

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 Acts repealed January 1, 2006.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8 Acts are repealed January 1, 2006: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 Act repealed on January 1, 2016.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24 Act is repealed on January 1, 2016: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1 (Section scheduled to be repealed on January 1, 2006)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, determining a rehabilitation prognosis
9 and plan of therapeutic intervention, and assessing the
10 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, mobilization, and rehabilitative procedures,
19 with or without assistive devices, for the purposes of
20 preventing, correcting, or alleviating a physical or
21 mental impairment, functional limitation, or disability.

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

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

36 Physical therapy includes, but is not limited to: (a)

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

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

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

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

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

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

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

15 (8) "State" includes:

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

17 (b) the District of Columbia; and

18 (c) the Commonwealth of Puerto Rico.

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

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

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

36 (12) "Physician assistant" means a person licensed under

1 the Physician Assistant Practice Act of 1987 who has been
2 delegated authority to make referrals to physical therapists.

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

4 (225 ILCS 90/6) (from Ch. 111, par. 4256)

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

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

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

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

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

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

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

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

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

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

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

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

26 (225 ILCS 90/8) (from Ch. 111, par. 4258)

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

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

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

34 (1) He or she is at least 18 years of age and of good
35 moral character. In determining moral character, the

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

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

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

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

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

30 (225 ILCS 90/8.1) (from Ch. 111, par. 4258.1)

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

32 Sec. 8.1. Qualifications for licensure as a physical
33 therapist assistant. A person is qualified to receive a license
34 as a physical therapist assistant if that person has applied in
35 writing, on forms prescribed by the Department, has paid the

1 required fees and:

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

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

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

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

30 (225 ILCS 90/12) (from Ch. 111, par. 4262)

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

32 Sec. 12. Examinations. The Department shall examine
33 applicants for licenses as physical therapists or physical
34 therapist assistants at such times and places as it may
35 determine. At least 2 written examinations shall be given

1 during each calendar year for both physical therapists and
2 physical therapist assistants. The examination shall be
3 approved by the Department.

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

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

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

24 (225 ILCS 90/15) (from Ch. 111, par. 4265)

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

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

35 If the physical therapist or physical therapist assistant

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

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

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

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

31 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

33 Sec. 17. (1) The Department may refuse to issue or to
34 renew, or may revoke, suspend, place on probation, reprimand,
35 or take other disciplinary action as the Department deems

1 appropriate, including the issuance of fines not to exceed
2 \$5000, with regard to a license for any one or a combination of
3 the following:

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

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

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

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

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

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

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

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

35 I. Unlawful distribution of any drug or narcotic, or
36 unlawful conversion of any drug or narcotic not belonging

1 to the person for such person's own use or benefit or for
2 other than medically accepted therapeutic purposes;

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

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

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

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

30 N. Abandonment of a patient;

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

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

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

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

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

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

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

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

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

1 as defined in the Abused and Neglected Child Reporting Act;

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

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

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

12 (2) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. Such suspension will
16 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 recommendation of the Board ~~Committee~~ to
20 the Director that the licensee be allowed to resume his
21 practice.

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

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

30 (225 ILCS 90/19) (from Ch. 111, par. 4269)

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

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

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

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

31 (225 ILCS 90/20) (from Ch. 111, par. 4270)

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

33 Sec. 20. Stenographer - Transcript. The Department, at its
34 expense, shall preserve a record of all proceedings at the
35 formal hearing of any case involving the refusal to issue,

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

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

7 (225 ILCS 90/22) (from Ch. 111, par. 4272)

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

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

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

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

29 (225 ILCS 90/23) (from Ch. 111, par. 4273)

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

31 Sec. 23. Rehearing. In any case involving the refusal to
32 issue, renew or discipline of a license, a copy of the Board's
33 ~~Committee's~~ report shall be served upon the respondent by the
34 Department, either personally or as provided in this Act for

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

15 (225 ILCS 90/25) (from Ch. 111, par. 4275)

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

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

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

1 (225 ILCS 90/26) (from Ch. 111, par. 4276)

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

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

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

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

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

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

13 (225 ILCS 90/27) (from Ch. 111, par. 4277)

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

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

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

22 (225 ILCS 90/29) (from Ch. 111, par. 4279)

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

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

1 hearing by the Board ~~Committee~~ must be held within 30 calendar
2 days after such suspension has occurred.

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