of
18 candidates and licensees under this Act.

19 Nothing shall limit the ability of the Board ~~Committee~~ to
20 provide recommendations to the Director in regard to any matter
21 affecting the administration of this Act. The Director shall
22 give due consideration to all recommendations of the Board
23 ~~Committee~~. If the Director takes action contrary to a
24 recommendation of the Board ~~Committee~~, the Director shall
25 promptly provide a written explanation of that action.

26 (Source: P.A. 89-387, eff. 1-1-96.)

27 (225 ILCS 90/8) (from Ch. 111, par. 4258)

28 (Section scheduled to be repealed on January 1, 2006)

29 Sec. 8. Qualifications for licensure as a Physical
30 Therapist.

31 (a) A person is qualified to receive a license as a
32 physical therapist if that person has applied in writing, on
33 forms prescribed by the Department, has paid the required fees,
34 and meets all of the following requirements:

35 (1) He or she is at least 18 years of age and of good

1 moral character. In determining moral character, the
2 Department may take into consideration any felony
3 conviction of the applicant, but such a conviction shall
4 not operate automatically as a complete bar to a license.

5 (2) He or she has graduated from a curriculum in
6 physical therapy approved by the Department. In approving a
7 curriculum in physical therapy, the Department shall
8 consider, but not be bound by, accreditation by the
9 Commission on Accreditation in Physical Therapy Education.
10 A person who graduated from a physical therapy program
11 outside the United States or its territories shall have his
12 or her degree validated as equivalent to a physical therapy
13 degree conferred by a regionally accredited college or
14 university in the United States. The Department may
15 establish by rule a method for the completion of course
16 deficiencies.

17 (3) He or she has passed an examination approved by the
18 Department to determine his fitness for practice as a
19 physical therapist, or is entitled to be licensed without
20 examination as provided in Sections 10 and 11 of this Act.
21 A person who graduated from a physical therapy program
22 outside the United States or its territories and whose
23 first language is not English shall submit certification of
24 passage of the Test of English as a Foreign Language
25 (TOEFL) and the Test of Spoken English (TSE) as defined by
26 rule prior to taking the licensure examination.

27 (b) The Department reserves the right and may request a
28 personal interview of an applicant before the Board ~~Committee~~
29 to further evaluate his or her qualifications for a license.

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

31 (225 ILCS 90/8.1) (from Ch. 111, par. 4258.1)

32 (Section scheduled to be repealed on January 1, 2006)

33 Sec. 8.1. Qualifications for licensure as a physical
34 therapist assistant. A person is qualified to receive a license
35 as a physical therapist assistant if that person has applied in

1 writing, on forms prescribed by the Department, has paid the
2 required fees and:

3 (1) Is at least 18 years of age and of good moral
4 character. In determining moral character, the Department
5 may take into consideration any felony conviction of the
6 applicant, but such a conviction shall not operate
7 automatically as a complete bar to a license;

8 (2) Has graduated from a ~~2-year college level~~ physical
9 therapist therapy assistant program approved by the
10 Department and attained, at a minimum, an associate's
11 degree from the program. In approving such a physical
12 therapist assistant program the Department shall consider
13 but not be bound by accreditation by the Commission on
14 Accreditation in Physical Therapy Education. Any person
15 who graduated from a physical therapist therapy assistant
16 program outside the United States or its territories shall
17 have his or her degree validated as equivalent to a
18 physical therapy assistant degree conferred by a
19 regionally accredited college or university in the United
20 States. The Department may establish by rule a method for
21 the completion of course deficiencies; and

22 (3) Has successfully completed the examination
23 authorized by the Department. A person who graduated from a
24 physical therapist therapy assistant program outside the
25 United States or its territories and whose first language
26 is not English shall submit certification of passage of the
27 Test of English as a Foreign Language (TOEFL) and the Test
28 of Spoken English (TSE) as defined by rule prior to taking
29 the licensure examination.

30 (Source: P.A. 89-387, eff. 1-1-96.)

31 (225 ILCS 90/12) (from Ch. 111, par. 4262)

32 (Section scheduled to be repealed on January 1, 2006)

33 Sec. 12. Examinations. The Department shall examine
34 applicants for licenses as physical therapists or physical
35 therapist assistants at such times and places as it may

1 determine. At least 2 written examinations shall be given
2 during each calendar year for both physical therapists and
3 physical therapist assistants. The examination shall be
4 approved by the Department.

