



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2517

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Veterinary Medicine and Surgery Practice Act of 2004 from January 1, 2014 to January 1, 2024. Amends the Veterinary Medicine and Surgery Practice Act of 2004. Defines "address of record" and "veterinarian". Makes changes to provisions concerning exemptions, restrictions on practice, administration of the Act, the Veterinarian Licensing and Disciplinary Board, renewal of licenses, licensure without examination, fees, continuing education, advertisements, disciplinary actions, injunctions, investigations, hearings, records, and violations of the Act. Provides that veterinarians have authority to dispense drugs in emergency situations as specified in the Act and that all information collected by the Department in the course of an examination or investigation of a licensee or applicant shall be maintained for the confidential use of the Department. Effective December 31, 2013.

LRB098 10264 MGM 40435 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.24 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2014:

10 The Electrologist Licensing Act.

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 The Illinois Occupational Therapy Practice Act.

13 The Illinois Public Accounting Act.

14 The Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 The Registered Surgical Assistant and Registered Surgical
17 Technologist Title Protection Act.

18 Section 2.5 of the Illinois Plumbing License Law.

19 ~~The Veterinary Medicine and Surgery Practice Act of 2004.~~

20 (Source: P.A. 97-1139, eff. 12-28-12.)

21 (5 ILCS 80/4.34 new)

22 Sec. 4.34. Act repealed on January 1, 2024. The following

1 Act is repealed on January 1, 2024:

2 The Veterinary Medicine and Surgery Practice Act of 2004.

3 Section 10. The Veterinary Medicine and Surgery Practice
4 Act of 2004 is amended by changing the title of the Act and
5 Sections 3, 4, 5, 6, 7, 12, 13, 14, 16, 24, 25, 25.1, 25.2,
6 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 25.10, 25.11, 25.13,
7 25.14, 25.15, 25.16, 25.18, 26, and 27 and by adding Sections
8 19.1 and 25.2a as follows:

9 (225 ILCS 115/3) (from Ch. 111, par. 7003)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 3. Definitions. The following terms have the meanings
12 indicated, unless the context requires otherwise:

13 "Accredited college of veterinary medicine" means a
14 veterinary college, school, or division of a university or
15 college that offers the degree of Doctor of Veterinary Medicine
16 or its equivalent and that is accredited by the Council on
17 Education of the American Veterinary Medical Association
18 (AVMA).

19 "Address of record" means the designated address recorded
20 by the Department in the applicant's or licensee's application
21 file or license file as maintained by the Department's
22 licensure maintenance unit. It is the duty of the applicant or
23 licensee to inform the Department of any change of address, and
24 those changes must be made either through the Department's

1 website or by contacting the Department.

2 "Accredited program in veterinary technology" means any
3 post-secondary educational program that is accredited by the
4 AVMA's Committee on Veterinary Technician Education and
5 Activities or any veterinary technician program that is
6 recognized as its equivalent by the AVMA's Committee on
7 Veterinary Technician Education and Activities.

8 "Animal" means any animal, vertebrate or invertebrate,
9 other than a human.

10 "Board" means the Veterinary Licensing and Disciplinary
11 Board.

12 "Certified veterinary technician" means a person who is
13 validly and currently licensed to practice veterinary
14 technology in this State.

15 "Client" means an entity, person, group, or corporation
16 that has entered into an agreement with a veterinarian for the
17 purposes of obtaining veterinary medical services.

18 "Complementary, alternative, and integrative therapies"
19 means a heterogeneous group of diagnostic and therapeutic
20 philosophies and practices, which at the time they are
21 performed may differ from current scientific knowledge, or
22 whose theoretical basis and techniques may diverge from
23 veterinary medicine routinely taught in accredited veterinary
24 medical colleges, or both. "Complementary, alternative, and
25 integrative therapies" include, but are not limited to,
26 veterinary acupuncture, acuthery, and acupressure;

1 veterinary homeopathy; veterinary manual or manipulative
2 therapy or therapy based on techniques practiced in osteopathy,
3 chiropractic medicine, or physical medicine and therapy;
4 veterinary nutraceutical therapy; veterinary phytotherapy; and
5 other therapies as defined by rule.

6 "Consultation" means when a veterinarian receives advice
7 in person, telephonically, electronically, or by any other
8 method of communication from a veterinarian licensed in this or
9 any other state or other person whose expertise, in the opinion
10 of the veterinarian, would benefit a patient. Under any
11 circumstance, the responsibility for the welfare of the patient
12 remains with the veterinarian receiving consultation.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Direct supervision" means the supervising veterinarian is
16 readily available on the premises where the animal is being
17 treated.

18 "Immediate supervision" means the supervising veterinarian
19 is in the immediate area, within audible and visual range of
20 the animal patient and the person treating the patient.

21 "Impaired veterinarian" means a veterinarian who is unable
22 to practice veterinary medicine with reasonable skill and
23 safety because of a physical or mental disability as evidenced
24 by a written determination or written consent based on clinical
25 evidence, including deterioration through the aging process,
26 loss of motor skills, or abuse of drugs or alcohol of

1 sufficient degree to diminish a person's ability to deliver
2 competent patient care.

3 "Indirect supervision" means the supervising veterinarian
4 need not be on the premises, but has given either written or
5 oral instructions for the treatment of the animal and is
6 available by telephone or other form of communication.

7 "Licensed veterinarian" means a person who is validly and
8 currently licensed to practice veterinary medicine in this
9 State.

10 "Patient" means an animal that is examined or treated by a
11 veterinarian.

12 "Person" means an individual, firm, partnership (general,
13 limited, or limited liability), association, joint venture,
14 cooperative, corporation, limited liability company, or any
15 other group or combination acting in concert, whether or not
16 acting as a principal, partner, member, trustee, fiduciary,
17 receiver, or any other kind of legal or personal
18 representative, or as the successor in interest, assignee,
19 agent, factor, servant, employee, director, officer, or any
20 other representative of such person.

21 "Practice of veterinary medicine" means to diagnose,
22 prognose, treat, correct, change, alleviate, or prevent animal
23 disease, illness, pain, deformity, defect, injury, or other
24 physical, dental, or mental conditions by any method or mode;
25 including the performance of one or more of the following:

26 (1) Prescribing, dispensing, administering, applying,

1 or ordering the administration of any drug, medicine,
2 biologic, apparatus, anesthetic, or other therapeutic or
3 diagnostic substance, or medical or surgical technique.

4 (2) (Blank).

5 (3) Performing upon an animal a surgical or dental
6 operation.

7 (3.5) Performing upon an animal complementary,
8 alternative, or integrative therapy.

9 (4) Performing upon an animal any manual or mechanical
10 procedure for reproductive management, including the
11 diagnosis or treatment of pregnancy, sterility, or
12 infertility.

13 (4.5) The rendering of advice or recommendation by any
14 means, including telephonic and other electronic
15 communications, with regard to the performing upon an
16 animal any manual or mechanical procedure for reproductive
17 management, including the diagnosis or treatment of
18 pregnancy, sterility, or infertility.

19 (5) Determining the health and fitness of an animal.

20 (6) Representing oneself, directly or indirectly, as
21 engaging in the practice of veterinary medicine.

22 (7) Using any word, letters, or title under such
23 circumstances as to induce the belief that the person using
24 them is qualified to engage in the practice of veterinary
25 medicine or any of its branches. Such use shall be prima
26 facie evidence of the intention to represent oneself as

1 engaging in the practice of veterinary medicine.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Supervising veterinarian" means a veterinarian who
5 assumes responsibility for the professional care given to an
6 animal by a person working under his or her direction in either
7 an immediate, direct, or indirect supervision arrangement. The
8 supervising veterinarian must have examined the animal at such
9 time as acceptable veterinary medical practices requires,
10 consistent with the particular delegated animal health care
11 task.

12 "Therapeutic" means the treatment, control, and prevention
13 of disease.

14 "Veterinarian" means a person who is validly and currently
15 licensed to practice veterinary medicine in this State.

