

1 AN ACT concerning professional regulation.

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

4 Section 5. The Pharmacy Practice Act is amended by changing  
5 Sections 3, 9, 9.5, 16a, 25.15, 30, and 35.16 as follows:

6 (225 ILCS 85/3) (from Ch. 111, par. 4123)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 3. Definitions. For the purpose of this Act, except  
9 where otherwise limited therein:

10 (a) "Pharmacy" or "drugstore" means and includes every  
11 store, shop, pharmacy department, or other place where  
12 pharmacist care is provided by a pharmacist (1) where drugs,  
13 medicines, or poisons are dispensed, sold or offered for sale  
14 at retail, or displayed for sale at retail; or (2) where  
15 prescriptions of physicians, dentists, advanced practice  
16 nurses, physician assistants, veterinarians, podiatrists, or  
17 optometrists, within the limits of their licenses, are  
18 compounded, filled, or dispensed; or (3) which has upon it or  
19 displayed within it, or affixed to or used in connection with  
20 it, a sign bearing the word or words "Pharmacist", "Druggist",  
21 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",  
22 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",  
23 "Medicines", or any word or words of similar or like import,

1 either in the English language or any other language; or (4)  
2 where the characteristic prescription sign (Rx) or similar  
3 design is exhibited; or (5) any store, or shop, or other place  
4 with respect to which any of the above words, objects, signs or  
5 designs are used in any advertisement.

6 (b) "Drugs" means and includes (1) articles recognized in  
7 the official United States Pharmacopoeia/National Formulary  
8 (USP/NF), or any supplement thereto and being intended for and  
9 having for their main use the diagnosis, cure, mitigation,  
10 treatment or prevention of disease in man or other animals, as  
11 approved by the United States Food and Drug Administration, but  
12 does not include devices or their components, parts, or  
13 accessories; and (2) all other articles intended for and having  
14 for their main use the diagnosis, cure, mitigation, treatment  
15 or prevention of disease in man or other animals, as approved  
16 by the United States Food and Drug Administration, but does not  
17 include devices or their components, parts, or accessories; and  
18 (3) articles (other than food) having for their main use and  
19 intended to affect the structure or any function of the body of  
20 man or other animals; and (4) articles having for their main  
21 use and intended for use as a component or any articles  
22 specified in clause (1), (2) or (3); but does not include  
23 devices or their components, parts or accessories.

24 (c) "Medicines" means and includes all drugs intended for  
25 human or veterinary use approved by the United States Food and  
26 Drug Administration.

1 (d) "Practice of pharmacy" means (1) the interpretation and  
2 the provision of assistance in the monitoring, evaluation, and  
3 implementation of prescription drug orders; (2) the dispensing  
4 of prescription drug orders; (3) participation in drug and  
5 device selection; (4) drug administration limited to the  
6 administration of oral, topical, injectable, and inhalation as  
7 follows: in the context of patient education on the proper use  
8 or delivery of medications; vaccination of patients 14 years of  
9 age and older pursuant to a valid prescription or standing  
10 order, by a physician licensed to practice medicine in all its  
11 branches, upon completion of appropriate training, including  
12 how to address contraindications and adverse reactions set  
13 forth by rule, with notification to the patient's physician and  
14 appropriate record retention, or pursuant to hospital pharmacy  
15 and therapeutics committee policies and procedures; (5) drug  
16 regimen review; (6) drug or drug-related research; (7) the  
17 provision of patient counseling; (8) the practice of  
18 telepharmacy; (9) the provision of those acts or services  
19 necessary to provide pharmacist care; (10) medication therapy  
20 management; and (11) the responsibility for compounding and  
21 labeling of drugs and devices (except labeling by a  
22 manufacturer, repackager, or distributor of non-prescription  
23 drugs and commercially packaged legend drugs and devices),  
24 proper and safe storage of drugs and devices, and maintenance  
25 of required records. A pharmacist who performs any of the acts  
26 defined as the practice of pharmacy in this State must be

1 actively licensed as a pharmacist under this Act.

2 (e) "Prescription" means and includes any written, oral,  
3 facsimile, or electronically transmitted order for drugs or  
4 medical devices, issued by a physician licensed to practice  
5 medicine in all its branches, dentist, veterinarian, or  
6 podiatrist, or optometrist, within the limits of their  
7 licenses, by a physician assistant in accordance with  
8 subsection (f) of Section 4, or by an advanced practice nurse  
9 in accordance with subsection (g) of Section 4, containing the  
10 following: (1) name of the patient; (2) date when prescription  
11 was issued; (3) name and strength of drug or description of the  
12 medical device prescribed; and (4) quantity, (5) directions for  
13 use, (6) prescriber's name, address and signature, and (7) DEA  
14 number where required, for controlled substances. DEA numbers  
15 shall not be required on inpatient drug orders.