5 Following notification of eligibility for examination, an
6 applicant who fails to take the ~~next scheduled~~ examination for
7 a license under this Act within 60 days of the notification~~7~~
8 shall forfeit his or her fee~~7~~ and his or her right to practice
9 as a physical therapist or physical therapist assistant until
10 such time as the applicant has passed the appropriate
11 examination. Any applicant failing the examination three times
12 in any jurisdiction will not be allowed to sit for another
13 examination until the applicant has presented satisfactory
14 evidence to the Board ~~committee~~ of appropriate remedial work as
15 set forth in the rules and regulations.

16 If an applicant neglects, fails or refuses to take an
17 examination or fails to pass an examination for a license or
18 otherwise fails to complete the application process under this
19 Act within 3 years after filing his application, the
20 application shall be denied. However, such applicant may make a
21 new application for examination accompanied by the required
22 fee, and must furnish proof of meeting qualifications for
23 examination in effect at the time of new application.

24 (Source: P.A. 89-387, eff. 1-1-96.)

25 (225 ILCS 90/15) (from Ch. 111, par. 4265)

26 (Section scheduled to be repealed on January 1, 2006)

27 Sec. 15. Restoration of expired licenses. A physical
28 therapist or physical therapist assistant who has permitted his
29 or her license to expire or who has had his or her license on
30 inactive status may have his or her license restored by making
31 application to the Department and filing proof acceptable to
32 the Department of his or her fitness to have his or her license
33 restored, including sworn evidence certifying to active
34 practice in another jurisdiction satisfactory to the
35 Department and by paying the required restoration fee.

1 If the physical therapist or physical therapist assistant
2 has not maintained an active practice in another jurisdiction
3 satisfactory to the Department, the Board ~~Committee~~ shall
4 determine, by an evaluation program established by rule his or
5 her fitness to resume active status and may require the
6 physical therapist or physical therapist assistant to complete
7 a period of evaluated clinical experience and may require
8 successful completion of an examination.

9 Any physical therapist or physical therapist assistant
10 whose license has been expired or placed on inactive status for
11 more than 5 years may have his or her license restored by
12 making application to the Department and filing proof
13 acceptable to the Department of his or her fitness to have his
14 or her license restored, including sworn evidence certifying to
15 active practice in another jurisdiction and by paying the
16 required restoration fee.

17 However, any physical therapist or physical therapist
18 assistant whose license has expired while he has been engaged
19 (1) in the federal service in active duty with the Army of the
20 United States, the United States Navy, the Marine Corps, the
21 Air Force, the Coast Guard, or the State Militia called into
22 the service or training of the United States of America, or (2)
23 in training or education under the supervision of the United
24 States preliminary to induction into the military service, may
25 have his license restored without paying any lapsed renewal
26 fees or restoration fee, if within 2 years after termination of
27 such service, training or education, other than by dishonorable
28 discharge, he furnishes the Department with an affidavit to the
29 effect that he has been so engaged and that his service,
30 training or education has been so terminated.

31 (Source: P.A. 89-387, eff. 1-1-96.)

32 (225 ILCS 90/17) (from Ch. 111, par. 4267)

33 (Section scheduled to be repealed on January 1, 2006)

34 Sec. 17. (1) The Department may refuse to issue or to
35 renew, or may revoke, suspend, place on probation, reprimand,

1 or take other disciplinary action as the Department deems
2 appropriate, including the issuance of fines not to exceed
3 \$5000, with regard to a license for any one or a combination of
4 the following:

5 A. Material misstatement in furnishing information to
6 the Department or otherwise making misleading, deceptive,
7 untrue, or fraudulent representations in violation of this
8 Act or otherwise in the practice of the profession;

9 B. Violations of this Act, or of the rules or
10 regulations promulgated hereunder;

11 C. Conviction of any crime under the laws of the United
12 States or any state or territory thereof which is a felony
13 or which is a misdemeanor, an essential element of which is
14 dishonesty, or of any crime which is directly related to
15 the practice of the profession; conviction, as used in this
16 paragraph, shall include a finding or verdict of guilty, an
17 admission of guilt or a plea of nolo contendere;

