



Sen. Carol Ronen

Filed: 2/28/2007

09500SB1225sam001

LRB095 08221 RAS 32273 a

1 AMENDMENT TO SENATE BILL 1225

2 AMENDMENT NO. _____. Amend Senate Bill 1225 immediately
3 below Section 5, by inserting the following:

4 "Section 10. The Acupuncture Practice Act is amended by
5 changing Sections 10, 20.1, 35, 60, 70, 105, 110, 120, 130,
6 140, 155, 160, 165, 170, 175, 180, 190, and 195 as follows:

7 (225 ILCS 2/10)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 10. Definitions. As used in this Act:

10 "Acupuncture" means the evaluation or treatment of persons
11 affected through a method of stimulation of a certain point or
12 points on or immediately below the surface of the body by the
13 insertion of pre-sterilized, single-use, disposable needles,
14 unless medically contraindicated, with or without the
15 application of heat, electronic stimulation, or manual
16 pressure to prevent or modify the perception of pain, to

1 normalize physiological functions, or for the treatment of
2 certain diseases or dysfunctions of the body and includes
3 activities referenced in Section 15 of this Act for which a
4 written referral is not required. Acupuncture does not include
5 radiology, electrosurgery, chiropractic technique, physical
6 therapy, naprapathic technique, use or prescribing of any
7 drugs, medications, herbal preparations, nutritional
8 supplements, serums, or vaccines, or determination of a
9 differential diagnosis. An acupuncturist registered under this
10 Act who is not also licensed as a physical therapist under the
11 Illinois Physical Therapy Act shall not hold himself or herself
12 out as being qualified to provide physical therapy or
13 physiotherapy services. An acupuncturist shall refer to a
14 licensed physician or dentist, any patient whose condition
15 should, at the time of evaluation or treatment, be determined
16 to be beyond the scope of practice of the acupuncturist.

17 "Acupuncturist" means a person who practices acupuncture
18 and who is licensed by the Department.

19 "Board" means the Board of Acupuncture.

20 "Dentist" means a person licensed under the Illinois Dental
21 Practice Act.

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

24 ~~"Director" means the Director of Professional Regulation.~~

25 "Physician" means a person licensed under the Medical
26 Practice Act of 1987.

1 "Referral by written order" for purposes of this Act means
2 a diagnosis, substantiated by signature of a physician or
3 dentist, identifying a patient's condition and recommending
4 treatment by acupuncture as defined in this Act. The diagnosis
5 shall remain in effect until changed by the physician or
6 dentist who may, through express direction in the referral,
7 maintain management of the patient.

8 "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 "State" includes:

- 11 (1) the states of the United States of America;
12 (2) the District of Columbia; and
13 (3) the Commonwealth of Puerto Rico.

14 (Source: P.A. 93-999, eff. 8-23-04.)

15 (225 ILCS 2/20.1)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 20.1. Guest instructors of acupuncture; professional
18 education. The provisions of this Act do not prohibit an
19 acupuncturist from another state ~~State~~ or country, who is not
20 licensed under this Act and who is an invited guest of a
21 professional acupuncture association or scientific acupuncture
22 foundation or an acupuncture training program or continuing
23 education provider ~~that is~~ approved by the Department under
24 this Act, from engaging in professional education through
25 lectures, clinics, or demonstrations, provided that the

1 acupuncturist is currently licensed in another state or
2 country, his or her license is active and has not been
3 disciplined, and he or she is currently certified in good
4 standing as an acupuncturist by the National Certification
5 Commission for Acupuncture and Oriental Medicine.

