

# HB3645



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3645

by Rep. JoAnn D. Osmond

### SYNOPSIS AS INTRODUCED:

See Index

Amends the Medical Practice Act of 1987. Provides for the licensure of naturopathic physicians. Makes conforming changes in various other Acts. Effective immediately.

LRB098 12715 MGM 47186 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 1. Findings. The General Assembly finds that:

5 (1) naturopathic medicine is not currently regulated  
6 in Illinois, and needs to be on the principles of freedom  
7 of choice in healthcare and consumer protection;

8 (2) naturopathic physicians are trained alongside and  
9 at the same standard as chiropractic physicians in  
10 Illinois;

11 (3) naturopathic medicine has a federally recognized  
12 accreditation agency, the Council on Naturopathic Medical  
13 Education, which makes identification of properly  
14 credentialed individuals simple and straightforward;

15 (4) naturopathic medicine has a common licensing  
16 examination used across North America, the Naturopathic  
17 Physicians Licensing Examinations (NPLEX); and

18 (5) citizens of Illinois are obtaining the credentials  
19 for naturopathic physicians but do not currently have a  
20 legislative framework that allows them to practice in the  
21 State.

22 Section 5. The Geriatric Medicine Assistance Act is amended  
23 by changing Section 2 as follows:

1 (20 ILCS 3945/2) (from Ch. 144, par. 2002)

2 Sec. 2. There is created the Geriatric Medicine Assistance  
3 Commission. The Commission shall receive and approve  
4 applications for grants from schools, recognized by the  
5 Department of Professional Regulation as being authorized to  
6 confer doctor of medicine, doctor of osteopathy, doctor of  
7 chiropractic, doctor of naturopathic medicine, or registered  
8 professional nursing degrees in the State, to help finance the  
9 establishment of geriatric medicine programs within such  
10 schools. In determining eligibility for grants, the Commission  
11 shall give preference to those programs which exhibit the  
12 greatest potential for directly benefiting the largest number  
13 of elderly citizens in the State. The Commission may not  
14 approve the application of any institution which is unable to  
15 demonstrate its current financial stability and reasonable  
16 prospects for future stability. No institution which fails to  
17 possess and maintain an open policy with respect to race,  
18 creed, color and sex as to admission of students, appointment  
19 of faculty and employment of staff shall be eligible for grants  
20 under this Act. The Commission shall establish such rules and  
21 standards as it deems necessary for the implementation of this  
22 Act.

23 The Commission shall be composed of 8 members selected as  
24 follows: 2 physicians licensed to practice under the Medical  
25 Practice Act of 1987 and specializing in geriatric medicine; a

1 registered professional nurse licensed under the Nurse  
2 Practice Act and specializing in geriatric health care; 2  
3 representatives of organizations interested in geriatric  
4 medicine or the care of the elderly; and 3 individuals 60 or  
5 older who are interested in geriatric health care or the care  
6 of the elderly. The members of the Commission shall be selected  
7 by the Governor from a list of recommendations submitted to him  
8 by organizations concerned with geriatric medicine or the care  
9 of the elderly.

10 The terms of the members of the Commission shall be 4  
11 years, except that of the members initially appointed, 2 shall  
12 be designated to serve until January 1, 1986, 3 until January  
13 1, 1988, and 2 until January 1, 1990. Members of the Commission  
14 shall receive no compensation, but shall be reimbursed for  
15 actual expenses incurred in carrying out their duties.

16 (Source: P.A. 95-639, eff. 10-5-07.)

17 Section 10. The School Code is amended by changing Sections  
18 24-6 and 26-1 as follows:

19 (105 ILCS 5/24-6)

20 Sec. 24-6. Sick leave. The school boards of all school  
21 districts, including special charter districts, but not  
22 including school districts in municipalities of 500,000 or  
23 more, shall grant their full-time teachers, and also shall  
24 grant such of their other employees as are eligible to

1 participate in the Illinois Municipal Retirement Fund under the  
2 "600-Hour Standard" established, or under such other  
3 eligibility participation standard as may from time to time be  
4 established, by rules and regulations now or hereafter  
5 promulgated by the Board of that Fund under Section 7-198 of  
6 the Illinois Pension Code, as now or hereafter amended, sick  
7 leave provisions not less in amount than 10 days at full pay in  
8 each school year. If any such teacher or employee does not use  
9 the full amount of annual leave thus allowed, the unused amount  
10 shall be allowed to accumulate to a minimum available leave of  
11 180 days at full pay, including the leave of the current year.  
12 Sick leave shall be interpreted to mean personal illness,  
13 quarantine at home, serious illness or death in the immediate  
14 family or household, or birth, adoption, or placement for  
15 adoption. The school board may require a certificate from a  
16 physician licensed in Illinois to practice medicine and surgery  
17 in all its branches, a chiropractic physician or naturopathic  
18 physician licensed under the Medical Practice Act of 1987, an  
19 advanced practice nurse who has a written collaborative  
20 agreement with a collaborating physician that authorizes the  
21 advanced practice nurse to perform health examinations, a  
22 physician assistant who has been delegated the authority to  
23 perform health examinations by his or her supervising  
24 physician, or, if the treatment is by prayer or spiritual  
25 means, a spiritual adviser or practitioner of the teacher's or  
26 employee's faith as a basis for pay during leave after an

1 absence of 3 days for personal illness or 30 days for birth or  
2 as the school board may deem necessary in other cases. If the  
3 school board does require a certificate as a basis for pay  
4 during leave of less than 3 days for personal illness, the  
5 school board shall pay, from school funds, the expenses  
6 incurred by the teachers or other employees in obtaining the  
7 certificate. For paid leave for adoption or placement for  
8 adoption, the school board may require that the teacher or  
9 other employee provide evidence that the formal adoption  
10 process is underway, and such leave is limited to 30 days  
11 unless a longer leave has been negotiated with the exclusive  
12 bargaining representative.

13 If, by reason of any change in the boundaries of school  
14 districts, or by reason of the creation of a new school  
15 district, the employment of a teacher is transferred to a new  
16 or different board, the accumulated sick leave of such teacher  
17 is not thereby lost, but is transferred to such new or  
18 different district.

19 For purposes of this Section, "immediate family" shall  
20 include parents, spouse, brothers, sisters, children,  
21 grandparents, grandchildren, parents-in-law, brothers-in-law,  
22 sisters-in-law, and legal guardians.

23 (Source: P.A. 95-151, eff. 8-14-07; 96-51, eff. 7-23-09;  
24 96-367, eff. 8-13-09; 96-1000, eff. 7-2-10.)

25 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

1           Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
2 custody or control of any child between the ages of 7 and 17  
3 years (unless the child has already graduated from high school)  
4 shall cause such child to attend some public school in the  
5 district wherein the child resides the entire time it is in  
6 session during the regular school term, except as provided in  
7 Section 10-19.1, and during a required summer school program  
8 established under Section 10-22.33B; provided, that the  
9 following children shall not be required to attend the public  
10 schools:

11           1. Any child attending a private or a parochial school  
12 where children are taught the branches of education taught  
13 to children of corresponding age and grade in the public  
14 schools, and where the instruction of the child in the  
15 branches of education is in the English language;

16           2. Any child who is physically or mentally unable to  
17 attend school, such disability being certified to the  
18 county or district truant officer by a competent physician  
19 licensed in Illinois to practice medicine and surgery in  
20 all its branches, a chiropractic physician or naturopathic  
21 physician licensed under the Medical Practice Act of 1987,  
22 an advanced practice nurse who has a written collaborative  
23 agreement with a collaborating physician that authorizes  
24 the advanced practice nurse to perform health  
25 examinations, a physician assistant who has been delegated  
26 the authority to perform health examinations by his or her

1 supervising physician, or a Christian Science practitioner  
2 residing in this State and listed in the Christian Science  
3 Journal; or who is excused for temporary absence for cause  
4 by the principal or teacher of the school which the child  
5 attends; the exemptions in this paragraph (2) do not apply  
6 to any female who is pregnant or the mother of one or more  
7 children, except where a female is unable to attend school  
8 due to a complication arising from her pregnancy and the  
9 existence of such complication is certified to the county  
10 or district truant officer by a competent physician;

11 3. Any child necessarily and lawfully employed  
12 according to the provisions of the law regulating child  
13 labor may be excused from attendance at school by the  
14 county superintendent of schools or the superintendent of  
15 the public school which the child should be attending, on  
16 certification of the facts by and the recommendation of the  
17 school board of the public school district in which the  
18 child resides. In districts having part time continuation  
19 schools, children so excused shall attend such schools at  
20 least 8 hours each week;

21 4. Any child over 12 and under 14 years of age while in  
22 attendance at confirmation classes;

23 5. Any child absent from a public school on a  
24 particular day or days or at a particular time of day for  
25 the reason that he is unable to attend classes or to  
26 participate in any examination, study or work requirements



1 on a particular day or days or at a particular time of day,  
2 because the tenets of his religion forbid secular activity  
3 on a particular day or days or at a particular time of day.  
4 Each school board shall prescribe rules and regulations  
5 relative to absences for religious holidays including, but  
6 not limited to, a list of religious holidays on which it  
7 shall be mandatory to excuse a child; but nothing in this  
8 paragraph 5 shall be construed to limit the right of any  
9 school board, at its discretion, to excuse an absence on  
10 any other day by reason of the observance of a religious  
11 holiday. A school board may require the parent or guardian  
12 of a child who is to be excused from attending school due  
13 to the observance of a religious holiday to give notice,  
14 not exceeding 5 days, of the child's absence to the school  
15 principal or other school personnel. Any child excused from  
16 attending school under this paragraph 5 shall not be  
17 required to submit a written excuse for such absence after  
18 returning to school; and

19 6. Any child 16 years of age or older who (i) submits  
20 to a school district evidence of necessary and lawful  
21 employment pursuant to paragraph 3 of this Section and (ii)  
22 is enrolled in a graduation incentives program pursuant to  
23 Section 26-16 of this Code or an alternative learning  
24 opportunities program established pursuant to Article 13B  
25 of this Code.

26 (Source: P.A. 96-367, eff. 8-13-09.)

1           Section 15. The Illinois Insurance Code is amended by  
2 changing Section 122-1 as follows:

3           (215 ILCS 5/122-1) (from Ch. 73, par. 734-1)

4           Sec. 122-1. The authority and jurisdiction of Insurance  
5 Department. Notwithstanding any other provision of law, and  
6 except as provided herein, any person or other entity which  
7 provides coverage in this State for medical, surgical,  
8 chiropractic, naturopathic, naprapathic, physical therapy,  
9 speech pathology, audiology, professional mental health,  
10 dental, hospital, ophthalmologic, or optometric expenses,  
11 whether such coverage is by direct-payment, reimbursement, or  
12 otherwise, shall be presumed to be subject to the jurisdiction  
13 of the Department unless the person or other entity shows that  
14 while providing such coverage it is subject to the jurisdiction  
15 of another agency of this State, any subdivision of this State,  
16 or the federal government, or is a plan of self-insurance or  
17 other employee welfare benefit program of an individual  
18 employer or labor union established or maintained under or  
19 pursuant to a collective bargaining agreement or other  
20 arrangement which provides for health care services solely for  
21 its employees or members and their dependents.

22           (Source: P.A. 90-7, eff. 6-10-97.)

23           Section 20. The Medical Practice Act of 1987 is amended by

1 changing Sections 2, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19,  
2 22, 24, 33, and 34 as follows:

3 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

4 (Section scheduled to be repealed on December 31, 2013)

5 Sec. 2. Definitions. For purposes of this Act, the  
6 following definitions shall have the following meanings,  
7 except where the context requires otherwise:

8 "Act" means the Medical Practice Act of 1987.

9 "Address of record" means the designated address recorded  
10 by the Department in the applicant's or licensee's application  
11 file or license file as maintained by the Department's  
12 licensure maintenance unit. It is the duty of the applicant or  
13 licensee to inform the Department of any change of address and  
14 those changes must be made either through the Department's  
15 website or by contacting the Department.

16 "Approved naturopathic medical program" means a  
17 naturopathic medical education program accredited or granted  
18 candidacy status by the United States Council on Naturopathic  
19 Medical Education, or an equivalent federally recognized  
20 accrediting body for the naturopathic medical profession  
21 recognized by the Board, that offers graduate-level,  
22 full-time, didactic, and supervised clinical training of at  
23 least 4,200 hours in length leading to the degree of Doctor of  
24 Naturopathy or Doctor of Naturopathic Medicine and is part of  
25 an institution of higher education that is either accredited or

1 is a candidate for accreditation by a regional institutional  
2 accrediting agency recognized by the United States Secretary of  
3 Education or eligible for student loans in Canada.

4 "Chiropractic physician" means a person licensed to treat  
5 human ailments without the use of drugs and without operative  
6 surgery. Nothing in this Act shall be construed to prohibit a  
7 chiropractic physician from providing advice regarding the use  
8 of non-prescription products or from administering atmospheric  
9 oxygen. Nothing in this Act shall be construed to authorize a  
10 chiropractic physician to prescribe drugs.

11 "Department" means the Department of Financial and  
12 Professional Regulation.

13 "Disciplinary Action" means revocation, suspension,  
14 probation, supervision, practice modification, reprimand,  
15 required education, fines or any other action taken by the  
16 Department against a person holding a license.

17 "Disciplinary Board" means the Medical Disciplinary Board.

18 "Final Determination" means the governing body's final  
19 action taken under the procedure followed by a health care  
20 institution, or professional association or society, against  
21 any person licensed under the Act in accordance with the bylaws  
22 or rules and regulations of such health care institution, or  
23 professional association or society.

24 "Fund" means the Medical Disciplinary Fund.

25 "Impaired" means the inability to practice medicine with  
26 reasonable skill and safety due to physical or mental

1 disabilities as evidenced by a written determination or written  
2 consent based on clinical evidence including deterioration  
3 through the aging process or loss of motor skill, or abuse of  
4 drugs or alcohol, of sufficient degree to diminish a person's  
5 ability to deliver competent patient care.

6 "Licensing Board" means the Medical Licensing Board.

7 "Naturopathic physician" means a practitioner of  
8 naturopathic medicine who has been properly licensed for that  
9 purpose by the Department under this Act. "Naturopathic  
10 physician" includes all titles and designations associated  
11 with the practice of naturopathic medicine, including, "doctor  
12 of naturopathic medicine", "doctor of naturopathy",  
13 "naturopathic doctor", "naturopath", "naturopathic medical  
14 doctor", "N.D.", "ND", "N.M.D.", and "NMD".