18 D. Making any misrepresentation for the purpose of
19 obtaining licenses, or violating any provision of this Act
20 or the rules promulgated thereunder pertaining to
21 advertising;

22 E. A pattern of practice or other behavior which
23 demonstrates incapacity or incompetency to practice under
24 this Act;

25 F. Aiding or assisting another person in violating any
26 provision of this Act or Rules;

27 G. Failing, within 60 days, to provide information in
28 response to a written request made by the Department;

29 H. Engaging in dishonorable, unethical or
30 unprofessional conduct of a character likely to deceive,
31 defraud or harm the public. Unprofessional conduct shall
32 include any departure from or the failure to conform to the
33 minimal standards of acceptable and prevailing physical
34 therapy practice, in which proceeding actual injury to a
35 patient need not be established;

36 I. Unlawful distribution of any drug or narcotic, or

1 unlawful conversion of any drug or narcotic not belonging
2 to the person for such person's own use or benefit or for
3 other than medically accepted therapeutic purposes;

4 J. Habitual or excessive use or addiction to alcohol,
5 narcotics, stimulants, or any other chemical agent or drug
6 which results in a physical therapist's or physical
7 therapist assistant's inability to practice with
8 reasonable judgment, skill or safety;

9 K. Revocation or suspension of a license to practice
10 physical therapy as a physical therapist or physical
11 therapist assistant or the taking of other disciplinary
12 action by the proper licensing authority of another state,
13 territory or country;

14 L. Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership or association
16 any fee, commission, rebate or other form of compensation
17 for any professional services not actually or personally
18 rendered. Nothing contained in this paragraph prohibits
19 persons holding valid and current licenses under this Act
20 from practicing physical therapy in partnership under a
21 partnership agreement, including a limited liability
22 partnership, a limited liability company, or a corporation
23 under the Professional Service Corporation Act or from
24 pooling, sharing, dividing, or apportioning the fees and
25 monies received by them or by the partnership, company, or
26 corporation in accordance with the partnership agreement
27 or the policies of the company or professional corporation;

28 M. A finding by the Board ~~Committee~~ that the licensee
29 after having his or her license placed on probationary
30 status has violated the terms of probation;

31 N. Abandonment of a patient;

32 O. Willfully failing to report an instance of suspected
33 child abuse or neglect as required by the Abused and
34 Neglected Child Reporting Act;

35 P. Willfully failing to report an instance of suspected
36 elder abuse or neglect as required by the Elder Abuse

1 Reporting Act;

2 Q. Physical illness, including but not limited to,
3 deterioration through the aging process, or loss of motor
4 skill which results in the inability to practice the
5 profession with reasonable judgement, skill or safety;

6 R. The use of any words (such as physical therapy,
7 physical therapist physiotherapy or physiotherapist),
8 abbreviations, figures or letters with the intention of
9 indicating practice as a licensed physical therapist
10 without a valid license as a physical therapist issued
11 under this Act;

12 S. The use of the term physical therapist assistant, or
13 abbreviations, figures, or letters with the intention of
14 indicating practice as a physical therapist assistant
15 without a valid license as a physical therapist assistant
16 issued under this Act;

17 T. Willfully violating or knowingly assisting in the
18 violation of any law of this State relating to the practice
19 of abortion;

20 U. Continued practice by a person knowingly having an
21 infectious, communicable or contagious disease;

22 V. Having treated ailments of human beings otherwise
23 than by the practice of physical therapy as defined in this
24 Act, or having treated ailments of human beings as a
25 licensed physical therapist independent of a documented
26 referral or a documented current and relevant diagnosis
27 from a physician, dentist, advanced practice nurse,
28 physician assistant, or podiatrist, or having failed to
29 notify the physician, dentist, advanced practice nurse,
30 physician assistant, or podiatrist who established a
31 documented current and relevant diagnosis that the patient
32 is receiving physical therapy pursuant to that diagnosis;

33 W. Being named as a perpetrator in an indicated report
34 by the Department of Children and Family Services pursuant
35 to the Abused and Neglected Child Reporting Act, and upon
36 proof by clear and convincing evidence that the licensee

1 has caused a child to be an abused child or neglected child
2 as defined in the Abused and Neglected Child Reporting Act;

3 X. Interpretation of referrals, performance of
4 evaluation procedures, planning or making major
5 modifications of patient programs by a physical therapist
6 assistant;

7 Y. Failure by a physical therapist assistant and
8 supervising physical therapist to maintain continued
9 contact, including periodic personal supervision and
10 instruction, to insure safety and welfare of patients;

11 Z. Violation of the Health Care Worker Self-Referral
12 Act.

13 (2) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code operates as an automatic suspension. Such suspension will
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of an order so finding and discharging the
20 patient; and upon the recommendation of the Board ~~Committee~~ to
21 the Director that the licensee be allowed to resume his
22 practice.