16 "Veterinarian-client-patient relationship" means that all
17 of the following conditions have been met:

18 (1) The veterinarian has assumed the responsibility
19 for making clinical judgments regarding the health of an
20 animal and the need for medical treatment and the client,
21 owner, or other caretaker has agreed to follow the
22 instructions of the veterinarian;

23 (2) There is sufficient knowledge of an animal by the
24 veterinarian to initiate at least a general or preliminary
25 diagnosis of the medical condition of the animal. This
26 means that the veterinarian has recently seen and is

1 personally acquainted with the keeping and care of the
2 animal by virtue of an examination of the animal or by
3 medically appropriate and timely visits to the premises
4 where the animal is kept, or the veterinarian has access to
5 the animal patient's records and has been designated by the
6 veterinarian with the prior relationship to provide
7 reasonable and appropriate medical care if he or she is
8 unavailable; and

9 (3) The practicing veterinarian is readily available
10 for follow-up in case of adverse reactions or failure of
11 the treatment regimen or, if unavailable, has designated
12 another available veterinarian who has access to the animal
13 patient's records to provide reasonable and appropriate
14 medical care.

15 "Veterinarian-client-patient relationship" does not mean a
16 relationship solely based on telephonic or other electronic
17 communications.

18 "Veterinary medicine" means all branches and specialties
19 included within the practice of veterinary medicine.

20 "Veterinary premises" means any premises or facility where
21 the practice of veterinary medicine occurs, including, but not
22 limited to, a mobile clinic, outpatient clinic, satellite
23 clinic, or veterinary hospital or clinic. "Veterinary
24 premises" does not mean the premises of a veterinary client,
25 research facility, a federal military base, or an accredited
26 college of veterinary medicine.

1 "Veterinary prescription drugs" means those drugs
2 restricted to use by or on the order of a licensed veterinarian
3 in accordance with Section 503(f) of the Federal Food, Drug,
4 and Cosmetic Act (21 U.S.C. 353).

5 "Veterinary specialist" means that a veterinarian is a
6 diplomate within an AVMA-recognized veterinary specialty
7 organization.

8 "Veterinary technology" means the performance of services
9 within the field of veterinary medicine by a person who, for
10 compensation or personal profit, is employed by a licensed
11 veterinarian to perform duties that require an understanding of
12 veterinary medicine necessary to carry out the orders of the
13 veterinarian. Those services, however, shall not include
14 diagnosing, prognosing, writing prescriptions, or surgery.

15 (Source: P.A. 96-1322, eff. 7-27-10.)

16 (225 ILCS 115/4) (from Ch. 111, par. 7004)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 4. Exemptions. Nothing in this Act shall apply to any
19 of the following:

20 (1) Veterinarians employed by the federal or State
21 government while engaged in their official duties.

22 (2) Licensed veterinarians from other states who are
23 invited to Illinois for consultation by a veterinarian
24 licensed in Illinois.

25 (3) Veterinarians employed by colleges or universities

1 while engaged in the performance of their official duties,
2 or faculty engaged in animal husbandry or animal management
3 programs of colleges or universities.

4 (3.5) A veterinarian or veterinary technician from
5 another state or country who (A) is not licensed under this
6 Act; (B) is currently licensed as a veterinarian or
7 veterinary technician in another state or country, or
8 otherwise exempt from licensure in the other state; (C) is
9 an invited guest of a professional veterinary association,
10 veterinary training program, or continuing education
11 provider approved by the Department; and (D) engages in
12 professional education through lectures, clinics, or
13 demonstrations.

14 (4) A veterinarian employed by an accredited college of
15 veterinary medicine providing assistance requested by a
16 veterinarian licensed in Illinois, acting with informed
17 consent from the client and acting under the direct or
18 indirect supervision and control of the licensed
19 veterinarian. Providing assistance involves hands-on
20 active participation in the treatment and care of the
21 patient. The licensed veterinarian shall maintain
22 responsibility for the veterinarian-client-patient
23 relationship.

24 (5) Veterinary students in an accredited college of
25 veterinary medicine, university, department of a
26 university, or other institution of veterinary medicine

1 and surgery engaged in duties assigned by their instructors
2 or working under the immediate or direct supervision of a
3 licensed veterinarian.

4 (5.5) Students of an accredited program in veterinary
5 technology performing veterinary technology duties or
6 actions assigned by instructors or working under the
7 immediate or direct supervision of a licensed
8 veterinarian.

9 (6) Any person engaged in bona fide scientific research
10 which requires the use of animals.

11 (7) An owner of livestock and any of the owner's
12 employees or the owner and employees of a service and care
13 provider of livestock caring for and treating livestock
14 belonging to the owner or under a provider's care,
15 including but not limited to, the performance of husbandry
16 and livestock management practices such as dehorning,
17 castration, emasculation, or docking of cattle, horses,
18 sheep, goats, and swine, artificial insemination, and
19 drawing of semen. Nor shall this Act be construed to
20 prohibit any person from administering in a humane manner
21 medicinal or surgical treatment to any livestock in the
22 care of such person. However, any such services shall
23 comply with the Humane Care for Animals Act.

24 (8) An owner of an animal, or an agent of the owner
25 acting with the owner's approval, in caring for, training,
26 or treating an animal belonging to the owner, so long as

1 that individual or agent does not represent himself or
2 herself as a veterinarian or use any title associated with
3 the practice of veterinary medicine or surgery or diagnose,
4 prescribe drugs, or perform surgery. The agent shall
5 provide the owner with a written statement summarizing the
6 nature of the services provided and obtain a signed
7 acknowledgment from the owner that they accept the services
8 provided. The services shall comply with the Humane Care
9 for Animals Act. The provisions of this item (8) do not
10 apply to a person who is exempt under item (7).

11 (9) A member in good standing of another licensed or
12 regulated profession within any state or a member of an
13 organization or group approved by the Department by rule
14 providing assistance that is requested in writing by a
15 veterinarian licensed in this State acting within a
16 veterinarian-client-patient relationship and with informed
17 consent from the client and the member is acting under the
18 immediate, direct, or indirect supervision and control of
19 the licensed veterinarian. Providing assistance involves
20 hands-on active participation in the treatment and care of
21 the patient, as defined by rule. The licensed veterinarian
22 shall maintain responsibility for the
23 veterinarian-client-patient relationship, but shall be
24 immune from liability, except for willful and wanton
25 conduct, in any civil or criminal action if a member
26 providing assistance does not meet the requirements of this

1 item (9).

2 (10) A graduate of a non-accredited college of
3 veterinary medicine who is in the process of obtaining a
4 certificate of educational equivalence and is performing
5 duties or actions assigned by instructors in an approved
6 college of veterinary medicine.

7 (10.5) A veterinarian who is enrolled in a postgraduate
8 instructional program in an accredited college of
9 veterinary medicine performing duties or actions assigned
10 by instructors or working under the immediate or direct
11 supervision of a licensed veterinarian or a faculty member
12 of the College of Veterinary Medicine at the University of
13 Illinois.

14 (11) A certified euthanasia technician who is
15 authorized to perform euthanasia in the course and scope of
16 his or her employment only as permitted by the Humane
17 Euthanasia in Animal Shelters Act.

18 (12) A person who, without expectation of
19 compensation, provides emergency veterinary care in an
20 emergency or disaster situation so long as he or she does
21 not represent himself or herself as a veterinarian or use a
22 title or degree pertaining to the practice of veterinary
23 medicine and surgery.

24 (13) Any certified veterinary technician or other
25 employee of a licensed veterinarian performing permitted
26 duties other than diagnosis, prognosis, prescription, or

1 surgery under the appropriate direction and supervision of
2 the veterinarian, who shall be responsible for the
3 performance of the employee.

4 (13.5) Any pharmacist licensed in the State, merchant,
5 or manufacturer selling at his or her regular place of
6 business medicines, feed, appliances, or other products
7 used in the prevention or treatment of animal diseases as
8 permitted by law and provided that the services he or she
9 provides do not include diagnosing, prognosing, writing
10 prescriptions, or surgery.

11 (14) An approved humane investigator regulated under
12 the Humane Care for Animals Act or employee of a shelter
13 licensed under the Animal Welfare Act, working under the
14 indirect supervision of a licensed veterinarian.

15 (15) An individual providing equine dentistry services
16 requested by a veterinarian licensed to practice in this
17 State, an owner, or an owner's agent. For the purposes of
18 this item (15), "equine dentistry services" means floating
19 teeth without the use of drugs or extraction.

20 (15.5) In the event of an emergency or disaster, a
21 veterinarian or veterinary technician not licensed in this
22 State who (A) is responding to a request for assistance
23 from the Illinois Department of Agriculture, the Illinois
24 Department of Public Health, the Illinois Emergency
25 Management Agency, or other State agency as determined by
26 the Department; (B) is licensed and in good standing in

1 another state; and (C) has been granted a temporary waiver
2 from licensure by the Department.