15 "Physician" means a person licensed under the Medical  
16 Practice Act to practice medicine in all of its branches, a  
17 naturopathic physician, or a chiropractic physician.

18 "Professional Association" means an association or society  
19 of persons licensed under this Act, and operating within the  
20 State of Illinois, including but not limited to, medical  
21 societies, osteopathic organizations, naturopathic  
22 organizations, and chiropractic organizations, but this term  
23 shall not be deemed to include hospital medical staffs.

24 "Program of Care, Counseling, or Treatment" means a written  
25 schedule of organized treatment, care, counseling, activities,  
26 or education, satisfactory to the Disciplinary Board, designed

1 for the purpose of restoring an impaired person to a condition  
2 whereby the impaired person can practice medicine with  
3 reasonable skill and safety of a sufficient degree to deliver  
4 competent patient care.

5 "Secretary" means the Secretary of the Department of  
6 Financial and Professional Regulation.

7 (Source: P.A. 97-462, eff. 8-19-11; 97-622, eff. 11-23-11.)

8 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

9 (Section scheduled to be repealed on December 31, 2013)

10 Sec. 7. Medical Disciplinary Board.

11 (A) There is hereby created the Illinois State Medical  
12 Disciplinary Board. The Disciplinary Board shall consist of 12  
13 ~~11~~ members, to be appointed by the Governor by and with the  
14 advice and consent of the Senate. All members shall be  
15 residents of the State, not more than 7 ~~6~~ of whom shall be  
16 members of the same political party. All members shall be  
17 voting members. Five members shall be physicians licensed to  
18 practice medicine in all of its branches in Illinois possessing  
19 the degree of doctor of medicine. One member shall be a  
20 physician licensed to practice medicine in all its branches in  
21 Illinois possessing the degree of doctor of osteopathy or  
22 osteopathic medicine. One member shall be a chiropractic  
23 physician licensed to practice in Illinois and possessing the  
24 degree of doctor of chiropractic. One member shall be a  
25 naturopathic physician licensed to practice in Illinois and

1 possessing the degree of naturopathic medicine. Four members  
2 shall be members of the public, who shall not be engaged in any  
3 way, directly or indirectly, as providers of health care.

4 (B) Members of the Disciplinary Board shall be appointed  
5 for terms of 4 years. Upon the expiration of the term of any  
6 member, their successor shall be appointed for a term of 4  
7 years by the Governor by and with the advice and consent of the  
8 Senate. The Governor shall fill any vacancy for the remainder  
9 of the unexpired term with the advice and consent of the  
10 Senate. Upon recommendation of the Board, any member of the  
11 Disciplinary Board may be removed by the Governor for  
12 misfeasance, malfeasance, or wilful neglect of duty, after  
13 notice, and a public hearing, unless such notice and hearing  
14 shall be expressly waived in writing. Each member shall serve  
15 on the Disciplinary Board until their successor is appointed  
16 and qualified. No member of the Disciplinary Board shall serve  
17 more than 2 consecutive 4 year terms.

18 In making appointments the Governor shall attempt to insure  
19 that the various social and geographic regions of the State of  
20 Illinois are properly represented.

21 In making the designation of persons to act for the several  
22 professions represented on the Disciplinary Board, the  
23 Governor shall give due consideration to recommendations by  
24 members of the respective professions and by organizations  
25 therein.

26 (C) The Disciplinary Board shall annually elect one of its

1 voting members as chairperson and one as vice chairperson. No  
2 officer shall be elected more than twice in succession to the  
3 same office. Each officer shall serve until their successor has  
4 been elected and qualified.

5 (D) (Blank).

6 (E) Six voting members of the Disciplinary Board, at least  
7 4 of whom are physicians, shall constitute a quorum. A vacancy  
8 in the membership of the Disciplinary Board shall not impair  
9 the right of a quorum to exercise all the rights and perform  
10 all the duties of the Disciplinary Board. Any action taken by  
11 the Disciplinary Board under this Act may be authorized by  
12 resolution at any regular or special meeting and each such  
13 resolution shall take effect immediately. The Disciplinary  
14 Board shall meet at least quarterly. The Disciplinary Board is  
15 empowered to adopt all rules and regulations necessary and  
16 incident to the powers granted to it under this Act.

17 (F) Each member, and member-officer, of the Disciplinary  
18 Board shall receive a per diem stipend as the Secretary shall  
19 determine. Each member shall be paid their necessary expenses  
20 while engaged in the performance of their duties.

21 (G) The Secretary shall select a Chief Medical Coordinator  
22 and not less than 2 Deputy Medical Coordinators who shall not  
23 be members of the Disciplinary Board. Each medical coordinator  
24 shall be a physician licensed to practice medicine in all of  
25 its branches, and the Secretary shall set their rates of  
26 compensation. The Secretary shall assign at least one medical



1 coordinator to a region composed of Cook County and such other  
2 counties as the Secretary may deem appropriate, and such  
3 medical coordinator or coordinators shall locate their office  
4 in Chicago. The Secretary shall assign at least one medical  
5 coordinator to a region composed of the balance of counties in  
6 the State, and such medical coordinator or coordinators shall  
7 locate their office in Springfield. Each medical coordinator  
8 shall be the chief enforcement officer of this Act in his or  
9 her assigned region and shall serve at the will of the  
10 Disciplinary Board.

11 The Secretary shall employ, in conformity with the  
12 Personnel Code, investigators who are college graduates with at  
13 least 2 years of investigative experience or one year of  
14 advanced medical education. Upon the written request of the  
15 Disciplinary Board, the Secretary shall employ, in conformity  
16 with the Personnel Code, such other professional, technical,  
17 investigative, and clerical help, either on a full or part-time  
18 basis as the Disciplinary Board deems necessary for the proper  
19 performance of its duties.

20 (H) Upon the specific request of the Disciplinary Board,  
21 signed by either the chairperson, vice chairperson, or a  
22 medical coordinator of the Disciplinary Board, the Department  
23 of Human Services or the Department of State Police shall make  
24 available any and all information that they have in their  
25 possession regarding a particular case then under  
26 investigation by the Disciplinary Board.

1 (I) Members of the Disciplinary Board shall be immune from  
2 suit in any action based upon any disciplinary proceedings or  
3 other acts performed in good faith as members of the  
4 Disciplinary Board.

5 (J) The Disciplinary Board may compile and establish a  
6 statewide roster of physicians and other medical  
7 professionals, including the several medical specialties, of  
8 such physicians and medical professionals, who have agreed to  
9 serve from time to time as advisors to the medical  
10 coordinators. Such advisors shall assist the medical  
11 coordinators or the Disciplinary Board in their investigations  
12 and participation in complaints against physicians. Such  
13 advisors shall serve under contract and shall be reimbursed at  
14 a reasonable rate for the services provided, plus reasonable  
15 expenses incurred. While serving in this capacity, the advisor,  
16 for any act undertaken in good faith and in the conduct of his  
17 or her duties under this Section, shall be immune from civil  
18 suit.

19 (Source: P.A. 97-622, eff. 11-23-11.)

20 (225 ILCS 60/8) (from Ch. 111, par. 4400-8)

21 (Section scheduled to be repealed on December 31, 2013)

22 Sec. 8. Medical Licensing Board.

23 (A) There is hereby created a Medical Licensing Board. The  
24 Licensing Board shall be composed of 7 members, to be appointed  
25 by the Governor by and with the advice and consent of the

1 Senate; 5 of whom shall be reputable physicians licensed to  
2 practice medicine in all of its branches in Illinois,  
3 possessing the degree of doctor of medicine; one member shall  
4 be a reputable physician licensed in Illinois to practice  
5 medicine in all of its branches, possessing the degree of  
6 doctor of osteopathy or osteopathic medicine; one member shall  
7 be a reputable naturopathic physician licensed to practice in  
8 Illinois and possessing the degree of doctor of naturopathic  
9 medicine; and one member shall be a reputable chiropractic  
10 physician licensed to practice in Illinois and possessing the  
11 degree of doctor of chiropractic. Of the 5 members holding the  
12 degree of doctor of medicine, one shall be a full-time or  
13 part-time teacher of professorial rank in the clinical  
14 department of an Illinois school of medicine.

15 (B) Members of the Licensing Board shall be appointed for  
16 terms of 4 years, and until their successors are appointed and  
17 qualified. Appointments to fill vacancies shall be made in the  
18 same manner as original appointments, for the unexpired portion  
19 of the vacated term. No more than 4 members of the Licensing  
20 Board shall be members of the same political party and all  
21 members shall be residents of this State. No member of the  
22 Licensing Board may be appointed to more than 2 successive 4  
23 year terms.

24 (C) Members of the Licensing Board shall be immune from  
25 suit in any action based upon any licensing proceedings or  
26 other acts performed in good faith as members of the Licensing

1 Board.

2 (D) (Blank).

3 (E) The Licensing Board shall annually elect one of its  
4 members as chairperson and one as vice chairperson. No member  
5 shall be elected more than twice in succession to the same  
6 office. Each officer shall serve until his or her successor has  
7 been elected and qualified.

8 (F) None of the functions, powers or duties of the  
9 Department with respect to policies regarding licensure and  
10 examination under this Act, including the promulgation of such  
11 rules as may be necessary for the administration of this Act,  
12 shall be exercised by the Department except upon review of the  
13 Licensing Board.

14 (G) The Licensing Board shall receive the same compensation  
15 as the members of the Disciplinary Board, which compensation  
16 shall be paid out of the Illinois State Medical Disciplinary  
17 Fund.

18 (Source: P.A. 97-622, eff. 11-23-11.)

19 (225 ILCS 60/9) (from Ch. 111, par. 4400-9)

20 (Section scheduled to be repealed on December 31, 2013)

21 Sec. 9. Application for license. Each applicant for a  
22 license shall:

23 (A) Make application on blank forms prepared and  
24 furnished by the Department.

25 (B) Submit evidence satisfactory to the Department

1           that the applicant:

2                   (1) is of good moral character. In determining  
3           moral character under this Section, the Department may  
4           take into consideration whether the applicant has  
5           engaged in conduct or activities which would  
6           constitute grounds for discipline under this Act. The  
7           Department may also request the applicant to submit,  
8           and may consider as evidence of moral character,  
9           endorsements from 2 or 3 individuals licensed under  
10          this Act;

11                   (2) has the preliminary and professional education  
12          required by this Act;

13                   (3) (blank); and

14                   (4) is physically, mentally, and professionally  
15          capable of practicing medicine with reasonable  
16          judgment, skill, and safety. In determining physical,  
17          mental and professional capacity under this Section,  
18          the Licensing Board may, upon a showing of a possible  
19          incapacity or conduct or activities that would  
20          constitute grounds for discipline under this Act,  
21          compel any applicant to submit to a mental or physical  
22          examination and evaluation, or both, as provided for in  
23          Section 22 of this Act. The Licensing Board may  
24          condition or restrict any license, subject to the same  
25          terms and conditions as are provided for the  
26          Disciplinary Board under Section 22 of this Act. Any

1           such condition of a restricted license shall provide  
2           that the Chief Medical Coordinator or Deputy Medical  
3           Coordinator shall have the authority to review the  
4           subject physician's compliance with such conditions or  
5           restrictions, including, where appropriate, the  
6           physician's record of treatment and counseling  
7           regarding the impairment, to the extent permitted by  
8           applicable federal statutes and regulations  
9           safeguarding the confidentiality of medical records of  
10          patients.

11          In determining professional capacity under this  
12          Section, an individual may be required to complete such  
13          additional testing, training, or remedial education as the  
14          Licensing Board may deem necessary in order to establish  
15          the applicant's present capacity to practice medicine with  
16          reasonable judgment, skill, and safety. The Licensing  
17          Board may consider the following criteria, as they relate  
18          to an applicant, as part of its determination of  
19          professional capacity:

20                 (1) Medical research in an established research  
21                 facility, hospital, college or university, or private  
22                 corporation.

23                 (2) Specialized training or education.

24                 (3) Publication of original work in learned,  
25                 medical, or scientific journals.

26                 (4) Participation in federal, State, local, or

1 international public health programs or organizations.

2 (5) Professional service in a federal veterans or  
3 military institution.

4 (6) Any other professional activities deemed to  
5 maintain and enhance the clinical capabilities of the  
6 applicant.

7 Any applicant applying for a license to practice  
8 medicine in all of its branches, for a license as a  
9 naturopathic physician, or for a license as a chiropractic  
10 physician who has not been engaged in the active practice  
11 of medicine or has not been enrolled in a medical program  
12 for 2 years prior to application must submit proof of  
13 professional capacity to the Licensing Board.

14 Any applicant applying for a temporary license that has  
15 not been engaged in the active practice of medicine or has  
16 not been enrolled in a medical program for longer than 5  
17 years prior to application must submit proof of  
18 professional capacity to the Licensing Board.

19 (C) Designate specifically the name, location, and  
20 kind of professional school, college, or institution of  
21 which the applicant is a graduate and the category under  
22 which the applicant seeks, and will undertake, to practice.

23 (D) Pay to the Department at the time of application  
24 the required fees.

25 (E) Pursuant to Department rules, as required, pass an  
26 examination authorized by the Department to determine the

1 applicant's fitness to receive a license.

2 (F) Complete the application process within 3 years  
3 from the date of application. If the process has not been  
4 completed within 3 years, the application shall expire,  
5 application fees shall be forfeited, and the applicant must  
6 reapply and meet the requirements in effect at the time of  
7 reapplication.

8 (Source: P.A. 97-622, eff. 11-23-11.)

9 (225 ILCS 60/10) (from Ch. 111, par. 4400-10)

10 (Section scheduled to be repealed on December 31, 2013)

11 Sec. 10. The Department shall:

12 (A) Make rules for establishing reasonable minimum  
13 standards of educational requirements to be observed by  
14 medical, osteopathic, naturopathic, and chiropractic colleges;

15 (B) Effectuate the policy of the State of Illinois that the  
16 quality of medical training is an appropriate concern in the  
17 recruiting, licensing, credentialing and participation in  
18 residency programs of physicians. However, it is inappropriate  
19 to discriminate against any physician because of national  
20 origin or geographic location of medical education;

21 (C) Formulate rules and regulations required for the  
22 administration of this Act.

23 (Source: P.A. 86-573.)