16 (f) "Person" means and includes a natural person,  
17 copartnership, association, corporation, government entity, or  
18 any other legal entity.

19 (g) "Department" means the Department of Financial and  
20 Professional Regulation.

21 (h) "Board of Pharmacy" or "Board" means the State Board of  
22 Pharmacy of the Department of Financial and Professional  
23 Regulation.

24 (i) "Secretary" means the Secretary of Financial and  
25 Professional Regulation.

26 (j) "Drug product selection" means the interchange for a

1 prescribed pharmaceutical product in accordance with Section  
2 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
3 Cosmetic Act.

4 (k) "Inpatient drug order" means an order issued by an  
5 authorized prescriber for a resident or patient of a facility  
6 licensed under the Nursing Home Care Act or the Hospital  
7 Licensing Act, or "An Act in relation to the founding and  
8 operation of the University of Illinois Hospital and the  
9 conduct of University of Illinois health care programs",  
10 approved July 3, 1931, as amended, or a facility which is  
11 operated by the Department of Human Services (as successor to  
12 the Department of Mental Health and Developmental  
13 Disabilities) or the Department of Corrections.

14 (k-5) "Pharmacist" means an individual health care  
15 professional and provider currently licensed by this State to  
16 engage in the practice of pharmacy.

17 (l) "Pharmacist in charge" means the licensed pharmacist  
18 whose name appears on a pharmacy license and who is responsible  
19 for all aspects of the operation related to the practice of  
20 pharmacy.

21 (m) "Dispense" or "dispensing" means the interpretation,  
22 evaluation, and implementation of a prescription drug order,  
23 including the preparation and delivery of a drug or device to a  
24 patient or patient's agent in a suitable container  
25 appropriately labeled for subsequent administration to or use  
26 by a patient in accordance with applicable State and federal

1 laws and regulations. "Dispense" or "dispensing" does not mean  
2 the physical delivery to a patient or a patient's  
3 representative in a home or institution by a designee of a  
4 pharmacist or by common carrier. "Dispense" or "dispensing"  
5 also does not mean the physical delivery of a drug or medical  
6 device to a patient or patient's representative by a  
7 pharmacist's designee within a pharmacy or drugstore while the  
8 pharmacist is on duty and the pharmacy is open.

9 (n) "Nonresident pharmacy" means a pharmacy that is located  
10 in a state, commonwealth, or territory of the United States,  
11 other than Illinois, that delivers, dispenses, or distributes,  
12 through the United States Postal Service, commercially  
13 acceptable parcel delivery service, or other common carrier, to  
14 Illinois residents, any substance which requires a  
15 prescription.

16 (o) "Compounding" means the preparation and mixing of  
17 components, excluding flavorings, (1) as the result of a  
18 prescriber's prescription drug order or initiative based on the  
19 prescriber-patient-pharmacist relationship in the course of  
20 professional practice or (2) for the purpose of, or incident  
21 to, research, teaching, or chemical analysis and not for sale  
22 or dispensing. "Compounding" includes the preparation of drugs  
23 or devices in anticipation of receiving prescription drug  
24 orders based on routine, regularly observed dispensing  
25 patterns. Commercially available products may be compounded  
26 for dispensing to individual patients only if all of the

1 following conditions are met: (i) the commercial product is not  
2 reasonably available from normal distribution channels in a  
3 timely manner to meet the patient's needs and (ii) the  
4 prescribing practitioner has requested that the drug be  
5 compounded.

6 (p) (Blank).

7 (q) (Blank).

8 (r) "Patient counseling" means the communication between a  
9 pharmacist or a student pharmacist ~~pharmacy intern~~ under the  
10 supervision of a pharmacist and a patient or the patient's  
11 representative about the patient's medication or device for the  
12 purpose of optimizing proper use of prescription medications or  
13 devices. "Patient counseling" may include without limitation  
14 (1) obtaining a medication history; (2) acquiring a patient's  
15 allergies and health conditions; (3) facilitation of the  
16 patient's understanding of the intended use of the medication;  
17 (4) proper directions for use; (5) significant potential  
18 adverse events; (6) potential food-drug interactions; and (7)  
19 the need to be compliant with the medication therapy. A  
20 pharmacy technician may only participate in the following  
21 aspects of patient counseling under the supervision of a  
22 pharmacist: (1) obtaining medication history; (2) providing  
23 the offer for counseling by a pharmacist or student pharmacist  
24 ~~intern~~; and (3) acquiring a patient's allergies and health  
25 conditions.