6 Licensees under this Act may engage in professional
7 education through lectures, clinics, or demonstrations as an
8 invited guest of a professional acupuncture association or
9 scientific acupuncture foundation or an acupuncture training
10 program or continuing education provider approved by the
11 Department under this Act. The Department may, but is not
12 required to, establish rules concerning this Section. ~~To~~
13 ~~qualify as a guest instructor of acupuncture, the acupuncturist~~
14 ~~must have been issued a guest instructor of acupuncture permit~~
15 ~~by the Department. The Department shall grant a guest~~
16 ~~instructor of acupuncture permit if the Department determines~~
17 ~~that the applicant for the permit (i) is currently certified in~~
18 ~~good standing as an acupuncturist by the National Certification~~
19 ~~Commission for Acupuncture and Oriental Medicine; or (ii) has~~
20 ~~sufficient training to qualify as a licensed acupuncturist in~~
21 ~~Illinois. By rule, the Department may prescribe forms that~~
22 ~~shall be used to apply for guest instructor of acupuncture~~
23 ~~permits and charge an application fee to defray expenses borne~~
24 ~~by the Department in connection with implementation of this~~
25 ~~amendatory Act of the 92nd General Assembly. The applicant~~
26 ~~shall submit his or her application for a guest instructor of~~

1 ~~acupuncture permit to the Department. The Department shall~~
2 ~~issue a guest instructor of acupuncture permit, or indicate why~~
3 ~~the Department has refused to issue the permit, within 60 days~~
4 ~~after the application is complete and on file with the~~
5 ~~Department. The Department shall maintain a registry of guest~~
6 ~~instructors of acupuncture. A guest instructor of acupuncture~~
7 ~~permit shall be valid for 12 months. The guest instructor of~~
8 ~~acupuncture may engage in the application of acupuncture~~
9 ~~techniques in conjunction with the lectures, clinics, or~~
10 ~~demonstrations for a maximum of 12 months, but may not open an~~
11 ~~office, appoint a place to meet private patients, consult with~~
12 ~~private patients, or otherwise engage in the practice of~~
13 ~~acupuncture beyond what is required in conjunction with these~~
14 ~~lectures, clinics, or demonstrations.~~

15 (Source: P.A. 92-70, eff. 7-12-01.)

16 (225 ILCS 2/35)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 35. Board of Acupuncture. The Secretary ~~Director~~ shall
19 appoint a Board of Acupuncture to consist of 7 persons who
20 shall be appointed by and shall serve in an advisory capacity
21 to the Secretary ~~Director~~. Four members must hold an active
22 license to engage in the practice of acupuncture in this State,
23 one member shall be a chiropractic physician licensed under the
24 Medical Practice Act of 1987 who is actively engaged in the
25 practice of acupuncture, one member shall be a physician

1 licensed to practice medicine in all of its branches in
2 Illinois, and one member must be a member of the public who is
3 not licensed under this Act or a similar Act of another
4 jurisdiction and who has no connection with the profession. ~~The~~
5 ~~initial appointees who would otherwise be required to be~~
6 ~~licensed acupuncturists shall instead be individuals who have~~
7 ~~been practicing acupuncture for at least 5 years and who are~~
8 ~~eligible under this Act for licensure as acupuncturists.~~

9 Members shall serve 4-year terms and until their successors
10 are appointed and qualified, ~~except that of the initial~~
11 ~~appointments, one member shall be appointed to serve for 1~~
12 ~~year, 2 members shall be appointed to serve for 2 years, 2~~
13 ~~members shall be appointed to serve for 3 years, and 2 members~~
14 ~~shall be appointed to serve for 4 years and until their~~
15 ~~successors are appointed and qualified.~~ No member shall be
16 reappointed to the Board for a term that would cause his or her
17 continuous service on the Board to be longer than 8 consecutive
18 years. Appointments to fill vacancies shall be made in the same
19 manner as original appointments for the unexpired portion of
20 the vacated term. Initial terms shall begin upon the effective
21 date of this amendatory Act of 1997.

22 The Board may ~~shall~~ annually elect a chairperson and a
23 vice-chairperson who shall preside in the absence of the
24 chairperson. The membership of the Board should reasonably
25 reflect representation from the geographic areas in this State.
26 The Secretary ~~Director~~ may terminate the appointment of any

1 member for cause. The Secretary ~~Director~~ may give due
2 consideration to all recommendations of the Board. A majority
3 of the Board members currently appointed shall constitute a
4 quorum. A vacancy in the membership of the Board shall not
5 impair the right of a quorum to exercise the right and perform
6 all the duties of the Board. Members of the Board shall have no
7 liability in any action based upon any disciplinary proceeding
8 or other activity performed in good faith as a member of the
9 Board.