24 (225 ILCS 60/11) (from Ch. 111, par. 4400-11)



1 (Section scheduled to be repealed on December 31, 2013)

2 Sec. 11. Minimum education standards. The minimum  
3 standards of professional education to be enforced by the  
4 Department in conducting examinations and issuing licenses  
5 shall be as follows:

6 (A) Practice of medicine. For the practice of medicine  
7 in all of its branches:

8 (1) For applications for licensure under  
9 subsection (D) of Section 19 of this Act:

10 (a) that the applicant is a graduate of a  
11 medical or osteopathic college in the United  
12 States, its territories or Canada, that the  
13 applicant has completed a 2 year course of  
14 instruction in a college of liberal arts, or its  
15 equivalent, and a course of instruction in a  
16 medical or osteopathic college approved by the  
17 Department or by a private, not for profit  
18 accrediting body approved by the Department, and  
19 in addition thereto, a course of postgraduate  
20 clinical training of not less than 12 months as  
21 approved by the Department; or

22 (b) that the applicant is a graduate of a  
23 medical or osteopathic college located outside the  
24 United States, its territories or Canada, and that  
25 the degree conferred is officially recognized by  
26 the country for the purposes of licensure, that the

1 applicant has completed a 2 year course of  
2 instruction in a college of liberal arts or its  
3 equivalent, and a course of instruction in a  
4 medical or osteopathic college approved by the  
5 Department, which course shall have been not less  
6 than 132 weeks in duration and shall have been  
7 completed within a period of not less than 35  
8 months, and, in addition thereto, has completed a  
9 course of postgraduate clinical training of not  
10 less than 12 months, as approved by the Department,  
11 and has complied with any other standards  
12 established by rule.

13 For the purposes of this subparagraph (b) an  
14 applicant is considered to be a graduate of a  
15 medical college if the degree which is conferred is  
16 officially recognized by that country for the  
17 purposes of receiving a license to practice  
18 medicine in all of its branches or a document is  
19 granted by the medical college which certifies the  
20 completion of all formal training requirements  
21 including any internship and social service; or

22 (c) that the applicant has studied medicine at  
23 a medical or osteopathic college located outside  
24 the United States, its territories, or Canada,  
25 that the applicant has completed a 2 year course of  
26 instruction in a college of liberal arts or its

1 equivalent and all of the formal requirements of a  
2 foreign medical school except internship and  
3 social service, which course shall have been not  
4 less than 132 weeks in duration and shall have been  
5 completed within a period of not less than 35  
6 months; that the applicant has submitted an  
7 application to a medical college accredited by the  
8 Liaison Committee on Medical Education and  
9 submitted to such evaluation procedures, including  
10 use of nationally recognized medical student tests  
11 or tests devised by the individual medical  
12 college, and that the applicant has satisfactorily  
13 completed one academic year of supervised clinical  
14 training under the direction of such medical  
15 college; and, in addition thereto has completed a  
16 course of postgraduate clinical training of not  
17 less than 12 months, as approved by the Department,  
18 and has complied with any other standards  
19 established by rule.

20 (d) Any clinical clerkships must have been  
21 completed in compliance with Section 10.3 of the  
22 Hospital Licensing Act, as amended.

23 (2) Effective January 1, 1988, for applications  
24 for licensure made subsequent to January 1, 1988, under  
25 Sections 9 or 17 of this Act by individuals not  
26 described in paragraph (3) of subsection (A) of Section

1           11 who graduated after December 31, 1984:

2                   (a) that the applicant: (i) graduated from a  
3                   medical or osteopathic college officially  
4                   recognized by the jurisdiction in which it is  
5                   located for the purpose of receiving a license to  
6                   practice medicine in all of its branches, and the  
7                   applicant has completed, as defined by the  
8                   Department, a 6 year postsecondary course of study  
9                   comprising at least 2 academic years of study in  
10                  the basic medical sciences; and 2 academic years of  
11                  study in the clinical sciences, while enrolled in  
12                  the medical college which conferred the degree,  
13                  the core rotations of which must have been  
14                  completed in clinical teaching facilities owned,  
15                  operated or formally affiliated with the medical  
16                  college which conferred the degree, or under  
17                  contract in teaching facilities owned, operated or  
18                  affiliated with another medical college which is  
19                  officially recognized by the jurisdiction in which  
20                  the medical school which conferred the degree is  
21                  located; or (ii) graduated from a medical or  
22                  osteopathic college accredited by the Liaison  
23                  Committee on Medical Education, the Committee on  
24                  Accreditation of Canadian Medical Schools in  
25                  conjunction with the Liaison Committee on Medical  
26                  Education, or the Bureau of Professional Education

1 of the American Osteopathic Association; and,  
2 (iii) in addition thereto, has completed 24 months  
3 of postgraduate clinical training, as approved by  
4 the Department; or

5 (b) that the applicant has studied medicine at  
6 a medical or osteopathic college located outside  
7 the United States, its territories, or Canada,  
8 that the applicant, in addition to satisfying the  
9 requirements of subparagraph (a), except for the  
10 awarding of a degree, has completed all of the  
11 formal requirements of a foreign medical school  
12 except internship and social service and has  
13 submitted an application to a medical college  
14 accredited by the Liaison Committee on Medical  
15 Education and submitted to such evaluation  
16 procedures, including use of nationally recognized  
17 medical student tests or tests devised by the  
18 individual medical college, and that the applicant  
19 has satisfactorily completed one academic year of  
20 supervised clinical training under the direction  
21 of such medical college; and, in addition thereto,  
22 has completed 24 months of postgraduate clinical  
23 training, as approved by the Department, and has  
24 complied with any other standards established by  
25 rule.

26 (3) (Blank).

1           (4) Any person granted a temporary license  
2 pursuant to Section 17 of this Act who shall  
3 satisfactorily complete a course of postgraduate  
4 clinical training and meet all of the requirements for  
5 licensure shall be granted a permanent license  
6 pursuant to Section 9.

7           (5) Notwithstanding any other provision of this  
8 Section an individual holding a temporary license  
9 under Section 17 of this Act shall be required to  
10 satisfy the undergraduate medical and post-graduate  
11 clinical training educational requirements in effect  
12 on the date of their application for a temporary  
13 license, provided they apply for a license under  
14 Section 9 of this Act and satisfy all other  
15 requirements of this Section while their temporary  
16 license is in effect.

17           (B) Treating human ailments without drugs and without  
18 operative surgery. For the practice of treating human  
19 ailments without the use of drugs and without operative  
20 surgery:

21           (1) For an applicant who was a resident student and  
22 who is a graduate after July 1, 1926, of a chiropractic  
23 college or institution, that such school, college or  
24 institution, at the time of the applicant's graduation  
25 required as a prerequisite to admission thereto a 4  
26 year course of instruction in a high school, and, as a

1 prerequisite to graduation therefrom, a course of  
2 instruction in the treatment of human ailments, of not  
3 less than 132 weeks in duration and which shall have  
4 been completed within a period of not less than 35  
5 months except that as to students matriculating or  
6 entering upon a course of chiropractic study during the  
7 years 1940, 1941, 1942, 1943, 1944, 1945, 1946, and  
8 1947, such elapsed time shall be not less than 32  
9 months, such high school and such school, college or  
10 institution having been reputable and in good standing  
11 in the judgment of the Department.

12 (2) For an applicant who is a matriculant in a  
13 chiropractic college after September 1, 1969, that  
14 such applicant shall be required to complete a 2 year  
15 course of instruction in a liberal arts college or its  
16 equivalent and a course of instruction in a  
17 chiropractic college in the treatment of human  
18 ailments, such course, as a prerequisite to graduation  
19 therefrom, having been not less than 132 weeks in  
20 duration and shall have been completed within a period  
21 of not less than 35 months, such college of liberal  
22 arts and chiropractic college having been reputable  
23 and in good standing in the judgment of the Department.

24 (3) For an applicant who is a graduate of a United  
25 States chiropractic college after August 19, 1981, the  
26 college of the applicant must be fully accredited by

1 the Commission on Accreditation of the Council on  
2 Chiropractic Education or its successor at the time of  
3 graduation. Such graduates shall be considered to have  
4 met the minimum requirements which shall be in addition  
5 to those requirements set forth in the rules and  
6 regulations promulgated by the Department.

7 (4) For an applicant who is a graduate of a  
8 chiropractic college in another country; that such  
9 chiropractic college be equivalent to the standards of  
10 education as set forth for chiropractic colleges  
11 located in the United States.

12 (C) Practice of naturopathic medicine. For the  
13 practice of naturopathic medicine:

14 (1) For an applicant who is a graduate of an  
15 approved naturopathic medical program, in accordance  
16 with this Act, that he or she has successfully  
17 completed a competency-based national naturopathic  
18 licensing examination administered by the North  
19 American Board of Naturopathic Examiners or an  
20 equivalent agency, as recognized by the Department.

21 (2) For an applicant who is a graduate of a  
22 degree-granting approved naturopathic medical program  
23 prior to 1986, evidence of successful passage of a  
24 State competency examination in a licensed state or a  
25 Canadian provincial examination in a licensed or  
26 regulated province approved by the Department in lieu



1 of passage of a national licensing examination.

2 (Source: P.A. 97-622, eff. 11-23-11.)

3 (225 ILCS 60/14) (from Ch. 111, par. 4400-14)

4 (Section scheduled to be repealed on December 31, 2013)

5 Sec. 14. Chiropractic students and naturopathic medicine  
6 students.

7 (a) Candidates for the degree of doctor of chiropractic  
8 enrolled in a chiropractic college, accredited by the Council  
9 on Chiropractic Education, may practice under the direct,  
10 on-premises supervision of a chiropractic physician who is a  
11 member of the faculty of an accredited chiropractic college.

12 (b) Candidates for the degree of doctor of naturopathic  
13 medicine enrolled in a naturopathic college, accredited by the  
14 United States Council on Naturopathic Medical Education, may  
15 practice under the direct, on-premises supervision of a  
16 naturopathic physician who is a member of the faculty of an  
17 accredited naturopathic college.

18 (Source: P.A. 97-622, eff. 11-23-11.)

19 (225 ILCS 60/15) (from Ch. 111, par. 4400-15)

20 (Section scheduled to be repealed on December 31, 2013)

21 Sec. 15. Chiropractic and naturopathic physician; license  
22 for general practice. Any chiropractic or naturopathic  
23 physician licensed under this Act shall be permitted to take  
24 the examination for licensure as a physician to practice

1 medicine in all its branches and shall receive a license to  
2 practice medicine in all of its branches if he or she shall  
3 successfully pass such examination, upon proof of having  
4 successfully completed in a medical college, osteopathic  
5 college, naturopathic college, or chiropractic college  
6 reputable and in good standing in the judgment of the  
7 Department, courses of instruction in materia medica,  
8 therapeutics, surgery, obstetrics, and theory and practice  
9 deemed by the Department to be equal to the courses of  
10 instruction required in those subjects for admission to the  
11 examination for a license to practice medicine in all of its  
12 branches, together with proof of having completed (a) the 2  
13 year course of instruction in a college of liberal arts, or its  
14 equivalent, required under this Act, and (b) a course of  
15 postgraduate clinical training of not less than 24 months as  
16 approved by the Department.

17 (Source: P.A. 97-622, eff. 11-23-11.)

18 (225 ILCS 60/16) (from Ch. 111, par. 4400-16)

19 (Section scheduled to be repealed on December 31, 2013)

20 Sec. 16. Ineligibility for examination. Any person who  
21 shall fail any examination for licensure as a medical doctor,  
22 doctor of osteopathy or osteopathic medicine, doctor of  
23 naturopathic medicine, or doctor of chiropractic in this or any  
24 other jurisdiction a total of 5 times shall thereafter be  
25 ineligible for further examinations until such time as such

1 person shall submit to the Department evidence of further  
2 formal professional study, as required by rule of the  
3 Department, in an accredited institution.

4 (Source: P.A. 89-702, eff. 7-1-97.)

5 (225 ILCS 60/17) (from Ch. 111, par. 4400-17)

6 (Section scheduled to be repealed on December 31, 2013)

7 Sec. 17. Temporary license. Persons holding the degree of  
8 Doctor of Medicine, persons holding the degree of Doctor of  
9 Osteopathy or Doctor of Osteopathic Medicine, persons holding  
10 the degree of Doctor of Naturopathic Medicine, and persons  
11 holding the degree of Doctor of Chiropractic or persons who  
12 have satisfied the requirements therefor and are eligible to  
13 receive such degree from a medical, osteopathic, naturopathic,  
14 or chiropractic school, who wish to pursue programs of graduate  
15 or specialty training in this State, may receive without  
16 examination, in the discretion of the Department, a 3-year  
17 temporary license. In order to receive a 3-year temporary  
18 license hereunder, an applicant shall submit evidence  
19 satisfactory to the Department that the applicant:

20 (A) Is of good moral character. In determining moral  
21 character under this Section, the Department may take into  
22 consideration whether the applicant has engaged in conduct  
23 or activities which would constitute grounds for  
24 discipline under this Act. The Department may also request  
25 the applicant to submit, and may consider as evidence of

1 moral character, endorsements from 2 or 3 individuals  
2 licensed under this Act;

3 (B) Has been accepted or appointed for specialty or  
4 residency training by a hospital situated in this State or  
5 a training program in hospitals or facilities maintained by  
6 the State of Illinois or affiliated training facilities  
7 which is approved by the Department for the purpose of such  
8 training under this Act. The applicant shall indicate the  
9 beginning and ending dates of the period for which the  
10 applicant has been accepted or appointed;

11 (C) Has or will satisfy the professional education  
12 requirements of Section 11 of this Act which are effective  
13 at the date of application except for postgraduate clinical  
14 training;

15 (D) Is physically, mentally, and professionally  
16 capable of practicing medicine or treating human ailments  
17 without the use of drugs and without operative surgery with  
18 reasonable judgment, skill, and safety. In determining  
19 physical, mental and professional capacity under this  
20 Section, the Licensing Board may, upon a showing of a  
21 possible incapacity, compel an applicant to submit to a  
22 mental or physical examination and evaluation, or both, and  
23 may condition or restrict any temporary license, subject to  
24 the same terms and conditions as are provided for the  
25 Disciplinary Board under Section 22 of this Act. Any such  
26 condition of restricted temporary license shall provide

1           that the Chief Medical Coordinator or Deputy Medical  
2           Coordinator shall have the authority to review the subject  
3           physician's compliance with such conditions or  
4           restrictions, including, where appropriate, the  
5           physician's record of treatment and counseling regarding  
6           the impairment, to the extent permitted by applicable  
7           federal statutes and regulations safeguarding the  
8           confidentiality of medical records of patients.