26 (s) "Patient profiles" or "patient drug therapy record"

1 means the obtaining, recording, and maintenance of patient  
2 prescription information, including prescriptions for  
3 controlled substances, and personal information.

4 (t) (Blank).

5 (u) "Medical device" means an instrument, apparatus,  
6 implement, machine, contrivance, implant, in vitro reagent, or  
7 other similar or related article, including any component part  
8 or accessory, required under federal law to bear the label  
9 "Caution: Federal law requires dispensing by or on the order of  
10 a physician". A seller of goods and services who, only for the  
11 purpose of retail sales, compounds, sells, rents, or leases  
12 medical devices shall not, by reasons thereof, be required to  
13 be a licensed pharmacy.

14 (v) "Unique identifier" means an electronic signature,  
15 handwritten signature or initials, thumb print, or other  
16 acceptable biometric or electronic identification process as  
17 approved by the Department.

18 (w) "Current usual and customary retail price" means the  
19 price that a pharmacy charges to a non-third-party payor.

20 (x) "Automated pharmacy system" means a mechanical system  
21 located within the confines of the pharmacy or remote location  
22 that performs operations or activities, other than compounding  
23 or administration, relative to storage, packaging, dispensing,  
24 or distribution of medication, and which collects, controls,  
25 and maintains all transaction information.

26 (y) "Drug regimen review" means and includes the evaluation



1 of prescription drug orders and patient records for (1) known  
2 allergies; (2) drug or potential therapy contraindications;  
3 (3) reasonable dose, duration of use, and route of  
4 administration, taking into consideration factors such as age,  
5 gender, and contraindications; (4) reasonable directions for  
6 use; (5) potential or actual adverse drug reactions; (6)  
7 drug-drug interactions; (7) drug-food interactions; (8)  
8 drug-disease contraindications; (9) therapeutic duplication;  
9 (10) patient laboratory values when authorized and available;  
10 (11) proper utilization (including over or under utilization)  
11 and optimum therapeutic outcomes; and (12) abuse and misuse.

12 (z) "Electronic transmission prescription" means any  
13 prescription order for which a facsimile or electronic image of  
14 the order is electronically transmitted from a licensed  
15 prescriber to a pharmacy. "Electronic transmission  
16 prescription" includes both data and image prescriptions.

17 (aa) "Medication therapy management services" means a  
18 distinct service or group of services offered by licensed  
19 pharmacists, physicians licensed to practice medicine in all  
20 its branches, advanced practice nurses authorized in a written  
21 agreement with a physician licensed to practice medicine in all  
22 its branches, or physician assistants authorized in guidelines  
23 by a supervising physician that optimize therapeutic outcomes  
24 for individual patients through improved medication use. In a  
25 retail or other non-hospital pharmacy, medication therapy  
26 management services shall consist of the evaluation of

1 prescription drug orders and patient medication records to  
2 resolve conflicts with the following:

3 (1) known allergies;

4 (2) drug or potential therapy contraindications;

5 (3) reasonable dose, duration of use, and route of  
6 administration, taking into consideration factors such as  
7 age, gender, and contraindications;

8 (4) reasonable directions for use;

9 (5) potential or actual adverse drug reactions;

10 (6) drug-drug interactions;

11 (7) drug-food interactions;

12 (8) drug-disease contraindications;

13 (9) identification of therapeutic duplication;

14 (10) patient laboratory values when authorized and  
15 available;

16 (11) proper utilization (including over or under  
17 utilization) and optimum therapeutic outcomes; and

18 (12) drug abuse and misuse.

19 "Medication therapy management services" includes the  
20 following:

21 (1) documenting the services delivered and  
22 communicating the information provided to patients'  
23 prescribers within an appropriate time frame, not to exceed  
24 48 hours;

25 (2) providing patient counseling designed to enhance a  
26 patient's understanding and the appropriate use of his or

1 her medications; and

2 (3) providing information, support services, and  
3 resources designed to enhance a patient's adherence with  
4 his or her prescribed therapeutic regimens.

5 "Medication therapy management services" may also include  
6 patient care functions authorized by a physician licensed to  
7 practice medicine in all its branches for his or her identified  
8 patient or groups of patients under specified conditions or  
9 limitations in a standing order from the physician.

10 "Medication therapy management services" in a licensed  
11 hospital may also include the following:

12 (1) reviewing assessments of the patient's health  
13 status; and

14 (2) following protocols of a hospital pharmacy and  
15 therapeutics committee with respect to the fulfillment of  
16 medication orders.