3 (16) Private treaty sale of animals unless otherwise
4 provided by law.

5 ~~(17) Persons or entities practicing the specified~~
6 ~~occupations set forth in subsection (a) of, and pursuant to~~
7 ~~a licensing exemption granted in subsection (b) or (d) of,~~
8 ~~Section 2105-350 of the Department of Professional~~
9 ~~Regulation Law of the Civil Administrative Code of~~
10 ~~Illinois, but only for so long as the 2016 Olympic and~~
11 ~~Paralympic Games Professional Licensure Exemption Law is~~
12 ~~operable.~~

13 (Source: P.A. 96-7, eff. 4-3-09; 96-1322, eff. 7-27-10.)

14 (225 ILCS 115/5) (from Ch. 111, par. 7005)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 5. Restrictions and limitations. No person shall
17 practice veterinary medicine and surgery in any of its branches
18 without a valid license to do so. Any person not licensed under
19 this Act who performs any of the functions described as the
20 practice of veterinary medicine or surgery as defined in this
21 Act, who announces to the public in any way an intention to
22 practice veterinary medicine and surgery, who uses the title
23 Doctor of Veterinary Medicine or the initials D.V.M. or V.M.D.,
24 or who opens an office, hospital, or clinic for such purposes
25 is considered to have violated this Act and may be subject to

1 all the penalties provided for such violations.

2 It shall be unlawful for any person who is not licensed in
3 this State to provide veterinary medical services from any
4 state to a client or patient in this State through telephonic,
5 electronic, or other means, except where a bonafide
6 veterinarian-client-patient relationship exists.

7 Nothing in this Act shall be construed to prevent members
8 of other professions from performing functions for which they
9 are duly licensed, subject to the requirements of Section 4 of
10 this Act. Other professionals may not, however, hold themselves
11 out or refer to themselves by any title or descriptions stating
12 or implying that they are engaged in the practice of veterinary
13 medicine or that they are licensed to engage in the practice of
14 veterinary medicine.

15 (Source: P.A. 96-1322, eff. 7-27-10.)

16 (225 ILCS 115/6) (from Ch. 111, par. 7006)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 6. Administration of Act.

19 (a) The Department shall exercise the powers and duties
20 prescribed by the Civil Administrative Code of Illinois for the
21 administration of licensing Acts and shall exercise any other
22 powers and duties necessary for effectuating the purpose of
23 this Act.

24 (b) The Secretary may ~~shall~~ adopt rules consistent with the
25 provisions of this Act for the administration and enforcement

1 thereof, and for the payment of fees connected therewith, and
2 may prescribe forms that shall be issued in connection
3 therewith. The rules may ~~shall~~ include standards and criteria
4 for licensure, certification, and professional conduct and
5 discipline. The Department may ~~shall~~ consult with the Board in
6 promulgating rules. ~~Notice of proposed rulemaking shall be~~
7 ~~transmitted to the Board and the Department shall review the~~
8 ~~Board's response and any recommendations made therein. The~~
9 ~~Department shall notify the Board in writing with an~~
10 ~~explanation of the deviations in the Board's recommendations~~
11 ~~and responses.~~

12 (c) The Department may ~~shall~~ solicit the advice and expert
13 knowledge of the Board on any matter relating to the
14 administration and enforcement of this Act.

15 ~~(d) The Department shall issue quarterly to the Board a~~
16 ~~report of the status of all complaints related to the~~
17 ~~profession received by the Department.~~

18 (Source: P.A. 96-1322, eff. 7-27-10.)

19 (225 ILCS 115/7) (from Ch. 111, par. 7007)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 7. Veterinarian Licensing and Disciplinary Board. The
22 Secretary shall appoint a Veterinarian Licensing and
23 Disciplinary Board as follows: 7 persons shall be appointed by
24 and shall serve in an advisory capacity to the Secretary, 6
25 members must be licensed, in good standing, veterinarians in

1 this State, and must be actively engaged in the practice of
2 veterinary medicine and surgery in this State, and one member
3 must be a member of the public who is not licensed under this
4 Act, or a similar Act of another jurisdiction and who has no
5 connection with the veterinary profession.

6 Members shall serve 4-year ~~4-year~~ terms and until their
7 successors are appointed and qualified, ~~except that of the~~
8 ~~initial appointments, one member shall be appointed to serve~~
9 ~~for one year, 2 shall be appointed to serve for 2 years, 2~~
10 ~~shall be appointed to serve for 3 years, and the remaining, one~~
11 ~~of which shall be a public member, shall be appointed to serve~~
12 ~~for 4 years and until their successors are appointed and~~
13 ~~qualified.~~ No member shall be reappointed to the Board for more
14 than 2 full, consecutive terms. Appointments to fill vacancies
15 shall be made in the same manner as original appointments, for
16 the unexpired portion of the vacated term. ~~Initial terms shall~~
17 ~~begin upon the effective date of this Act.~~

18 ~~The membership of the Board should reasonably reflect~~
19 ~~representation from the geographic areas in this State.~~ The
20 Secretary shall consider the recommendations made by the State
21 Veterinary Medical Association in making appointments.

22 Four members of the Board shall constitute a quorum. A
23 quorum is required for all Board decisions.

24 The Secretary shall have the authority to remove or suspend
25 any member of the Board for cause at any time before the
26 expiration of his or her term. ~~may terminate the appointment of~~

1 ~~any member for cause which in the opinion of the Secretary~~
2 ~~reasonably justifies such termination.~~

3 The Board shall annually elect a Chairman who shall be a
4 Veterinarian.

5 The Secretary shall consider the advice and
6 recommendations of the Board on questions involving standards
7 of professional conduct, discipline and qualifications of
8 candidates and licensees under this Act.

9 Members of the Board shall be ~~entitled to receive a per~~
10 ~~diem at a rate set by the Secretary and shall be~~ reimbursed for
11 all legitimate, necessary, and authorized expenses incurred in
12 the attending the meetings of the Board. ~~exercise of their~~
13 ~~duties.~~

14 Members of the Board have no liability in any action based
15 upon any disciplinary proceeding or other activity performed in
16 good faith as a member of the Board.

17 (Source: P.A. 96-1322, eff. 7-27-10.)

18 (225 ILCS 115/12) (from Ch. 111, par. 7012)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 12. Renewal and inactive status; restoration;
21 military service. ~~Inactive status.~~

22 (a) The expiration date and renewal period for each license
23 or certificate shall be set by rule.

24 (b) A licensee who has permitted his or her license to
25 expire or who has had his or her license on inactive status may

1 have the license restored by making application to the
2 Department by filing proof acceptable to the Department of his
3 or her fitness to have the license restored and by paying the
4 required fees. Proof of fitness may include sworn evidence
5 certifying to active lawful practice in another jurisdiction.
6 If the licensee has not maintained an active practice in
7 another jurisdiction satisfactory to the Department, the
8 Department shall determine, by an evaluation program
9 established by rule, his or her fitness for restoration of the
10 license and shall establish procedures and requirements for
11 restoration.

12 (c) A licensee whose license expired while he or she was
13 (1) in federal service on active duty with the Armed Forces of
14 the United States or the State Militia called into service or
15 training or (2) in training or education under the supervision
16 of the United States before induction into the military
17 service, may have the license restored without paying any
18 lapsed renewal fees if within 2 years after honorable
19 termination of the service, training, or education he or she
20 furnishes the Department with satisfactory evidence to the
21 effect that he or she has been so engaged and that his or her
22 service, training, or education has been so terminated.

23 (d) Any licensee ~~veterinarian or certified veterinary~~
24 ~~technician~~ who notifies the Department in writing on the
25 prescribed form may place his or her license or certification
26 on an inactive status and shall, subject to rule, be exempt

1 from payment of the renewal fee ~~and compliance with the~~
2 ~~continuing education requirements~~ until he or she notifies the
3 Department in writing of his or her intention to resume active
4 status.

5 (e) Any veterinarian or certified veterinary technician
6 requesting restoration from inactive or expired status shall be
7 required to complete the continuing education requirements for
8 a single license or certificate renewal period, pursuant to
9 rule, and pay the current renewal fee to restore his or her
10 license or certification as provided in this Act.