9           Three-year temporary licenses issued pursuant to this  
10          Section shall be valid only for the period of time designated  
11          therein, and may be extended or renewed pursuant to the rules  
12          of the Department, and if a temporary license is thereafter  
13          extended, it shall not extend beyond completion of the  
14          residency program. The holder of a valid 3-year temporary  
15          license shall be entitled thereby to perform only such acts as  
16          may be prescribed by and incidental to his or her program of  
17          residency training; he or she shall not be entitled to  
18          otherwise engage in the practice of medicine in this State  
19          unless fully licensed in this State.

20          A 3-year temporary license may be revoked by the Department  
21          upon proof that the holder thereof has engaged in the practice  
22          of medicine in this State outside of the program of his or her  
23          residency or specialty training, or if the holder shall fail to  
24          supply the Department, within 10 days of its request, with  
25          information as to his or her current status and activities in  
26          his or her specialty training program.

1 (Source: P.A. 97-622, eff. 11-23-11.)

2 (225 ILCS 60/18) (from Ch. 111, par. 4400-18)

3 (Section scheduled to be repealed on December 31, 2013)

4 Sec. 18. Visiting professor, physician, or resident  
5 permits.

6 (A) Visiting professor permit.

7 (1) A visiting professor permit shall entitle a person  
8 to practice medicine in all of its branches or to practice  
9 the treatment of human ailments without the use of drugs  
10 and without operative surgery provided:

11 (a) the person maintains an equivalent  
12 authorization to practice medicine in all of its  
13 branches or to practice the treatment of human ailments  
14 without the use of drugs and without operative surgery  
15 in good standing in his or her native licensing  
16 jurisdiction during the period of the visiting  
17 professor permit;

18 (b) the person has received a faculty appointment  
19 to teach in a medical, osteopathic, naturopathic, or  
20 chiropractic school in Illinois; and

21 (c) the Department may prescribe the information  
22 necessary to establish an applicant's eligibility for  
23 a permit. This information shall include without  
24 limitation (i) a statement from the dean of the medical  
25 school at which the applicant will be employed

1 describing the applicant's qualifications and (ii) a  
2 statement from the dean of the medical school listing  
3 every affiliated institution in which the applicant  
4 will be providing instruction as part of the medical  
5 school's education program and justifying any clinical  
6 activities at each of the institutions listed by the  
7 dean.

8 (2) Application for visiting professor permits shall  
9 be made to the Department, in writing, on forms prescribed  
10 by the Department and shall be accompanied by the required  
11 fee established by rule, which shall not be refundable. Any  
12 application shall require the information as, in the  
13 judgment of the Department, will enable the Department to  
14 pass on the qualifications of the applicant.

15 (3) A visiting professor permit shall be valid for no  
16 longer than 2 years from the date of issuance or until the  
17 time the faculty appointment is terminated, whichever  
18 occurs first, and may be renewed only in accordance with  
19 subdivision (A) (6) of this Section.

20 (4) The applicant may be required to appear before the  
21 Licensing Board for an interview prior to, and as a  
22 requirement for, the issuance of the original permit and  
23 the renewal.

24 (5) Persons holding a permit under this Section shall  
25 only practice medicine in all of its branches or practice  
26 the treatment of human ailments without the use of drugs

1 and without operative surgery in the State of Illinois in  
2 their official capacity under their contract within the  
3 medical school itself and any affiliated institution in  
4 which the permit holder is providing instruction as part of  
5 the medical school's educational program and for which the  
6 medical school has assumed direct responsibility.

7 (6) After the initial renewal of a visiting professor  
8 permit, a visiting professor permit shall be valid until  
9 the last day of the next physician license renewal period,  
10 as set by rule, and may only be renewed for applicants who  
11 meet the following requirements:

12 (i) have obtained the required continuing  
13 education hours as set by rule; and

14 (ii) have paid the fee prescribed for a license  
15 under Section 21 of this Act.

16 For initial renewal, the visiting professor must  
17 successfully pass a general competency examination authorized  
18 by the Department by rule, unless he or she was issued an  
19 initial visiting professor permit on or after January 1, 2007,  
20 but prior to July 1, 2007.

21 (B) Visiting physician permit.

22 (1) The Department may, in its discretion, issue a  
23 temporary visiting physician permit, without examination,  
24 provided:

25 (a) (blank);



1 (b) that the person maintains an equivalent  
2 authorization to practice medicine in all of its  
3 branches or to practice the treatment of human ailments  
4 without the use of drugs and without operative surgery  
5 in good standing in his or her native licensing  
6 jurisdiction during the period of the temporary  
7 visiting physician permit;

8 (c) that the person has received an invitation or  
9 appointment to study, demonstrate, or perform a  
10 specific medical, osteopathic, naturopathic,  
11 chiropractic or clinical subject or technique in a  
12 medical, osteopathic, naturopathic, or chiropractic  
13 school, a state or national medical, osteopathic,  
14 naturopathic, or chiropractic professional association  
15 or society conference or meeting, a hospital licensed  
16 under the Hospital Licensing Act, a hospital organized  
17 under the University of Illinois Hospital Act, or a  
18 facility operated pursuant to the Ambulatory Surgical  
19 Treatment Center Act; and

20 (d) that the temporary visiting physician permit  
21 shall only permit the holder to practice medicine in  
22 all of its branches or practice the treatment of human  
23 ailments without the use of drugs and without operative  
24 surgery within the scope of the medical, osteopathic,  
25 naturopathic, chiropractic, or clinical studies, or in  
26 conjunction with the state or national medical,

1 osteopathic, naturopathic, or chiropractic  
2 professional association or society conference or  
3 meeting, for which the holder was invited or appointed.

4 (2) The application for the temporary visiting  
5 physician permit shall be made to the Department, in  
6 writing, on forms prescribed by the Department, and shall  
7 be accompanied by the required fee established by rule,  
8 which shall not be refundable. The application shall  
9 require information that, in the judgment of the  
10 Department, will enable the Department to pass on the  
11 qualification of the applicant, and the necessity for the  
12 granting of a temporary visiting physician permit.

13 (3) A temporary visiting physician permit shall be  
14 valid for no longer than (i) 180 days from the date of  
15 issuance or (ii) until the time the medical, osteopathic,  
16 naturopathic, chiropractic, or clinical studies are  
17 completed, or the state or national medical, osteopathic,  
18 naturopathic, or chiropractic professional association or  
19 society conference or meeting has concluded, whichever  
20 occurs first.

21 (4) The applicant for a temporary visiting physician  
22 permit may be required to appear before the Licensing Board  
23 for an interview prior to, and as a requirement for, the  
24 issuance of a temporary visiting physician permit.

25 (5) A limited temporary visiting physician permit  
26 shall be issued to a physician licensed in another state

1           who has been requested to perform emergency procedures in  
2           Illinois if he or she meets the requirements as established  
3           by rule.

4           (C) Visiting resident permit.

5           (1) The Department may, in its discretion, issue a  
6           temporary visiting resident permit, without examination,  
7           provided:

8                   (a) (blank);

9                   (b) that the person maintains an equivalent  
10           authorization to practice medicine in all of its  
11           branches or to practice the treatment of human ailments  
12           without the use of drugs and without operative surgery  
13           in good standing in his or her native licensing  
14           jurisdiction during the period of the temporary  
15           visiting resident permit;

16                   (c) that the applicant is enrolled in a  
17           postgraduate clinical training program outside the  
18           State of Illinois that is approved by the Department;

19                   (d) that the individual has been invited or  
20           appointed for a specific period of time to perform a  
21           portion of that post graduate clinical training  
22           program under the supervision of an Illinois licensed  
23           physician in an Illinois patient care clinic or  
24           facility that is affiliated with the out-of-State post  
25           graduate training program; and

1 (e) that the temporary visiting resident permit  
2 shall only permit the holder to practice medicine in  
3 all of its branches or practice the treatment of human  
4 ailments without the use of drugs and without operative  
5 surgery within the scope of the medical, osteopathic,  
6 naturopathic, chiropractic or clinical studies for  
7 which the holder was invited or appointed.

8 (2) The application for the temporary visiting  
9 resident permit shall be made to the Department, in  
10 writing, on forms prescribed by the Department, and shall  
11 be accompanied by the required fee established by rule. The  
12 application shall require information that, in the  
13 judgment of the Department, will enable the Department to  
14 pass on the qualifications of the applicant.

15 (3) A temporary visiting resident permit shall be valid  
16 for 180 days from the date of issuance or until the time  
17 the medical, osteopathic, naturopathic, chiropractic, or  
18 clinical studies are completed, whichever occurs first.

19 (4) The applicant for a temporary visiting resident  
20 permit may be required to appear before the Licensing Board  
21 for an interview prior to, and as a requirement for, the  
22 issuance of a temporary visiting resident permit.

23 (Source: P.A. 96-398, eff. 8-13-09; 97-622, eff. 11-23-11.)

24 (225 ILCS 60/19) (from Ch. 111, par. 4400-19)

25 (Section scheduled to be repealed on December 31, 2013)

1           Sec. 19. Licensure by endorsement. The Department may, in  
2           its discretion, issue a license by endorsement to any person  
3           who is currently licensed to practice medicine in all of its  
4           branches, a naturopathic physician, or a chiropractic  
5           physician, in any other state, territory, country or province,  
6           upon the following conditions and submitting evidence  
7           satisfactory to the Department of the following:

8                   (A) (Blank);

9                   (B) That the applicant is of good moral character. In  
10           determining moral character under this Section, the  
11           Department may take into consideration whether the  
12           applicant has engaged in conduct or activities which would  
13           constitute grounds for discipline under this Act. The  
14           Department may also request the applicant to submit, and  
15           may consider as evidence of moral character, endorsements  
16           from 2 or 3 individuals licensed under this Act;

17                   (C) That the applicant is physically, mentally and  
18           professionally capable of practicing medicine with  
19           reasonable judgment, skill and safety. In determining  
20           physical, mental and professional capacity under this  
21           Section the Licensing Board may, upon a showing of a  
22           possible incapacity, compel an applicant to submit to a  
23           mental or physical examination and evaluation, or both, in  
24           the same manner as provided in Section 22 and may condition  
25           or restrict any license, subject to the same terms and  
26           conditions as are provided for the Disciplinary Board under

1 Section 22 of this Act.

2 (D) That if the applicant seeks to practice medicine in  
3 all of its branches:

4 (1) if the applicant was licensed in another  
5 jurisdiction prior to January 1, 1988, that the  
6 applicant has satisfied the educational requirements  
7 of paragraph (1) of subsection (A) or paragraph (2) of  
8 subsection (A) of Section 11 of this Act; or

9 (2) if the applicant was licensed in another  
10 jurisdiction after December 31, 1987, that the  
11 applicant has satisfied the educational requirements  
12 of paragraph (A) (2) of Section 11 of this Act; and

13 (3) the requirements for a license to practice  
14 medicine in all of its branches in the particular  
15 state, territory, country or province in which the  
16 applicant is licensed are deemed by the Department to  
17 have been substantially equivalent to the requirements  
18 for a license to practice medicine in all of its  
19 branches in force in this State at the date of the  
20 applicant's license;

21 (E) That if the applicant seeks to treat human ailments  
22 without the use of drugs and without operative surgery:

23 (1) the applicant is a graduate of a chiropractic  
24 or naturopathic school or college approved by the  
25 Department at the time of their graduation;

26 (2) the requirements for the applicant's license

1 to practice the treatment of human ailments without the  
2 use of drugs are deemed by the Department to have been  
3 substantially equivalent to the requirements for a  
4 license to practice in this State at the date of the  
5 applicant's license;

6 (E-5) That if the applicant seeks to practice  
7 naturopathic medicine:

8 (1) the applicant is a graduate of a naturopathic  
9 school or college approved by the Department at the  
10 time of their graduation; and

11 (2) the requirements for the applicant's license  
12 to practice naturopathic medicine are deemed by the  
13 Department to have been substantially equivalent to  
14 the requirements for a license to practice in this  
15 State at the date of the applicant's license;

16 (F) That the Department may, in its discretion, issue a  
17 license by endorsement to any graduate of a medical or  
18 osteopathic college, reputable and in good standing in the  
19 judgment of the Department, who has passed an examination  
20 for admission to the United States Public Health Service,  
21 or who has passed any other examination deemed by the  
22 Department to have been at least equal in all substantial  
23 respects to the examination required for admission to any  
24 such medical corps;

25 (G) That applications for licenses by endorsement  
26 shall be filed with the Department, under oath, on forms

1 prepared and furnished by the Department, and shall set  
2 forth, and applicants therefor shall supply such  
3 information respecting the life, education, professional  
4 practice, and moral character of applicants as the  
5 Department may require to be filed for its use;

6 (H) That the applicant undergo the criminal background  
7 check established under Section 9.7 of this Act.

8 In the exercise of its discretion under this Section, the  
9 Department is empowered to consider and evaluate each applicant  
10 on an individual basis. It may take into account, among other  
11 things, the extent to which there is or is not available to the  
12 Department, authentic and definitive information concerning  
13 the quality of medical education and clinical training which  
14 the applicant has had. Under no circumstances shall a license  
15 be issued under the provisions of this Section to any person  
16 who has previously taken and failed the written examination  
17 conducted by the Department for such license. In the exercise  
18 of its discretion under this Section, the Department may  
19 require an applicant to successfully complete an examination as  
20 recommended by the Licensing Board. The Department may also  
21 request the applicant to submit, and may consider as evidence  
22 of moral character, evidence from 2 or 3 individuals licensed  
23 under this Act. Applicants have 3 years from the date of  
24 application to complete the application process. If the process  
25 has not been completed within 3 years, the application shall be  
26 denied, the fees shall be forfeited, and the applicant must



1 reapply and meet the requirements in effect at the time of  
2 reapplication.

3 (Source: P.A. 97-622, eff. 11-23-11.)

4 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

5 (Section scheduled to be repealed on December 31, 2013)

6 Sec. 22. Disciplinary action.

7 (A) The Department may revoke, suspend, place on probation,  
8 reprimand, refuse to issue or renew, or take any other  
9 disciplinary or non-disciplinary action as the Department may  
10 deem proper with regard to the license or permit of any person  
11 issued under this Act to practice medicine, a naturopathic  
12 physician, or a chiropractic physician, including imposing  
13 fines not to exceed \$10,000 for each violation, upon any of the  
14 following grounds:

15 (1) Performance of an elective abortion in any place,  
16 locale, facility, or institution other than:

17 (a) a facility licensed pursuant to the Ambulatory  
18 Surgical Treatment Center Act;

19 (b) an institution licensed under the Hospital  
20 Licensing Act;

21 (c) an ambulatory surgical treatment center or  
22 hospitalization or care facility maintained by the  
23 State or any agency thereof, where such department or  
24 agency has authority under law to establish and enforce  
25 standards for the ambulatory surgical treatment

1 centers, hospitalization, or care facilities under its  
2 management and control;

3 (d) ambulatory surgical treatment centers,  
4 hospitalization or care facilities maintained by the  
5 Federal Government; or

6 (e) ambulatory surgical treatment centers,  
7 hospitalization or care facilities maintained by any  
8 university or college established under the laws of  
9 this State and supported principally by public funds  
10 raised by taxation.

