



Sen. William R. Haine

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09400SB0930sam001

LRB094 04555 RAS 47010 a

1 AMENDMENT TO SENATE BILL 930

2 AMENDMENT NO. _____. Amend Senate Bill 930 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing 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 Acts repealed January 1, 2006.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8 Acts are repealed January 1, 2006: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 Act repealed on January 1, 2016.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

1 Act is repealed on January 1, 2016:

2 The Illinois Physical Therapy Act.

3 Section 10. The Illinois Physical Therapy Act is amended by
4 changing Sections 1, 6, 8, 8.1, 12, 15, 17, 19, 20, 22, 23, 25,
5 26, 27, and 29 as follows:

6 (225 ILCS 90/1) (from Ch. 111, par. 4251)

7 (Section scheduled to be repealed on January 1, 2006)

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

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

10 (A) Examining, evaluating, and testing individuals who
11 may have mechanical, physiological, or developmental
12 impairments, functional limitations, disabilities, or
13 other health and movement-related conditions, classifying
14 these disorders, and determining a rehabilitation
15 prognosis and plan of therapeutic intervention, and
16 assessing the on-going effects of the interventions.

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

29 (C) Reducing the risk of injury, impairment,
30 functional limitation, or disability, including the
31 promotion and maintenance of fitness, health, and
32 wellness.

1 (D) Engaging in administration, consultation,
2 education, and research. ~~the evaluation or treatment of a~~
3 ~~person by the use of the effective properties of physical~~
4 ~~measures and heat, cold, light, water, radiant energy,~~
5 ~~electricity, sound, and air; and the use of therapeutic~~
6 ~~massage, therapeutic exercise, mobilization, and the~~
7 ~~rehabilitative procedures with or without assistive~~
8 ~~devices for the purposes of preventing, correcting, or~~
9 ~~alleviating a physical or mental disability, or promoting~~
10 ~~physical fitness and well-being.~~

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

1 podiatrist any patient whose medical condition should, at the
2 time of evaluation or treatment, be determined to be beyond the
3 scope of practice of the physical therapist.

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

7 (3) "Department" means the Department of Professional
8 Regulation.

9 (4) "Director" means the Director of Professional
10 Regulation.

11 (5) "Board" ~~"Committee"~~ means the Physical Therapy
12 Licensing and Disciplinary Board ~~Examining Committee~~ approved
13 by the Director.

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

20 (7) "Documented current and relevant diagnosis" for the
21 purpose of this Act means a diagnosis, substantiated by
22 signature or oral verification of a physician, dentist,
23 advanced practice nurse, physician assistant, or podiatrist,
24 that a patient's condition is such that it may be treated by
25 physical therapy as defined in this Act, which diagnosis shall
26 remain in effect until changed by the physician, dentist,
27 advanced practice nurse, physician assistant, or podiatrist.

28 (8) "State" includes:

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

30 (b) the District of Columbia; and

31 (c) the Commonwealth of Puerto Rico.

32 (9) "Physical therapist assistant" means a person licensed
33 to assist a physical therapist and who has met all requirements
34 as provided in this Act and who works under the supervision of

1 a licensed physical therapist to assist in implementing the
2 physical therapy treatment program as established by the
3 licensed physical therapist. The patient care activities
4 provided by the physical therapist assistant shall not include
5 the interpretation of referrals, evaluation procedures, or the
6 planning or major modification of patient programs.

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

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

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

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

19 (225 ILCS 90/6) (from Ch. 111, par. 4256)

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

21 Sec. 6. Duties and functions of Director and Board
22 ~~Committee~~. The Director shall appoint a Physical Therapy
23 Licensing and Disciplinary Board ~~Committee~~ as follows: Seven
24 persons who shall be appointed by and shall serve in an
25 advisory capacity to the Director. Six members must be actively
26 engaged in the practice of physical therapy in this State for a
27 minimum of 5 years and one member must be a member of the
28 public who is not licensed under this Act, or a similar Act of
29 another jurisdiction.

30 Members shall serve 4 year terms and until their successors
31 are appointed and qualified, ~~except that of the initial~~
32 ~~appointments, 2 members shall be appointed to serve for 2~~
33 ~~years, 2 shall be appointed to serve for 3 years and the~~

1 ~~remaining shall be appointed to serve for 4 years and until~~
2 ~~their successors are appointed and qualified.~~ No member shall
3 be reappointed to the Board Committee for a term which would
4 cause his continuous service on the Board Committee to be
5 longer than 9 successive years. Appointments to fill vacancies
6 shall be made in the same manner as original appointments, for
7 the unexpired portion of the vacated term. ~~Initial terms shall~~
8 ~~begin upon the effective date of this amendatory Act of 1987~~
9 ~~and Committee members in office on that date shall be eligible~~
10 ~~for appointment to specific terms as indicated herein.~~

11 For the initial appointment of the Board Committee, the
12 Director shall give priority to filling the public member terms
13 as vacancies become available.