11 (f) Any licensee ~~veterinarian~~ whose license is in inactive,
12 expired, or suspended status shall not practice veterinary
13 medicine and surgery in this State.

14 ~~A graduate of a non-approved veterinary school who was~~
15 ~~issued a work permit by the Department before the effective~~
16 ~~date of this amendatory Act of the 93rd General Assembly may~~
17 ~~continue to work under the direct supervision of a licensed~~
18 ~~veterinarian until the expiration of his or her permit.~~

19 (Source: P.A. 93-281, eff. 12-31-03.)

20 (225 ILCS 115/13) (from Ch. 111, par. 7013)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 13. Licensure without examination; endorsement. The
23 Department may license ~~register~~ as a ~~licensed~~ veterinarian or
24 certified veterinary technician, without examination, but upon
25 payment of the required fee, an applicant who has a license or

1 certificate in good standing to practice in another
2 jurisdiction. However, the requirements for licensure of
3 veterinarians and certified veterinary technicians in the
4 jurisdiction in which the applicant was licensed must have
5 been, at the date of licensure, substantially equivalent to the
6 requirements in force in this State on that date.

7 Applicants have 3 years from the date of application to
8 complete the application process. If the process has not been
9 completed in 3 years, the application shall be denied, the fee
10 forfeited and the applicant must reapply and meet the
11 requirements in effect at the time of reapplication.

12 (Source: P.A. 88-424.)

13 (225 ILCS 115/14) (from Ch. 111, par. 7014)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 14. Fees. The Department shall provide by rule for a
16 schedule of fees for the administration and enforcement of this
17 Act, including but not limited to original licensure, renewal,
18 and restoration of a license issued under this Act. The fees
19 shall be nonrefundable.

20 All fees, finances, and penalties collected under this Act
21 shall be deposited into the General Professions Dedicated Fund
22 and shall be appropriated to the Department for the ordinary
23 and contingent expenses of the Department in the administration
24 of this Act.

25 (Source: P.A. 91-454, eff. 1-1-00.)

1 (225 ILCS 115/16) (from Ch. 111, par. 7016)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 16. Continuing education. As a condition for renewal
4 of a license, licensees shall be required to complete
5 continuing education in veterinary medicine in accordance with
6 rules established by the Department. ~~Proof of having met the~~
7 ~~minimum requirements of continuing education as determined by~~
8 ~~the Board shall be required of all license and certificate~~
9 ~~renewals and restorations. Pursuant to rule, the continuing~~
10 ~~education requirements may upon petition be waived in whole or~~
11 ~~in part if the veterinarian or veterinary technician can~~
12 ~~demonstrate that he or she had served in the Coast Guard or~~
13 ~~Armed Forces, had an extreme hardship or obtained such license~~
14 ~~or certification by examination or endorsement within the~~
15 ~~preceding renewal period.~~

16 ~~The Department shall establish by rule a means for the~~
17 ~~verification of completion of the continuing education~~
18 ~~required by this Section. This verification may be accomplished~~
19 ~~through audits of records maintained by registrants; by~~
20 ~~requiring the filing of continuing education certificates with~~
21 ~~the Department; or by other means established by the~~
22 ~~Department.~~

23 (Source: P.A. 92-84, eff. 7-1-02.)

24 (225 ILCS 115/19.1 new)

1 Sec. 19.1. Authority to dispense drugs in emergency
2 situations.

3 (a) A veterinarian licensed under this Act, in the absence
4 of a traditional veterinarian-client-patient relationship, may
5 dispense up to 5 days worth of non-controlled substance
6 medication or up to 3 days worth of controlled substance
7 medication in an emergency situation if:

8 (1) the pet has a medical condition that has been
9 diagnosed by another licensed veterinarian, who then
10 prescribed medication that, if ceased or skipped, could
11 result in a decline of the pet's condition or could be
12 deleterious to the pet's health;

13 (2) the current veterinarian who prescribed the
14 medication is unavailable to issue a refill within a timely
15 manner or the client is not in reasonable proximity to the
16 initial prescriber to obtain a refill within a timely
17 manner; and

18 (3) the client has evidence and can produce evidence of
19 the ongoing medical need for the prescription, either in
20 the form of the medical records or most recent prescription
21 vial or a phone number or other means in which to reach the
22 current prescriber.

23 (b) The second veterinarian must keep a record containing:

24 (1) the name, address, and contact or phone number of
25 the owner and initial prescriber;

26 (2) the name, age, sex, and breed of the pet in

1 question;

2 (3) the name, strength, and quantity of medication
3 dispensed, along with use instructions; and

4 (4) the medical condition and reason medication is
5 being dispensed.

6 (c) A maximum of 5 days of medication may be dispensed per
7 patient per year. All dispensed medication must be properly
8 labeled and dispensed to the owner. Notification of the
9 dispensing shall be communicated to the initial prescriber by
10 the dispensing veterinarian.

11 (d) A veterinarian shall not be required to dispense
12 medication under this provision.

13 (225 ILCS 115/24) (from Ch. 111, par. 7024)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 24. Any person licensed under this Act may advertise
16 the availability of professional services in the public media
17 or on the premises where such professional services are
18 rendered as permitted by law; provided that such advertising is
19 truthful and not misleading and is in conformity with rules
20 promulgated by the Department. Advertisements shall not
21 include false, fraudulent, deceptive, or misleading material
22 or guarantees of success.

23 (Source: P.A. 83-1016.)

24 (225 ILCS 115/25) (from Ch. 111, par. 7025)

1 (Section scheduled to be repealed on January 1, 2014)

2 Sec. 25. Disciplinary actions.

3 1. The Department may refuse to issue or renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary or non-disciplinary action as the Department may
6 deem appropriate, including imposing fines not to exceed
7 \$10,000 ~~\$1,000~~ for each violation and the assessment of costs
8 as provided for in Section 25.3 of this Act, with regard to any
9 license or certificate for any one or combination of the
10 following:

11 A. Material misstatement in furnishing information to
12 the Department.

13 B. Violations of this Act, or of the rules adopted
14 pursuant to this Act.

15 C. Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or by
17 sentencing of any crime, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation, under
20 the laws of any jurisdiction of the United States that is
21 (i) a felony or (ii) a misdemeanor, an essential element of
22 which is dishonesty, or that is directly related to the
23 practice of the profession. ~~of any crime under the laws of~~
24 ~~the United States or any state or territory of the United~~
25 ~~States that is a felony or that is a misdemeanor, an~~
26 ~~essential element of which is dishonesty, or of any crime~~

1 ~~that is directly related to the practice of the profession.~~

2 D. Fraud or Making any misrepresentation in applying
3 for or procuring a license under this Act or in connection
4 with applying for renewal of a license under this Act. ~~for~~
5 ~~the purpose of obtaining licensure or certification, or~~
6 ~~violating any provision of this Act or the rules adopted~~
7 ~~pursuant to this Act pertaining to advertising.~~

8 E. Professional incompetence.

9 F. Malpractice. ~~Gross malpractice.~~

10 G. Aiding or assisting another person in violating any
11 provision of this Act or rules.

12 H. Failing, within 60 days, to provide information in
13 response to a written request made by the Department.

14 I. Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 J. Habitual or excessive use or abuse of drugs defined
18 in law as controlled substances, alcohol ~~addiction to~~
19 ~~alcohol, narcotics, stimulants,~~ or any other substance
20 ~~chemical agent or drug~~ that results in the inability to
21 practice with reasonable judgment, skill, or safety.

22 K. Discipline by another state, unit of government,
23 government agency, District of Columbia, territory, or
24 foreign nation, if at least one of the grounds for the
25 discipline is the same or substantially equivalent to those
26 set forth herein.

1 L. Charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services are not rendered. ~~Directly or~~
4 ~~indirectly giving to or receiving from any person, firm,~~
5 ~~corporation, partnership or association any fee,~~
6 ~~commission, rebate, or other form of compensation for~~
7 ~~professional services not actually or personally rendered.~~

8 M. A finding by the Board that the licensee or
9 certificate holder, after having his license or
10 certificate placed on probationary status, has violated
11 the terms of probation.

12 N. Willfully making or filing false records or reports
13 in his practice, including but not limited to false records
14 filed with State agencies or departments.

15 O. Physical illness, including but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in the inability to practice under this
18 Act ~~the profession~~ with reasonable judgment, skill, or
19 safety.