11 (2) Performance of an abortion procedure in a wilful  
12 and wanton manner on a woman who was not pregnant at the  
13 time the abortion procedure was performed.

14 (3) A plea of guilty or nolo contendere, finding of  
15 guilt, jury verdict, or entry of judgment or sentencing,  
16 including, but not limited to, convictions, preceding  
17 sentences of supervision, conditional discharge, or first  
18 offender probation, under the laws of any jurisdiction of  
19 the United States of any crime that is a felony.

20 (4) Gross negligence in practice under this Act.

21 (5) Engaging in dishonorable, unethical or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud or harm the public.

24 (6) Obtaining any fee by fraud, deceit, or  
25 misrepresentation.

26 (7) Habitual or excessive use or abuse of drugs defined

1 in law as controlled substances, of alcohol, or of any  
2 other substances which results in the inability to practice  
3 with reasonable judgment, skill or safety.

4 (8) Practicing under a false or, except as provided by  
5 law, an assumed name.

6 (9) Fraud or misrepresentation in applying for, or  
7 procuring, a license under this Act or in connection with  
8 applying for renewal of a license under this Act.

9 (10) Making a false or misleading statement regarding  
10 their skill or the efficacy or value of the medicine,  
11 treatment, or remedy prescribed by them at their direction  
12 in the treatment of any disease or other condition of the  
13 body or mind.

14 (11) Allowing another person or organization to use  
15 their license, procured under this Act, to practice.

16 (12) Disciplinary action of another state or  
17 jurisdiction against a license or other authorization to  
18 practice as a medical doctor, doctor of osteopathy, doctor  
19 of osteopathic medicine, doctor of naturopathic medicine,  
20 or doctor of chiropractic, a certified copy of the record  
21 of the action taken by the other state or jurisdiction  
22 being prima facie evidence thereof.

23 (13) Violation of any provision of this Act or of the  
24 Medical Practice Act prior to the repeal of that Act, or  
25 violation of the rules, or a final administrative action of  
26 the Secretary, after consideration of the recommendation

1 of the Disciplinary Board.

2 (14) Violation of the prohibition against fee  
3 splitting in Section 22.2 of this Act.

4 (15) A finding by the Disciplinary Board that the  
5 registrant after having his or her license placed on  
6 probationary status or subjected to conditions or  
7 restrictions violated the terms of the probation or failed  
8 to comply with such terms or conditions.

9 (16) Abandonment of a patient.

10 (17) Prescribing, selling, administering,  
11 distributing, giving or self-administering any drug  
12 classified as a controlled substance (designated product)  
13 or narcotic for other than medically accepted therapeutic  
14 purposes.

15 (18) Promotion of the sale of drugs, devices,  
16 appliances or goods provided for a patient in such manner  
17 as to exploit the patient for financial gain of the  
18 physician.

19 (19) Offering, undertaking or agreeing to cure or treat  
20 disease by a secret method, procedure, treatment or  
21 medicine, or the treating, operating or prescribing for any  
22 human condition by a method, means or procedure which the  
23 licensee refuses to divulge upon demand of the Department.

24 (20) Immoral conduct in the commission of any act  
25 including, but not limited to, commission of an act of  
26 sexual misconduct related to the licensee's practice.

1           (21) Wilfully making or filing false records or reports  
2           in his or her practice as a physician, including, but not  
3           limited to, false records to support claims against the  
4           medical assistance program of the Department of Healthcare  
5           and Family Services (formerly Department of Public Aid)  
6           under the Illinois Public Aid Code.

7           (22) Wilful omission to file or record, or wilfully  
8           impeding the filing or recording, or inducing another  
9           person to omit to file or record, medical reports as  
10          required by law, or wilfully failing to report an instance  
11          of suspected abuse or neglect as required by law.

12          (23) Being named as a perpetrator in an indicated  
13          report by the Department of Children and Family Services  
14          under the Abused and Neglected Child Reporting Act, and  
15          upon proof by clear and convincing evidence that the  
16          licensee has caused a child to be an abused child or  
17          neglected child as defined in the Abused and Neglected  
18          Child Reporting Act.

19          (24) Solicitation of professional patronage by any  
20          corporation, agents or persons, or profiting from those  
21          representing themselves to be agents of the licensee.

22          (25) Gross and wilful and continued overcharging for  
23          professional services, including filing false statements  
24          for collection of fees for which services are not rendered,  
25          including, but not limited to, filing such false statements  
26          for collection of monies for services not rendered from the

1 medical assistance program of the Department of Healthcare  
2 and Family Services (formerly Department of Public Aid)  
3 under the Illinois Public Aid Code.

4 (26) A pattern of practice or other behavior which  
5 demonstrates incapacity or incompetence to practice under  
6 this Act.

7 (27) Mental illness or disability which results in the  
8 inability to practice under this Act with reasonable  
9 judgment, skill or safety.

10 (28) Physical illness, including, but not limited to,  
11 deterioration through the aging process, or loss of motor  
12 skill which results in a physician's inability to practice  
13 under this Act with reasonable judgment, skill or safety.

14 (29) Cheating on or attempt to subvert the licensing  
15 examinations administered under this Act.

16 (30) Wilfully or negligently violating the  
17 confidentiality between physician and patient except as  
18 required by law.

19 (31) The use of any false, fraudulent, or deceptive  
20 statement in any document connected with practice under  
21 this Act.

22 (32) Aiding and abetting an individual not licensed  
23 under this Act in the practice of a profession licensed  
24 under this Act.

25 (33) Violating state or federal laws or regulations  
26 relating to controlled substances, legend drugs, or

1 ephedra as defined in the Ephedra Prohibition Act.

2 (34) Failure to report to the Department any adverse  
3 final action taken against them by another licensing  
4 jurisdiction (any other state or any territory of the  
5 United States or any foreign state or country), by any peer  
6 review body, by any health care institution, by any  
7 professional society or association related to practice  
8 under this Act, by any governmental agency, by any law  
9 enforcement agency, or by any court for acts or conduct  
10 similar to acts or conduct which would constitute grounds  
11 for action as defined in this Section.

12 (35) Failure to report to the Department surrender of a  
13 license or authorization to practice as a medical doctor, a  
14 doctor of osteopathy, a doctor of osteopathic medicine, a  
15 doctor of naturopathic medicine, or doctor of chiropractic  
16 in another state or jurisdiction, or surrender of  
17 membership on any medical staff or in any medical or  
18 professional association or society, while under  
19 disciplinary investigation by any of those authorities or  
20 bodies, for acts or conduct similar to acts or conduct  
21 which would constitute grounds for action as defined in  
22 this Section.

23 (36) Failure to report to the Department any adverse  
24 judgment, settlement, or award arising from a liability  
25 claim related to acts or conduct similar to acts or conduct  
26 which would constitute grounds for action as defined in

1 this Section.

2 (37) Failure to provide copies of medical records as  
3 required by law.

4 (38) Failure to furnish the Department, its  
5 investigators or representatives, relevant information,  
6 legally requested by the Department after consultation  
7 with the Chief Medical Coordinator or the Deputy Medical  
8 Coordinator.

9 (39) Violating the Health Care Worker Self-Referral  
10 Act.

11 (40) Willful failure to provide notice when notice is  
12 required under the Parental Notice of Abortion Act of 1995.

13 (41) Failure to establish and maintain records of  
14 patient care and treatment as required by this law.

15 (42) Entering into an excessive number of written  
16 collaborative agreements with licensed advanced practice  
17 nurses resulting in an inability to adequately  
18 collaborate.

19 (43) Repeated failure to adequately collaborate with a  
20 licensed advanced practice nurse.

21 Except for actions involving the ground numbered (26), all  
22 proceedings to suspend, revoke, place on probationary status,  
23 or take any other disciplinary action as the Department may  
24 deem proper, with regard to a license on any of the foregoing  
25 grounds, must be commenced within 5 years next after receipt by  
26 the Department of a complaint alleging the commission of or



1 notice of the conviction order for any of the acts described  
2 herein. Except for the grounds numbered (8), (9), (26), and  
3 (29), no action shall be commenced more than 10 years after the  
4 date of the incident or act alleged to have violated this  
5 Section. For actions involving the ground numbered (26), a  
6 pattern of practice or other behavior includes all incidents  
7 alleged to be part of the pattern of practice or other behavior  
8 that occurred, or a report pursuant to Section 23 of this Act  
9 received, within the 10-year period preceding the filing of the  
10 complaint. In the event of the settlement of any claim or cause  
11 of action in favor of the claimant or the reduction to final  
12 judgment of any civil action in favor of the plaintiff, such  
13 claim, cause of action or civil action being grounded on the  
14 allegation that a person licensed under this Act was negligent  
15 in providing care, the Department shall have an additional  
16 period of 2 years from the date of notification to the  
17 Department under Section 23 of this Act of such settlement or  
18 final judgment in which to investigate and commence formal  
19 disciplinary proceedings under Section 36 of this Act, except  
20 as otherwise provided by law. The time during which the holder  
21 of the license was outside the State of Illinois shall not be  
22 included within any period of time limiting the commencement of  
23 disciplinary action by the Department.

24 The entry of an order or judgment by any circuit court  
25 establishing that any person holding a license under this Act  
26 is a person in need of mental treatment operates as a

1 suspension of that license. That person may resume their  
2 practice only upon the entry of a Departmental order based upon  
3 a finding by the Disciplinary Board that they have been  
4 determined to be recovered from mental illness by the court and  
5 upon the Disciplinary Board's recommendation that they be  
6 permitted to resume their practice.

7 The Department may refuse to issue or take disciplinary  
8 action concerning the license of any person who fails to file a  
9 return, or to pay the tax, penalty or interest shown in a filed  
10 return, or to pay any final assessment of tax, penalty or  
11 interest, as required by any tax Act administered by the  
12 Illinois Department of Revenue, until such time as the  
13 requirements of any such tax Act are satisfied as determined by  
14 the Illinois Department of Revenue.

15 The Department, upon the recommendation of the  
16 Disciplinary Board, shall adopt rules which set forth standards  
17 to be used in determining:

18 (a) when a person will be deemed sufficiently  
19 rehabilitated to warrant the public trust;

20 (b) what constitutes dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud, or harm the public;

23 (c) what constitutes immoral conduct in the commission  
24 of any act, including, but not limited to, commission of an  
25 act of sexual misconduct related to the licensee's  
26 practice; and

1           (d) what constitutes gross negligence in the practice  
2           of medicine.

3           However, no such rule shall be admissible into evidence in  
4           any civil action except for review of a licensing or other  
5           disciplinary action under this Act.

6           In enforcing this Section, the Disciplinary Board or the  
7           Licensing Board, upon a showing of a possible violation, may  
8           compel, in the case of the Disciplinary Board, any individual  
9           who is licensed to practice under this Act or holds a permit to  
10          practice under this Act, or, in the case of the Licensing  
11          Board, any individual who has applied for licensure or a permit  
12          pursuant to this Act, to submit to a mental or physical  
13          examination and evaluation, or both, which may include a  
14          substance abuse or sexual offender evaluation, as required by  
15          the Licensing Board or Disciplinary Board and at the expense of  
16          the Department. The Disciplinary Board or Licensing Board shall  
17          specifically designate the examining physician licensed to  
18          practice medicine in all of its branches or, if applicable, the  
19          multidisciplinary team involved in providing the mental or  
20          physical examination and evaluation, or both. The  
21          multidisciplinary team shall be led by a physician licensed to  
22          practice medicine in all of its branches and may consist of one  
23          or more or a combination of physicians licensed to practice  
24          medicine in all of its branches, licensed chiropractic  
25          physicians, licensed naturopathic physicians, licensed  
26          clinical psychologists, licensed clinical social workers,

1 licensed clinical professional counselors, and other  
2 professional and administrative staff. Any examining physician  
3 or member of the multidisciplinary team may require any person  
4 ordered to submit to an examination and evaluation pursuant to  
5 this Section to submit to any additional supplemental testing  
6 deemed necessary to complete any examination or evaluation  
7 process, including, but not limited to, blood testing,  
8 urinalysis, psychological testing, or neuropsychological  
9 testing. The Disciplinary Board, the Licensing Board, or the  
10 Department may order the examining physician or any member of  
11 the multidisciplinary team to provide to the Department, the  
12 Disciplinary Board, or the Licensing Board any and all records,  
13 including business records, that relate to the examination and  
14 evaluation, including any supplemental testing performed. The  
15 Disciplinary Board, the Licensing Board, or the Department may  
16 order the examining physician or any member of the  
17 multidisciplinary team to present testimony concerning this  
18 examination and evaluation of the licensee, permit holder, or  
19 applicant, including testimony concerning any supplemental  
20 testing or documents relating to the examination and  
21 evaluation. No information, report, record, or other documents  
22 in any way related to the examination and evaluation shall be  
23 excluded by reason of any common law or statutory privilege  
24 relating to communication between the licensee or applicant and  
25 the examining physician or any member of the multidisciplinary  
26 team. No authorization is necessary from the licensee, permit

1 holder, or applicant ordered to undergo an evaluation and  
2 examination for the examining physician or any member of the  
3 multidisciplinary team to provide information, reports,  
4 records, or other documents or to provide any testimony  
5 regarding the examination and evaluation. The individual to be  
6 examined may have, at his or her own expense, another physician  
7 of his or her choice present during all aspects of the  
8 examination. Failure of any individual to submit to mental or  
9 physical examination and evaluation, or both, when directed,  
10 shall result in an automatic suspension, without hearing, until  
11 such time as the individual submits to the examination. If the  
12 Disciplinary Board finds a physician unable to practice because  
13 of the reasons set forth in this Section, the Disciplinary  
14 Board shall require such physician to submit to care,  
15 counseling, or treatment by physicians approved or designated  
16 by the Disciplinary Board, as a condition for continued,  
17 reinstated, or renewed licensure to practice. Any physician,  
18 whose license was granted pursuant to Sections 9, 17, or 19 of  
19 this Act, or, continued, reinstated, renewed, disciplined or  
20 supervised, subject to such terms, conditions or restrictions  
21 who shall fail to comply with such terms, conditions or  
22 restrictions, or to complete a required program of care,  
23 counseling, or treatment, as determined by the Chief Medical  
24 Coordinator or Deputy Medical Coordinators, shall be referred  
25 to the Secretary for a determination as to whether the licensee  
26 shall have their license suspended immediately, pending a

1 hearing by the Disciplinary Board. In instances in which the  
2 Secretary immediately suspends a license under this Section, a  
3 hearing upon such person's license must be convened by the  
4 Disciplinary Board within 15 days after such suspension and  
5 completed without appreciable delay. The Disciplinary Board  
6 shall have the authority to review the subject physician's  
7 record of treatment and counseling regarding the impairment, to  
8 the extent permitted by applicable federal statutes and  
9 regulations safeguarding the confidentiality of medical  
10 records.