10 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

11 (225 ILCS 2/60)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 60. Exhibition of ~~Display of~~ license upon request;
14 change of address. ~~A holder of a license under this Act shall~~
15 ~~display the license in a conspicuous place in the office or~~
16 ~~offices where the holder practices acupuncture.~~ A licensee
17 shall, whenever requested, exhibit his or her license to any
18 representative of the Department and shall notify the
19 Department of the address or addresses, and of every change of
20 address, where the licensee practices acupuncture.

21 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

22 (225 ILCS 2/70)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 70. Renewal, reinstatement, or restoration of

1 license; continuing education; military service. The
2 expiration date and renewal period for each license issued
3 under this Act shall be set by rule. The holder of a license
4 may renew that license during the month preceding its
5 expiration date by paying the required fee.

6 In order to renew or restore a license, applicants shall
7 provide proof of having met the requirements of continuing
8 education set forth in the rules of the Department. Continuing
9 education sponsors approved by the Department may not use an
10 individual to engage in clinical demonstration, unless that
11 individual is actively licensed under this Act or licensed by
12 another state or country as set forth in Section 20.1 of this
13 Act.

14 A person who has permitted his or her license to expire or
15 who has had his or her license on inactive status may have the
16 license restored by submitting an application to the
17 Department, by meeting continuing education requirements, and
18 by filing proof acceptable to the Department of fitness to have
19 the license restored, which may include sworn evidence
20 certifying to active practice in another jurisdiction
21 satisfactory to the Department and by paying the required
22 restoration fee. If the person has not maintained an active
23 practice in another jurisdiction satisfactory to the
24 Department, the Department shall determine, by an evaluation
25 program established by rule, his or her fitness to resume
26 active status and may require the person to complete a period

1 of evaluated clinical experience and may require successful
2 completion of a practical examination.

3 Any acupuncturist whose license expired while he or she was
4 (1) in federal service on active duty with the Armed Forces of
5 the United States or the State Militia called into service or
6 training or (2) in training or education under the supervision
7 of the United States preliminary to induction into the military
8 service, however, may have his or her registration restored
9 without paying any lapsed renewal fees if within 2 years after
10 honorable termination of service, training, or education, he or
11 she furnishes the Department with satisfactory evidence that he
12 or she has been so engaged and that his or her service,
13 training, or education has been terminated.

14 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

15 (225 ILCS 2/105)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 105. Unlicensed practice; civil penalty. A person who
18 practices, offers to practice, attempts to practice, or holds
19 himself or herself out to practice as a licensed acupuncturist
20 without being licensed under this Act shall, in addition to any
21 other penalty provided by law, pay a civil penalty to the
22 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
23 offense as determined by the Department. The civil penalty
24 shall be assessed by the Department after a hearing is held in
25 accordance with the provisions set forth in this Act regarding

1 the provision of a hearing for the discipline of a licensee.

2 (Source: P.A. 90-61, eff. 7-3-97.)

3 (225 ILCS 2/110)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 110. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or to renew, place
7 on probation, suspend, revoke or take other disciplinary or
8 non-disciplinary action as deemed appropriate including the
9 imposition of fines not to exceed \$10,000 ~~\$5,000~~ for each
10 violation, as the Department may deem proper, with regard to a
11 license for any one or combination of the following causes:

12 (1) Violations of the Act or its rules.

13 (2) Conviction or plea of guilty or nolo contendere of
14 any crime under the laws of the United States or any state
15 or territory thereof ~~U.S. jurisdiction~~ that is (i) a felony
16 or (ii) a misdemeanor, an essential element of which is
17 dishonesty or that is, ~~or (iii)~~ directly related to the
18 practice of the profession.

19 (3) Making any misrepresentation for the purpose of
20 obtaining a license.

21 (4) Aiding or assisting another person in violating any
22 provision of this Act or its rules.

23 (5) Failing to provide information within 60 days in
24 response to a written request made by the Department which
25 has been sent by certified or registered mail to the

1 licensee's last known address.

2 (6) Discipline by another U.S. jurisdiction or foreign
3 nation, if at least one of the grounds for the discipline
4 is the same or substantially equivalent to one set forth in
5 this Section.

6 (7) Solicitation of professional services by means
7 other than permitted under this Act.