20 P. Solicitation of professional services other than
21 permitted advertising.

22 Q. Allowing one's license under this Act to be used by
23 an unlicensed person in violation of this Act. ~~Having~~
24 ~~professional connection with or lending one's name,~~
25 ~~directly or indirectly, to any illegal practitioner of~~
26 ~~veterinary medicine and surgery and the various branches~~

1 ~~thereof.~~

2 R. Conviction of or cash compromise of a charge or
3 violation of the Harrison Act or the Illinois Controlled
4 Substances Act, regulating narcotics.

5 S. Fraud or dishonesty in applying, treating, or
6 reporting on tuberculin or other biological tests.

7 T. Failing to report, as required by law, or making
8 false report of any contagious or infectious diseases.

9 U. Fraudulent use or misuse of any health certificate,
10 shipping certificate, brand inspection certificate, or
11 other blank forms used in practice that might lead to the
12 dissemination of disease or the transportation of diseased
13 animals dead or alive; or dilatory methods, willful
14 neglect, or misrepresentation in the inspection of milk,
15 meat, poultry, and the by-products thereof.

16 V. Conviction on a charge of cruelty to animals.

17 W. Failure to keep one's premises and all equipment
18 therein in a clean and sanitary condition.

19 X. Failure to provide satisfactory proof of having
20 participated in approved continuing education programs.

21 Y. Mental illness or disability that results in the
22 inability to practice under this Act with reasonable
23 judgment, skill, or safety. ~~Failure to (i) file a return,~~
24 ~~(ii) pay the tax, penalty, or interest shown in a filed~~
25 ~~return, or (iii) pay any final assessment of tax, penalty,~~
26 ~~or interest, as required by any tax Act administered by the~~

1 ~~Illinois Department of Revenue, until the requirements of~~
2 ~~that tax Act are satisfied.~~

3 Z. Conviction by any court of competent jurisdiction,
4 either within or outside this State, of any violation of
5 any law governing the practice of veterinary medicine, if
6 the Department determines, after investigation, that the
7 person has not been sufficiently rehabilitated to warrant
8 the public trust.

9 AA. Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in any manner
11 to exploit the client for financial gain of the
12 veterinarian.

13 BB. Gross, willful, or continued overcharging for
14 professional services, ~~including filing false statements~~
15 ~~for collection of fees for which services are not rendered.~~

16 CC. Practicing under a false or, except as provided by
17 law, an assumed name.

18 DD. Violating state or federal laws or regulations
19 relating to controlled substances or legend drugs. ~~Fraud or~~
20 ~~misrepresentation in applying for, or procuring, a license~~
21 ~~under this Act or in connection with applying for renewal~~
22 ~~of a license under this Act.~~

23 EE. Cheating on or attempting to subvert the licensing
24 examination administered under this Act.

25 FF. Using, prescribing, or selling a prescription drug
26 or the extra-label use of a prescription drug by any means

1 in the absence of a valid veterinarian-client-patient
2 relationship.

3 GG. Failing to report a case of suspected aggravated
4 cruelty, torture, or animal fighting pursuant to Section
5 3.07 or 4.01 of the Humane Care for Animals Act or Section
6 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
7 Code of 2012.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

12 2. The determination by a circuit court that a licensee or
13 certificate holder is subject to involuntary admission or
14 judicial admission as provided in the Mental Health and
15 Developmental Disabilities Code operates as an automatic
16 suspension. The suspension will end only upon a finding by a
17 court that the patient is no longer subject to involuntary
18 admission or judicial admission and issues an order so finding
19 and discharging the patient. In any case where a license is
20 suspended under this provision, the licensee shall file a
21 petition for restoration and shall include evidence acceptable
22 to the Department that the licensee can resume practice in
23 compliance with acceptable and prevailing standards of their
24 profession. ~~and upon the recommendation of the Board to the~~
25 ~~Secretary that the licensee or certificate holder be allowed to~~
26 ~~resume his practice.~~

1 3. All proceedings to suspend, revoke, place on
2 probationary status, or take any other disciplinary action as
3 the Department may deem proper, with regard to a license or
4 certificate on any of the foregoing grounds, must be commenced
5 within 5 ~~3~~ years after receipt by the Department of a complaint
6 alleging the commission of or notice of the conviction order
7 for any of the acts described in this Section. Except for
8 proceedings brought for violations of items (CC), (DD), or
9 (EE), no action shall be commenced more than 5 years after the
10 date of the incident or act alleged to have violated this
11 Section. In the event of the settlement of any claim or cause
12 of action in favor of the claimant or the reduction to final
13 judgment of any civil action in favor of the plaintiff, the
14 claim, cause of action, or civil action being grounded on the
15 allegation that a person licensed or certified under this Act
16 was negligent in providing care, the Department shall have an
17 additional period of one year from the date of the settlement
18 or final judgment in which to investigate and begin formal
19 disciplinary proceedings under Section 25.2 of this Act, except
20 as otherwise provided by law. The time during which the holder
21 of the license or certificate was outside the State of Illinois
22 shall not be included within any period of time limiting the
23 commencement of disciplinary action by the Department.

24 4. The Department may refuse to issue or may suspend
25 without hearing, as provided for in the Illinois Code of Civil
26 Procedure, take disciplinary action concerning the license of

1 any person who fails to file a return, to pay the tax, penalty,
2 or interest shown in a filed return, or to pay any final
3 assessment of tax, penalty, or interest as required by any tax
4 Act administered by the Illinois Department of Revenue, until
5 such time as the requirements of any such tax Act are satisfied
6 in accordance with subsection (g) of Section 2105-15 of the
7 Civil Administrative Code of Illinois. ~~as determined by the~~
8 ~~Department of Revenue.~~

9 5. In enforcing this Section, the Department, upon a
10 showing of a possible violation, may compel any individual who
11 is registered under this Act or any individual who has applied
12 for registration to submit to a mental or physical examination
13 or evaluation, or both, which may include a substance abuse or
14 sexual offender evaluation, at the expense of the Department.
15 The Department shall specifically designate the examining
16 physician licensed to practice medicine in all of its branches
17 or, if applicable, the multidisciplinary team involved in
18 providing the mental or physical examination and evaluation.
19 The multidisciplinary team shall be led by a physician licensed
20 to practice medicine in all of its branches and may consist of
21 one or more or a combination of physicians licensed to practice
22 medicine in all of its branches, licensed chiropractic
23 physicians, licensed clinical psychologists, licensed clinical
24 social workers, licensed clinical professional counselors, and
25 other professional and administrative staff. Any examining
26 physician or member of the multidisciplinary team may require

1 any person ordered to submit to an examination and evaluation
2 pursuant to this Section to submit to any additional
3 supplemental testing deemed necessary to complete any
4 examination or evaluation process, including, but not limited
5 to, blood testing, urinalysis, psychological testing, or
6 neuropsychological testing.

7 The Department may order the examining physician or any
8 member of the multidisciplinary team to provide to the
9 Department any and all records, including business records,
10 that relate to the examination and evaluation, including any
11 supplemental testing performed. The Department may order the
12 examining physician or any member of the multidisciplinary team
13 to present testimony concerning this examination and
14 evaluation of the registrant or applicant, including testimony
15 concerning any supplemental testing or documents relating to
16 the examination and evaluation. No information, report,
17 record, or other documents in any way related to the
18 examination and evaluation shall be excluded by reason of any
19 common law or statutory privilege relating to communication
20 between the licensee or applicant and the examining physician
21 or any member of the multidisciplinary team. No authorization
22 is necessary from the registrant or applicant ordered to
23 undergo an evaluation and examination for the examining
24 physician or any member of the multidisciplinary team to
25 provide information, reports, records, or other documents or to
26 provide any testimony regarding the examination and

1 evaluation. The individual to be examined may have, at his or
2 her own expense, another physician of his or her choice present
3 during all aspects of the examination.

4 Failure of any individual to submit to mental or physical
5 examination or evaluation, or both, when directed, shall result
6 in an automatic suspension without hearing, until such time as
7 the individual submits to the examination. If the Department
8 finds a registrant unable to practice because of the reasons
9 set forth in this Section, the Department shall require such
10 registrant to submit to care, counseling, or treatment by
11 physicians approved or designated by the Department as a
12 condition for continued, reinstated, or renewed registration.