11 An individual licensed under this Act, affected under this  
12 Section, shall be afforded an opportunity to demonstrate to the  
13 Disciplinary Board that they can resume practice in compliance  
14 with acceptable and prevailing standards under the provisions  
15 of their license.

16 The Department may promulgate rules for the imposition of  
17 fines in disciplinary cases, not to exceed \$10,000 for each  
18 violation of this Act. Fines may be imposed in conjunction with  
19 other forms of disciplinary action, but shall not be the  
20 exclusive disposition of any disciplinary action arising out of  
21 conduct resulting in death or injury to a patient. Any funds  
22 collected from such fines shall be deposited in the Medical  
23 Disciplinary Fund.

24 (B) The Department shall revoke the license or permit  
25 issued under this Act to practice medicine, a naturopathic  
26 physician, or a chiropractic physician who has been convicted a

1 second time of committing any felony under the Illinois  
2 Controlled Substances Act or the Methamphetamine Control and  
3 Community Protection Act, or who has been convicted a second  
4 time of committing a Class 1 felony under Sections 8A-3 and  
5 8A-6 of the Illinois Public Aid Code. A person whose license or  
6 permit is revoked under this subsection B shall be prohibited  
7 from practicing medicine or treating human ailments without the  
8 use of drugs and without operative surgery.

9 (C) The Disciplinary Board shall recommend to the  
10 Department civil penalties and any other appropriate  
11 discipline in disciplinary cases when the Board finds that a  
12 physician willfully performed an abortion with actual  
13 knowledge that the person upon whom the abortion has been  
14 performed is a minor or an incompetent person without notice as  
15 required under the Parental Notice of Abortion Act of 1995.  
16 Upon the Board's recommendation, the Department shall impose,  
17 for the first violation, a civil penalty of \$1,000 and for a  
18 second or subsequent violation, a civil penalty of \$5,000.

19 (Source: P.A. 96-608, eff. 8-24-09; 96-1000, eff. 7-2-10;  
20 97-622, eff. 11-23-11.)

21 (225 ILCS 60/24) (from Ch. 111, par. 4400-24)

22 (Section scheduled to be repealed on December 31, 2013)

23 Sec. 24. Report of violations; medical associations. Any  
24 physician licensed under this Act, the Illinois State Medical  
25 Society, the Illinois Association of Osteopathic Physicians

1 and Surgeons, the Illinois Chiropractic Society, the Illinois  
2 Prairie State Chiropractic Association, the Illinois  
3 Association of Naturopathic Physicians, or any component  
4 societies of any of these 4 groups, and any other person, may  
5 report to the Disciplinary Board any information the physician,  
6 association, society, or person may have that appears to show  
7 that a physician is or may be in violation of any of the  
8 provisions of Section 22 of this Act.

9 The Department may enter into agreements with the Illinois  
10 State Medical Society, the Illinois Association of Osteopathic  
11 Physicians and Surgeons, the Illinois Prairie State  
12 Chiropractic Association, ~~or~~ the Illinois Chiropractic  
13 Society, or the Illinois Association of Naturopathic  
14 Physicians to allow these organizations to assist the  
15 Disciplinary Board in the review of alleged violations of this  
16 Act. Subject to the approval of the Department, any  
17 organization party to such an agreement may subcontract with  
18 other individuals or organizations to assist in review.

19 Any physician, association, society, or person  
20 participating in good faith in the making of a report under  
21 this Act or participating in or assisting with an investigation  
22 or review under this Act shall have immunity from any civil,  
23 criminal, or other liability that might result by reason of  
24 those actions.

25 The medical information in the custody of an entity under  
26 contract with the Department participating in an investigation



1 or review shall be privileged and confidential to the same  
2 extent as are information and reports under the provisions of  
3 Part 21 of Article VIII of the Code of Civil Procedure.

4 Upon request by the Department after a mandatory report has  
5 been filed with the Department, an attorney for any party  
6 seeking to recover damages for injuries or death by reason of  
7 medical, hospital, or other healing art malpractice shall  
8 provide patient records related to the physician involved in  
9 the disciplinary proceeding to the Department within 30 days of  
10 the Department's request for use by the Department in any  
11 disciplinary matter under this Act. An attorney who provides  
12 patient records to the Department in accordance with this  
13 requirement shall not be deemed to have violated any  
14 attorney-client privilege. Notwithstanding any other provision  
15 of law, consent by a patient shall not be required for the  
16 provision of patient records in accordance with this  
17 requirement.

18 For the purpose of any civil or criminal proceedings, the  
19 good faith of any physician, association, society or person  
20 shall be presumed.

21 (Source: P.A. 97-622, eff. 11-23-11.)

22 (225 ILCS 60/33) (from Ch. 111, par. 4400-33)

23 (Section scheduled to be repealed on December 31, 2013)

24 Sec. 33. Any person licensed under this Act to practice  
25 medicine in all of its branches shall be authorized to purchase

1 legend drugs requiring an order of a person authorized to  
2 prescribe drugs, and to dispense such legend drugs in the  
3 regular course of practicing medicine. The dispensing of such  
4 legend drugs shall be the personal act of the person licensed  
5 under this Act and may not be delegated to any other person not  
6 licensed under this Act or the Pharmacy Practice Act unless  
7 such delegated dispensing functions are under the direct  
8 supervision of the physician authorized to dispense legend  
9 drugs. Except when dispensing manufacturers' samples or other  
10 legend drugs in a maximum 72 hour supply, persons licensed  
11 under this Act shall maintain a book or file of prescriptions  
12 as required in the Pharmacy Practice Act. Any person licensed  
13 under this Act who dispenses any drug or medicine shall  
14 dispense such drug or medicine in good faith and shall affix to  
15 the box, bottle, vessel or package containing the same a label  
16 indicating (a) the date on which such drug or medicine is  
17 dispensed; (b) the name of the patient; (c) the last name of  
18 the person dispensing such drug or medicine; (d) the directions  
19 for use thereof; and (e) the proprietary name or names or, if  
20 there are none, the established name or names of the drug or  
21 medicine, the dosage and quantity, except as otherwise  
22 authorized by regulation of the Department. The foregoing  
23 labeling requirements shall not apply to drugs or medicines in  
24 a package which bears a label of the manufacturer containing  
25 information describing its contents which is in compliance with  
26 requirements of the Federal Food, Drug, and Cosmetic Act and

1 the Illinois Food, Drug, and Cosmetic Act. "Drug" and  
2 "medicine" have the meaning ascribed to them in the Pharmacy  
3 Practice Act, as now or hereafter amended; "good faith" has the  
4 meaning ascribed to it in subsection (v) of Section 102 of the  
5 "Illinois Controlled Substances Act", approved August 16,  
6 1971, as amended.

7 Prior to dispensing a prescription to a patient, the  
8 physician shall offer a written prescription to the patient  
9 which the patient may elect to have filled by the physician or  
10 any licensed pharmacy.

11 A violation of any provision of this Section shall  
12 constitute a violation of this Act and shall be grounds for  
13 disciplinary action provided for in this Act.

14 Nothing in this Section shall be construed to authorize a  
15 chiropractic physician or naturopathic physician to prescribe  
16 drugs.

17 (Source: P.A. 97-622, eff. 11-23-11.)

18 (225 ILCS 60/34) (from Ch. 111, par. 4400-34)

19 (Section scheduled to be repealed on December 31, 2013)

20 Sec. 34. The provisions of this Act shall not be so  
21 construed nor shall they be so administered as to discriminate  
22 against any type or category of physician or against any  
23 medical, osteopathic, naturopathic, or chiropractic college.

24 (Source: P.A. 85-4.)

1 Section 25. The Patients' Right to Know Act is amended by  
2 changing Section 5 as follows:

3 (225 ILCS 61/5)

4 Sec. 5. Definitions. For purposes of this Act, the  
5 following definitions shall have the following meanings,  
6 except where the context requires otherwise:

7 "Department" means the Department of Financial and  
8 Professional Regulation.

9 "Disciplinary Board" means the Medical Disciplinary Board.

10 "Physician" means a person licensed under the Medical  
11 Practice Act to practice medicine in all of its branches, a  
12 naturopathic physician, or a chiropractic physician licensed  
13 to treat human ailments without the use of drugs and without  
14 operative surgery.

15 "Secretary" means the Secretary of the Department of  
16 Financial and Professional Regulation.

17 (Source: P.A. 97-280, eff. 8-9-11.)

18 Section 30. The Naprapathic Practice Act is amended by  
19 changing Sections 25 and 110 as follows:

20 (225 ILCS 63/25)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 25. Title and designation of licensed naprapaths.  
23 Every person to whom a valid existing license as a naprapath

1 has been issued under this Act shall be designated  
2 professionally a "naprapath", and not otherwise, and any  
3 licensed naprapath may, in connection with the practice of his  
4 profession, use the title or designation of "naprapath", and,  
5 if entitled by degree from a college or university recognized  
6 by the Department, may use the title of "Doctor of Naprapathy"  
7 or the abbreviation "D.N.". When the name of the licensed  
8 naprapath is used professionally in oral, written, or printed  
9 announcements, professional cards, or publications for the  
10 information of the public and is preceded by the title "Doctor"  
11 or the abbreviation "Dr.", the explanatory designation of  
12 "naprapath", "naprapathy", "Doctor of Naprapathy", or the  
13 designation "D.N." shall be added immediately following title  
14 and name. When the announcement, professional cards, or  
15 publication is in writing or in print, the explanatory addition  
16 shall be in writing, type, or print not less than 1/2 the size  
17 of that used in the name and title. No person other than the  
18 holder of a valid existing license under this Act shall use the  
19 title and designation of "Doctor of Naprapathy", "D.N.", or  
20 "naprapath", either directly or indirectly, in connection with  
21 his or her profession or business.

22 A naprapath licensed under this Act shall not hold himself  
23 or herself out as a Doctor of Chiropractic or a Doctor of  
24 Naturopathic Medicine unless he or she is licensed as a Doctor  
25 of Chiropractic or Doctor of Naturopathic Medicine under the  
26 Medical Practice Act of 1987 or any successor Act.

1 (Source: P.A. 97-778, eff. 7-13-12.)

2 (225 ILCS 63/110)

3 (Section scheduled to be repealed on January 1, 2023)

4 Sec. 110. Grounds for disciplinary action; refusal,  
5 revocation, suspension.

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

12 (1) Violations of this Act or of rules adopted under  
13 this Act.

14 (2) Material misstatement in furnishing information to  
15 the Department.

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

25 (4) Fraud or any misrepresentation in applying for or

1           procuring a license under this Act or in connection with  
2           applying for renewal of a license under this Act.

3           (5) Professional incompetence or gross negligence.

4           (6) Malpractice.

5           (7) Aiding or assisting another person in violating any  
6           provision of this Act or its rules.

7           (8) Failing to provide information within 60 days in  
8           response to a written request made by the Department.

9           (9) Engaging in dishonorable, unethical, or  
10          unprofessional conduct of a character likely to deceive,  
11          defraud, or harm the public.

12          (10) Habitual or excessive use or abuse of drugs  
13          defined in law as controlled substances, alcohol, or any  
14          other substance which results in the inability to practice  
15          with reasonable judgment, skill, or safety.

16          (11) Discipline by another U.S. jurisdiction or  
17          foreign nation if at least one of the grounds for the  
18          discipline is the same or substantially equivalent to those  
19          set forth in this Act.

20          (12) Directly or indirectly giving to or receiving from  
21          any person, firm, corporation, partnership, or association  
22          any fee, commission, rebate, or other form of compensation  
23          for any professional services not actually or personally  
24          rendered. This shall not be deemed to include rent or other  
25          remunerations paid to an individual, partnership, or  
26          corporation by a naprapath for the lease, rental, or use of

1 space, owned or controlled by the individual, partnership,  
2 corporation, or association. Nothing in this paragraph  
3 (12) affects any bona fide independent contractor or  
4 employment arrangements among health care professionals,  
5 health facilities, health care providers, or other  
6 entities, except as otherwise prohibited by law. Any  
7 employment arrangements may include provisions for  
8 compensation, health insurance, pension, or other  
9 employment benefits for the provision of services within  
10 the scope of the licensee's practice under this Act.  
11 Nothing in this paragraph (12) shall be construed to  
12 require an employment arrangement to receive professional  
13 fees for services rendered.

14 (13) Using the title "Doctor" or its abbreviation  
15 without further clarifying that title or abbreviation with  
16 the word "naprapath" or "naprapathy" or the designation  
17 "D.N.".

18 (14) A finding by the Department that the licensee,  
19 after having his or her license placed on probationary  
20 status, has violated the terms of probation.

21 (15) Abandonment of a patient without cause.

22 (16) Willfully making or filing false records or  
23 reports relating to a licensee's practice, including but  
24 not limited to, false records filed with State agencies or  
25 departments.

26 (17) Willfully failing to report an instance of



1           suspected child abuse or neglect as required by the Abused  
2           and Neglected Child Reporting Act.

3           (18) Physical or mental illness or disability,  
4           including, but not limited to, deterioration through the  
5           aging process or loss of motor skill that results in the  
6           inability to practice the profession with reasonable  
7           judgment, skill, or safety.

8           (19) Solicitation of professional services by means  
9           other than permitted advertising.

10          (20) Failure to provide a patient with a copy of his or  
11          her record upon the written request of the patient.

12          (21) Cheating on or attempting to subvert the licensing  
13          examination administered under this Act.

14          (22) Allowing one's license under this Act to be used  
15          by an unlicensed person in violation of this Act.

16          (23) (Blank).

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

24          (25) Practicing under a false or, except as provided by  
25          law, an assumed name.

26          (26) Immoral conduct in the commission of any act, such

1 as sexual abuse, sexual misconduct, or sexual  
2 exploitation, related to the licensee's practice.

3 (27) Maintaining a professional relationship with any  
4 person, firm, or corporation when the naprapath knows, or  
5 should know, that the person, firm, or corporation is  
6 violating this Act.