14 Members of the Board Committee shall be immune from suit in
15 any action based upon any disciplinary proceedings or other
16 activities performed in good faith as members of the Board
17 Committee.

18 A vacancy in the membership of the Board Committee shall
19 not impair the right of a quorum to exercise all the rights and
20 perform all the duties of the Board Committee.

21 The members of the Board Committee are entitled to receive
22 as compensation a reasonable sum as determined by the Director
23 for each day actually engaged in the duties of the office and
24 all legitimate and necessary expenses incurred in attending the
25 meetings of the Board Committee.

26 The membership of the Board Committee should reasonably
27 reflect representation from the geographic areas in this State.

28 The Director may terminate the appointment of any member
29 for cause which in the opinion of the Director reasonably
30 justifies such termination.

31 The Director shall consider the recommendations of the
32 Board Committee on questions involving standards of
33 professional conduct, discipline and qualifications of
34 candidates and licensees under this Act.

1 Nothing shall limit the ability of the Board ~~Committee~~ to
2 provide recommendations to the Director in regard to any matter
3 affecting the administration of this Act. The Director shall
4 give due consideration to all recommendations of the Board
5 ~~Committee~~. If the Director takes action contrary to a
6 recommendation of the Board ~~Committee~~, the Director shall
7 promptly provide a written explanation of that action.

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

9 (225 ILCS 90/8) (from Ch. 111, par. 4258)

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

11 Sec. 8. Qualifications for licensure as a Physical
12 Therapist.

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

17 (1) He or she is at least 18 years of age and of good
18 moral character. In determining moral character, the
19 Department may take into consideration any felony
20 conviction of the applicant, but such a conviction shall
21 not operate automatically as a complete bar to a license.

22 (2) He or she has graduated from a curriculum in
23 physical therapy approved by the Department. In approving a
24 curriculum in physical therapy, the Department shall
25 consider, but not be bound by, accreditation by the
26 Commission on Accreditation in Physical Therapy Education.

27 A person who graduated from a physical therapy program
28 outside the United States or its territories shall have his
29 or her degree validated as equivalent to a physical therapy
30 degree conferred by a regionally accredited college or
31 university in the United States. The Department may
32 establish by rule a method for the completion of course
33 deficiencies.

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

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

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

15 (225 ILCS 90/8.1) (from Ch. 111, par. 4258.1)

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

17 Sec. 8.1. Qualifications for licensure as a physical
18 therapist assistant. A person is qualified to receive a license
19 as a physical therapist assistant if that person has applied in
20 writing, on forms prescribed by the Department, has paid the
21 required fees and:

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

27 (2) Has graduated from a ~~2-year college level~~ physical
28 therapist ~~therapy~~ assistant program approved by the
29 Department and attained, at a minimum, an associate's
30 degree from the program. In approving such a physical
31 therapist assistant program the Department shall consider
32 but not be bound by accreditation by the Commission on
33 Accreditation in Physical Therapy Education. Any person

1 who graduated from a physical therapist ~~therapy~~ assistant
2 program outside the United States or its territories shall
3 have his or her degree validated as equivalent to a
4 physical therapy assistant degree conferred by a
5 regionally accredited college or university in the United
6 States. The Department may establish by rule a method for
7 the completion of course deficiencies; and

8 (3) Has successfully completed the examination
9 authorized by the Department. A person who graduated from a
10 physical therapist ~~therapy~~ assistant program outside the
11 United States or its territories and whose first language
12 is not English shall submit certification of passage of the
13 Test of English as a Foreign Language (TOEFL) and the Test
14 of Spoken English (TSE) as defined by rule prior to taking
15 the licensure examination.

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

17 (225 ILCS 90/12) (from Ch. 111, par. 4262)

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

19 Sec. 12. Examinations. The Department shall examine
20 applicants for licenses as physical therapists or physical
21 therapist assistants at such times and places as it may
22 determine. At least 2 written examinations shall be given
23 during each calendar year for both physical therapists and
24 physical therapist assistants. The examination shall be
25 approved by the Department.