17 (bb) "Pharmacist care" means the provision by a pharmacist  
18 of medication therapy management services, with or without the  
19 dispensing of drugs or devices, intended to achieve outcomes  
20 that improve patient health, quality of life, and comfort and  
21 enhance patient safety.

22 (cc) "Protected health information" means individually  
23 identifiable health information that, except as otherwise  
24 provided, is:

25 (1) transmitted by electronic media;

26 (2) maintained in any medium set forth in the

1 definition of "electronic media" in the federal Health  
2 Insurance Portability and Accountability Act; or

3 (3) transmitted or maintained in any other form or  
4 medium.

5 "Protected health information" does not include individually  
6 identifiable health information found in:

7 (1) education records covered by the federal Family  
8 Educational Right and Privacy Act; or

9 (2) employment records held by a licensee in its role  
10 as an employer.

11 (dd) "Standing order" means a specific order for a patient  
12 or group of patients issued by a physician licensed to practice  
13 medicine in all its branches in Illinois.

14 (ee) "Address of record" means the address recorded by the  
15 Department in the applicant's or licensee's application file or  
16 license file, as maintained by the Department's licensure  
17 maintenance unit.

18 (ff) "Home pharmacy" means the location of a pharmacy's  
19 primary operations.

20 (Source: P.A. 94-459, eff. 1-1-06; 95-689, eff. 10-29-07.)

21 (225 ILCS 85/9) (from Ch. 111, par. 4129)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 9. Registration as pharmacy technician. Any person  
24 shall be entitled to registration as a registered pharmacy  
25 technician who is of the age of 16 or over, has not engaged in

1 conduct or behavior determined to be grounds for discipline  
2 under this Act, is attending or has graduated from an  
3 accredited high school or comparable school or educational  
4 institution or received a GED, and has filed a written  
5 application for registration on a form to be prescribed and  
6 furnished by the Department for that purpose. The Department  
7 shall issue a certificate of registration as a registered  
8 pharmacy technician to any applicant who has qualified as  
9 aforesaid, and such registration shall be the sole authority  
10 required to assist licensed pharmacists in the practice of  
11 pharmacy, under the supervision of a licensed pharmacist. A  
12 registered pharmacy technician may, under the supervision of a  
13 pharmacist, assist in the practice of pharmacy and perform such  
14 functions as assisting in the dispensing process, offering  
15 counseling, receiving new verbal prescription orders, and  
16 having prescriber contact concerning prescription drug order  
17 clarification. A registered pharmacy technician may not engage  
18 in patient counseling, drug regimen review, or clinical  
19 conflict resolution.

20 Beginning on January 1, 2010, within 2 years after initial  
21 registration ~~being employed~~ as a registered technician, a  
22 pharmacy technician must become certified by successfully  
23 passing the Pharmacy Technician Certification Board (PTCB)  
24 examination or another Board-approved pharmacy technician  
25 examination and register as a certified pharmacy technician  
26 with the Department in order to continue to perform pharmacy

1 technician's duties. This requirement does not apply to  
2 pharmacy technicians registered ~~hired~~ prior to January 1, 2008.

3 Any person registered as a pharmacy technician who is also  
4 enrolled in a first professional degree program in pharmacy in  
5 a school or college of pharmacy or a department of pharmacy of  
6 a university approved by the Department or has graduated from  
7 such a program within the last 18 months, shall be considered a  
8 "student pharmacist ~~pharmacy intern~~" and entitled to use the  
9 title "student pharmacist" ~~pharmacy intern~~". A student  
10 pharmacist ~~pharmacy intern~~ must meet all of the requirements  
11 for registration as a pharmacy technician set forth in this  
12 Section excluding the requirement of certification prior to the  
13 second registration renewal and pay the required pharmacy  
14 technician registration fees. A student pharmacist may, under  
15 the supervision of a pharmacist, assist in the practice of  
16 pharmacy and perform any and all functions delegated to him or  
17 her by the pharmacist.

18 Any person seeking licensure as a pharmacist who has  
19 graduated from a pharmacy program outside the United States  
20 must register as a pharmacy technician and shall be considered  
21 a "student pharmacist" and be entitled to use the title  
22 "student pharmacist" while completing the 1,200 clinical hours  
23 of training approved by the Board of Pharmacy described and for  
24 no more than 18 months after completion of these hours. These  
25 individuals are not required to become certified pharmacy  
26 technicians while completing their Board approved clinical

1 training, but must become licensed as a pharmacist or become a  
2 certified pharmacy technician before the second pharmacy  
3 technician registration renewal following completion of the  
4 Board approved clinical training.