7 (28) Promotion of the sale of food supplements,  
8 devices, appliances, or goods provided for a client or  
9 patient in such manner as to exploit the patient or client  
10 for financial gain of the licensee.

11 (29) Having treated ailments of human beings other than  
12 by the practice of naprapathy as defined in this Act, or  
13 having treated ailments of human beings as a licensed  
14 naprapath independent of a documented referral or  
15 documented current and relevant diagnosis from a  
16 physician, dentist, or podiatrist, or having failed to  
17 notify the physician, dentist, or podiatrist who  
18 established a documented current and relevant diagnosis  
19 that the patient is receiving naprapathic treatment  
20 pursuant to that diagnosis.

21 (30) Use by a registered naprapath of the word  
22 "infirmary", "hospital", "school", "university", in  
23 English or any other language, in connection with the place  
24 where naprapathy may be practiced or demonstrated.

25 (31) Continuance of a naprapath in the employ of any  
26 person, firm, or corporation, or as an assistant to any

1           naprapath or naprapaths, directly or indirectly, after his  
2           or her employer or superior has been found guilty of  
3           violating or has been enjoined from violating the laws of  
4           the State of Illinois relating to the practice of  
5           naprapathy when the employer or superior persists in that  
6           violation.

7           (32) The performance of naprapathic service in  
8           conjunction with a scheme or plan with another person,  
9           firm, or corporation known to be advertising in a manner  
10          contrary to this Act or otherwise violating the laws of the  
11          State of Illinois concerning the practice of naprapathy.

12          (33) Failure to provide satisfactory proof of having  
13          participated in approved continuing education programs as  
14          determined by and approved by the Secretary. Exceptions for  
15          extreme hardships are to be defined by the rules of the  
16          Department.

17          (34) (Blank).

18          (35) Gross or willful overcharging for professional  
19          services.

20          (36) (Blank).

21          All fines imposed under this Section shall be paid within  
22          60 days after the effective date of the order imposing the  
23          fine.

24          (b) The Department may refuse to issue or may suspend  
25          without hearing, as provided for in the Department of  
26          Professional Regulation Law of the Civil Administrative Code,

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

9 (c) The Department shall deny a license or renewal  
10 authorized by this Act to a person who has defaulted on an  
11 educational loan or scholarship provided or guaranteed by the  
12 Illinois Student Assistance Commission or any governmental  
13 agency of this State in accordance with item (5) of subsection  
14 (a) of Section 2105-15 of the Department of Professional  
15 Regulation Law of the Civil Administrative Code of Illinois.

16 (d) In cases where the Department of Healthcare and Family  
17 Services has previously determined a licensee or a potential  
18 licensee is more than 30 days delinquent in the payment of  
19 child support and has subsequently certified the delinquency to  
20 the Department, the Department may refuse to issue or renew or  
21 may revoke or suspend that person's license or may take other  
22 disciplinary action against that person based solely upon the  
23 certification of delinquency made by the Department of  
24 Healthcare and Family Services in accordance with item (5) of  
25 subsection (a) of Section 2105-15 of the Department of  
26 Professional Regulation Law of the Civil Administrative Code of

1 Illinois.

2 (e) The determination by a circuit court that a licensee is  
3 subject to involuntary admission or judicial admission, as  
4 provided in the Mental Health and Developmental ~~Development~~  
5 Disabilities Code, operates as an automatic suspension. The  
6 suspension shall end only upon a finding by a court that the  
7 patient is no longer subject to involuntary admission or  
8 judicial admission and the issuance of an order so finding and  
9 discharging the patient.

10 (f) In enforcing this Act, the Department, upon a showing  
11 of a possible violation, may compel an individual licensed to  
12 practice under this Act, or who has applied for licensure under  
13 this Act, to submit to a mental or physical examination and  
14 evaluation, or both, which may include a substance abuse or  
15 sexual offender evaluation, as required by and at the expense  
16 of the Department. The Department shall specifically designate  
17 the examining physician licensed to practice medicine in all of  
18 its branches or, if applicable, the multidisciplinary team  
19 involved in providing the mental or physical examination and  
20 evaluation, or both. The multidisciplinary team shall be led by  
21 a physician licensed to practice medicine in all of its  
22 branches and may consist of one or more or a combination of  
23 physicians licensed to practice medicine in all of its  
24 branches, licensed chiropractic physicians, licensed  
25 naturopathic physicians, licensed clinical psychologists,  
26 licensed clinical social workers, licensed clinical

1 professional counselors, and other professional and  
2 administrative staff. Any examining physician or member of the  
3 multidisciplinary team may require any person ordered to submit  
4 to an examination and evaluation pursuant to this Section to  
5 submit to any additional supplemental testing deemed necessary  
6 to complete any examination or evaluation process, including,  
7 but not limited to, blood testing, urinalysis, psychological  
8 testing, or neuropsychological testing.

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

1 records, or other documents or to provide any testimony  
2 regarding the examination and evaluation. The individual to be  
3 examined may have, at his or her own expense, another physician  
4 of his or her choice present during all aspects of this  
5 examination. Failure of an individual to submit to a mental or  
6 physical examination and evaluation, or both, when directed,  
7 shall result in an automatic suspension without hearing, until  
8 such time as the individual submits to the examination.

9 A person holding a license under this Act or who has  
10 applied for a license under this Act who, because of a physical  
11 or mental illness or disability, including, but not limited to,  
12 deterioration through the aging process or loss of motor skill,  
13 is unable to practice the profession with reasonable judgment,  
14 skill, or safety, may be required by the Department to submit  
15 to care, counseling, or treatment by physicians approved or  
16 designated by the Department as a condition, term, or  
17 restriction for continued, reinstated, or renewed licensure to  
18 practice. Submission to care, counseling, or treatment as  
19 required by the Department shall not be considered discipline  
20 of a license. If the licensee refuses to enter into a care,  
21 counseling, or treatment agreement or fails to abide by the  
22 terms of the agreement, the Department may file a complaint to  
23 revoke, suspend, or otherwise discipline the license of the  
24 individual. The Secretary may order the license suspended  
25 immediately, pending a hearing by the Department. Fines shall  
26 not be assessed in disciplinary actions involving physical or

1 mental illness or impairment.

2 In instances in which the Secretary immediately suspends a  
3 person's license under this Section, a hearing on that person's  
4 license must be convened by the Department within 15 days after  
5 the suspension and completed without appreciable delay. The  
6 Department shall have the authority to review the subject  
7 individual's record of treatment and counseling regarding the  
8 impairment to the extent permitted by applicable federal  
9 statutes and regulations safeguarding the confidentiality of  
10 medical records.

11 An individual licensed under this Act and affected under  
12 this Section shall be afforded an opportunity to demonstrate to  
13 the Department that he or she can resume practice in compliance  
14 with acceptable and prevailing standards under the provisions  
15 of his or her license.

16 (Source: P.A. 96-1482, eff. 11-29-10; 97-778, eff. 7-13-12;  
17 revised 8-3-12.)

18 Section 35. The Illinois Physical Therapy Act is amended by  
19 changing Section 1 as follows:

20 (225 ILCS 90/1) (from Ch. 111, par. 4251)

21 (Section scheduled to be repealed on January 1, 2016)

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

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

24 (A) Examining, evaluating, and testing individuals who



1           may have mechanical, physiological, or developmental  
2           impairments, functional limitations, disabilities, or  
3           other health and movement-related conditions, classifying  
4           these disorders, determining a rehabilitation prognosis  
5           and plan of therapeutic intervention, and assessing the  
6           on-going effects of the interventions.

7           (B) Alleviating impairments, functional limitations,  
8           or disabilities by designing, implementing, and modifying  
9           therapeutic interventions that may include, but are not  
10          limited to, the evaluation or treatment of a person through  
11          the use of the effective properties of physical measures  
12          and heat, cold, light, water, radiant energy, electricity,  
13          sound, and air and use of therapeutic massage, therapeutic  
14          exercise, mobilization, and rehabilitative procedures,  
15          with or without assistive devices, for the purposes of  
16          preventing, correcting, or alleviating a physical or  
17          mental impairment, functional limitation, or disability.

18          (C) Reducing the risk of injury, impairment,  
19          functional limitation, or disability, including the  
20          promotion and maintenance of fitness, health, and  
21          wellness.

22          (D) Engaging in administration, consultation,  
23          education, and research.

24          Physical therapy includes, but is not limited to: (a)  
25          performance of specialized tests and measurements, (b)  
26          administration of specialized treatment procedures, (c)

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

26 (2) "Physical therapist" means a person who practices

1 physical therapy and who has met all requirements as provided  
2 in this Act.

3 (3) "Department" means the Department of Professional  
4 Regulation.

5 (4) "Director" means the Director of Professional  
6 Regulation.

7 (5) "Board" means the Physical Therapy Licensing and  
8 Disciplinary Board approved by the Director.

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

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

23 (8) "State" includes:

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

25 (b) the District of Columbia; and

26 (c) the Commonwealth of Puerto Rico.

1           (9) "Physical therapist assistant" means a person licensed  
2 to assist a physical therapist and who has met all requirements  
3 as provided in this Act and who works under the supervision of  
4 a licensed physical therapist to assist in implementing the  
5 physical therapy treatment program as established by the  
6 licensed physical therapist. The patient care activities  
7 provided by the physical therapist assistant shall not include  
8 the interpretation of referrals, evaluation procedures, or the  
9 planning or major modification of patient programs.

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

14          (11) "Advanced practice nurse" means a person licensed  
15 under the Nurse Practice Act who has a collaborative agreement  
16 with a collaborating physician that authorizes referrals to  
17 physical therapists.

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

21          (Source: P.A. 94-651, eff. 1-1-06; 95-639, eff. 10-5-07.)

22           Section 40. The Illinois Vehicle Code is amended by  
23 changing Section 6-500 as follows:

24           (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

1           Sec. 6-500. Definitions of words and phrases.  
2       Notwithstanding the definitions set forth elsewhere in this  
3       Code, for purposes of the Uniform Commercial Driver's License  
4       Act (UCDLA), the words and phrases listed below have the  
5       meanings ascribed to them as follows:

6           (1) Alcohol. "Alcohol" means any substance containing any  
7       form of alcohol, including but not limited to ethanol,  
8       methanol, propanol, and isopropanol.

9           (2) Alcohol concentration. "Alcohol concentration" means:

10           (A) the number of grams of alcohol per 210 liters of  
11       breath; or

12           (B) the number of grams of alcohol per 100 milliliters  
13       of blood; or

14           (C) the number of grams of alcohol per 67 milliliters  
15       of urine.

16       Alcohol tests administered within 2 hours of the driver  
17       being "stopped or detained" shall be considered that driver's  
18       "alcohol concentration" for the purposes of enforcing this  
19       UCDLA.

20           (3) (Blank).

21           (4) (Blank).

22           (5) (Blank).

23           (5.3) CDLIS driver record. "CDLIS driver record" means the  
24       electronic record of the individual CDL driver's status and  
25       history stored by the State-of-Record as part of the Commercial  
26       Driver's License Information System, or CDLIS, established

1 under 49 U.S.C. 31309.

2 (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle  
3 record" or "CDLIS MVR" means a report generated from the CDLIS  
4 driver record meeting the requirements for access to CDLIS  
5 information and provided by states to users authorized in 49  
6 C.F.R. 384.225(e) (3) and (4), subject to the provisions of the  
7 Driver Privacy Protection Act, 18 U.S.C. 2721-2725.

8 (5.7) Commercial driver's license downgrade. "Commercial  
9 driver's license downgrade" or "CDL downgrade" means either:

10 (A) a state allows the driver to change his or her  
11 self-certification to interstate, but operating  
12 exclusively in transportation or operation excepted from  
13 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f),  
14 391.2, 391.68, or 398.3;

15 (B) a state allows the driver to change his or her  
16 self-certification to intrastate only, if the driver  
17 qualifies under that state's physical qualification  
18 requirements for intrastate only;

19 (C) a state allows the driver to change his or her  
20 certification to intrastate, but operating exclusively in  
21 transportation or operations excepted from all or part of  
22 the state driver qualification requirements; or

23 (D) a state removes the CDL privilege from the driver  
24 license.

25 (6) Commercial Motor Vehicle.

26 (A) "Commercial motor vehicle" or "CMV" means a motor

1 vehicle used in commerce, except those referred to in  
2 subdivision (B), designed to transport passengers or  
3 property if:

4 (i) the vehicle has a GVWR of 26,001 pounds or more  
5 or such a lesser GVWR as subsequently determined by  
6 federal regulations or the Secretary of State; or any  
7 combination of vehicles with a GCWR of 26,001 pounds or  
8 more, provided the GVWR of any vehicle or vehicles  
9 being towed is 10,001 pounds or more; or

10 (ii) the vehicle is designed to transport 16 or  
11 more persons; or

12 (iii) the vehicle is transporting hazardous  
13 materials and is required to be placarded in accordance  
14 with 49 C.F.R. Part 172, subpart F.

15 (B) Pursuant to the interpretation of the Commercial  
16 Motor Vehicle Safety Act of 1986 by the Federal Highway  
17 Administration, the definition of "commercial motor  
18 vehicle" does not include:

19 (i) recreational vehicles, when operated primarily  
20 for personal use;

21 (ii) vehicles owned by or operated under the  
22 direction of the United States Department of Defense or  
23 the United States Coast Guard only when operated by  
24 non-civilian personnel. This includes any operator on  
25 active military duty; members of the Reserves;  
26 National Guard; personnel on part-time training; and

1 National Guard military technicians (civilians who are  
2 required to wear military uniforms and are subject to  
3 the Code of Military Justice); or

4 (iii) firefighting, police, and other emergency  
5 equipment (including, without limitation, equipment  
6 owned or operated by a HazMat or technical rescue team  
7 authorized by a county board under Section 5-1127 of  
8 the Counties Code), with audible and visual signals,  
9 owned or operated by or for a governmental entity,  
10 which is necessary to the preservation of life or  
11 property or the execution of emergency governmental  
12 functions which are normally not subject to general  
13 traffic rules and regulations.

14 (7) Controlled Substance. "Controlled substance" shall  
15 have the same meaning as defined in Section 102 of the Illinois  
16 Controlled Substances Act, and shall also include cannabis as  
17 defined in Section 3 of the Cannabis Control Act and  
18 methamphetamine as defined in Section 10 of the Methamphetamine  
19 Control and Community Protection Act.