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

10 (9) Gross negligence in the practice of acupuncture.

11 (10) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in an acupuncturist's inability to practice
14 with reasonable judgment, skill, or safety.

15 (11) A finding that licensure has been applied for or
16 obtained by fraudulent means.

17 (12) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (13) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and upon
23 proof by clear and convincing evidence that the licensee
24 has caused a child to be an abused child or a neglected
25 child as defined in the Abused and Neglected Child
26 Reporting Act.

1 (14) Wilfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act.

4 (15) The use of any words, abbreviations, figures or
5 letters (such as Acupuncturist, Licensed Acupuncturist,
6 Certified Acupuncturist, C.A., Act., Lic. Act., or Lic.
7 Ac.) with the intention of indicating practice as a
8 licensed acupuncturist without a valid license as an
9 acupuncturist issued under this Act.

10 (16) Using ~~testimonials or~~ claims of superior quality
11 of care to entice the public or advertising fee comparisons
12 of available services with those of other persons providing
13 acupuncture services.

14 (17) Advertising of professional services that the
15 offeror of the services is not licensed to render.
16 Advertising of professional services that contains false,
17 fraudulent, deceptive, or misleading material or
18 guarantees of success, statements that play upon the vanity
19 or fears of the public, or statements that promote or
20 produce unfair competition.

21 (18) Having treated ailments of human beings other than
22 by the practice of acupuncture as defined in this Act, or
23 having treated ailments of human beings as a licensed
24 acupuncturist pursuant to a referral by written order that
25 provides for management of the patient by a physician or
26 dentist without having notified the physician or dentist

1 who established the diagnosis that the patient is receiving
2 acupuncture treatment.

3 (19) Unethical, unauthorized, or unprofessional
4 conduct as defined by rule.

5 (20) Physical illness, ~~including but not limited to~~
6 ~~deterioration through the aging process,~~ mental illness,
7 or other impairment disability that results in the
8 inability to practice the profession with reasonable
9 judgment, skill, and safety, including without limitation
10 deterioration through the aging process, mental illness,
11 or disability.

12 (21) Violation of the Health Care Worker Self-Referral
13 Act.

14 The entry of an order by a circuit court establishing that
15 any person holding a license under this Act is subject to
16 involuntary admission or judicial admission as provided for in
17 the Mental Health and Developmental Disabilities Code operates
18 as an automatic suspension of that license. That person may
19 have his or her license restored only upon the determination by
20 a circuit court that the patient is no longer subject to
21 involuntary admission or judicial admission and the issuance of
22 an order so finding and discharging the patient and upon the
23 Board's recommendation to the Department that the license be
24 restored. Where the circumstances so indicate, the Board may
25 recommend to the Department that it require an examination
26 prior to restoring a suspended license.

1 The Department may refuse to issue or renew the license of
2 any person who fails to (i) file a return or to pay the tax,
3 penalty or interest shown in a filed return or (ii) pay any
4 final assessment of the tax, penalty, or interest as required
5 by any tax Act administered by the Illinois Department of
6 Revenue, until the time that the requirements of that tax Act
7 are satisfied.

8 In enforcing this Section, the Department or Board upon a
9 showing of a possible violation may compel an individual
10 licensed to practice under this Act, or who has applied for
11 licensure under this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The Department or Board may order the examining
14 physician to present testimony concerning the mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The individual to be examined may have, at
21 his or her own expense, another physician of his or her choice
22 present during all aspects of this examination. Failure of an
23 individual to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of his or her license
25 until the individual submits to the examination if the
26 Department finds, after notice and hearing, that the refusal to

1 submit to the examination was without reasonable cause.

2 If the Department or Board finds an individual unable to
3 practice because of the reasons set forth in this Section, the
4 Department or Board may require that individual to submit to
5 care, counseling, or treatment by physicians approved or
6 designated by the Department or Board, as a condition, term, or
7 restriction for continued, reinstated, or renewed licensure to
8 practice; or, in lieu of care, counseling, or treatment, the
9 Department may file, or the Board may recommend to the
10 Department to file, a complaint to immediately suspend, revoke,
11 or otherwise discipline the license of the individual. An
12 individual whose license was granted, continued, reinstated,
13 renewed, disciplined or supervised subject to such terms,
14 conditions, or restrictions, and who fails to comply with such
15 terms, conditions, or restrictions, shall be referred to the
16 Secretary ~~Director~~ for a determination as to whether the
17 individual shall have his or her license suspended immediately,
18 pending a hearing by the Department.