5 The Department shall not renew the pharmacy technician  
6 license of any person who has been registered as a "student  
7 pharmacist" and has dropped out of or been expelled from an  
8 ACPE accredited college of pharmacy, who has failed to complete  
9 his or her 1,200 hours of Board approved clinical training  
10 within 24 months or who has failed the pharmacist licensure  
11 examination 3 times and shall require these individuals to meet  
12 the requirements of and become registered a certified pharmacy  
13 technician.

14 ~~The Department, upon the recommendation of the Board,~~ may  
15 take any action set forth in Section 30 of this Act with regard  
16 to registrations ~~certificates~~ pursuant to this Section.

17 Any person who is enrolled in a non-traditional Pharm.D.  
18 program at an ACPE accredited college of pharmacy and is a  
19 licensed pharmacist under the laws of another United States  
20 jurisdiction shall be permitted to engage in the program of  
21 practice experience required in the academic program by virtue  
22 of such license. Such person shall be exempt from the  
23 requirement of registration as a registered pharmacy  
24 technician while engaged in the program of practice experience  
25 required in the academic program.

26 An applicant for registration as a pharmacy technician may

1 assist a pharmacist in the practice of pharmacy for a period of  
2 up to 60 days prior to the issuance of a certificate of  
3 registration if the applicant has submitted the required fee  
4 and an application for registration to the Department. The  
5 applicant shall keep a copy of the submitted application on the  
6 premises where the applicant is assisting in the practice of  
7 pharmacy. The Department shall forward confirmation of receipt  
8 of the application with start and expiration dates of practice  
9 pending registration.

10 (Source: P.A. 95-689, eff. 10-29-07.)

11 (225 ILCS 85/9.5)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 9.5. Certified pharmacy technician.

14 (a) An individual registered as a pharmacy technician under  
15 this Act may be registered ~~receive certification~~ as a certified  
16 pharmacy technician, if he or she meets all of the following  
17 requirements:

18 (1) He or she has submitted a written application in  
19 the form and manner prescribed by the Department ~~Board~~.

20 (2) He or she has attained the age of 18.

21 (3) He or she is of good moral character, as determined  
22 by the Department.

23 (4) He or she has (i) graduated from pharmacy  
24 technician training meeting the requirements set forth in  
25 subsection (a) of Section 17.1 of this Act or (ii) obtained



1 documentation from the pharmacist-in-charge of the  
2 pharmacy where the applicant is employed verifying that he  
3 or she has successfully completed a training program and  
4 has successfully completed an objective assessment  
5 mechanism prepared in accordance with rules established by  
6 the Department Board.

7 (5) He or she has successfully passed an examination  
8 accredited by the National Organization of Certifying  
9 Agencies, as approved and required by the Board.

10 (6) He or she has paid the required certification fees.

11 (b) No pharmacist whose license has been denied, revoked,  
12 suspended, or restricted for disciplinary purposes may be  
13 eligible to be registered as a certified pharmacy technician.

14 (c) The Department Board may, by rule, establish any  
15 additional requirements for certification under this Section.

16 (d) A person who is not a registered pharmacy technician  
17 and meets the requirements of this Section may register as a  
18 certified pharmacy technician without first registering as a  
19 pharmacy technician.

20 (Source: P.A. 95-689, eff. 10-29-07.)

21 (225 ILCS 85/16a) (from Ch. 111, par. 4136a)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 16a. (a) The Department shall establish rules and  
24 regulations, consistent with the provisions of this Act,  
25 governing nonresident pharmacies, including pharmacies

1 providing services via the Internet, which sell, or offer for  
2 sale, drugs, medicines, or other pharmaceutical services in  
3 this State.

4 (b) The Department ~~Board~~ shall require and provide for an  
5 annual nonresident special pharmacy registration for all  
6 pharmacies located outside of this State that dispense  
7 medications for Illinois residents and mail, ship, or deliver  
8 prescription medications into this State. Nonresident special  
9 pharmacy registration shall be granted by the Department ~~Board~~  
10 upon the disclosure and certification by a pharmacy:

11 (1) that it is licensed in the state in which the  
12 dispensing facility is located and from which the drugs are  
13 dispensed;

14 (2) of the location, names, and titles of all principal  
15 corporate officers and all pharmacists who are dispensing  
16 drugs to residents of this State;

17 (3) that it complies with all lawful directions and  
18 requests for information from the board of pharmacy of each  
19 state in which it is licensed or registered, except that it  
20 shall respond directly to all communications from the Board  
21 or Department concerning any ~~emergency~~ circumstances  
22 arising from the dispensing of drugs to residents of this  
23 State;

24 (4) that it maintains its records of drugs dispensed to  
25 residents of this State so that the records are readily  
26 retrievable from the records of other drugs dispensed;

1           (5) that it cooperates with the Board or Department in  
2           providing information to the board of pharmacy of the state  
3           in which it is licensed concerning matters related to the  
4           dispensing of drugs to residents of this State; and

5           (6) that during its regular hours of operation, but not  
6           less than 6 days per week, for a minimum of 40 hours per  
7           week, a toll-free telephone service is provided to  
8           facilitate communication between patients in this State  
9           and a pharmacist at the pharmacy who has access to the  
10          patients' records. The toll-free number must be disclosed  
11          on the label affixed to each container of drugs dispensed  
12          to residents of this State.