26 Following notification of eligibility for examination, an
27 applicant who fails to take the ~~next scheduled~~ examination for
28 a license under this Act within 60 days of the notification⁷
29 shall forfeit his or her fee⁷ and his or her right to practice
30 as a physical therapist or physical therapist assistant until
31 such time as the applicant has passed the appropriate
32 examination. Any applicant failing the examination three times
33 in any jurisdiction will not be allowed to sit for another

1 examination until the applicant has presented satisfactory
2 evidence to the Board ~~committee~~ of appropriate remedial work as
3 set forth in the rules and regulations.

4 If an applicant neglects, fails or refuses to take an
5 examination or fails to pass an examination for a license or
6 otherwise fails to complete the application process under this
7 Act within 3 years after filing his application, the
8 application shall be denied. However, such applicant may make a
9 new application for examination accompanied by the required
10 fee, and must furnish proof of meeting qualifications for
11 examination in effect at the time of new application.

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

13 (225 ILCS 90/15) (from Ch. 111, par. 4265)

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

15 Sec. 15. Restoration of expired licenses. A physical
16 therapist or physical therapist assistant who has permitted his
17 or her license to expire or who has had his or her license on
18 inactive status may have his or her license restored by making
19 application to the Department and filing proof acceptable to
20 the Department of his or her fitness to have his or her license
21 restored, including sworn evidence certifying to active
22 practice in another jurisdiction satisfactory to the
23 Department and by paying the required restoration fee.

24 If the physical therapist or physical therapist assistant
25 has not maintained an active practice in another jurisdiction
26 satisfactory to the Department, the Board ~~Committee~~ shall
27 determine, by an evaluation program established by rule his or
28 her fitness to resume active status and may require the
29 physical therapist or physical therapist assistant to complete
30 a period of evaluated clinical experience and may require
31 successful completion of an examination.

32 Any physical therapist or physical therapist assistant
33 whose license has been expired or placed on inactive status for

1 more than 5 years may have his or her license restored by
2 making application to the Department and filing proof
3 acceptable to the Department of his or her fitness to have his
4 or her license restored, including sworn evidence certifying to
5 active practice in another jurisdiction and by paying the
6 required restoration fee.

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

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

22 (225 ILCS 90/17) (from Ch. 111, par. 4267)

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

24 Sec. 17. (1) The Department may refuse to issue or to
25 renew, or may revoke, suspend, place on probation, reprimand,
26 or take other disciplinary action as the Department deems
27 appropriate, including the issuance of fines not to exceed
28 \$5000, with regard to a license for any one or a combination of
29 the following:

30 A. Material misstatement in furnishing information to
31 the Department or otherwise making misleading, deceptive,
32 untrue, or fraudulent representations in violation of this
33 Act or otherwise in the practice of the profession;

1 B. Violations of this Act, or of the rules or
2 regulations promulgated hereunder;

3 C. Conviction of any crime under the laws of the United
4 States or any state or territory thereof which is a felony
5 or which is a misdemeanor, an essential element of which is
6 dishonesty, or of any crime which is directly related to
7 the practice of the profession; conviction, as used in this
8 paragraph, shall include a finding or verdict of guilty, an
9 admission of guilt or a plea of nolo contendere;

10 D. Making any misrepresentation for the purpose of
11 obtaining licenses, or violating any provision of this Act
12 or the rules promulgated thereunder pertaining to
13 advertising;

14 E. A pattern of practice or other behavior which
15 demonstrates incapacity or incompetency to practice under
16 this Act;

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

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

21 H. Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public. Unprofessional conduct shall
24 include any departure from or the failure to conform to the
25 minimal standards of acceptable and prevailing physical
26 therapy practice, in which proceeding actual injury to a
27 patient need not be established;

28 I. Unlawful distribution of any drug or narcotic, or
29 unlawful conversion of any drug or narcotic not belonging
30 to the person for such person's own use or benefit or for
31 other than medically accepted therapeutic purposes;

32 J. Habitual or excessive use or addiction to alcohol,
33 narcotics, stimulants, or any other chemical agent or drug
34 which results in a physical therapist's or physical

1 therapist assistant's inability to practice with
2 reasonable judgment, skill or safety;

3 K. Revocation or suspension of a license to practice
4 physical therapy as a physical therapist or physical
5 therapist assistant or the taking of other disciplinary
6 action by the proper licensing authority of another state,
7 territory or country;

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

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

25 N. Abandonment of a patient;

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

29 P. Willfully failing to report an instance of suspected
30 elder abuse or neglect as required by the Elder Abuse
31 Reporting Act;

32 Q. Physical illness, including but not limited to,
33 deterioration through the aging process, or loss of motor
34 skill which results in the inability to practice the

1 profession with reasonable judgement, skill or safety;