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

30 (Source: P.A. 93-1010, eff. 8-24-04.)

31 (225 ILCS 90/19) (from Ch. 111, par. 4269)

32 (Section scheduled to be repealed on January 1, 2006)

33 Sec. 19. Investigations; notice and hearing. The
34 Department may investigate the actions of any applicant or of
35 any person or persons holding or claiming to hold a license.

1 The Department shall, before refusing to issue, to renew or
2 discipline a license pursuant to Section 17, at least 30 days
3 prior to the date set for the hearing, notify in writing the
4 applicant for, or holder of, a license of the nature of the
5 charges, that a hearing will be held on the date designated,
6 and direct the applicant or licensee to file a written answer
7 to the Board 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 will result in default being taken against the
10 applicant or licensee and that the license or certificate may
11 be suspended, revoked, placed on probationary status, or other
12 disciplinary action may be taken, including limiting the scope,
13 nature or extent of practice, as the Director may deem proper.
14 Written notice may be served by personal delivery or certified
15 or registered mail to the respondent at the address of his last
16 notification to the Department. In case the person fails to
17 file an answer after receiving notice, his or her license or
18 certificate may, in the discretion of the Department, be
19 suspended, revoked, or placed on probationary status, or the
20 Department may take whatever disciplinary action deemed
21 proper, including limiting the scope, nature, or extent of the
22 person's practice or the imposition of a fine, without a
23 hearing, if the act or acts charged constitute sufficient
24 grounds for such action under this Act. At the time and place
25 fixed in the notice, the Board ~~Committee~~ shall proceed to hear
26 the charges and the parties or their counsel shall be accorded
27 ample opportunity to present such statements, testimony,
28 evidence and argument as may be pertinent to the charges or to
29 their defense. The Board ~~Committee~~ may continue a hearing from
30 time to time.

31 (Source: P.A. 89-387, eff. 1-1-96.)

32 (225 ILCS 90/20) (from Ch. 111, par. 4270)

33 (Section scheduled to be repealed on January 1, 2006)

34 Sec. 20. Stenographer - Transcript. The Department, at its
35 expense, shall preserve a record of all proceedings at the

1 formal hearing of any case involving the refusal to issue,
2 renew or discipline of a license. The notice of hearing,
3 complaint and all other documents in the nature of pleadings
4 and written motions filed in the proceedings, the transcript of
5 testimony, the report of the Board Committee and order of the
6 Department shall be the record of such proceeding.

7 (Source: P.A. 84-595.)

8 (225 ILCS 90/22) (from Ch. 111, par. 4272)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 22. Findings and Recommendations. At the conclusion of
11 the hearing the Board Committee shall present to the Director a
12 written report of its findings and recommendations. The report
13 shall contain a finding whether or not the accused person
14 violated this Act or failed to comply with the conditions
15 required in this Act. The Board Committee shall specify the
16 nature of the violation or failure to comply, and shall make
17 its recommendations to the Director.

18 The report of findings and recommendations of the Board
19 ~~Committee~~ shall be the basis for the Department's order or
20 refusal or for the granting of a license or permit unless the
21 Director shall determine that the Board Committee report is
22 contrary to the manifest weight of the evidence, in which case
23 the Director may issue an order in contravention of the Board
24 ~~Committee~~ report. The finding is not admissible in evidence
25 against the person in a criminal prosecution brought for the
26 violation of this Act, but the hearing and finding are not a
27 bar to a criminal prosecution brought for the violation of this
28 Act.

29 (Source: P.A. 84-595.)