13          (Source: P.A. 95-689, eff. 10-29-07.)

14          (225 ILCS 85/25.15)

15          (Section scheduled to be repealed on January 1, 2018)

16          Sec. 25.15. Telepharmacy.

17          (a) In this Section, "telepharmacy" means the provision of  
18          pharmacist care by a pharmacist that is accomplished through  
19          the use of telecommunications or other technologies to patients  
20          or their agents who are at a distance and are located within  
21          the United States, and which follows all federal and State  
22          laws, rules, and regulations with regard to privacy and  
23          security.

24          (b) Any pharmacy engaged in the practice of telepharmacy  
25          must meet all of the following conditions:

1           (1) All events involving the contents of an automated  
2 pharmacy system must be stored in a secure location and may  
3 be recorded electronically.

4           (2) An automated pharmacy or prescription dispensing  
5 machine system may be used in conjunction with the  
6 pharmacy's practice of telepharmacy after inspection and  
7 approval by the Department.

8           (3) The pharmacist in charge shall:

9           (A) be responsible for the practice of  
10 telepharmacy performed at a remote pharmacy, including  
11 the supervision of any prescription dispensing machine  
12 or automated medication system;

13           (B) ensure that the home pharmacy has sufficient  
14 pharmacists on duty for the safe operation and  
15 supervision of all remote pharmacies;

16           (C) ensure, through the use of a video and auditory  
17 communication system, that a certified pharmacy  
18 technician at the remote pharmacy has accurately and  
19 correctly prepared any prescription for dispensing  
20 according to the prescription;

21           (D) be responsible for the supervision and  
22 training of certified pharmacy technicians at remote  
23 pharmacies who shall be subject to all rules and  
24 regulations; and

25           (E) ensure that patient counseling at the remote  
26 pharmacy is performed by a pharmacist or student

1           pharmacist ~~pharmacist intern~~.

2           (Source: P.A. 95-689, eff. 10-29-07.)

3           (225 ILCS 85/30) (from Ch. 111, par. 4150)

4           (Section scheduled to be repealed on January 1, 2018)

5           Sec. 30. Refusal, revocation, or suspension.

6           (a) The Department may refuse to issue or renew, or may  
7 revoke a license or registration, or may suspend, place on  
8 probation, fine, or take any disciplinary or non-disciplinary  
9 action as the Department may deem proper, including fines not  
10 to exceed \$10,000 for each violation, with regard to any  
11 licensee or registrant ~~In accordance with Section 11 of this~~  
12 ~~Act, the Department may refuse to issue, restore, or renew, or~~  
13 ~~may revoke, suspend, place on probation, or reprimand as the~~  
14 ~~Department may deem proper with regard to any license or~~  
15 ~~certificate of registration or may impose a fine upon a~~  
16 ~~licensee or registrant not to exceed \$10,000 per violation for~~  
17 any one or combination of the following causes:

18           1. Material misstatement in furnishing information to  
19 the Department.

20           2. Violations of this Act, or the rules promulgated  
21 hereunder.

22           3. Making any misrepresentation for the purpose of  
23 obtaining licenses.

24           4. A pattern of conduct which demonstrates  
25 incompetence or unfitness to practice.

1           5. Aiding or assisting another person in violating any  
2 provision of this Act or rules.

3           6. Failing, within 60 days, to respond to a written  
4 request made by the Department for information.

5           7. Engaging in unprofessional, dishonorable, or  
6 unethical conduct of a character likely to deceive, defraud  
7 or harm the public.

8           8. Discipline by another U.S. jurisdiction or foreign  
9 nation, if at least one of the grounds for the discipline  
10 is the same or substantially equivalent to those set forth  
11 herein.

12           9. Directly or indirectly giving to or receiving from  
13 any person, firm, corporation, partnership or association  
14 any fee, commission, rebate or other form of compensation  
15 for any professional services not actually or personally  
16 rendered.

17           10. A finding by the Department that the licensee,  
18 after having his license placed on probationary status has  
19 violated the terms of probation.