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

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

13 T. Willfully violating or knowingly assisting in the
14 violation of any law of this State relating to the practice
15 of abortion;

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

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

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

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

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

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

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

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

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

29 (225 ILCS 90/19) (from Ch. 111, par. 4269)

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

31 Sec. 19. Investigations; notice and hearing. The
32 Department may investigate the actions of any applicant or of
33 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)

1 Sec. 20. Stenographer - Transcript. The Department, at its
2 expense, shall preserve a record of all proceedings at the
3 formal hearing of any case involving the refusal to issue,
4 renew or discipline of a license. The notice of hearing,
5 complaint and all other documents in the nature of pleadings
6 and written motions filed in the proceedings, the transcript of
7 testimony, the report of the Board Committee and order of the
8 Department shall be the record of such proceeding.

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

10 (225 ILCS 90/22) (from Ch. 111, par. 4272)

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

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

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

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

32 (225 ILCS 90/23) (from Ch. 111, par. 4273)

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

2 Sec. 23. Rehearing. In any case involving the refusal to
3 issue, renew or discipline of a license, a copy of the Board's
4 ~~Committee's~~ report shall be served upon the respondent by the
5 Department, either personally or as provided in this Act for
6 the service of the notice of hearing. Within 20 days after such
7 service, the respondent may present to the Department a motion
8 in writing for a rehearing, which motion shall specify the
9 particular grounds therefor. If no motion for rehearing is
10 filed, then upon the expiration of the time specified for
11 filing such a motion, or if a motion for rehearing is denied,
12 then upon such denial the Director may enter an order in
13 accordance with recommendations of the Board ~~Committee~~ except
14 as provided in Section 22 of this Act. If the respondent shall
15 order from the reporting service, and pay for a transcript of
16 the record within the time for filing a motion for rehearing,
17 the 20 day period within which such a motion may be filed shall
18 commence upon the delivery of the transcript to the respondent.
19 (Source: P.A. 90-655, eff. 7-30-98.)

20 (225 ILCS 90/25) (from Ch. 111, par. 4275)

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

22 Sec. 25. Appointment of a Hearing Officer. The Director
23 shall have the authority to appoint any attorney duly licensed
24 to practice law in the State of Illinois to serve as the
25 hearing officer in any action for refusal to issue, renew or
26 discipline of a license or permit. The hearing officer shall
27 have full authority to conduct the hearing. At least one member
28 of the Board ~~Committee~~ shall attend each hearing. The hearing
29 officer shall report his findings and recommendations to the
30 Board ~~Committee~~ and the Director. The Board ~~Committee~~ shall
31 have 60 days from receipt of the report to review the report of
32 the hearing officer and present their findings of fact,
33 conclusions of law and recommendations to the Director. If the

1 ~~Board Committee~~ fails to present its report within the 60 day
2 period, the Director shall issue an order based on the report
3 of the hearing officer. If the Director determines that the
4 ~~Board's Committee's~~ report is contrary to the manifest weight
5 of the evidence, he may issue an order in contravention of the
6 ~~Board's Committee's~~ report.

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

8 (225 ILCS 90/26) (from Ch. 111, par. 4276)

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

10 Sec. 26. Order or certified copy; prima facie proof. An
11 order or a certified copy thereof, over the seal of the
12 Department and purporting to be signed by the Director, shall
13 be prima facie proof that:

14 (a) the signature is the genuine signature of the
15 Director;

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

17 (c) the ~~Board Committee~~ and the members thereof are
18 qualified to act.

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

20 (225 ILCS 90/27) (from Ch. 111, par. 4277)

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

22 Sec. 27. Restoration of Suspended or Revoked License. At
23 any time after the suspension or revocation of any license, the
24 Department may restore it to the accused person, upon the
25 written recommendation of the ~~Board Committee~~ unless after an
26 investigation and a hearing, the ~~Board Committee~~ determines
27 that restoration is not in the public interest.

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

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

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

31 Sec. 29. Temporary Suspension of a License. The Director

1 may temporarily suspend the license of a physical therapist or
2 physical therapist assistant without a hearing, simultaneously
3 with the institution of proceedings for a hearing provided for
4 in Section 19 of this Act, if the Director finds that evidence
5 in his possession indicates that a physical therapist's or a
6 physical therapist assistant's continuation in practice would
7 constitute an imminent danger to the public. In the event that
8 the Director suspends, temporarily, the license of a physical
9 therapist or physical therapist assistant without a hearing, a
10 hearing by the Board ~~Committee~~ must be held within 30 calendar
11 days after such suspension has occurred.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".