30 (225 ILCS 90/23) (from Ch. 111, par. 4273)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 23. Rehearing. In any case involving the refusal to
33 issue, renew or discipline of a license, a copy of the Board's
34 ~~Committee's~~ report shall be served upon the respondent by the

1 Department, either personally or as provided in this Act for
2 the service of the notice of hearing. Within 20 days after such
3 service, the respondent may present to the Department a motion
4 in writing for a rehearing, which motion shall specify the
5 particular grounds therefor. If no motion for rehearing is
6 filed, then upon the expiration of the time specified for
7 filing such a motion, or if a motion for rehearing is denied,
8 then upon such denial the Director may enter an order in
9 accordance with recommendations of the Board ~~Committee~~ except
10 as provided in Section 22 of this Act. If the respondent shall
11 order from the reporting service, and pay for a transcript of
12 the record within the time for filing a motion for rehearing,
13 the 20 day period within which such a motion may be filed shall
14 commence upon the delivery of the transcript to the respondent.
15 (Source: P.A. 90-655, eff. 7-30-98.)

16 (225 ILCS 90/25) (from Ch. 111, par. 4275)

17 (Section scheduled to be repealed on January 1, 2006)

18 Sec. 25. Appointment of a Hearing Officer. The Director
19 shall have the authority to appoint any attorney duly licensed
20 to practice law in the State of Illinois to serve as the
21 hearing officer in any action for refusal to issue, renew or
22 discipline of a license or permit. The hearing officer shall
23 have full authority to conduct the hearing. At least one member
24 of the Board ~~Committee~~ shall attend each hearing. The hearing
25 officer shall report his findings and recommendations to the
26 Board ~~Committee~~ and the Director. The Board ~~Committee~~ shall
27 have 60 days from receipt of the report to review the report of
28 the hearing officer and present their findings of fact,
29 conclusions of law and recommendations to the Director. If the
30 Board ~~Committee~~ fails to present its report within the 60 day
31 period, the Director shall issue an order based on the report
32 of the hearing officer. If the Director determines that the
33 Board's ~~Committee's~~ report is contrary to the manifest weight
34 of the evidence, he may issue an order in contravention of the
35 Board's ~~Committee's~~ report.

1 (Source: P.A. 89-387, eff. 1-1-96.)

2 (225 ILCS 90/26) (from Ch. 111, par. 4276)

3 (Section scheduled to be repealed on January 1, 2006)

4 Sec. 26. Order or certified copy; prima facie proof. An
5 order or a certified copy thereof, over the seal of the
6 Department and purporting to be signed by the Director, shall
7 be prima facie proof that:

8 (a) the signature is the genuine signature of the
9 Director;

10 (b) the Director is duly appointed and qualified; and

11 (c) the Board Committee and the members thereof are
12 qualified to act.

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

14 (225 ILCS 90/27) (from Ch. 111, par. 4277)

15 (Section scheduled to be repealed on January 1, 2006)

16 Sec. 27. Restoration of Suspended or Revoked License. At
17 any time after the suspension or revocation of any license, the
18 Department may restore it to the accused person, upon the
19 written recommendation of the Board Committee unless after an
20 investigation and a hearing, the Board Committee determines
21 that restoration is not in the public interest.

22 (Source: P.A. 84-595.)

23 (225 ILCS 90/29) (from Ch. 111, par. 4279)

24 (Section scheduled to be repealed on January 1, 2006)

25 Sec. 29. Temporary Suspension of a License. The Director
26 may temporarily suspend the license of a physical therapist or
27 physical therapist assistant without a hearing, simultaneously
28 with the institution of proceedings for a hearing provided for
29 in Section 19 of this Act, if the Director finds that evidence
30 in his possession indicates that a physical therapist's or a
31 physical therapist assistant's continuation in practice would
32 constitute an imminent danger to the public. In the event that
33 the Director suspends, temporarily, the license of a physical

1 therapist or physical therapist assistant without a hearing, a
2 hearing by the Board ~~Committee~~ must be held within 30 calendar
3 days after such suspension has occurred.

4 (Source: P.A. 89-387, eff. 1-1-96.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.

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4	5 ILCS 80/4.26 new	
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7	225 ILCS 90/8	from Ch. 111, par. 4258
8	225 ILCS 90/8.1	from Ch. 111, par. 4258.1
9	225 ILCS 90/12	from Ch. 111, par. 4262
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