19 In instances in which the Secretary ~~Director~~ immediately
20 suspends a person's license under this Section, a hearing on
21 that person's license must be convened by the Department within
22 30 ~~15~~ days after the suspension and completed without
23 appreciable delay. The Department and Board shall have the
24 authority to review the subject individual's record of
25 treatment and counseling regarding the impairment to the extent
26 permitted by applicable federal statutes and regulations

1 safeguarding the confidentiality of medical records.

2 An individual licensed under this Act and affected under
3 this Section shall be afforded an opportunity to demonstrate to
4 the Department or Board that he or she can resume practice in
5 compliance with acceptable and prevailing standards under the
6 provisions of his or her license.

7 (Source: P.A. 93-999, eff. 8-23-04.)

8 (225 ILCS 2/120)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 120. Checks or orders to Department dishonored because
11 of insufficient funds. Any person who issues or delivers a
12 check or other order to the Department that is not honored on 2
13 occasions by the financial institution upon which it is drawn
14 because of insufficient funds on account, the account is
15 closed, or a stop payment has been placed on the check or order
16 shall pay to the Department, in addition to the amount owing
17 upon the check or other order, a fee of \$50. If the check or
18 other order was issued or delivered in payment of a renewal or
19 issuance fee and the person whose registration has lapsed
20 continues to practice acupuncture without paying the renewal or
21 issuance fee and the required \$50 fee under this Section, an
22 additional fee of \$100 shall be imposed. The fees imposed by
23 this Section are in addition to any other disciplinary
24 provision under this Act prohibiting practice on an expired or
25 non-renewed registration. The Department shall mail a

1 registration renewal form to each registrant 60 days before the
2 expiration of the registrant's current registration. The
3 Department shall notify a person whose registration has lapsed,
4 within 30 days after the discovery of the lapse, that the
5 individual is engaged in the unauthorized practice of
6 acupuncture and of the amount due to the Department which shall
7 include the lapsed renewal fee and all other fees required by
8 this Section. If after the expiration of 30 days from the date
9 of the notification a person whose registration has lapsed
10 seeks a current registration, he or she shall thereafter apply
11 to the Department for restoration of the registration and pay
12 all fees due to the Department. The Department may establish a
13 fee for the processing of an application for restoration of a
14 registration that allows the Department to pay all costs and
15 expenses incident to the processing of this application. The
16 Secretary ~~Director~~ may waive the fees due under this Section in
17 individual cases where he or she finds that the fees would be
18 unreasonably or unnecessarily burdensome.

19 (Source: P.A. 89-706, eff. 1-31-97.)

20 (225 ILCS 2/130)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 130. Injunctions; criminal offenses; cease and desist
23 order.

24 (a) If any person violates the provisions of this Act, the
25 Secretary ~~Director~~ may, in the name of the People of the State

1 of Illinois, through the Attorney General of the State of
2 Illinois or the State's Attorney for any county in which the
3 action is brought, petition for an order enjoining the
4 violation or for an order enforcing compliance with this Act.
5 Upon the filing of a verified petition in court, the court may
6 issue a temporary restraining order, without notice or
7 condition, and may preliminarily and permanently enjoin the
8 violation. If it is established that the person has violated or
9 is violating the injunction, the Court may punish the offender
10 for contempt of court. Proceedings under this Section shall be
11 in addition to, and not in lieu of, all other remedies and
12 penalties provided by this Act.

13 (b) Whenever in the opinion of the Department a person
14 violates a provision of this Act, the Department may issue a
15 rule to show cause why an order to cease and desist should not
16 be entered against that person. The rule shall clearly set
17 forth the grounds relied upon by the Department and shall allow
18 at least 7 days from the date of the rule to file an answer to
19 the satisfaction of the Department. Failure to answer to the
20 satisfaction of the Department shall cause an order to cease
21 and desist to be issued immediately.