13 In instances in which the Secretary immediately suspends a
14 registration under this Section, a hearing upon such person's
15 registration must be convened by the Department within 15 days
16 after such suspension and completed without appreciable delay.
17 The Department shall have the authority to review the
18 registrant's record of treatment and counseling regarding the
19 impairment to the extent permitted by applicable federal
20 statutes and regulations safeguarding the confidentiality of
21 medical records.

22 Individuals registered under this Act that are affected
23 under this Section, shall be afforded an opportunity to
24 demonstrate to the Department that they can resume practice in
25 compliance with acceptable and prevailing standards under the
26 provisions of their registration. ~~the Board, upon a showing of~~

1 ~~a possible violation, may compel a licensee or applicant to~~
2 ~~submit to a mental or physical examination, or both, as~~
3 ~~required by and at the expense of the Department. The examining~~
4 ~~physicians or clinical psychologists shall be those~~
5 ~~specifically designated by the Board. The Board or the~~
6 ~~Department may order (i) the examining physician to present~~
7 ~~testimony concerning the mental or physical examination of a~~
8 ~~licensee or applicant or (ii) the examining clinical~~
9 ~~psychologist to present testimony concerning the mental~~
10 ~~examination of a licensee or applicant. No information shall be~~
11 ~~excluded by reason of any common law or statutory privilege~~
12 ~~relating to communications between a licensee or applicant and~~
13 ~~the examining physician or clinical psychologist. An~~
14 ~~individual to be examined may have, at his or her own expense,~~
15 ~~another physician or clinical psychologist of his or her choice~~
16 ~~present during all aspects of the examination. Failure of an~~
17 ~~individual to submit to a mental or physical examination, when~~
18 ~~directed, is grounds for suspension of his or her license. The~~
19 ~~license must remain suspended until the person submits to the~~
20 ~~examination or the Board finds, after notice and hearing, that~~
21 ~~the refusal to submit to the examination was with reasonable~~
22 ~~cause.~~

23 ~~If the Board finds an individual unable to practice because~~
24 ~~of the reasons set forth in this Section, the Board must~~
25 ~~require the individual to submit to care, counseling, or~~
26 ~~treatment by a physician or clinical psychologist approved by~~

1 ~~the Board, as a condition, term, or restriction for continued,~~
2 ~~reinstated, or renewed licensure to practice. In lieu of care,~~
3 ~~counseling, or treatment, the Board may recommend that the~~
4 ~~Department file a complaint to immediately suspend or revoke~~
5 ~~the license of the individual or otherwise discipline the~~
6 ~~licensee.~~

7 ~~Any individual whose license was granted, continued,~~
8 ~~reinstated, or renewed subject to conditions, terms, or~~
9 ~~restrictions, as provided for in this Section, or any~~
10 ~~individual who was disciplined or placed on supervision~~
11 ~~pursuant to this Section must be referred to the Secretary for~~
12 ~~a determination as to whether the person shall have his or her~~
13 ~~license suspended immediately, pending a hearing by the Board.~~

14 6. The Department shall deny a license or renewal
15 authorized by this Act to a person who has defaulted on an
16 educational loan or scholarship provided or guaranteed by the
17 Illinois Student Assistance Commission or any governmental
18 agency of this State in accordance with paragraph (5) of
19 subsection (a) of Section 2105-15 of the Civil Administrative
20 Code of Illinois.

21 7. In cases where the Department of Healthcare and Family
22 Services has previously determined a licensee or a potential
23 licensee is more than 30 days delinquent in the payment of
24 child support and has subsequently certified the delinquency to
25 the Department, the Department may refuse to issue or renew or
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services in accordance with paragraph (5)
4 of subsection (a) of Section 1205-15 of the Civil
5 Administrative Code of Illinois.

6 (Source: P.A. 96-1322, eff. 7-27-10; 97-1108, eff. 1-1-13;
7 97-1150, eff. 1-25-13.)

8 (225 ILCS 115/25.1) (from Ch. 111, par. 7025.1)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 25.1. Injunctive actions; orders to cease and desist.

11 (a) If any person violates a provision of this Act, the
12 Secretary may, in the name of the People of the State of
13 Illinois, through the Attorney General of the State of Illinois
14 or the State's Attorney of the county in which the violation is
15 alleged to have occurred, petition, for an order enjoining such
16 violation or for an order enforcing compliance with this Act.
17 Upon the filing of a verified petition in such court, the court
18 may issue a temporary restraining order, without notice or
19 bond, and may preliminarily and permanently enjoin such
20 violation, and if it is established that such person has
21 violated or is violating the injunction, the court may punish
22 the offender for contempt of court. Proceedings under this
23 Section shall be in addition to, and not in lieu of, all other
24 remedies and penalties provided by this Act.

25 (b) If any person practices ~~shall practice~~ as a

1 veterinarian or hold himself or herself out as a veterinarian
2 without being licensed under the provision of this Act then any
3 licensed veterinarian, any interested party or any person
4 injured thereby may, in addition to the Secretary, petition for
5 relief as provided in subsection (a) of this Section.

6 (c) Whenever in the opinion of the Department any person
7 violates any provision of this Act, the Department may issue a
8 rule to show cause why an order to cease and desist should not
9 be entered against him or her. The rule shall clearly set forth
10 the grounds relied upon by the Department and shall provide a
11 period of 7 days from the date of the rule to file an answer to
12 the satisfaction of the Department. Failure to answer to the
13 satisfaction of the Department shall cause an order to cease
14 and desist to be issued forthwith.

15 (Source: P.A. 96-1322, eff. 7-27-10.)

16 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 25.2. Investigation; notice and hearing. The
19 Department may investigate the actions of any applicant or of
20 any person or persons holding or claiming to hold a license or
21 certificate. The Department shall, before refusing to issue, to
22 renew or discipline a license or certificate under Section 25,
23 at least 30 days prior to the date set for the hearing, notify
24 the applicant or licensee in writing ~~the applicant for, or~~
25 ~~holder of, a license or certificate~~ of the nature of the

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

1 ~~Secretary may deem proper. Written notice may be served by~~
2 ~~personal delivery or certified or registered mail to the~~
3 ~~respondent at the address of his last notification to the~~
4 ~~Department. In case the person fails to file an answer after~~
5 ~~receiving notice, his or her license or certificate may, in the~~
6 ~~discretion of the Department, be suspended, revoked, or placed~~
7 ~~on probationary status, or the Department may take whatever~~
8 ~~disciplinary action deemed proper, including limiting the~~
9 ~~scope, nature, or extent of the person's practice or the~~
10 ~~imposition of a fine, without a hearing, if the act or acts~~
11 ~~charged constitute sufficient grounds for such action under~~
12 ~~this Act. At the time and place fixed in the notice, the Board~~
13 ~~shall proceed to hear the charges and the parties or their~~
14 ~~counsel shall be accorded ample opportunity to present any~~
15 ~~statements, testimony, evidence, and argument pertinent to the~~
16 ~~charges or to their defense. The Board may continue a hearing~~
17 ~~from time to time.~~

18 (Source: P.A. 96-1322, eff. 7-27-10.)

19 (225 ILCS 115/25.2a new)

20 Sec. 25.2a. Confidentiality. All information collected by
21 the Department in the course of an examination or investigation
22 of a licensee or applicant, including, but not limited to, any
23 complaint against a licensee filed with the Department and
24 information collected to investigate any such complaint, shall
25 be maintained for the confidential use of the Department and

1 shall not be disclosed. The Department may not disclose the
2 information to anyone other than law enforcement officials,
3 other regulatory agencies that have an appropriate regulatory
4 interest as determined by the Secretary, or to a party
5 presenting a lawful subpoena to the Department. Information and
6 documents disclosed to a federal, State, county, or local law
7 enforcement agency shall not be disclosed by the agency for any
8 purpose to any other agency or person. A formal complaint filed
9 against a licensee by the Department or any order issued by the
10 Department against a licensee or applicant shall be a public
11 record, except as otherwise prohibited by law.

12 (225 ILCS 115/25.3) (from Ch. 111, par. 7025.3)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 25.3. Records of proceedings. The Department, at its
15 expense, shall preserve a record of all proceedings at the
16 formal hearing of any case ~~involving the refusal to issue,~~
17 ~~renew or discipline of a license or certificate. The notice of~~
18 ~~hearing, complaint and all other documents in the nature of~~
19 ~~pleadings and written motions filed in the proceedings, the~~
20 ~~transcript of testimony, the report of the Board and orders of~~
21 ~~the Department shall be the record of such proceeding. Any~~
22 registrant who is found to have violated this Act or who fails
23 to appear for a hearing to refuse to issue, restore, or renew a
24 license or to discipline a licensee may be required by the
25 Department to pay for the costs of the proceeding. These costs

1 are limited to costs for court reporters, transcripts, and
2 witness attendance and mileage fees. All costs imposed under
3 this Section shall be paid within 60 days after the effective
4 date of the order imposing the fine.