20 (8) Conviction. "Conviction" means an unvacated  
21 adjudication of guilt or a determination that a person has  
22 violated or failed to comply with the law in a court of  
23 original jurisdiction or by an authorized administrative  
24 tribunal; an unvacated forfeiture of bail or collateral  
25 deposited to secure the person's appearance in court; a plea of  
26 guilty or nolo contendere accepted by the court; the payment of



1 a fine or court cost regardless of whether the imposition of  
2 sentence is deferred and ultimately a judgment dismissing the  
3 underlying charge is entered; or a violation of a condition of  
4 release without bail, regardless of whether or not the penalty  
5 is rebated, suspended or probated.

6 (8.5) Day. "Day" means calendar day.

7 (9) (Blank).

8 (10) (Blank).

9 (11) (Blank).

10 (12) (Blank).

11 (13) Driver. "Driver" means any person who drives,  
12 operates, or is in physical control of a commercial motor  
13 vehicle, any person who is required to hold a CDL, or any  
14 person who is a holder of a CDL while operating a  
15 non-commercial motor vehicle.

16 (13.5) Driver applicant. "Driver applicant" means an  
17 individual who applies to a state to obtain, transfer, upgrade,  
18 or renew a CDL.

19 (13.8) Electronic device. "Electronic device" includes,  
20 but is not limited to, a cellular telephone, personal digital  
21 assistant, pager, computer, or any other device used to input,  
22 write, send, receive, or read text.

23 (14) Employee. "Employee" means a person who is employed as  
24 a commercial motor vehicle driver. A person who is  
25 self-employed as a commercial motor vehicle driver must comply  
26 with the requirements of this UCCLA pertaining to employees. An

1 owner-operator on a long-term lease shall be considered an  
2 employee.

3 (15) Employer. "Employer" means a person (including the  
4 United States, a State or a local authority) who owns or leases  
5 a commercial motor vehicle or assigns employees to operate such  
6 a vehicle. A person who is self-employed as a commercial motor  
7 vehicle driver must comply with the requirements of this UCDLA.

8 (15.3) Excepted interstate. "Excepted interstate" means a  
9 person who operates or expects to operate in interstate  
10 commerce, but engages exclusively in transportation or  
11 operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or  
12 398.3 from all or part of the qualification requirements of 49  
13 C.F.R. Part 391 and is not required to obtain a medical  
14 examiner's certificate by 49 C.F.R. 391.45.

15 (15.5) Excepted intrastate. "Excepted intrastate" means a  
16 person who operates in intrastate commerce but engages  
17 exclusively in transportation or operations excepted from all  
18 or parts of the state driver qualification requirements.

19 (16) (Blank).

20 (16.5) Fatality. "Fatality" means the death of a person as  
21 a result of a motor vehicle accident.

22 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
23 sovereign jurisdiction that does not fall within the definition  
24 of "State".

25 (18) (Blank).

26 (19) (Blank).

1           (20) Hazardous materials. "Hazardous Material" means any  
2 material that has been designated under 49 U.S.C. 5103 and is  
3 required to be placarded under subpart F of 49 C.F.R. part 172  
4 or any quantity of a material listed as a select agent or toxin  
5 in 42 C.F.R. part 73.

6           (20.5) Imminent Hazard. "Imminent hazard" means the  
7 existence of a condition that presents a substantial likelihood  
8 that death, serious illness, severe personal injury, or a  
9 substantial endangerment to health, property, or the  
10 environment may occur before the reasonably foreseeable  
11 completion date of a formal proceeding begun to lessen the risk  
12 of that death, illness, injury or endangerment.

13           (21) Long-term lease. "Long-term lease" means a lease of a  
14 commercial motor vehicle by the owner-lessor to a lessee, for a  
15 period of more than 29 days.

16           (21.1) Medical examiner. "Medical examiner" means a person  
17 who is licensed, certified, or registered in accordance with  
18 applicable state laws and regulations to perform physical  
19 examinations. The term includes but is not limited to doctors  
20 of medicine, doctors of osteopathy, physician assistants,  
21 advanced practice nurses, doctors of naturopathic medicine,  
22 and doctors of chiropractic.

23           (21.2) Medical examiner's certificate. "Medical examiner's  
24 certificate" means a document prescribed or approved by the  
25 Secretary of State that is issued by a medical examiner to a  
26 driver to medically qualify him or her to drive.

1 (21.5) Medical variance. "Medical variance" means a driver  
2 has received one of the following from the Federal Motor  
3 Carrier Safety Administration which allows the driver to be  
4 issued a medical certificate: (1) an exemption letter  
5 permitting operation of a commercial motor vehicle pursuant to  
6 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or (2) a  
7 skill performance evaluation (SPE) certificate permitting  
8 operation of a commercial motor vehicle pursuant to 49 C.F.R.  
9 391.49.

10 (21.7) Mobile telephone. "Mobile telephone" means a mobile  
11 communication device that falls under or uses any commercial  
12 mobile radio service, as defined in regulations of the Federal  
13 Communications Commission, 47 CFR 20.3. It does not include  
14 two-way or citizens band radio services.

15 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
16 which is self-propelled, and every vehicle which is propelled  
17 by electric power obtained from over head trolley wires but not  
18 operated upon rails, except vehicles moved solely by human  
19 power and motorized wheel chairs.

20 (22.2) Motor vehicle record. "Motor vehicle record" means a  
21 report of the driving status and history of a driver generated  
22 from the driver record provided to users, such as drivers or  
23 employers, and is subject to the provisions of the Driver  
24 Privacy Protection Act, 18 U.S.C. 2721-2725.

25 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or  
26 combination of motor vehicles not defined by the term

1 "commercial motor vehicle" or "CMV" in this Section.

2 (22.7) Non-excepted interstate. "Non-excepted interstate"  
3 means a person who operates or expects to operate in interstate  
4 commerce, is subject to and meets the qualification  
5 requirements under 49 C.F.R. Part 391, and is required to  
6 obtain a medical examiner's certificate by 49 C.F.R. 391.45.

7 (22.8) Non-excepted intrastate. "Non-excepted intrastate"  
8 means a person who operates only in intrastate commerce and is  
9 subject to State driver qualification requirements.

10 (23) Non-resident CDL. "Non-resident CDL" means a  
11 commercial driver's license issued by a state under either of  
12 the following two conditions:

13 (i) to an individual domiciled in a foreign country  
14 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.  
15 of the Federal Motor Carrier Safety Administration.

16 (ii) to an individual domiciled in another state  
17 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.  
18 of the Federal Motor Carrier Safety Administration.

19 (24) (Blank).

20 (25) (Blank).

21 (25.5) Railroad-Highway Grade Crossing Violation.

22 "Railroad-highway grade crossing violation" means a violation,  
23 while operating a commercial motor vehicle, of any of the  
24 following:

25 (A) Section 11-1201, 11-1202, or 11-1425 of this  
26 Code.

1 (B) Any other similar law or local ordinance of any  
2 state relating to railroad-highway grade crossing.

3 (25.7) School Bus. "School bus" means a commercial motor  
4 vehicle used to transport pre-primary, primary, or secondary  
5 school students from home to school, from school to home, or to  
6 and from school-sponsored events. "School bus" does not include  
7 a bus used as a common carrier.

8 (26) Serious Traffic Violation. "Serious traffic  
9 violation" means:

10 (A) a conviction when operating a commercial motor  
11 vehicle, or when operating a non-CMV while holding a CDL,  
12 of:

13 (i) a violation relating to excessive speeding,  
14 involving a single speeding charge of 15 miles per hour  
15 or more above the legal speed limit; or

16 (ii) a violation relating to reckless driving; or

17 (iii) a violation of any State law or local  
18 ordinance relating to motor vehicle traffic control  
19 (other than parking violations) arising in connection  
20 with a fatal traffic accident; or

21 (iv) a violation of Section 6-501, relating to  
22 having multiple driver's licenses; or

23 (v) a violation of paragraph (a) of Section 6-507,  
24 relating to the requirement to have a valid CDL; or

25 (vi) a violation relating to improper or erratic  
26 traffic lane changes; or

1 (vii) a violation relating to following another  
2 vehicle too closely; or

3 (viii) a violation relating to texting while  
4 driving; or

5 (ix) a violation relating to the use of a hand-held  
6 mobile telephone while driving; or

7 (B) any other similar violation of a law or local  
8 ordinance of any state relating to motor vehicle traffic  
9 control, other than a parking violation, which the  
10 Secretary of State determines by administrative rule to be  
11 serious.

12 (27) State. "State" means a state of the United States, the  
13 District of Columbia and any province or territory of Canada.

14 (28) (Blank).

15 (29) (Blank).

16 (30) (Blank).

17 (31) (Blank).

18 (32) Texting. "Texting" means manually entering  
19 alphanumeric text into, or reading text from, an electronic  
20 device.

21 (1) Texting includes, but is not limited to, short  
22 message service, emailing, instant messaging, a command or  
23 request to access a World Wide Web page, pressing more than  
24 a single button to initiate or terminate a voice  
25 communication using a mobile telephone, or engaging in any  
26 other form of electronic text retrieval or entry for

1 present or future communication.

2 (2) Texting does not include:

3 (i) inputting, selecting, or reading information  
4 on a global positioning system or navigation system; or

5 (ii) pressing a single button to initiate or  
6 terminate a voice communication using a mobile  
7 telephone; or

8 (iii) using a device capable of performing  
9 multiple functions (for example, a fleet management  
10 system, dispatching device, smart phone, citizens band  
11 radio, or music player) for a purpose that is not  
12 otherwise prohibited by Part 392 of the Federal Motor  
13 Carrier Safety Regulations.

14 (33) Use a hand-held mobile telephone. "Use a hand-held  
15 mobile telephone" means:

16 (1) using at least one hand to hold a mobile telephone  
17 to conduct a voice communication;

18 (2) dialing or answering a mobile telephone by pressing  
19 more than a single button; or

20 (3) reaching for a mobile telephone in a manner that  
21 requires a driver to maneuver so that he or she is no  
22 longer in a seated driving position, restrained by a seat  
23 belt that is installed in accordance with 49 CFR 393.93 and  
24 adjusted in accordance with the vehicle manufacturer's  
25 instructions.

26 (Source: P.A. 97-208, eff. 1-1-12; 97-750, eff. 7-6-12; 97-829,



1 eff. 1-1-13; revised 8-3-12.)

2 Section 45. The Health Care Arbitration Act is amended by  
3 changing Section 2 as follows:

4 (710 ILCS 15/2) (from Ch. 10, par. 202)

5 Sec. 2. Definitions. As used in this Act:

6 (a) "Health care provider" means a person, partnership,  
7 corporation, or other entity lawfully engaged in the practice  
8 of medicine, surgery, chiropractic, naturopathy, dentistry,  
9 podiatry, optometry, physical therapy or nursing.

10 (b) "Hospital" means a person, partnership, corporation or  
11 other entity lawfully engaged in the operation or  
12 administration of a hospital, clinic, nursing home or  
13 sanitarium.

14 (c) "Supplier" means a person, corporation, partnership or  
15 other entity that has manufactured, designed, distributed,  
16 sold, or otherwise provided any medication, device, equipment,  
17 service, or other product used in the diagnosis or treatment of  
18 a patient.

19 (d) "Health care arbitration agreement" or "agreement"  
20 means a written agreement between a patient and a hospital or  
21 health care provider to submit to binding arbitration a claim  
22 for damages arising out of (1) injuries alleged to have been  
23 received by a patient or (2) death of a patient, due to  
24 hospital or health care provider negligence or other wrongful

1 act, but not including intentional torts.

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

3 Section 50. The Illinois Anatomical Gift Act is amended by  
4 changing Section 5-10 as follows:

5 (755 ILCS 50/5-10) (was 755 ILCS 50/4)

6 Sec. 5-10. Persons Who May Become Donees; Purposes for  
7 Which Anatomical Gifts May be Made. The following persons may  
8 become donees of gifts of bodies or parts thereof for the  
9 purposes stated:

10 (1) any hospital, surgeon, or physician, for medical or  
11 dental education, research, advancement of medical or  
12 dental science, therapy, or transplantation; or

13 (2) any accredited medical, chiropractic,  
14 naturopathic, mortuary, or dental school, college or  
15 university for education, research, advancement of medical  
16 or dental science, or therapy; or

17 (3) any bank or storage facility, for medical or dental  
18 education, research, advancement of medical or dental  
19 science, therapy, or transplantation; or

20 (4) any federally designated organ procurement agency  
21 or tissue bank, for medical or dental education, research,  
22 advancement of medical or dental science, therapy, or  
23 transplantation; or

24 (5) any specified individual for therapy or

1           transplantation needed by him or her, or for any other  
2           purpose.

3           (Source: P.A. 93-794, eff. 7-22-04.)

4           Section 99. Effective date. This Act takes effect upon  
5           becoming law.

1

## INDEX

2

## Statutes amended in order of appearance

3	20 ILCS 3945/2	from Ch. 144, par. 2002
4	105 ILCS 5/24-6	
5	105 ILCS 5/26-1	from Ch. 122, par. 26-1
6	215 ILCS 5/122-1	from Ch. 73, par. 734-1
7	225 ILCS 60/2	from Ch. 111, par. 4400-2
8	225 ILCS 60/7	from Ch. 111, par. 4400-7
9	225 ILCS 60/8	from Ch. 111, par. 4400-8
10	225 ILCS 60/9	from Ch. 111, par. 4400-9
11	225 ILCS 60/10	from Ch. 111, par. 4400-10
12	225 ILCS 60/11	from Ch. 111, par. 4400-11
13	225 ILCS 60/14	from Ch. 111, par. 4400-14
14	225 ILCS 60/15	from Ch. 111, par. 4400-15
15	225 ILCS 60/16	from Ch. 111, par. 4400-16
16	225 ILCS 60/17	from Ch. 111, par. 4400-17
17	225 ILCS 60/18	from Ch. 111, par. 4400-18
18	225 ILCS 60/19	from Ch. 111, par. 4400-19
19	225 ILCS 60/22	from Ch. 111, par. 4400-22
20	225 ILCS 60/24	from Ch. 111, par. 4400-24
21	225 ILCS 60/33	from Ch. 111, par. 4400-33
22	225 ILCS 60/34	from Ch. 111, par. 4400-34
23	225 ILCS 61/5	
24	225 ILCS 63/25	
25	225 ILCS 63/110	

- 1 225 ILCS 90/1 from Ch. 111, par. 4251
- 2 625 ILCS 5/6-500 from Ch. 95 1/2, par. 6-500
- 3 710 ILCS 15/2 from Ch. 10, par. 202
- 4 755 ILCS 50/5-10 was 755 ILCS 50/4