22 (c) Other than as provided in Section 20 of this Act, if
23 any person practices as an acupuncturist or holds himself or
24 herself out as a licensed acupuncturist under this Act without
25 being issued a valid existing license by the Department, then
26 any licensed acupuncturist, any interested party, or any person

1 injured thereby may, in addition to the Secretary ~~Director~~,
2 petition for relief as provided in subsection (a) of this
3 Section.

4 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

5 (225 ILCS 2/140)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 140. Investigation; notice; hearing. Licenses may be
8 refused, revoked, suspended, or otherwise disciplined in the
9 manner provided by this Act and not otherwise. The Department
10 may upon its own motion or ~~and shall~~ upon the ~~verified~~
11 complaint ~~in writing~~ of any person setting forth facts that if
12 proven would constitute grounds for refusal to issue or renew
13 or for suspension, ~~or~~ revocation, or other disciplinary action
14 under this Act, investigate the actions of a person applying
15 for, holding, or claiming to hold a license. The Department
16 shall, before refusing to issue or renew, suspending, ~~or~~
17 revoking, or taking other disciplinary action regarding a
18 license or taking other discipline pursuant to Section 110 of
19 this Act, and at least 30 days prior to the date set for the
20 hearing, notify in writing the applicant or licensee of any
21 charges made, shall afford the applicant or licensee an
22 opportunity to be heard in person or by counsel in reference to
23 the charges, and direct the applicant or licensee to file a
24 written answer to the Department under oath within 20 days
25 after the service of the notice and inform the applicant or

1 licensee that failure to file an answer will result in default
2 being taken against the applicant or licensee and that the
3 license may be suspended, revoked, placed on probationary
4 status, or other disciplinary action may be taken, including
5 limiting the scope, nature, or extent of practice, as the
6 Secretary ~~Director~~ may deem proper. Written notice may be
7 served by personal delivery to the applicant or licensee or by
8 mailing the notice by certified mail to his or her last known
9 place of residence or to the place of business last specified
10 by the applicant or licensee in his or her last notification to
11 the Department. If the person fails to file an answer after
12 receiving notice, his or her license may, in the discretion of
13 the Department, be suspended, revoked, or placed on
14 probationary status or the Department may take whatever
15 disciplinary action deemed proper, including limiting the
16 scope, nature, or extent of the person's practice or the
17 imposition of a fine, without a hearing, if the act or acts
18 charged constitute sufficient grounds for such action under
19 this Act. At the time and place fixed in the notice, the
20 Department shall proceed to hearing of the charges and both the
21 applicant or licensee and the complainant shall be afforded
22 ample opportunity to present, in person or by counsel, any
23 statements, testimony, evidence, and arguments that may be
24 pertinent to the charges or to their defense. The Department
25 may continue a hearing from time to time. If the Board is not
26 sitting at the time and place fixed in the notice or at the

1 time and place to which the hearing shall have been continued,
2 the Department may continue the hearing for a period not to
3 exceed 30 days.

4 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

5 (225 ILCS 2/155)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 155. Subpoena; oaths. The Department shall have power
8 to subpoena and bring before it any person in this State and to
9 take testimony either orally or by deposition or both with the
10 same fees and mileage and in the same manner as prescribed by
11 law in judicial proceedings in civil cases in circuit courts of
12 this State. The Department shall also have the power to
13 subpoena the production of documents, papers, files, books, and
14 records in connection with a hearing or investigation.

15 The Secretary ~~Director~~ and the hearing officer designated
16 by the Secretary ~~Director~~ shall each have power to administer
17 oaths to witnesses at any hearing that the Department is
18 authorized to conduct under this Act and any other oaths
19 required or authorized to be administered by the Department
20 under this Act.

21 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

22 (225 ILCS 2/160)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 160. Findings of facts, conclusions of law, and

1 recommendations. At the conclusion of the hearing, the Board
2 ~~hearing officer~~ shall present to the Secretary Director a
3 written report of its findings of fact, conclusions of law, and
4 recommendations. The report shall contain a finding whether or
5 not the accused person violated this Act or failed to comply
6 with the conditions required in this Act. The Board hearing
7 ~~officer~~ shall specify the nature of the violation or failure to
8 comply and shall make its ~~his or her~~ recommendations to the
9 Secretary Director.