5 (Source: P.A. 88-424.)

6 (225 ILCS 115/25.4) (from Ch. 111, par. 7025.4)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 25.4. The Department may ~~shall have the power to~~
9 subpoena and bring before it any person ~~in this State~~ and to
10 take the oral or written testimony or compel the production of
11 any books, papers, records, or any other documents that the
12 Secretary or his or her designee deems relevant or material to
13 an investigation or hearing conducted by the Department ~~either~~
14 ~~orally or by deposition, or both,~~ with the same fees and
15 mileage and in the same manner as prescribed by law in judicial
16 procedure in civil cases in courts of this State.

17 The Secretary, the designated hearing officer, any and
18 every member of the Board, or a certified shorthand court
19 reporter may ~~shall~~ have power to administer oaths ~~to witnesses~~
20 at any hearing which the Department conducts ~~is authorized by~~
21 ~~law to conduct, and any other oaths required or authorized in~~
22 ~~any Act administered by the Department.~~ Notwithstanding any
23 other statute or Department rule to the contrary, all requests
24 for testimony, production of documents or records shall be in
25 accordance with this Act.

1 (Source: P.A. 96-1322, eff. 7-27-10.)

2 (225 ILCS 115/25.5) (from Ch. 111, par. 7025.5)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 25.5. Any circuit court ~~may~~, upon application of the
5 Department or ~~designee or of the applicant or licensee against~~
6 ~~whom proceedings upon Section 25 of this Act are pending~~, may
7 ~~enter an order requiring~~ the attendance and testimony of
8 witnesses ~~and their testimony~~, and the production of relevant
9 documents, papers, files, books and records in connection with
10 any hearing or investigation. The court may compel obedience to
11 its order by proceedings for contempt.

12 (Source: P.A. 83-1016.)

13 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 25.6. Board ~~Written~~ report. At the conclusion of the
16 hearing the Board shall present to the Secretary a written
17 report of its findings of fact, conclusions of law, and
18 recommendations. The report shall contain a finding whether or
19 not the accused person violated this Act or failed to comply
20 with the conditions required in this Act. The Board shall
21 specify the nature of the violation or failure to comply, and
22 shall make its recommendations to the Secretary.

23 The report of findings of fact, conclusions of law and
24 recommendation of the Board shall be the basis for the

1 Department's order for refusing to issue, restore, or renew a
2 license, or otherwise disciplining a licensee, ~~or refusal~~ or
3 for the granting of a license, certificate, or permit. If the
4 Secretary disagrees in any regard with the report of the Board,
5 then the Secretary may issue an order in contravention thereof.
6 ~~The Secretary shall provide a written report to the Board on~~
7 ~~any deviation, and shall specify with particularity the reasons~~
8 ~~for the action in the final order.~~ The finding is not
9 admissible in evidence against the person in a criminal
10 prosecution brought for the violation of this Act, but the
11 hearing and finding are not a bar to a criminal prosecution
12 brought for the violation of this Act.

13 (Source: P.A. 96-1322, eff. 7-27-10.)

14 (225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 25.7. Motion for rehearing; procedure ~~Procedure~~ upon
17 refusal to license or issue certificate. In any hearing case
18 ~~under Section 25~~ involving the refusal to issue, renew, or
19 discipline a license or certificate, a copy of the Board's
20 report shall be served upon the respondent by the Department,
21 either personally or as provided in this Act for the service of
22 the notice of hearing. Within 20 days after service, the
23 respondent may present to the Department a motion in writing
24 for a rehearing. The motion shall specify the particular
25 grounds for the rehearing. If no motion for rehearing is filed,

1 then upon the expiration of the time specified for filing a
2 motion, or if a motion for rehearing is denied, then upon the
3 denial, then the Secretary may enter an order in accordance
4 with recommendations of the Board except as provided in Section
5 25.6 of this Act. If the respondent orders from the reporting
6 service, and pays for a transcript of the record within the
7 time for filing a motion for rehearing, the 20 day period
8 within which such a motion may be filed shall commence upon the
9 delivery of the transcript to the respondent.

10 (Source: P.A. 96-1322, eff. 7-27-10.)

11 (225 ILCS 115/25.8) (from Ch. 111, par. 7025.8)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 25.8. Rehearing ordered by Secretary. Whenever the
14 Secretary is not satisfied that substantial justice has ~~not~~
15 been done in the revocation, suspension, or refusal to issue or
16 renew a license or certificate, the Secretary may order a
17 rehearing by the Board or a designated hearing officer.

18 (Source: P.A. 96-1322, eff. 7-27-10.)

19 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 25.9. Hearing officers; reports; review. The
22 ~~Notwithstanding the provisions of Section 25.2 of this Act, the~~
23 Secretary shall have the authority to appoint any attorney duly
24 licensed to practice law in the State of Illinois to serve as

1 the hearing officer in any action for refusal to issue, renew,
2 or discipline of a license, certificate, or permit. ~~The~~
3 ~~Secretary shall notify the Board of any appointment.~~ The
4 hearing officer shall have full authority to conduct the
5 hearing. The hearing officer shall report his or her findings
6 of fact, conclusions of law, and recommendations to the Board
7 and the Secretary. The Board shall have 60 days from receipt of
8 the report to review the report of the hearing officer and
9 present its findings of fact, conclusions of law, and
10 recommendations to the Secretary. If the Board fails to present
11 its report within the 60 day period, then the Secretary may
12 issue an order based on the report of the hearing officer. If
13 the Secretary disagrees ~~in any regard~~ with the recommendation
14 ~~report~~ of the Board or hearing officer, then the Secretary may
15 issue an order in contravention of the report. ~~The Secretary~~
16 ~~shall provide a written explanation to the Board on any~~
17 ~~deviation, and shall specify with particularity the reasons for~~
18 ~~the action in the final order. At least 2 licensed veterinarian~~
19 ~~members of the Board should be present at all formal hearings~~
20 ~~on the merits of complaints brought under the provisions of~~
21 ~~this Act.~~

22 (Source: P.A. 96-1322, eff. 7-27-10.)

23 (225 ILCS 115/25.10) (from Ch. 111, par. 7025.10)

24 (Section scheduled to be repealed on January 1, 2014)

25 Sec. 25.10. Order or certified copy; prima facie proof. An

1 order or a certified copy thereof, over the seal of the
2 Department and purporting to be signed by the Secretary, shall
3 be prima facie proof that:

4 (a) the signature is the genuine signature of the
5 Secretary; and

6 (b) the Secretary is duly appointed and qualified. ~~†~~
7 ~~and~~

8 ~~(c) the Board and the members thereof are qualified to~~
9 ~~act.~~

10 (Source: P.A. 96-1322, eff. 7-27-10.)

11 (225 ILCS 115/25.11) (from Ch. 111, par. 7025.11)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 25.11. Restoration of license or certificate from
14 discipline. At any time after successful completion of a term
15 of indefinite probation, suspension, or revocation of a
16 license, the Department may restore the license, unless, after
17 an investigation and a hearing, the Secretary determines that
18 restoration is not in the public interest or that the licensee
19 has not been sufficiently rehabilitated to warrant the public
20 trust. No person or entity whose license, certificate, or
21 authority has been revoked as authorized in this Act may apply
22 for restoration of that license, certification, or authority
23 until such time as provided for in the Civil Administrative
24 Code of Illinois. ~~the suspension or revocation of any license~~
25 ~~or certificate, the Department may restore it to the accused~~

1 ~~person, upon the written recommendation of the Board unless~~
2 ~~after an investigation and a hearing, the Department determines~~
3 ~~that restoration is not in the public interest.~~

4 (Source: P.A. 88-424.)