20           11. Selling or engaging in the sale of drug samples  
21 provided at no cost by drug manufacturers.

22           12. Physical illness, including but not limited to,  
23 deterioration through the aging process, or loss of motor  
24 skill which results in the inability to practice the  
25 profession with reasonable judgment, skill or safety.

26           13. A finding that licensure or registration has been

1 applied for or obtained by fraudulent means.

2 14. The applicant or licensee has been convicted in  
3 state or federal court of or entered a plea of guilty, nolo  
4 contendere, or the equivalent in a state or federal court  
5 to any crime which is a felony or any misdemeanor related  
6 to the practice of pharmacy or,~~of~~ which an essential  
7 element is dishonesty.

8 15. Habitual or excessive use or addiction to alcohol,  
9 narcotics, stimulants or any other chemical agent or drug  
10 which results in the inability to practice with reasonable  
11 judgment, skill or safety.

12 16. Willfully making or filing false records or reports  
13 in the practice of pharmacy, including, but not limited to  
14 false records to support claims against the medical  
15 assistance program of the Department of Healthcare and  
16 Family Services (formerly Department of Public Aid) under  
17 the Public Aid Code.

18 17. Gross and willful overcharging for professional  
19 services including filing false statements for collection  
20 of fees for which services are not rendered, including, but  
21 not limited to, filing false statements for collection of  
22 monies for services not rendered from the medical  
23 assistance program of the Department of Healthcare and  
24 Family Services (formerly Department of Public Aid) under  
25 the Public Aid Code.

26 18. Dispensing ~~Repetitiously dispensing~~ prescription

1 drugs without receiving a written or oral prescription in  
2 violation of law.

3 19. Upon a finding of a substantial discrepancy in a  
4 Department audit of a prescription drug, including  
5 controlled substances, as that term is defined in this Act  
6 or in the Illinois Controlled Substances Act.

7 20. Physical or mental illness or any other impairment  
8 or disability, including without limitation deterioration  
9 through the aging process or loss of motor skills that  
10 results in the inability to practice with reasonable  
11 judgment, skill or safety, or mental incompetence, as  
12 declared by a court of competent jurisdiction.

13 21. Violation of the Health Care Worker Self-Referral  
14 Act.

15 22. Failing to sell or dispense any drug, medicine, or  
16 poison in good faith. "Good faith", for the purposes of  
17 this Section, has the meaning ascribed to it in subsection  
18 (u) of Section 102 of the Illinois Controlled Substances  
19 Act. "Good faith", as used in this item (22), shall not be  
20 limited to the sale or dispensing of controlled substances,  
21 but shall apply to all prescription drugs.

22 23. Interfering with the professional judgment of a  
23 pharmacist by any registrant under this Act, or his or her  
24 agents or employees.

25 24. Failing to report within 60 days to the Department  
26 any adverse final action taken against a pharmacist,



1 pharmacist technician, or certified pharmacist technician  
2 by another licensing jurisdiction in any other state or any  
3 territory of the United States or any foreign jurisdiction,  
4 any governmental agency, any law enforcement agency, or any  
5 court for acts or conduct similar to acts or conduct that  
6 would constitute grounds for discipline as defined in this  
7 Section.

8 25. Failing to comply with a subpoena issued in  
9 accordance with Section 35.5 of this Act.

10 26. Disclosing protected health information in  
11 violation of any State or federal law.

12 (b) The Department may refuse to issue or may suspend the  
13 license or registration of any person who fails to file a  
14 return, or to pay the tax, penalty or interest shown in a filed  
15 return, or to pay any final assessment of tax, penalty or  
16 interest, as required by any tax Act administered by the  
17 Illinois Department of Revenue, until such time as the  
18 requirements of any such tax Act are satisfied.

19 (c) The Department shall revoke the license or certificate  
20 of registration issued under the provisions of this Act or any  
21 prior Act of this State of any person who has been convicted a  
22 second time of committing any felony under the Illinois  
23 Controlled Substances Act, or who has been convicted a second  
24 time of committing a Class 1 felony under Sections 8A-3 and  
25 8A-6 of the Illinois Public Aid Code. A person whose license or  
26 certificate of registration issued under the provisions of this

1 Act or any prior Act of this State is revoked under this  
2 subsection (c) shall be prohibited from engaging in the  
3 practice of pharmacy in this State.