10 The report of findings of fact, conclusions of law, and
11 recommendations of the Board hearing officer may be the basis
12 of the order of the Department. If the Secretary Director
13 disagrees in any regard with the report of the Board hearing
14 ~~officer~~, the Secretary may Director shall issue an order in
15 contravention of the report. The Secretary ~~Within 60 days after~~
16 ~~taking that action the Director~~ shall provide notice ~~a written~~
17 ~~report~~ to the Board hearing officer on any deviation and ~~shall~~
18 ~~specify with particularity~~ the reasons for the deviation action
19 ~~in the final order~~. The finding is not admissible in evidence
20 against the person in a criminal prosecution brought for the
21 violation of this Act, but the hearing and findings are not a
22 bar to a criminal prosecution brought for the violation of this
23 Act.

24 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 165. Hearing officer. The Secretary ~~Director~~ shall
3 have the authority to appoint any attorney duly licensed to
4 practice law in the State of Illinois to serve as the hearing
5 officer in any action for discipline of a license. The hearing
6 officer shall have full authority to conduct the hearing. The
7 hearing officer shall report his or her findings of fact,
8 conclusions of law, and recommendations to the Board and the
9 Secretary ~~Director~~. The Board shall ~~have 60 days after receipt~~
10 ~~of the report to~~ review the report of the hearing officer and
11 to present its findings of fact, conclusions of law, and
12 recommendations to the Secretary ~~Director~~.

13 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

14 (225 ILCS 2/170)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 170. Service of report; rehearing; order. In any case
17 involving the discipline of a license, a copy of the hearing
18 officer's report shall be served upon the respondent by the
19 Department, either personally or as provided in this Act for
20 the service of the notice of hearing. Within 20 days after the
21 service, the respondent may present to the Department a motion
22 in writing for a rehearing that shall specify the particular
23 grounds for rehearing. If no motion for rehearing is filed,
24 then upon the expiration of the time specified for filing a
25 motion, or if a motion for rehearing is denied, then upon the

1 denial the Secretary ~~Director~~ may enter an order in accordance
2 with this Act. If the respondent orders from the reporting
3 office and pays for a transcript of the record within the time
4 for filing a motion for rehearing, the 20 day period within
5 which the motion may be filed shall commence upon the delivery
6 of the transcript to the respondent.

7 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

8 (225 ILCS 2/175)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 175. Substantial justice to be done; rehearing.
11 Whenever the Secretary ~~Director~~ is satisfied that substantial
12 justice has not been done in the discipline of a license, the
13 Secretary ~~Director~~ may order a rehearing by the same or another
14 hearing officer.

15 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

16 (225 ILCS 2/180)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 180. Order or certified copy as prima facie proof. An
19 order or a certified copy thereof, over the seal of the
20 Department and purporting to be signed by the Secretary
21 ~~Director~~, shall be prima facie proof:

22 (1) that the signature is the genuine signature of the

23 Secretary ~~Director~~;

24 (2) that such Secretary ~~Director~~ is duly appointed and

1 qualified; and

2 (3) that the Board and its members are qualified to
3 act.

4 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

5 (225 ILCS 2/190)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 190. Surrender of registration. Upon the revocation or
8 suspension of any registration, the registrant shall
9 immediately surrender the registration certificate to the
10 Department. If the registrant fails to do so, the Department
11 shall have the right to seize the registration certificate.

12 (Source: P.A. 89-706, eff. 1-31-97.)

13 (225 ILCS 2/195)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 195. Imminent danger to public; temporary suspension.
16 The Secretary ~~Director~~ may temporarily suspend the license of
17 an acupuncturist without a hearing, simultaneously with the
18 institution of proceedings for a hearing provided for in
19 Section 140 of this Act, if the Secretary ~~Director~~ finds that
20 evidence in his or her possession indicates that continuation
21 in practice would constitute an imminent danger to the public.
22 In the event that the Secretary ~~Director~~ temporarily suspends a
23 license without a hearing, a hearing by the Department must be
24 held within 30 days after the suspension has occurred and be

1 concluded without appreciable delay.

2 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)".