5 (225 ILCS 115/25.13) (from Ch. 111, par. 7025.13)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 25.13. Summary suspension. The Secretary may
8 summarily ~~temporarily~~ suspend the license of a licensee
9 ~~veterinarian~~ without a hearing, simultaneously with the
10 institution of proceedings for a hearing provided for in
11 Section 25.2 of this Act, if the Secretary finds that the
12 evidence ~~in his possession~~ indicates that a licensee's
13 ~~veterinarian's~~ continuation in practice would constitute an
14 imminent danger to the public. In the event that the Secretary
15 summarily suspends, ~~temporarily,~~ the license ~~of a veterinarian~~
16 without a hearing, a hearing shall be commenced ~~by the Board~~
17 ~~must be held~~ within 30 days after such suspension has occurred
18 and shall be concluded as expeditiously as possible.

19 (Source: P.A. 96-1322, eff. 7-27-10.)

20 (225 ILCS 115/25.14) (from Ch. 111, par. 7025.14)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 25.14. All final administrative decisions of the
23 Department are subject to judicial review pursuant to the
24 provisions of the Administrative Review Law, ~~as now or~~

1 ~~hereafter amended,~~ and all rules adopted pursuant thereto. The
2 term "administrative decision" is defined as in Section 3-101
3 of the Code of Civil Procedure.

4 Proceedings for judicial review shall be commenced in the
5 circuit court of the county in which the party applying for
6 review resides; but if the party is not a resident of this
7 State, venue shall be Sangamon County.

8 (Source: P.A. 83-101.)

9 (225 ILCS 115/25.15) (from Ch. 111, par. 7025.15)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 25.15. Certification of record. The Department shall
12 not be required to certify any record to the Court or file any
13 answer in court or otherwise appear in any court in a judicial
14 review proceeding, unless and until the Department has received
15 from the plaintiff there is filed in the court, with the
16 complaint, a receipt from the Department acknowledging payment
17 of the costs of furnishing and certifying the record, which
18 costs shall be determined by the Department. Exhibits shall be
19 certified without cost. Failure on the part of the plaintiff to
20 file a receipt in Court shall be grounds for dismissal of the
21 action.

22 (Source: P.A. 87-1031.)

23 (225 ILCS 115/25.16) (from Ch. 111, par. 7025.16)

24 (Section scheduled to be repealed on January 1, 2014)

1 Sec. 25.16. Any person who is found to have violated any
2 provision of this Act is guilty of a Class A misdemeanor for
3 the first offense. On conviction of a second or subsequent
4 offense, the violator shall be guilty of a Class 4 felony. All
5 criminal fines, monies, or other property collected or received
6 by the Department under this Section or any other State or
7 federal statute, including, but not limited to, property
8 forfeited to the Department under Section 505 of The Illinois
9 Controlled Substances Act or Section 85 of the Methamphetamine
10 Control and Community Protection Act, shall be deposited into
11 the Professional Regulation Evidence Fund.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 (225 ILCS 115/25.18)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 25.18. Civil penalties for unlicensed practice
16 Penalties.

17 (a) In addition to any other penalty provided by law, any
18 person who violates Section 5 of this Act or any other
19 provision of this Act shall, in addition to any other penalty
20 provided by law, ~~forfeit and~~ pay a civil penalty to the
21 Department in an amount not to exceed \$10,000 for each offense
22 as determined by the Department and the assessment of costs as
23 provided for in Section 25.3. The civil penalty shall be
24 assessed by the Department after a hearing is held in
25 accordance with the provisions set forth in this Act ~~Section~~

1 ~~25.3 through Section 25.10 and Section 25.14.~~

2 (b) The Department has the authority and power to
3 investigate any and all unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty. The
6 order shall constitute a judgment and may be filed and
7 execution had thereon in the same manner as any judgment from
8 any court of record.

9 (d) All monies collected under this Section shall be
10 deposited into the Professional Regulation Evidence Fund.

11 (Source: P.A. 96-1322, eff. 7-27-10.)

12 (225 ILCS 115/26) (from Ch. 111, par. 7026)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 26. Home rule. The regulation and licensing as a
15 veterinarian are exclusive powers and functions of the State. A
16 home rule unit may not regulate or license a veterinarian or
17 the practice of veterinary medicine. This Section is a denial
18 and limitation of home rule powers and functions under
19 subsection (h) of Section 6 of Article VII of the Illinois
20 Constitution. It is declared to be the public policy of this
21 State, pursuant to paragraphs (h) and (i) of Section 6 of
22 Article VII of the Illinois Constitution of 1970, that any
23 power or function set forth in this Act to be exercised by the
24 State is an exclusive State power or function. Such power or
25 function shall not be exercised concurrently, either directly

1 ~~or indirectly, by any unit of local government, including home~~
2 ~~rule units, except as otherwise provided in this Act.~~

3 (Source: P.A. 90-655, eff. 7-30-98.)

4 (225 ILCS 115/27) (from Ch. 111, par. 7027)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 27. Administrative Procedure Act. The Illinois
7 Administrative Procedure Act is hereby expressly adopted and
8 incorporated into this Act as if all of the provisions of that
9 Act were included in this Act, except that the provision of
10 subsection (d) of Section 10-65 of the Illinois Administrative
11 Procedure Act that provides that at hearings the licensee or
12 certificate holder has the right to show compliance with all
13 lawful requirements for retention, continuation, or renewal of
14 the license or certificate is specifically excluded. For the
15 purpose of this Act the notice required under Section 10-25 of
16 the Illinois Administrative Procedure Act is considered
17 sufficient when mailed to the last known address of record. ~~a~~
18 ~~party.~~

19 (Source: P.A. 88-45; 88-424; 88-670, eff. 12-2-94.)

20 (225 ILCS 115/14.2 rep.)

21 (225 ILCS 115/15 rep.)

22 (225 ILCS 115/19 rep.)

23 (225 ILCS 115/20 rep.)

24 Section 15. The Veterinary Medicine and Surgery Practice

1 Act of 2004 is amended by repealing Sections 14.2, 15, 19, and
2 20.

3 Section 99. Effective date. This Act takes effect December
4 31, 2013.

1		INDEX
2		Statutes amended in order of appearance
3	5 ILCS 80/4.24	
4	5 ILCS 80/4.34 new	
5	225 ILCS 115/3	from Ch. 111, par. 7003
6	225 ILCS 115/4	from Ch. 111, par. 7004
7	225 ILCS 115/5	from Ch. 111, par. 7005
8	225 ILCS 115/6	from Ch. 111, par. 7006
9	225 ILCS 115/7	from Ch. 111, par. 7007
10	225 ILCS 115/12	from Ch. 111, par. 7012
11	225 ILCS 115/13	from Ch. 111, par. 7013
12	225 ILCS 115/14	from Ch. 111, par. 7014
13	225 ILCS 115/16	from Ch. 111, par. 7016
14	225 ILCS 115/19.1 new	
15	225 ILCS 115/24	from Ch. 111, par. 7024
16	225 ILCS 115/25	from Ch. 111, par. 7025
17	225 ILCS 115/25.1	from Ch. 111, par. 7025.1
18	225 ILCS 115/25.2	from Ch. 111, par. 7025.2
19	225 ILCS 115/25.2a new	
20	225 ILCS 115/25.3	from Ch. 111, par. 7025.3
21	225 ILCS 115/25.4	from Ch. 111, par. 7025.4
22	225 ILCS 115/25.5	from Ch. 111, par. 7025.5
23	225 ILCS 115/25.6	from Ch. 111, par. 7025.6
24	225 ILCS 115/25.7	from Ch. 111, par. 7025.7
25	225 ILCS 115/25.8	from Ch. 111, par. 7025.8

- 1 225 ILCS 115/25.9 from Ch. 111, par. 7025.9
- 2 225 ILCS 115/25.10 from Ch. 111, par. 7025.10
- 3 225 ILCS 115/25.11 from Ch. 111, par. 7025.11
- 4 225 ILCS 115/25.13 from Ch. 111, par. 7025.13
- 5 225 ILCS 115/25.14 from Ch. 111, par. 7025.14
- 6 225 ILCS 115/25.15 from Ch. 111, par. 7025.15
- 7 225 ILCS 115/25.16 from Ch. 111, par. 7025.16
- 8 225 ILCS 115/25.18
- 9 225 ILCS 115/26 from Ch. 111, par. 7026
- 10 225 ILCS 115/27 from Ch. 111, par. 7027
- 11 225 ILCS 115/14.2 rep.
- 12 225 ILCS 115/15 rep.
- 13 225 ILCS 115/19 rep.
- 14 225 ILCS 115/20 rep.