4 ~~(d) The Department may adopt rules for the imposition of~~  
5 ~~finer in disciplinary cases, not to exceed \$10,000 for each~~  
6 ~~violation of this Act.~~ Fines may be imposed in conjunction with  
7 other forms of disciplinary action, but shall not be the  
8 exclusive disposition of any disciplinary action arising out of  
9 conduct resulting in death or injury to a patient. Fines shall  
10 be paid within 60 days or as otherwise agreed to by the  
11 Department. Any funds collected from such fines shall be  
12 deposited in the Illinois State Pharmacy Disciplinary Fund.

13 (e) The entry of an order or judgment by any circuit court  
14 establishing that any person holding a license or certificate  
15 under this Act is a person in need of mental treatment operates  
16 as a suspension of that license. A licensee may resume his or  
17 her practice only upon the entry of an order of the Department  
18 based upon a finding by the Board that he or she has been  
19 determined to be recovered from mental illness by the court and  
20 upon the Board's recommendation that the licensee be permitted  
21 to resume his or her practice.

22 (f) The Department shall issue quarterly to the Board a  
23 status of all complaints related to the profession received by  
24 the Department.

25 (g) In enforcing this Section, the Board or the Department,  
26 upon a showing of a possible violation, may compel any licensee

1 or applicant for licensure under this Act to submit to a mental  
2 or physical examination or both, as required by and at the  
3 expense of the Department. The examining physician, or  
4 multidisciplinary team involved in providing physical and  
5 mental examinations led by a physician consisting of one or a  
6 combination of licensed physicians, licensed clinical  
7 psychologists, licensed clinical social workers, licensed  
8 clinical professional counselors, and other professional and  
9 administrative staff, shall be those specifically designated  
10 by the Department. The Board or the Department may order the  
11 examining physician or any member of the multidisciplinary team  
12 to present testimony concerning this mental or physical  
13 examination of the licensee or applicant. No information,   
14 report, or other documents in any way related to the  
15 examination shall be excluded by reason of any common law or  
16 statutory privilege relating to communication between the  
17 licensee or applicant and the examining physician or any member  
18 of the multidisciplinary team. The individual to be examined  
19 may have, at his or her own expense, another physician of his  
20 or her choice present during all aspects of the examination.  
21 Failure of any individual to submit to a mental or physical  
22 examination when directed shall be grounds for suspension of  
23 his or her license until such time as the individual submits to  
24 the examination if the Board finds, after notice and hearing,  
25 that the refusal to submit to the examination was without  
26 reasonable cause. If the Board finds a pharmacist, certified

1 pharmacy technician, or pharmacy technician unable to practice  
2 because of the reasons set forth in this Section, the Board  
3 shall require such pharmacist, certified pharmacy technician,  
4 or pharmacy technician to submit to care, counseling, or  
5 treatment by physicians or other appropriate health care  
6 providers approved or designated by the Board as a condition  
7 for continued, reinstated, or renewed licensure to practice.  
8 Any pharmacist, certified pharmacy technician, or pharmacy  
9 technician whose license was granted, continued, reinstated,  
10 renewed, disciplined, or supervised, subject to such terms,  
11 conditions, or restrictions, and who fails to comply with such  
12 terms, conditions, or restrictions or to complete a required  
13 program of care, counseling, or treatment, as determined by the  
14 chief pharmacy coordinator or a deputy pharmacy coordinator,  
15 shall be referred to the Secretary for a determination as to  
16 whether the licensee shall have his or her license suspended  
17 immediately, pending a hearing by the Board. In instances in  
18 which the Secretary immediately suspends a license under this  
19 subsection (g), a hearing upon such person's license must be  
20 convened by the Board within 15 days after such suspension and  
21 completed without appreciable delay. The Board shall have the  
22 authority to review the subject pharmacist's, certified  
23 pharmacy technician's, or pharmacy technician's record of  
24 treatment and counseling regarding the impairment.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-689, eff. 10-29-07.)

1 (225 ILCS 85/35.16) (from Ch. 111, par. 4155.16)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 35.16. The Secretary ~~Director~~ may temporarily suspend  
4 the license of a pharmacist or pharmacy, or the registration of  
5 a7 pharmacy technician or certified pharmacy technician  
6 ~~registration as a distributor,~~ without a hearing,  
7 simultaneously with the institution of proceedings for a  
8 hearing provided for in Section 35.2 of this Act, if the  
9 Secretary ~~Director~~ finds that evidence in his possession  
10 indicates that a continuation in practice would constitute an  
11 imminent danger to the public. In the event that the Secretary  
12 ~~Director~~ suspends, temporarily, this license or registration  
13 ~~certificate~~ without a hearing, a hearing by the Department must  
14 be held within 15 days after such suspension has occurred, and  
15 be concluded without appreciable delay.

16 (Source: P.A. 95-689, eff. 10-29-07.)